

**REPORT OF THE  
VIRGINIA CODE COMMISSION ON THE**

**RECODIFICATION OF TITLE 15.1  
OF THE CODE OF VIRGINIA**

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



**SENATE DOCUMENT NO. 5**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
1997**

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C. SENATE JOINT RESOLUTION NO. 2 (1994)

**Report of the  
Virginia Code Commission on the  
Recodification of Title 15.1**

**Richmond, Virginia  
October, 1996**

**To: The Honorable George Allen, Governor of Virginia  
and  
The General Assembly of Virginia**

Senate Joint Resolution No. 2 of the 1994 Acts of Assembly directed the Virginia Code Commission to study Title 15.1 of the Code of Virginia and to report its findings in the form of a revision of Title 15.1 to the Governor and the General Assembly. The resolution stated that the last recodification of Title 15.1 took place in 1962 and that the laws concerning local governments have changed substantially in the past three decades. The resolution further stated that Title 15.1 contains many obsolete and duplicative provisions and that the title should be rewritten in plain, precise language.

The Code Commission appointed a task force, consisting of persons with expertise in local government matters, to assist staff of the Division of Legislative Services in carrying out its charge. The work of the task force was invaluable, and the Code Commission wishes to express its sincere gratitude for the many hours of work that the task force donated to this enormous undertaking.

Proposed Title 15.2 consists of four subtitles and sixty-one chapters and is organized in a manner which will make the laws concerning local governments much more accessible to local government practitioners and the general public. Numerous obsolete and duplicative provisions, along with four entire chapters, have been repealed. When appropriate, provisions have been merged in an effort to provide uniformity among counties, cities and towns and to eliminate confusion.

The Virginia Code Commission recommends that the General Assembly enact legislation during the 1997 Session to implement the revisions proposed in this report.

Respectfully submitted,

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# **EXECUTIVE SUMMARY**

## **INTRODUCTION**

Senate Joint Resolution No. 2 (1994) directs the Virginia Code Commission to study Title 15.1 of the Code of Virginia and to report its findings to the General Assembly in the form of a recodification. The resolution notes that Title 15.1 has not been recodified since 1962 and that the laws concerning local governments have changed substantially since that time.

The Code Commission appointed a task force, consisting of persons with expertise in local government matters, to assist staff of the Division of Legislative Services with the preparation of drafts. The task force began a series of monthly day-long meetings in the spring of 1994 and completed its initial recommendations in the fall of 1995. The task force members are listed at the end of this summary.

The Code Commission began its review of task force recommendations in 1995 but completed the majority of its work during the first half of 1996. The Code Commission makes its final recommendations with the issuance of this report and will prepare proposed Title 15.2 for introduction at the 1997 Session.

Although the primary purpose of the Title 15.1 recodification is to reorganize and simplify the existing statutes, certain substantive changes are also made. Such changes were required to resolve the confusion caused by conflicting provisions and to modernize other provisions that have gone unchanged since the nineteenth century. These substantive changes are noted in this executive summary.

## **ORGANIZATION OF TITLE 15.2**

The most noticeable change in Title 15.2 is its new organization. Title 15.1 is the longest title in the Code and possibly the most difficult to use due to its awkward arrangement and its abundance of outdated and conflicting provisions. Title 15.2 should be much more user-friendly, as it is divided into four subtitles with the chapters and sections grouped logically within them.

Subtitle I contains general provisions applicable to the entire title, and provisions relating to local government charters and optional forms of county government. Currently, the provisions governing optional county forms can be confusing to use, as the five optional forms are contained in three chapters with overlapping provisions. Title 15.2 separates the five forms of government into five chapters and precedes the five chapters with general provisions applicable to the creation of any of the five forms.

Subtitle II contains the powers of local government. The subtitle begins with general powers applicable to all localities and then covers specific types of powers such as condemnation and planning. Several newly created chapters within this subtitle combine related sections that were previously scattered throughout Title 15.1.

Subtitle III combines chapters related to boundary adjustments and changes of status of localities. For example, provisions related to annexation, consolidation of localities and transition of cities to town status are found in this subtitle.

Subtitle IV contains chapters providing for the creation of other governmental entities such as authorities. Historically, legislation creating authorities has been placed in the local government title, even if the subject matter of the authority is not closely related to local governments. Title 15.2 continues this precedent with the exception of current Chapter 43 (Behavioral Health Authorities), which is relocated to Title 37.1 as part of the recodification.

Four present chapters are not carried forward as part of Title 15.2 but will be repealed: Chapter 19 (Other Forms of Government in Municipalities of Less Than 50,000), Chapter 20 (Change of Form of Municipal Government), Chapter 23 (Transition of Second-Class to First-Class Cities) and Chapter 30 (Metropolitan Commissions). Chapters 19, 20 and 30 have never been used. Chapter 23 is outdated.

## **SELECTED CHANGES IN TITLE 15.2**

### **CHANGES MADE REPEATEDLY THROUGHOUT TITLE 15.2**

- The term “locality” generally replaces phrases such as “counties, cities and towns” and “counties and municipalities.” “Locality” is defined in Chapter 1 to include counties, cities and towns. The broader term of “political subdivision” is generally not changed unless it clearly was intended to mean locality.
- The phrase “the governing body of any locality may . . .” is generally replaced with “any locality may . . .” except in instances when reference to the governing body needs to be retained in order to clarify the intent of the statute.
- The term “voter” generally replaces the phrases “qualified voter” and “registered voter.” “Voter” is defined in Chapter 1 to include qualified and registered voters.
- Standard language is utilized for certain publication requirements. As a result, in some instances localities may publish a descriptive summary of a proposed action (such as an ordinance or a consolidation agreement) rather than publishing the proposed action in full. In such instances, localities must give the location where the full text of the proposed action may be examined. This change reflects the modern practice with regard to publication requirements.

- Population brackets are used extensively throughout Title 15.1 in order to designate certain unnamed localities. The population brackets are retained in proposed Title 15.2; however, if the population figure was intended to refer to a census other than the 1990 census, the phrase “according to the 19\_\_ (insert applicable year) census or any subsequent census,” has been added. The result of this change will be that the statute will continue to apply to the locality originally intended, and other localities may continue to grow into the population bracket as is permitted by current law.
- Each section in the recodification is followed by a drafting note that describes the change made, if any. If a drafting note states “no change,” the section contains no changes other than renumbering and updated cross-references. If a drafting note states “no substantive change in the law,” the section contains a change in the text of the section, even if only a change in punctuation; however, such changes are not deemed to change the current state of the law. If a section contains a substantive change in the law, the drafting note will describe the change.

## **SUBSTANTIVE CHANGES AND OTHER SELECTED ISSUES FOUND IN TITLE 15.2**

(If a chapter is not listed, it contains no substantive changes)

### Chapter 1 -- General Provisions

There are no substantive changes in this chapter; however, several sections regarding the effect of the recodification of old Title 15 are shown as repealed. Similar provisions relating to the effect of the Title 15.1 recodification will not be codified but will be contained in enactment clauses in the recodification bill, as is the current practice.

### Chapter 2 -- Local Government Charters

Section 15.2-204 makes a substantive change by automatically conferring the uniform charter powers (see proposed Chapter 11, Article 1) on cities and towns without a specific authorization in the city or town charter. The task force and the Code Commission felt that the current requirement for specific authorization may create a trap for unwary localities, especially small towns. Also, the General Assembly has historically granted these powers to cities and towns without controversy. Chartered counties continue to have only those powers specifically conferred upon them.

### Chapter 3 -- Optional Forms of County Government; General Provisions

This chapter makes substantive changes by creating a uniform procedure for counties seeking to adopt one of the five optional forms of government. Currently, the procedures differ slightly from form to form. This new uniform procedure will have no impact on the counties which are already operating under an optional form.

## Chapter 5 -- County Executive Form of Government

Section 15.2-503, relating to holding a referendum on electing the county chairman at large, makes a substantive change by broadening the application of the section from Prince William County to any county with the county executive form. This change is made since Prince William County already elects its county chairman at large. Also, in the same section, the publication requirement is changed from four to three weeks in order to be consistent with certain other notice requirements within Subtitle I.

In § 15.2-525, the requirement that the chief assessing officer be approved by the State Tax Commissioner is deleted since it appears outdated and is not applicable to counties generally.

## Chapter 6 -- County Manager Form of Government

In § 15.2-603, the publication requirement is changed from four to three weeks in order to be consistent with certain other notice requirements within Subtitle I.

In § 15.2-613, the maximum period of temporary service appointments is increased from sixty days to twelve months to more accurately reflect the current local practice.

In § 15.2-616, the governing body is given authority to establish additional county departments as needed. Under current law, the governing body is limited to certain named departments, some of which are outdated or unused. This change is consistent with the practice of most other localities.

In § 15.2-624, the requirement that the chief assessing officer be approved by the State Tax Commissioner is deleted since it appears outdated and is not applicable to counties generally.

## Chapter 8 -- Urban County Executive Form of Government

In § 15.2-833, the requirement that the chief assessing officer be approved by the State Tax Commissioner is deleted since it appears outdated and is not applicable to counties generally.

Old Article 8 (§ 15.1-791 et seq.) of this chapter, relating to creation of transportation service districts, is relocated as proposed Chapter 48 since it is not applicable solely to counties with the urban county executive form of government.

## Chapter 11 -- Powers of Cities and Towns

Article 1 is made up of what is referred to as the “uniform charter powers.” Many of the sections have been relocated to other chapters. The powers of the remaining sections are automatically conferred on cities and towns in § 15.2-1100 (also, see § 15.2-204). This is a substantive change as current law requires that the powers be specifically conferred upon the locality. Chartered counties continue to have only those powers specifically conferred upon them as stated in § 15.2-204.



## Chapter 13 -- Joint Actions by Localities

This chapter brings together various sections related to joint actions by localities, including the Regional Competitiveness Act, enacted in 1996. A substantive change is made in § 15.2-1300 (§ 15.1-21), regarding the joint exercise of powers by localities, by changing “shall” to “may” in the first sentence of subsection D, thereby allowing localities greater flexibility in determining what provisions should be contained in a joint agreement.

## Chapter 14 -- Governing Bodies of Localities

This chapter brings together sections related to the authority, powers and duties of local governing bodies and attempts to create a basic statutory structure applicable to all localities. New sections are proposed to fill existing gaps in the law. This approach is consistent with the 1971 Constitution, which combined two articles (one for counties, the other for municipalities) into one article for all localities.

Sections 15.1-827 and 15.1-827.1, relating to salaries of town mayors and council members, are relocated to Title 14.1 where similar statutes for cities and counties are found.

Section 15.2-1414 makes a substantive change by expanding certain population enumeration authority to counties and towns and by deleting an outdated fee provision. However, these changes are likely to have little impact.

Section 15.2-1416, relating to regular meetings of governing bodies, changes the minimum meeting frequency of county boards from once a month to six times per year. Also, municipalities are added to this section in order to create a degree of uniformity among localities. However, as a practical matter, this topic is often addressed in city and town charters.

In Article 4, § 15.1-826 is repealed, thereby eliminating the requirement that towns levy taxes only after a 2/3 vote of council. This will provide a uniform rule applicable to all localities. Towns can continue to require a greater vote by charter.

In § 15.2-1430, penalties of bonds are increased in accordance with the authorized increase of penalties for Class 1 misdemeanors passed several years ago. Also, the provisions are expanded to include counties.

## Chapter 15 -- Local Government Personnel; Qualification for Office; Bonds; Dual Office Holding and Certain Local Government Officers

This chapter provides a framework applicable to local government personnel. Provisions regarding bonds are extensively rewritten to reflect the fact that certain officers are now covered by state rather than local blanket bond provisions.

## Chapter 16 -- Local Constitutional Officers, Courthouses and Supplies

This chapter combines sections related to constitutional officers. A separate article is created for each constitutional officer which, at a minimum, sets forth the basic duties of the office.

## Chapter 17 -- Police and Public Order

The applicability of Article 4, regarding special police officers, was expanded from counties to counties and cities by the 1996 General Assembly. This draft expands these provisions further to include towns.

## Chapter 18 -- Buildings, Monuments and Lands Generally

Similar sections are gathered with an effort to delete repetitive material and provide uniformity among counties, cities and towns, as appropriate. As a result, certain sections that are currently applicable only to counties or municipalities have been expanded to include all localities. For example, see §§ 15.2-1800, 15.2-1802, 15.2-1803, 15.2-1806 and 15.2-1808.

## Chapter 19 -- Condemnation

Old Article 1, relating to condemnation, is extensively rewritten for consistency and clarity. Sections related to condemnation from other chapters are shown here and either amended or repealed. There is no intent to expand the instances in which property may be condemned, but only to make the Code more uniform and consistent in this area. Old Articles 2 and 3 are now found in proposed Chapter 24.

## Chapter 20 -- Streets and Alleys

Related sections are relocated to this chapter in an effort to provide some uniformity among counties, cities and towns, as appropriate. However, because of the limitations set forth in § 15.2-2000 A, many of this chapter's provisions are not generally applicable to counties. The term "public right-of-way" is defined in § 15.2-2000 C and is used in place of "public way" and other descriptions.

## Chapter 21 -- Franchises; Sale and Lease of Certain Municipal Public Property; Public Utilities

Section 15.2-2120, regarding enforcement of liens, is expanded to include all localities in order to create a consistent policy. Section 15.2-2128, regarding denial of certain sewage system applications, is expanded to include all towns which have adopted a master plan for sewerage rather than only those with specific authority in their charters. Many other changes are made throughout the chapter in an attempt to delete outdated provisions and provide uniformity among localities when appropriate.

## Chapter 22 -- Planning, Subdivision of Land and Zoning

Portions of this chapter, which contains few significant changes, are reorganized to improve usability. For example, sections related to conditional zoning are grouped together beginning at § 15.2-2296.

Section 15.2-2223, regarding adoption of a comprehensive plan, contains relocated provisions requiring the inclusion of recycling centers in the plan and adds them to the list of items which “may” be included in the plan. This appears to be a more appropriate location. Also, § 15.2-2289, regarding disclosure of real parties in interest, is expanded from twelve named localities to all localities. This was thought to be a better approach than continuing to add new localities to the list each year.

## Chapter 24 -- Service Districts; Taxes and Assessments for Local Improvements

Notice requirements in §§ 15.2-2400 and 15.2-2401 are changed from three weeks to two for greater conformity with similar provisions.

## Chapter 25 -- Budgets, Audits and Reports

This chapter makes a substantive change in § 15.2-2500 by requiring towns with a population of under 3,500 to follow the same fiscal year as all other localities since there does not appear to be any reason for allowing small towns to follow a different fiscal year.

## Chapter 30 -- Special Courts

There are no substantive changes in this chapter. An attempt is made throughout Subtitle III to clarify the role of the special court by making a clear distinction between the special court and the circuit court. There is no attempt to either expand or reduce the role of the special court.

## Chapter 35 -- Consolidation of Localities

The present five articles are reduced to two. The first three present articles, each dealing with consolidation of like units of government into a like unit of local government, are combined into one article having standard terminology and procedure. Certain substantive changes are necessarily made throughout proposed Article 1 in order to achieve this result. The primary distinction between the three articles, the requirement of a county referendum in present Article 1, is retained. The last time any of these three articles appears to have been used was in 1958 when the Cities of Warwick and Newport News consolidated as the City of Newport News.

Proposed Article 2, concerning consolidation of unlike units of local government, is the article most used. Its provisions are adopted with a minimum of change.

Present Article 5 is recommended for deletion since it has limited applicability and has not been used in over 25 years.

## Chapter 40 -- Judicial Determination of City Status

There are substantive changes made to this chapter, which was adopted in 1971. The investigative and decision-making responsibilities are shifted from the city attorney and circuit court to the Commission on Local Government and special court. This will make the procedures consistent with those of other chapters within this subtitle. Because of the definitions used in Article VII, § 1 of the Constitution, this chapter applies only to cities created after 1971.

#### Chapter 51 -- Virginia Water and Waste Authorities Act

The order of the sections has been changed and the chapter has been divided into articles. Article 4, which contains financing provisions, contains substantive changes conforming the article to the Public Finance Act (Chapter 26). Existing law is ambiguous as to the kinds of governmental entities that can create authorities under this chapter. In order to remove this ambiguity, references to “political subdivision” are changed to “locality” where appropriate so that only localities will be able to create water and waste authorities.

## MEMBERS OF THE 15.1 RECODIFICATION TASK FORCE

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# I. TITLE 15.2

## TITLE 15.2 -- COUNTIES, CITIES AND TOWNS

### SUBTITLE I.

#### GENERAL PROVISIONS; CHARTERS; OTHER FORMS AND ORGANIZATION OF COUNTIES.

#### Chapter

1. General Provisions
2. Local Government Charters
3. Optional Forms of County Government; General Provisions
4. County Board Form of Government
5. County Executive Form of Government
6. County Manager Form of Government
7. County Manager Plan of Government
8. Urban County Executive Form of Government

### SUBTITLE II.

#### POWERS OF LOCAL GOVERNMENT.

9. General Powers of Local Governments
10. Reserved
11. Powers of Cities and Towns
12. General Powers and Procedures of Counties
13. Joint Actions by Localities
14. Governing Bodies of Localities
15. Local Government Personnel; Qualification for Office; Bonds; Dual Office Holding and Certain Local Government Officers
16. Local Constitutional Officers, Courthouses and Supplies
17. Police and Public Order
18. Buildings, Monuments and Lands Generally
19. Condemnation; Taxes and Assessments
20. Streets and Alleys
21. Franchises; Sale and Lease of Certain Municipal Public Property; Public Utilities
22. Planning; Subdivision of Land and Zoning
23. Reserved
24. Service Districts; Taxes and Assessments for Local Improvements
25. Budgets, Audits and Reports
26. Public Finance Act
27. Local Government Group Self-Insurance Pools
28. Virginia Indoor Clean Air Act

SUBTITLE III.  
BOUNDARY ADJUSTMENTS AND CHANGES  
OF STATUS OF COUNTIES, CITIES AND TOWNS.

29. Commission on Local Government
30. Special Courts
31. Settling Boundaries Between Localities
32. Boundary Changes of Towns and Cities
33. Immunity of Counties or Parts of Counties from City-Initiated Annexation and City Incorporation
34. Voluntary Settlement of Annexation, Transition or Immunity Issues
35. Consolidation of Localities
36. Incorporation of Towns by Judicial Proceeding
37. Annulment of Town Charters
38. Transition of Towns to Cities
39. Transition of Counties to Cities
40. Judicial Determination of City Status
41. Transition of City to Town Status

SUBTITLE IV.  
OTHER GOVERNMENTAL ENTITIES.

42. Regional Cooperation Act; Creation of Planning District Commissions
43. Agricultural and Forestal Districts Act
44. Local Agricultural and Forestal Districts Act
45. Transportation District Act of 1964
46. Multicounty Transportation Improvement Districts
47. Transportation Improvement District in Individual Localities
48. Virginia Transportation Service District Act
49. Industrial Development and Revenue Bond Act
50. Private Activity Bonds
51. Virginia Water and Waste Authorities Act
52. Hospital or Health Center Commissions
53. Hospital Authorities
54. Electric Authorities Act
55. Tourism Development Authority
56. Public Recreational Facilities Authorities Act
57. Park Authorities Act
58. Virginia Baseball Stadium Authority
59. Hampton Roads Sports Facility Authority
60. Virginia Coalfield Economic Development Authority
61. Southside Virginia Development Authority
62. Allegheny-Highlands Economic Development Authority
63. Authority for Development of Former Federal Areas

1 PROPOSED  
2 CHAPTER 1.  
3 GENERAL PROVISIONS.  
4

5 Chapter drafting note: Proposed Chapter 1 sets forth provisions which have  
6 general application throughout the title. The specific powers which were located in old  
7 Chapter 1 are relocated, primarily to proposed Chapter 9 (General Powers of Local  
8 Governments).  
9

10 Article 1.  
11 Transition Provisions.  
12

13 § ~~15.1-1~~ 15.2-100. Charter ~~and other~~ powers not affected by title.

14 Except when otherwise expressly provided by the words, "Notwithstanding any contrary  
15 provision of law, general or special," or words of similar import, the provisions of this title shall  
16 ~~in nowise~~ not repeal, amend, impair or affect any ~~other~~ power, right or privilege conferred on  
17 counties, cities and towns by charter or any other provisions of general law.

18 **Drafting note: No substantive change in the law; this section was amended to reflect**  
19 **the fact that counties may also have charters as authorized in Article VII, § 2 of the**  
20 **Constitution of Virginia. The last phrase is deleted, but a similar provision appears in**  
21 **proposed § 15.2-307 and applies to counties which have adopted optional forms of**  
22 **government.**  
23

24 § ~~15.1-2~~. ~~Certain laws and ordinances not affected by repeal of Title 15; validation of~~  
25 ~~laws and ordinances adopted under § 15-10.~~

26 (a) ~~The repeal of Title 15 effective as of July 1, 1964, shall not affect the powers of any~~  
27 ~~county, city or town with respect to any ordinance, resolution or by law adopted and not repealed~~  
28 ~~or rescinded prior to such date.~~

29 (b) ~~The repeal of § 15-10 by this title shall not affect the exercise, by ordinance or~~  
30 ~~otherwise, of any power conferred by that section upon any county which on June 30, 1964, was~~  
31 ~~vested with such power and on or before such date exercised the same; and every power so~~



1 conferred, vested and exercised is hereby continued in such cases.

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

5 (d) ~~The repeal of Title 15 effective as of July 1, 1964, shall not be construed to repeal~~  
6 ~~chapter 190 of the Acts of Assembly, 1946, approved March 15, 1946, as amended by chapter~~  
7 ~~704 of the Acts of 1968, approved April 5, 1968, relating to urban development in cities having a~~  
8 ~~population of over 200,000 but not in excess of 225,000 at the time of the 1960 census,~~  
9 ~~designated the "Urban Redevelopment Corporation Act," which was continued in effect by § 15-~~  
10 ~~914 of the Code of 1950; and said chapter is hereby continued in effect.~~

11 **Drafting note: Repealed; the current practice is not to codify such provisions due to**  
12 **their limited interest. The substance of this section is included in the seventh enactment**  
13 **clause of the recodification bill. The Code Commission has recommended that Title 15.2**  
14 **contain detailed annotations which will alert readers where these and similar provisions**  
15 **may be found. Subsection (d) is not carried forward; repeal of this section shall not repeal**  
16 **the chapters listed in this subsection which pertain to the City of Richmond.**

17  
18 ~~§ 15.1-3. Effect of repeal of Title 15 and enactment of this title on prior acts, offenses,~~  
19 ~~etc.~~

20 ~~The repeal of Title 15 effective as of July 1, 1964, shall not affect any act or offense done~~  
21 ~~or committed, or any penalty incurred, or any right established, accrued or accruing on or before~~  
22 ~~such date, or any proceeding, prosecution, suit or action pending on that day. Except as herein~~  
23 ~~otherwise provided, neither the repeal of Title 15 nor the enactment of this title shall apply to~~  
24 ~~offenses committed prior to July 1, 1964, and prosecution for such offenses shall be governed by~~  
25 ~~the prior law, which is continued in effect for that purpose. For the purpose of this section, an~~  
26 ~~offense was committed prior to July 1, 1964, if any of essential elements of the offense occurred~~  
27 ~~prior thereto.~~

28 **Drafting note: Repealed; the current practice is not to codify such provisions due to**  
29 **their limited interest. The substance of this section is included in the eighth enactment**  
30 **clause of the recodification bill.**

1           ~~§ 15.1 4. Certain notices, recognizances and processes validated.~~

2           ~~Any notice given, recognizance taken, or process or writ issued before July 1, 1964, shall~~  
3 ~~be valid although given, taken or to be returned to a day after such date, in like manner as if this~~  
4 ~~title had been effective before the same was given, taken or issued.~~

5           **Drafting note: Repealed; the current practice is not to codify such provisions due to**  
6 **their limited interest. The substance of this section is included in the ninth enactment**  
7 **clause of the recodification bill.**

8  
9           ~~§ 15.1 5. References to former sections, articles and chapters of Title 15.~~

10          ~~Whenever in this title any of the conditions, requirements, provisions or contents of any~~  
11 ~~section, article or chapter of Title 15, as such title existed prior to July 1, 1964, are transferred in~~  
12 ~~the same or in modified form to a new section, article or chapter, and whenever any such former~~  
13 ~~section, article or chapter is given a new number in this title, all references to any such former~~  
14 ~~section, article or chapter of Title 15 appearing elsewhere in this Code than in this title shall be~~  
15 ~~construed to apply to the new or renumbered section, article or chapter containing such~~  
16 ~~conditions, requirements, provisions or contents or portions thereof.~~

17          **Drafting note: Repealed; the current practice is not to codify such provisions due to**  
18 **their limited interest. The substance of this section is included in the second enactment**  
19 **clause of the recodification bill.**

20  
21          ~~§ 15.1 5.1. Effect of this title on acts passed between January 10, 1962 and July 1, 1964.~~

22          ~~The enactment of this title shall not affect any act passed by the General Assembly which~~  
23 ~~shall have become a law after the tenth day of January, 1962, and before the first day of July, 1,~~  
24 ~~1964; but every such act shall have full effect, and so far as the same varies from or conflicts~~  
25 ~~with any provision contained in this title it shall have effect as a subsequent act, and as repealing~~  
26 ~~any part of this title inconsistent therewith.~~

27          **Drafting note: Repealed; the current practice is not to codify such provisions due to**  
28 **their limited interest. The substance of this section is covered by the sixth enactment clause**  
29 **of the recodification bill.**

30  
31          ~~§ 15.1 5.2. Effect of such acts on this title; codification of such acts.~~

1           Whenever any act referred to in ~~§ 15.1 5.1~~ purports to repeal or amend and reenact any  
 2 provision of, or to add any provisions to, Title 15, such act shall be deemed also to have repealed  
 3 ~~or amended and reenacted the corresponding provision of, or added such provision to, Title 15.1.~~  
 4 The Virginia Code Commission is hereby authorized and directed to assign appropriate Title  
 5 15.1 numbers to all chapters, articles, sections and provisions of any such addition or  
 6 amendment, and give effect to any such repeal, all of which on and after July 1, 1964, shall be in  
 7 lieu of any Title 15 numbers which shall appear therein.

8           **Drafting note: Repealed; the current practice is not to codify such provisions due to**  
 9 **their limited interest. The substance of this section is covered by the sixth enactment clause**  
 10 **of the recodification bill.**

11

12           ~~§15.1-5.3. Codification and prior publication of this title.~~

13           ~~For the purpose of promoting the orderly administration of the laws of this~~  
 14 ~~Commonwealth relating to counties, cities and towns during the period between the date on~~  
 15 ~~which this title becomes law and the date on which it takes effect, the Virginia Code~~  
 16 ~~Commission is hereby authorized and directed to defer the incorporation of the provisions of this~~  
 17 ~~title into the Code of Virginia until the year 1964. In lieu thereof the Virginia Code Commission~~  
 18 ~~is directed to publish the provisions of this title, as amended in consonance with the provisions of~~  
 19 ~~§§ 15.1-5.1 and 15.1-5.2, together with such other materials as the Commission may deem~~  
 20 ~~proper, as a separate publication from the 1962 Supplement to the Code of Virginia.~~

21           **Drafting note: Repealed; the substance of this section is no longer needed.**

22

23           ~~§15.1-5.4. Drafting of certain bills proposed for introduction in 1964 session of General~~  
 24 ~~Assembly.~~

25           ~~All bills proposed for introduction in the regular session of the General Assembly 1964,~~  
 26 ~~proposing to amend, repeal, or add to, any provision of Title 15 by reference to a section in Title~~  
 27 ~~15 shall be so drawn as to refer to Title 15.1 and the appropriate section therein.~~

28           **Drafting note: Repealed; the substance of this section is no longer needed.**

29

30   Article 2.

31   General Provisions; Certain Powers.

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§~~15.1-6~~ 15.2-101. Definitions.

As used in this title unless such construction would be inconsistent with the context or manifest intent or repugnant to the context of the statute:

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

"City" means any independent incorporated community which became a city as provided by law before noon on the first day of July, nineteen hundred seventy-one, or which has within defined boundaries a population of 5,000 or more and which has become a city as provided by law.

"Constitutional officer" means an officer provided for pursuant to Article VII, § 4 of the Constitution.

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

(4) ~~The term "councilman~~ Councilman" or "member of the council" ~~shall include members~~ means a member of ~~any other~~ the governing body of a city or town.

"County" means any existing county or such unit hereafter created.

"Governing body" means the board of supervisors of a county, council of a city, or council of a town, as the context may require.

"Locality" or "local government" shall be construed to mean a county, city, or town as the context may require.

"Municipality," "incorporated communities," "municipal corporation," and words or terms of similar import shall be construed to relate only to cities and towns.

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

"Town" means any existing town or an incorporated community within one or more counties which became a town before noon, July one, nineteen hundred seventy-one, as provided by law or which has within defined boundaries a population of 1,000 or more and which has become a town as provided by law.

"Voter" means a qualified voter as defined in § 24.2-101.

**Drafting note: No substantive change in the law; definitions for commonly used**

1 words or terms are added. The definitions for city and town are identical to those found in  
2 Article VII, § 1 of the Constitution of Virginia. All terms are alphabetized.

3  
4 ~~§ 15.1-33. No county having a population of more than seventeen thousand but less than  
5 seventeen thousand two hundred or any county having a population of more than thirty one  
6 thousand three hundred but less than thirty one thousand four hundred or city having a  
7 population of more than twelve thousand but less than thirteen thousand shall prior to June 30,  
8 1968, drill or cause to be drilled for its use, directly or indirectly, any deep water well in such  
9 county or city without first obtaining the consent of the governing body of the county or city in  
10 which such well is to be drilled. For the purposes of this section, a deep water well shall be one  
11 of three hundred fifty feet or more in depth. The provisions of this section shall not apply to  
12 wells in existence or wells contracted for or which are in the process of being constructed prior  
13 to March one, nineteen hundred sixty six.~~

14 **Drafting note: Repealed; this section, which is not set out in the Code, by its  
15 provisions is no longer operative. It pertained to Isle of Wight and Nansemond Counties  
16 and the City of Suffolk.**

17  
18 ~~§ 15.1-34~~ 15.2-102. Name "Mount Vernon" reserved.

19 The name "Mount Vernon" is reserved for the home and tomb of the late General George  
20 Washington in Fairfax County. The General Assembly shall not grant to any ~~county, city or town~~  
21 ~~of the Commonwealth~~ locality the right to use the name "Mount Vernon."

22 **Drafting note: No substantive change in the law.**

23  
24 ~~§ 15.1-35. Salary increases in certain cities.~~

25 ~~Chapter 18 of the Acts of 1918, approved February 5, 1918, codified as § 3035b of~~  
26 ~~Michie Code 1942, permitting salary increases, in the police and fire departments of cities of~~  
27 ~~over 65,000 and less than 100,000, is continued in effect.~~

28 **Drafting note: Repealed; this section, which applied to the City of Norfolk, is**  
29 **obsolete. The underlying Act of Assembly is also repealed by the eleventh enactment clause**  
30 **of the recodification bill.**

1           ~~§15.1-36. Authority to provide additional compensation for jurors.~~

2           ~~The governing body of any county or city may, by ordinance duly adopted, provide for~~  
3 ~~payment to every person summoned as a juror for the circuit, corporation or other court of record~~  
4 ~~of such county or city out of funds of such locality, which payment shall be in addition to the~~  
5 ~~amounts provided in §§ 8-204 and 19.1-218; provided that no such ordinance shall authorize~~  
6 ~~payment of an amount which, when added to such amount as may be otherwise provided by law~~  
7 ~~for jurors, exceeds ten dollars for each day's attendance upon the court. Nothing herein contained~~  
8 ~~shall authorize the taxing as costs under § 14.1-100 of the supplemental payment provided for~~  
9 ~~herein.~~

10           **Drafting note: Repealed; this section has been replaced by § 14.1-195.1 which**  
11 **provides for payment of a larger sum than authorized by this section.**

12  
13           ~~§ 15.1-37.3-13~~ 15.2-103. Liens against real estate.

14           Notwithstanding any provision contained in this title to the contrary, wherever this title  
15 provides for or authorizes a lien upon real estate for a local assessment, fee, rent or charge, ~~(other~~  
16 ~~than real estate taxes)~~, not paid when due, such lien shall not bind or affect a subsequent bona  
17 fide purchaser of the real estate for valuable consideration without actual notice of the lien  
18 unless, at the time of the transfer of record of the real estate to the purchaser, a statement  
19 containing the name of the record owner of the real estate and the amount of such unpaid  
20 assessments, fees, rents or charges is entered in the judgment lien book in the clerk's office  
21 where deeds are recorded or is contained in records maintained by the local treasurer for real  
22 estate tax liens pursuant to 58.1-3930 with respect to the real estate against which the lien is  
23 asserted. Any such lien binding on the owner of the real estate at the time of sale or other  
24 disposition shall be paid from the sale or other proceeds as real estate taxes assessed thereon are  
25 required to be paid. The clerk shall cause such statement to be entered and properly indexed  
26 against the record owner of the real estate, for which the clerk shall be entitled to a fee of two  
27 dollars per entry, ~~(or such other fee as may be specifically provided for such purpose in this~~  
28 ~~title)~~, to be paid by the ~~county, municipality~~ locality or other political subdivision asserting the  
29 lien and to be added to the amount of the lien. If the amount of such lien and all accrued interest  
30 due thereon are paid in full, the ~~county, municipality~~ locality or other political subdivision  
31 asserting the lien shall deliver a certificate evidencing such payment to the person paying the

1 same, and, upon presentation of such certificate, the clerk having record of the lien shall mark  
2 the entry of such lien satisfied, for which he shall be entitled to a fee of one dollar, (or such other  
3 fee as may be specifically provided for such purpose in this title).

4 **Drafting note: No substantive change in the law; the Code Commission suggests**  
5 **that the annotation for this section contain a cross-reference to Title 55 where other**  
6 **provisions related to real estate liens are located.**

7  
8 § ~~15.1-37.3:6~~ 15.2-104. Penalty and interest for failure to pay accounts when due.

9 Any person failing to pay, pursuant to an ordinance, any ~~county, city and town~~ account  
10 due a locality on or before its due date, other than taxes which are provided for in Title 58.1,  
11 shall incur a penalty thereon of ten percent or ten dollars, whichever is greater, which shall be  
12 added to the amount of the account due from such person. No penalty shall be imposed for  
13 failure to pay any account if such failure was not in any way the fault of the debtor.

14 Interest at the rate of ten percent annually from the first day following the day such  
15 account is due may be collected upon the principal and penalty of all such accounts.

16 **Drafting note: No substantive change in the law.**

17  
18 § ~~15.1-29.4~~ 15.2-105. Ordinances providing fee for passing bad checks to ~~local governing~~  
19 ~~bodies~~ localities.

20 ~~The governing body of any county, city or town~~ Any locality may ~~provide~~ by ordinance  
21 provide for a fee, not exceeding the amount of twenty dollars, for the uttering, publishing or  
22 passing of any check or draft for payment of taxes or any other sums due, which is subsequently  
23 returned for insufficient funds or because there is no account or the account has been closed.

24 **Drafting note: No substantive change in the law.**

25  
26 § ~~15.1-29.14~~ 15.2-106. Advertisement and enactment of certain fees and levies.

27 All levies and fees imposed or increased by a ~~county, city or town~~ locality pursuant to the  
28 provisions of Chapters 9 21 (§ ~~15.1-292~~ 15.2-2100 et seq.) ~~and 11 or 22~~ (§ ~~15.1-427~~ 15.2-2200 et  
29 seq.) of this title shall be advertised. The advertising requirements of § ~~15.1-504~~ 15.2-1427 B  
30 shall apply with the necessary changes. Such levies, fees and increases shall be enacted by  
31 ordinance following the public hearing.

1 The advertisement shall include the following:

2 ~~(a)~~ 1. The time, date, and place of the public hearing.

3 ~~(b)~~ 2. The actual dollar amount or percentage change, if any, of the proposed levy, fee or  
4 increase.

5 ~~(c)~~ 3. A specific reference to the Code of Virginia section or other legal authority  
6 granting the legal authority for enactment of such proposed levy, fee, or increase.

7 ~~(d)~~ 4. A designation of the place or places where the complete ordinance, and information  
8 concerning the documentation and justification for the proposed fee, levy or increase are  
9 available for examination by the public no later than the time of the first publication.

10 No ordinance which imposes or increases levies and fees pursuant to Chapters ~~9~~ 21 and  
11 ~~11~~ 22 of this title shall be adopted unless fourteen days have elapsed following the last required  
12 publication of intention to propose the ~~same~~ ordinance for passage.

13 Any emergency ordinance which imposes or increases a levy or fee shall be enforced for  
14 no more than sixty days unless reenacted in conformity with the provisions of this section.

15 **Drafting note: No substantive change in the law.**

16  
17 ~~§ 15.1-29.5. Referenda on question of application of Sunday Closing Law.~~

18 ~~The provisions of § 18.2-341 shall have no force or effect within any county or city in the~~  
19 ~~Commonwealth which has by ordinance expressed the sense of its citizens that such laws are not~~  
20 ~~necessary. No such ordinance shall become effective in any county or city until a referendum is~~  
21 ~~held on the question in such county or city and approved by a majority of those voting in such~~  
22 ~~election.~~

23 ~~(a) A petition signed by ten percent of the registered voters of such county or city, or a~~  
24 ~~petition of the governing body of any county having a population of not more than 50,500 and~~  
25 ~~not less than 50,000 shall be filed with the circuit court of any such county or city asking that a~~  
26 ~~referendum be held on the question: "Shall the various work, sales and business activities~~  
27 ~~presently prohibited on Sunday by § 18.2-341 of the Code of Virginia (commonly known as the~~  
28 ~~Sunday Closing Law) be allowed in (name of such county or city)?"~~

29 ~~(b) Following the filing of such petition, the court shall, by order of record, require the~~  
30 ~~regular election officials of such county or city to open the polls and take the sense of the~~  
31 ~~qualified voters on the question. Such election shall be on a day designated by order of such~~



1 court in accordance with § 24.1 165, provided that such election shall be on the day of the next  
2 general election held at least sixty days after the date of the entry of such order.

3 ~~(e) The clerk of such circuit court of such county or city shall publish notice of such  
4 election in a newspaper of general circulation in such county or city once a week for three  
5 consecutive weeks prior to such election.~~

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

10 ~~"Shall the various work, sales and business activities presently prohibited on Sunday by §  
11 18.2 341 (commonly known as the Sunday Closing Law) be allowed in (name of such county or  
12 city)?~~

13  ~~Yes~~

14  ~~No"~~

15 ~~In the blank shall be inserted the name of the county or city in which such election is  
16 held. Any voter desiring to vote "Yes" shall mark a check (✓) mark or a cross (x or +) mark or a  
17 line (—) in the square provided for such purpose immediately preceding the word "Yes," leaving  
18 the square immediately preceding the word "No" unmarked. Any voter desiring to vote "No"  
19 shall mark a check (—Ö) mark or a cross (x or +) mark or a line (—) in the square provided for  
20 such purpose immediately preceding "No," leaving the square immediately preceding the word  
21 "Yes" unmarked.~~

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

26 ~~(e) No such election shall be held more often than once every four years; and such  
27 election shall be held in the even numbered calendar year.~~

28 ~~(f) In addition to the foregoing provisions and otherwise in accordance with § 24.1 165,  
29 in any county with a 1980 census population of no less than 17,905 and no more than 18,000 and  
30 in any city wholly contained therein, such election may be ordered to be held on any day,  
31 whether or not a general election day and in either an odd numbered or even numbered year, not~~

1 ~~less than four years from the date of the last election on the question.~~

2 **Drafting note: Repealed; this section is unenforceable due to judicial decisions.**

**PROPOSED**  
**CHAPTER 17 2.**  
**GOVERNMENTAL LOCAL GOVERNMENT CHARTERS.**

**Chapter drafting note: There are several minor changes made to this chapter, which sets forth the procedure for granting a new charter or amending an existing charter. Also, § 15.2-204 makes a SUBSTANTIVE CHANGE by automatically conferring the uniform charter powers upon cities and towns.**

§ ~~15.1-833~~ 15.2-200. Required procedure for obtaining new charter or amendment.

No charter shall be granted to a ~~county or to a municipal corporation~~ locality by the General Assembly and no charter of a ~~county or municipal corporation~~ locality shall be amended by the General Assembly except as provided in this chapter or in Chapter ~~26 34~~ (§ ~~15.1-1071~~ 15.2-3400 et seq.) of this title.

**Drafting note: No substantive change in the law.**

§ ~~15.1-834~~ 15.2-201. Charter elections; subsequent procedure; procedure when bill not introduced or fails to pass in General Assembly.

~~The county or municipal corporation shall~~ A locality may provide for holding an election to be conducted as provided in § ~~24.1-165~~ 24.2-681 et seq. of Title 24.2 to determine if the ~~qualified~~ voters of the ~~county or municipal corporation~~ locality desire that it request the General Assembly to grant to the ~~county or municipal corporation~~ locality a new charter or to amend its existing charter. At least ten days prior to the holding of such election, the text ~~of~~ or an informative summary of the new charter or amendment desired shall be published in a newspaper of general circulation in the ~~county or municipal corporation~~ locality.

If a majority of the ~~qualified~~ voters voting in such election vote in favor of such request, the ~~county or municipal corporation~~ locality shall transmit two certified copies of the results of such election together with the publisher's affidavit and the new charter or the amendments to the existing charter, to one or more members of the General Assembly representing such ~~county or municipality~~ locality for introduction as a bill in the succeeding session of the General Assembly.

1 If a bill incorporating such charter or amendments, ~~as the case may be~~, is not introduced  
2 at the succeeding session of the General Assembly, the approval of the voters for such charter or  
3 amendments shall ~~thereafter~~ be ~~null and~~ void. If, at such session, members of the General  
4 Assembly fail to enact or pass by indefinitely and do not carry over such a bill incorporating  
5 such charter or amendments, ~~such~~ the charter or amendments shall again be presented to the  
6 voters for their approval or submitted to a public hearing pursuant to § ~~15.1-835~~ 15.2-202 before  
7 reintroduction in the General Assembly.

8 **Drafting note: No substantive change in the law. “Shall” is changed to “may” in**  
9 **the first sentence since this section outlines only one of the two procedures localities may**  
10 **follow when seeking charter changes.**

11  
12 § ~~15.1-835~~ 15.2-202. Public hearing in lieu of election; procedure when bill not  
13 introduced or fails to pass in General Assembly.

14 In lieu of the election provided for in § ~~15.1-834~~ 15.2-201, a ~~county or municipal~~  
15 ~~corporation desiring~~ locality requesting the General Assembly to grant to it a new charter or to  
16 amend its existing charter may hold a public hearing with respect thereto, at which citizens shall  
17 have an opportunity to be heard to determine if the citizens of the ~~county or municipal~~  
18 ~~corporation~~ locality desire that the ~~county or municipal corporation~~ locality request the General  
19 Assembly to grant to it a new charter, or to amend its existing charter. At least ten days' notice of  
20 the time and place of such hearing and the text or an informative summary of the new charter or  
21 amendment desired shall be published in a newspaper of general circulation in the ~~county or~~  
22 ~~municipal corporation~~ locality. Such public hearing may be adjourned from time to time, and  
23 upon the completion thereof, the ~~county or municipal corporation~~ locality may request, in the  
24 manner provided in § ~~15.1-834~~ 15.2-201, the General Assembly to grant the new charter or  
25 amend the existing charter and the provisions of ~~said section~~ § 15.2-201 shall be applicable  
26 thereto.

27 If a bill incorporating such charter or amendments, ~~as the case may be~~, is not introduced  
28 at the succeeding session of the General Assembly, the authority of the ~~county or municipal~~  
29 ~~corporation~~ locality to request such charter or amendments by reason of such public hearing shall  
30 thereafter be ~~null and~~ void. If at such session members of the General Assembly fail to enact and  
31 do not carry over or pass by indefinitely a bill incorporating such charter or amendments, ~~such~~

1 the charter or amendments may again be submitted to a public hearing in lieu of an election as  
2 provided hereinabove before reintroduction in the General Assembly.

3 The locality requesting a new or amended charter shall provide with such request a  
4 publisher's affidavit showing that the public hearing was advertised and a certified copy of the  
5 governing body's minutes showing the action taken at the advertised public hearing.

6 **Drafting note: No substantive change in the law; added paragraph sets forth**  
7 **current procedure.**

8  
9 § ~~15.1-836~~ 15.2-203. Legislation granting or amending charter evidence of compliance  
10 with requirements.

11 The passage of any legislation granting or amending any charter of a ~~county or municipal~~  
12 ~~corporation~~ locality shall ~~ipso facto~~ be conclusive evidence ~~that~~ of compliance with the  
13 requirements of this chapter ~~have been complied with.~~

14 **Drafting note: No substantive change in the law.**

15  
16 § 15.2-204. Uniform charter powers.

17 Cities and towns shall have all powers set forth in Article 1 (§ 15.2-1100 et seq.) of  
18 Chapter 11, known as the uniform charter powers. Such powers do not need to be set out or  
19 incorporated by reference in a city or town charter.

20 Counties shall have all powers set forth in Article 1 (§ 15.2-1100 et seq.) of Chapter 11  
21 only when such powers are specifically conferred upon the county.

22 **Drafting note: SUBSTANTIVE CHANGE; the uniform charter powers are**  
23 **automatically conferred on cities and towns without a specific authorization in the city or**  
24 **town charter. The task force and the Code Commission felt that the current requirement**  
25 **for specific authorization may create a trap for unwary localities, especially small towns.**  
26 **Also, the General Assembly has historically granted these powers to cities and towns**  
27 **without controversy. Chartered counties continue to have only those powers specifically**  
28 **conferred upon them.**

29  
30 § ~~15.1-836.1~~ 15.2-205. Use of provisions of chapter not authorized for certain purposes.

1 Notwithstanding any provision of law to the contrary, the statutes ~~found~~ within this  
2 chapter shall not be used as authorization for ~~the ordering of~~, or ~~the holding of~~, any election or  
3 referendum the results of which would cause or result in the abolition of any office set forth in  
4 Article VII, Section 4 of the Constitution of Virginia ~~unless and~~ until the abolition of any such  
5 office ~~or offices~~ has first been provided for by a general law or special act on such question alone  
6 and approved in a referendum.

7 **Drafting note: No substantive change in the law.**

8  
9 § ~~15.1-836.1:1~~ 15.2-206. Special elections; request for abolition of certain local  
10 constitutional offices.

11 No bill to enact or amend a charter which has the effect of abolishing any office set forth  
12 in Article VII, Section 4 of the Constitution of Virginia shall be considered unless a referendum,  
13 elsewhere authorized by law, has been conducted in accordance with the provisions of § ~~24.1-~~  
14 ~~165.1~~ 24.2-685, and a majority of the qualified voters voting thereon have approved the request  
15 for the enactment or amendment of the charter.

16 **Drafting note: No change.**

17  
18 § ~~15.1-836.2~~ 15.2-207. Boundaries of municipal corporations continued; charters not to  
19 contain metes and bounds; incorporated by reference.

20 The boundaries of municipal corporations ~~shall be and~~ remain as now established unless  
21 changed as provided in this title. No charter of any municipal corporation shall contain the metes  
22 and bounds of such municipal corporation, but the boundaries ~~thereof~~ shall be incorporated  
23 therein by reference to the recordation in the clerk's office of the court where deeds are admitted  
24 to record of the final decree or order of the court establishing such boundaries or the act of the  
25 General Assembly by which they are defined. The part of the charter of a municipal corporation  
26 defining its boundaries hereafter amended shall not contain the metes and bounds of the  
27 municipal corporation, but the boundaries ~~thereof~~ shall be incorporated therein by reference to  
28 the recordation of a final decree or order of court or to a General Assembly act.

29 **Drafting note: No substantive change in the law.**

30  
31 § ~~15.1-836.3~~ 15.2-208. Boundaries of counties.

- 1 No county charter shall contain the description of the county's boundaries.
- 2 **Drafting note: No change.**

1 **PROPOSED**

2 **CHAPTER 3.**

3 **OPTIONAL FORMS OF COUNTY GOVERNMENT; GENERAL PROVISIONS.**

4  
5 **Chapter drafting note: This chapter makes SUBSTANTIVE CHANGES by**  
6 **creating a uniform procedure for counties seeking to adopt one of the five optional forms**  
7 **of government. Currently, the procedures differ slightly from form to form. This new**  
8 **uniform procedure will have no impact on the counties which are already operating under**  
9 **an optional form.**

10  
11 § 15.2-300. Adoption of optional forms of county government; inconsistent provisions of  
12 law.

13 A. Any county may adopt an optional form of county government in accordance with the  
14 referendum provisions of § 15.2-301, subject to the limitations specified in Chapters 3 through 8  
15 of this title.

16 B. Other provisions of law in conflict with Chapters 3 through 8 of this title shall not  
17 apply to a county which has adopted an applicable form of county government pursuant to this  
18 chapter, unless such provision expressly provides otherwise.

19 **Drafting note: Subsection A of this new section is intended to direct all counties**  
20 **interested in adopting an optional form of government to a single procedure. For current**  
21 **provisions similar to subsection B, see §§ 15.1-663 and 15.1-756.**

22  
23 § 15.2-301. Petition or resolution asking for referendum; notice; conduct of election.

24 A. A county may adopt one of the optional forms of government provided for in  
25 Chapters 4 through 8 of this title only after approval by voter referendum. The referendum shall  
26 be initiated by (i) a petition filed with the circuit court for the county signed by at least ten  
27 percent of the voters of the county, asking that a referendum be held on the question of adopting  
28 one of the forms of government or (ii) a resolution passed by the board of supervisors and filed  
29 with the circuit court asking for a referendum. The petition or resolution shall specify which of  
30 the forms of government provided for in Chapters 4 through 8 is to be placed on the ballot for  
31 consideration. Only one form may be placed on the ballot for consideration.



1           B. Notice of the election shall be published in a newspaper having a general circulation  
2 in the county once a week for three consecutive weeks and shall be posted at the door of the  
3 county courthouse.

4           C. The election shall be conducted in accordance with the provisions of § 24.2-684.

5           D. Prior to adopting an optional form of government provided for in Chapter 5 or  
6 Chapter 6, a county shall also comply with the referendum requirements of § 24.2-686.

7           **Drafting note: SUBSTANTIVE CHANGE. By providing a single procedure for**  
8 **adopting an optional form of government, this section will change the current law, which**  
9 **provides different procedures for the five forms. The substantive differences from the**  
10 **current procedures are as follows:**

- 11           **1. County Board Form -- the petition must be signed by 15% of the qualified voters**  
12           **(see § 15.1-698(a)).**
- 13           **2. County Executive Form -- voters may be given the option of choosing between**  
14           **County Manager Form and the County Executive Form (see § 15.1-584).**
- 15           **3. County Manager Form -- voters may be given the option of choosing between**  
16           **County Manager Form and the County Executive Form (see § 15.1-584).**
- 17           **4. County Manager Plan -- the referendum is initiated by a petition signed by 200**  
18           **or more qualified voters; there is no procedure for the governing body to initiate**  
19           **the referendum (see § 15.1-694).**
- 20           **5. Urban County Executive Form -- there are no substantive differences (see §**  
21           **15.1-723).**

22  
23           § 15.2-302. When form of government to become effective.

24           A form of government approved by the voters in accordance with § 15.2-301 shall  
25 become effective on January 1 following the election of members of the governing body under  
26 the provisions of § 15.2-303.

27           **Drafting note: SUBSTANTIVE CHANGE. This section provides a uniform**  
28 **effective date for optional forms of government. This differs from the current law as**  
29 **follows:**

- 30           **1. County Board Form -- this form becomes effective January 1 following approval**  
31           **by the voters (see § 15.1-698 (c)).**

- 1           2. County Executive Form -- no substantive difference (see § 15.1-585).
- 2           3. County Manager Form -- no substantive difference (see § 15.1-585).
- 3           4. County Manager Plan -- no substantive difference (see § 15.1-694).
- 4           5. Urban County Executive Form -- no substantive difference (see § 15.1-725).

5  
6           § 15.2-303. When new supervisors elected.

7           If voters approve the adoption of an optional form of government in accordance with §  
8 15.2-301, the members of the governing body shall be elected at the next succeeding November  
9 general election. The members' terms shall commence on January 1 following the election.

10           **Drafting note: SUBSTANTIVE CHANGE. This section provides a uniform**  
11 **procedure for electing a new governing body when an optional form has been adopted.**  
12 **This differs from current law as follows:**

- 13           1. County Board Form -- it appears that under this form incumbent board
- 14                 members do not have their terms cut short (see § 15.1-700 c).
- 15           2. County Executive Form -- no substantive difference (see § 15.1-586).
- 16           3. County Manager Form -- no substantive difference (see § 15.1-586).
- 17           4. County Manager Plan -- no substantive difference (see § 15.1-694).
- 18           5. Urban County Executive Form -- no substantive difference (see § 15.1-726).

19  
20           § 15.2-304. Effect of change on other county officers.

21           All other officers of such county shall continue to hold office until their successors are  
22 appointed and have qualified. The term of office of any person who holds an office abolished by  
23 the form of government adopted shall terminate as soon as his powers and duties have been  
24 transferred to some other officer or employee, or are abolished.

25           **Drafting note: This section provides a uniform transition process for county officers**  
26 **other than members of the governing body. This compares to current law as follows:**

- 27           1. County Board Form -- no substantive difference (see § 15.1-698 (d)).
- 28           2. County Executive Form -- no substantive difference (see § 15.1-587).
- 29           3. County Manager Form -- no substantive difference (see § 15.1-587).
- 30           4. County Manager Plan -- this form appears to be silent on this topic.
- 31           5. Urban County Executive Form -- no substantive difference (see § 15.1-727).

1  
2       § 15.2-305. Changing from one form to another.

3       A county may change from one optional form to another optional form, or to any other  
4 form of county government prescribed by Article VII of the Constitution, only by following the  
5 procedures set out in § 15.2-301, subject to any limitations specified in Chapters 3 through 8 of  
6 this title.

7       **Drafting note: SUBSTANTIVE CHANGE. This section will provide a uniform**  
8 **method of changing from one optional form to another. This differs from the current law**  
9 **as follows:**

- 10       **1. County Board Form -- no substantive difference (see § 15.1-721).**  
11       **2. County Executive Form -- no substantive difference except that if the change is**  
12       **to the county manager form, the board members will not have their terms cut**  
13       **short (see §§ 15.1-664 and 15.1-665).**  
14       **3. County Manager Form -- no substantive difference except that if the change is to**  
15       **the county executive form, the board members will not have their terms cut**  
16       **short (see §§ 15.1-664 and 15.1-666).**  
17       **4. County Manager Plan -- this form appears to be silent on this topic.**  
18       **5. Urban County Executive Form -- no substantive difference (see § 15.1-757).**

19  
20       § 15.2-306. Limitation as to frequency of elections.

21       If any election has been held in a county to determine whether such county shall adopt a  
22 form of county government provided for in Chapters 4 through 8 of this title, or if any election  
23 has been held in a county which has adopted such form of county government to determine  
24 whether such county shall change to another form of county government or to determine whether  
25 such county shall change to some other form of county government provided for by Article VII  
26 of the Constitution of Virginia and the other provisions of general law of the Commonwealth, no  
27 further election of the nature referred to in this section shall be held in the county within three  
28 years thereafter.

29       **Drafting note: This section provides a uniform standard for limiting the frequency**  
30 **of elections on adoption of optional forms of government. This compares to the current law**  
31 **as follows:**

- 1           **1. County Board Form -- this form appears to be silent on this topic.**
- 2           **2. County Executive Form -- no substantive difference (see § 15.1-668).**
- 3           **3. County Manager Form -- no substantive difference (see § 15.1-668).**
- 4           **4. County Manager Plan -- this form appears to be silent on this topic.**
- 5           **5. Urban County Executive Form -- no substantive difference (see § 15.1-761).**

6  
7           § 15.2-307. County forms of government adopted under prior acts.

8           Any county which has adopted an optional form of government under the authority of  
9 prior acts shall continue to operate as though created under the terms of this chapter.

10           **Drafting note: This new section is intended to clarify that counties which have**  
11 **adopted optional forms of government under previously valid procedures will be**  
12 **“grandfathered in” under the new procedures.**

1 **PROPOSED**  
2 **CHAPTER 4.**  
3 **COUNTY BOARD FORM OF GOVERNMENT.**  
4

5 **Chapter drafting note: Old Chapter 14, which contains provisions for two separate**  
6 **forms of county government, is divided into two chapters. Proposed Chapter 4 contains the**  
7 **provisions for the county board form of government, currently used by Carroll, Russell**  
8 **and Scott Counties, and proposed Chapter 7 contains the provisions for the county**  
9 **manager plan of government, and is not shown in this draft.**

10  
11 **Article 5.**  
12 **County Board Form.**  
13

14 § ~~15.1-699~~ 15.2-400. Form of government to be known as county board form;  
15 applicability of chapter.

16 The form of county organization and government provided for in §§ ~~15.1-699 to 15.1-~~  
17 ~~721, inclusive, this chapter~~ shall be known as the county board form. The provisions of this  
18 chapter shall apply only to counties which have adopted the county board form.

19 **Drafting note: No substantive change in the law; the county board form is currently**  
20 **used by Carroll, Russell and Scott Counties.**

21  
22 § ~~15.1-697~~ 15.2-401. ~~Counties authorized to adopt~~ Adoption of county board form of  
23 government.

24 Any county ~~in the Commonwealth is hereby authorized to~~ may adopt the county board  
25 form of ~~county organization and government provided for in the following sections of this~~  
26 ~~article, by complying with the requirements and procedure hereinafter specified~~ in accordance  
27 with the provisions of Chapter 3 of this title.

28 **Drafting note: This section is rewritten and a cross-reference added in order to**  
29 **provide uniformity in the manner in which counties may adopt an optional form of**  
30 **government.**

1           § 15.1 698. Petition of voters; resolution of board of supervisors; election.

2           ~~(a) Upon a petition filed with the circuit court of the county signed by 15% of the~~  
3 ~~qualified voters of such county which in no event shall be less than 100 qualified voters of the~~  
4 ~~county, asking that a referendum be held on the question of adopting the county board form of~~  
5 ~~county organization and government herein provided for, the court shall by order entered of~~  
6 ~~record, in accordance with § 24.1 165, require the regular election officials on the day fixed in~~  
7 ~~the order to open a poll and take the sense of the qualified voters of the county on the question~~  
8 ~~submitted as herein provided. The clerk of the county shall cause a notice of such election to be~~  
9 ~~published in some newspaper published in or having a general circulation in the county, once a~~  
10 ~~week for three consecutive weeks, and shall post a copy of such notice at the door of the~~  
11 ~~courthouse of the county.~~

12           ~~In lieu of such a petition, a resolution may be passed by the board of supervisors and filed~~  
13 ~~with the court asking for a referendum, in which case the court shall proceed as in the case of a~~  
14 ~~petition.~~

15           ~~(b) The regular election officers of the county at the time designated in the order~~  
16 ~~authorizing the vote shall open the polls at the various voting places in the county and conduct~~  
17 ~~the election in such manner as is provided by law for other elections, insofar as the same is~~  
18 ~~applicable. The election shall be by ballot, and the ballots shall be prepared by the electoral~~  
19 ~~board and distributed to the various election precincts as in other elections. The ballots used shall~~  
20 ~~be printed to read as follows:-~~

21           ~~Do you approve the adoption of the County Board Form by the county?~~

22            ~~Yes~~

23            ~~No~~

24           ~~The squares to be printed in such ballots shall not be less than one quarter nor more than~~  
25 ~~one half inch in size.~~

26           ~~Any person voting at such election shall place a check (—Ö) or a cross (X or +) mark or a~~  
27 ~~line (—) in the square before the appropriate word indicating how he desires to vote on the~~  
28 ~~question submitted.~~

29           ~~The ballots shall be counted, returns made and canvassed as in other elections, and the~~  
30 ~~results certified by the electoral board to the circuit court and the court shall enter of record the~~  
31 ~~results of the election. If it shall appear by the report of the electoral board that a majority of the~~

1 ~~qualified voters of the county voting approve the adoption of the county board form of county~~  
2 ~~organization and government, the circuit court of the county shall enter of record such fact.~~

3 ~~(c) On and after the first day of January next succeeding the election at which the county~~  
4 ~~board form of organization and government is approved for adoption by any county, the form of~~  
5 ~~organization and government of such county shall be in accordance with the county board form~~  
6 ~~provided for herein.~~

7 ~~(d) All county and district officers of such county, unless otherwise sooner removed,~~  
8 ~~shall continue to hold office until their successors are elected or appointed and shall have~~  
9 ~~qualified; but the term of office of any person who holds an office abolished by the county board~~  
10 ~~form of organization and government adopted shall terminate as soon as his powers and duties~~  
11 ~~shall have been transferred to some other officer or employee, or done away with.~~

12 **Drafting note: Repealed; see Chapter 3 for the uniform procedure for adopting**  
13 **optional forms of government.**

14  
15 § ~~15.1-700~~ 15.2-402. Board of county supervisors; election; terms; chairman; vacancies.

16 A. The powers and duties of the county as a body politic and corporate shall be vested in  
17 a board of county supervisors (“the board”).

18 B. The board ~~of county supervisors~~ shall consist of one member elected from the county  
19 at large by the qualified voters of the county and one member from each magisterial or election  
20 district in the county elected by the qualified voters of such magisterial or election district. The  
21 ~~members of the board~~ members shall be elected at the same time and for the same term as  
22 provided by general law for the election of boards of supervisors of counties. The board shall  
23 elect its chairman from its membership.

24 C. Members of the board ~~of supervisors of the county~~ in office immediately prior to the  
25 day upon which the county board form becomes effective in the county shall be and, unless  
26 sooner removed, continue as members ~~of the board of county supervisors~~ until the expiration of  
27 their respective terms and until their successors ~~are~~ have qualified.

28 D. If the change in the form of county organization and government becomes effective  
29 on January 1 next succeeding the regular election of ~~members of the board of supervisors~~  
30 members in the county, such members-elect shall qualify and, as soon as possible after the  
31 county board form becomes effective in the county, succeed the then incumbents as ~~members of~~

1 ~~the board of county supervisors members~~ and as such continue until the expiration of their  
2 respective terms and until their successors ~~are~~ have qualified.

3 E. At the regular November election next succeeding the approval of the county board  
4 form, one ~~member of the board member~~ shall be elected from the county at large by the qualified  
5 voters of the county; his term of office shall begin on January 1 next succeeding such election  
6 and shall run for a term coincident with that of the other ~~members of the board of county~~  
7 ~~supervisors members~~. Pending his election and taking office, the office of member from the  
8 county at large shall remain vacant.

9 F. Except as otherwise provided in subsection E of this section, any vacancy in the  
10 membership of the board ~~of county supervisors~~ shall be filled pursuant to Article 6 (§ 24.2-225 et  
11 seq.) of Chapter 2 of Title 24.2.

12 **Drafting note: No substantive change in the law.**

13  
14 § ~~15.1-701~~ 15.2-403. Same; powers and duties.

15 (a) ~~A.~~ The board ~~of county supervisors~~ shall be the policy-determining body of the  
16 county and shall be vested with all the rights and powers conferred on boards of supervisors by  
17 general law, not inconsistent with the form of county organization and government herein  
18 provided.

19 (b) ~~It shall have power to~~ B. The board may require of all departments, divisions,  
20 agencies and officers of the county and of the several districts of the county such annual reports  
21 and other reports as in its opinion the business of the county requires.

22 (c) ~~It shall also have full power to~~ C. The board may inquire into the official conduct of  
23 any office or officer, whether elective or appointive, of the county or of any district thereof, and  
24 to investigate the accounts, receipts, disbursements and expenses of any county or district  
25 officer; ~~for.~~ For these purposes it may subpoena witnesses, administer oaths, and require the  
26 production of books, papers and other evidence; ~~and in case.~~ If any witness fails or refuses to  
27 obey any such lawful order of the board ~~of county supervisors~~, he shall be deemed guilty of a  
28 misdemeanor.

29 (d) D. The board ~~of county supervisors~~ shall, as soon as the county board form of county  
30 organization and government takes effect in the county, provide for the performance of all the  
31 governmental functions of the county in such a manner ~~as the board shall deem proper, not~~



1 ~~inconsistent~~ consistent with the provisions of the form of county organization and government  
2 herein provided this chapter.

3 ~~(e)~~ E. Whenever it is not designated herein what officer or employee of the county shall  
4 exercise any power or perform any duty conferred upon or required of the county, or any officer  
5 thereof, by general law, then any such power shall be exercised or duty performed by that officer  
6 or employee of the county so designated by ordinance or resolution of the board ~~of county~~  
7 ~~supervisors~~.

8 **Drafting note: No substantive change in the law.**

9  
10 § ~~15.1-702~~ 15.2-404. Appointment and compensation of officers and employees of  
11 county.

12 ~~(a)~~ A. The board ~~of county supervisors~~ shall, except as otherwise provided in § ~~15.1-706~~  
13 15.2-408 and except as the board may authorize any officer or the head of any office to appoint  
14 employees under such officer or in such office, appoint all officers and employees, including  
15 deputies and assistants, in the administrative service of the county. Any officer or employee of  
16 the county appointed pursuant to this section may be suspended or removed from office or  
17 employment either by the board ~~of county supervisors~~ or the officer or head of the office by  
18 whom he was appointed or employed.

19 ~~(b)~~ B. In the event of the absence or disability of any officer except those named in §  
20 ~~15.1-706~~ 15.2-408, the board ~~of county supervisors~~ or other appointing power may designate  
21 some responsible person to perform the duties of the office.

22 ~~(c)~~ C. The board ~~of county supervisors~~ shall, subject to such limitations as may hereafter  
23 be prescribed by general law; and except as herein otherwise provided, fix the compensation of  
24 all officers and employees of the county, ~~including deputies and assistants~~, except as it may  
25 authorize any officer or the head of any office to fix the compensation of employees, ~~including~~  
26 ~~deputies and assistants~~, under such officer or in such office; ~~the~~. The compensation of the  
27 attorney for the Commonwealth, the commissioner of the revenue, the county clerk, the sheriff,  
28 and the treasurer of the county, and the deputies, assistants and employees of such officers, shall  
29 be determined and paid in the manner which is or may hereafter be provided for the  
30 determination and payment of the salary of each such officer, respectively, by other provisions of  
31 general law.

1           ~~(d) D.~~ The chairman of the board of county supervisors shall receive as compensation for  
2 his services not in excess of \$3,000 per annum, and each of the other members of the board  
3 members shall receive for his services not in excess of \$2,700 per annum; ~~provided, however,~~  
4 ~~that.~~ However, in the County of Carroll County, the chairman and other members of the board  
5 members shall be compensated as provided for such county in § 14.1-46.01.

6           **Drafting note: No substantive change in the law.**

7  
8           § ~~15.1-703~~ 15.2-405. Assignment of activities.

9           Any activity which is ~~unassigned~~ not assigned by this form of county organization and  
10 government shall be assigned by the board of county supervisors to the appropriate officer or  
11 employee of the county, and the board may reassign, transfer or combine any such activities.

12           **Drafting note: No substantive change in the law.**

13  
14           § ~~15.1-704~~ 15.2-406. Appointment, compensation and removal of county administrator;  
15 ~~title of executive secretary changed to "county administrator"~~.

16           ~~(a) A.~~ The board of county supervisors shall appoint ~~an executive secretary~~ a county  
17 administrator and fix his compensation. He shall be appointed with due regard to merit only, and  
18 need not be a resident of the county at the time of his appointment. No ~~member of the board of~~  
19 ~~county supervisors~~ member shall, during the time for which he is elected, be chosen ~~executive~~  
20 ~~secretary of the board~~ county administrator.

21           ~~(b) B.~~ The ~~executive secretary shall~~ county administrator may be ~~removable~~ removed at  
22 the pleasure of the board of county supervisors.

23           ~~(c) C.~~ In case of the absence or disability of the ~~executive secretary~~ county administrator,  
24 the board of county supervisors may designate some responsible person to perform the duties of  
25 the office.

26           ~~(d) After July 1, 1973, the official known as executive secretary shall be called county~~  
27 ~~administrator.~~

28           ~~(e) Whenever the words "executive secretary" appear hereinafter in this article, they shall~~  
29 ~~be deemed to mean "county administrator."~~

30           **Drafting note: No substantive change in the law. The transitional language for the**  
31 **executive secretary/county administrator position is no longer needed.**

1  
2 § ~~15.1-705~~ 15.2-407. Powers and duties of ~~executive secretary~~ county administrator.

3 (a) A. The board ~~of county supervisors~~ may by resolution designate the ~~executive~~  
4 ~~secretary~~ county administrator as clerk of the board ~~of county supervisors~~. In such case and upon  
5 the qualification of the ~~executive secretary~~ county administrator authorized by this article the  
6 county clerk of such county shall be relieved of his duties in connection with the board ~~of county~~  
7 ~~supervisors~~ and all of his duties shall be imposed upon and performed by the ~~executive secretary~~  
8 county administrator. If the board ~~of county supervisors~~ does not designate the ~~executive~~  
9 ~~secretary~~ county administrator as clerk, the county clerk or one of his deputies shall attend the  
10 meetings of ~~said~~ the board and record in a book provided for the purpose all of the proceedings  
11 of the board, but he shall not be authorized and required to sign ~~the~~ any warrants of the board, if  
12 ~~any~~, such authority being hereby vested in the ~~executive secretary~~; ~~provided, however~~ county  
13 administrator. ~~However~~, the board ~~of county supervisors~~ may by resolution of record require the  
14 county clerk to sign all warrants of the board ~~of county supervisors~~.

15 (b) ~~He~~ B. The county administrator shall, insofar as ~~he shall be required by~~ the board ~~of~~  
16 ~~county supervisors~~ requires, be responsible to the board for the proper administration of all  
17 affairs of the county which the board has authority to control. He shall keep the board advised as  
18 to the financial condition of the county and shall submit to the board monthly, and at such other  
19 times as may be required, reports concerning the administrative affairs of the county.

20 (c) C. The ~~executive secretary~~ county administrator shall, if ~~required by~~ the board ~~of~~  
21 ~~county supervisors~~ requires, examine regularly the books and papers of each department, officer  
22 and agency of the county and report to the board the condition in which he finds them and such  
23 other information as the board may direct.

24 (d) ~~He~~ D. The county administrator shall from time to time submit to the board ~~such~~  
25 recommendations concerning the affairs of the county and its departments, officers and agencies  
26 as he ~~shall deem~~ deems proper.

27 (e) E. Under the direction of the board ~~of county supervisors~~, the ~~executive secretary~~  
28 county administrator, for informative and fiscal planning purposes only, shall prepare and submit  
29 to the board a proposed annual budget for the county. The board ~~of county supervisors~~ may,  
30 however, direct that the county budget be prepared by the county clerk.

1           ~~(f) He~~ F. The county administrator shall audit all claims against the county for services,  
2 materials and equipment for such county agencies and departments as the board of ~~county~~  
3 ~~supervisors~~ may direct, except those required to be received and audited by the county school  
4 board, and shall present the ~~same~~ audits to the board of county supervisors together with his  
5 recommendation and such information as ~~shall be~~ necessary to enable the board to act ~~with~~  
6 ~~reference to~~ on such claims.

7           ~~(g) In case~~ G. If the board of ~~county supervisors shall,~~ by resolution of record ~~designate,~~  
8 designates the ~~executive secretary~~ county administrator as clerk of the board of ~~county~~  
9 ~~supervisors, such executive secretary~~ the county administrator shall ~~have the following powers,~~  
10 ~~authority and duties:~~ ~~(1)~~ (i) have all the powers, authority and duties vested in the county clerk as  
11 clerk of the board of ~~supervisors~~, under general law; ~~(2) to~~ (ii) pay, with his warrant, all claims  
12 against the county chargeable against any fund under the control of the board of ~~county~~  
13 ~~supervisors~~, other than the general county fund, when such expenditure is authorized and  
14 approved by the officer and/or employee authorized to procure the services, supplies, materials  
15 or equipment accountable for such claims and after auditing the ~~same~~ claims as to ~~its~~ their  
16 authority and correctness; ~~to~~ (iii) pay with his warrant all claims against the county chargeable  
17 against the general county fund where the claim arose out of purchase made by the ~~executive~~  
18 ~~secretary~~ county administrator or for contractual services by him authorized and contracted  
19 within the power and authority given him by ~~the board of county supervisors by~~ resolution; ~~(3)~~  
20 ~~he shall~~ and (iv) pay with his warrant all claims against the county authorized to be paid by the  
21 board of ~~county supervisors~~.

22           **Drafting note: No substantive change in the law.**

23  
24           § ~~15.1-706~~ 15.2-408. Attorney for the Commonwealth, county clerk, sheriff,  
25 commissioner of the revenue and treasurer of the county.

26           ~~(a)~~ A. The attorney for the Commonwealth, the county clerk, the sheriff, the  
27 commissioner of the revenue and the treasurer of the county; in office immediately prior to the  
28 day upon which the county board form becomes effective in the county shall continue, unless  
29 sooner removed, as attorney for the Commonwealth, county clerk, sheriff, commissioner of the  
30 revenue and treasurer, respectively, of the county until the expiration of their respective terms of

1 office and until their successors have qualified. Thereafter, such officers shall be elected in such  
2 manner and for such terms as provided by general law.

3 (b) B. When any vacancy ~~shall occur~~ occurs in any office named in ~~the foregoing~~  
4 ~~paragraph subsection A, the judge of the circuit court of~~ for the county shall issue a writ of  
5 election to fill such vacancy. The election shall be held in the next succeeding November  
6 election or, if the vacancy occurs within ~~one hundred twenty~~ 120 days prior to such election, the  
7 second ensuing general election. The person so elected shall hold office for the unexpired term of  
8 the officer ~~whom such person is elected to succeed.~~ The ~~judge of the circuit court of~~ for the  
9 county may make a temporary appointment to fill such vacancy until the ~~people fill the same by~~  
10 election as ~~herein provided.~~

11 (c) C. Each officer named in subsection (a) A of this section, may appoint such deputies,  
12 assistants and employees as he may require in the exercise of the powers conferred and in the  
13 performance of the duties imposed upon him by law.

14 (d) D. Each officer, except the attorney for the Commonwealth, named in subsection (a)  
15 A of this section shall, except as otherwise provided in ~~the county board form of county~~  
16 ~~organization and government~~ this chapter, exercise all the powers conferred and perform all the  
17 duties imposed upon such officer by general law. He shall be accountable to the board of ~~county~~  
18 ~~supervisors~~ in all matters affecting the county and shall perform such duties, not inconsistent  
19 with his office, as the board of ~~county supervisors shall direct~~ directs.

20 **Drafting note: No substantive change in the law.**

21  
22 § ~~45.1-707~~ 15.2-409. Authority of boards of supervisors to require commissioners of  
23 revenue to prepare tax bills.

24 The board of ~~supervisors of any county operating under this article is hereby authorized~~  
25 ~~and empowered~~ may by resolution ~~duly adopted~~ to require the commissioner of revenue of such  
26 county to prepare and make all tax bills, in accord with all items shown on the land books,  
27 personal property books and income assessment books for the current year, and deliver the ~~same~~  
28 bills to the treasurer of the county at the time the land books, personal property books and  
29 income assessment books are delivered to such treasurer under general law. Such requirement  
30 shall not be effective, however, ~~unless and until the board of supervisors shall have~~ has first  
31 ~~acquired and installed in the office of the commissioner of revenue a proper and suitable~~

1 machine ~~in the operation of~~ by which the tax bills may be prepared and made out simultaneously  
2 with the preparation and making out of the books. The board ~~of supervisors is further authorized~~  
3 ~~and empowered to~~ may prescribe the form of the tax bills ~~herein authorized~~, and ~~to~~ require the  
4 commissioner of revenue to destroy all unused tax bill forms in the presence of the board or a  
5 committee of its members ~~duly~~ appointed by its chairman. When the board ~~of supervisors~~ has  
6 adopted such resolution and certified ~~the same~~ it to the county treasurer, he shall be relieved of  
7 all duties and responsibility in reference to the preparation of ~~said~~ the bills.

8 **Drafting note: No substantive change in the law. The stricken language in the first**  
9 **sentence is not needed since the entire chapter applies only to the county board form.**

10  
11 § ~~15.1-708~~ 15.2-410. County school board and division superintendent of schools.

12 ~~(a)~~ A. The county school board and the division superintendent of schools shall exercise  
13 all the powers conferred and perform all the duties imposed upon them by general law.

14 ~~(b)~~ B. The county school board shall be composed of not less than three nor more than six  
15 members chosen by the board of county supervisors to serve staggered four-year terms. Initial  
16 terms may be less than four years to establish the staggered membership. The terms of no more  
17 than three members shall expire in any one year. The board of county supervisors shall establish  
18 by resolution the number of school board members and the staggered membership. The school  
19 board membership may be increased from time to time up to six members. Three-member boards  
20 need not be staggered. All appointments to fill vacancies shall be made by the board of county  
21 supervisors and shall be for the unexpired terms.

22 ~~(c)~~ C. Each member shall receive as compensation for his services such annual salary as  
23 may be prescribed pursuant to § 22.1-32.

24 ~~(d)~~ D. The board of county supervisors may also appoint a resident of the county to cast  
25 the deciding vote in case of a tie vote of the school board as provided in § 22.1-75. The tie  
26 breaker, if any, shall be appointed for a four-year term whether appointed to fill a vacancy  
27 caused by expiration of a term or otherwise.

28 E. Notwithstanding the above provisions, the Board of Supervisors of Scott County may  
29 establish a staggered membership for its school board with the school board members serving  
30 three-year terms and the Board of Supervisors of Carroll County may continue to appoint five  
31 members to its school board to serve staggered five-year terms.

1           F. Notwithstanding any contrary provisions of this section, a county which has an elected  
2 school board shall comply with the applicable provisions of Article 7 (§ 22.1-57.1 et seq.) of  
3 Title 22.1.

4           **Drafting note: No substantive change in the law; subsection F is added as a cross**  
5 **reference to provisions relating to elected school boards.**

6  
7           § ~~15.1-709~~ 15.2-411. County health officer; county board of health.

8           The county health officer shall be chosen by the board of county supervisors from a list  
9 of eligibles furnished by the State Board of Health. He shall exercise all the powers conferred  
10 and shall perform all the duties imposed upon the local health officer and perform such other  
11 duties as may be imposed upon him by the board of county supervisors. The board of county  
12 supervisors may select two qualified citizens of the county, who shall serve without pay, and  
13 who together with the county health officer shall constitute the county board of health. Such  
14 board shall advise and cooperate with the county health officer. The board may at any time be  
15 abolished by the board of county supervisors. The board of county supervisors may, in lieu of  
16 establishing a local board of health as herein provided, operate its health department as a part of  
17 a State Board of Health district.

18           **Drafting note: No change.**

19  
20           § ~~15.1-710~~ 15.2-412. County board of public welfare and superintendent of public  
21 welfare.

22           The board of county supervisors shall select three qualified citizens of the county, one of  
23 whom may be a member of the board of county supervisors, who shall constitute the county  
24 board of public welfare. Such board shall, insofar as not inconsistent with this form of county  
25 organization and government, exercise all the powers conferred, and perform all the duties  
26 imposed, upon county boards of public welfare by law. There also shall be a superintendent of  
27 public welfare who shall be chosen by the board of county supervisors, or by the county board of  
28 public welfare if the board of county supervisors so provides, from a list of eligibles furnished by  
29 the Director of the Department of Social Services. He shall, insofar as ~~not inconsistent~~ consistent  
30 with this form of county organization and government, exercise ~~all~~ the powers conferred and  
31 perform ~~all~~ the duties imposed upon superintendents of public welfare by general law. The

1 county board of public welfare and the superintendent of public welfare shall also perform such  
2 other duties as ~~shall be~~ required by the board of county supervisors.

3 **Drafting note: No substantive change in the law.**

4  
5 ~~§ 15.1-711.~~

6 ~~Repealed by Acts 1972, c. 653.~~

7  
8 ~~§ 15.1-711.1~~ 15.2-413. Department of extension and continuing education.

9 The department of extension and continuing education shall be established for the  
10 purpose of conducting noncredit educational programs and disseminating useful and practical  
11 information pursuant to the provisions of Title 3.1, Chapter 8 (~~§ 3.1-40 et seq.~~) § 23-132.1 et seq.

12 **Drafting note: No substantive change in the law.**

13  
14 ~~§ 15.1-712~~ 15.2-414. County purchasing agent.

15 (a) ~~A. There shall be in the~~ The county shall have a county purchasing agent. The  
16 ~~executive secretary~~ county administrator shall, unless and until the board of ~~county supervisors~~  
17 ~~shall select~~ selects a county purchasing agent or ~~designate~~ designates some other officer to act as  
18 county purchasing agent, exercise ~~all~~ the powers conferred and perform ~~all~~ the duties imposed  
19 upon the county purchasing agent.

20 (b) ~~B.~~ The county purchasing agent shall, subject to such exceptions as ~~may be allowed~~  
21 ~~by the board of county supervisors~~ may allow, make all purchases for the county and its  
22 departments, officers and agencies.

23 (c) ~~He shall also have authority to make transfers of~~ C. The county purchasing agent may  
24 also transfer supplies, materials and equipment between, and ~~to~~ sell surplus equipment, materials  
25 and supplies not needed by, the departments, officers and agencies of the county.

26 (d) ~~D.~~ With the approval of the board of county supervisors, he the county purchasing  
27 agent may establish ~~suitable~~ specifications or standards for ~~all~~ equipment, materials and supplies  
28 to be purchased and inspect ~~all~~ deliveries to determine their compliance with such specifications  
29 and standards.

30 (e) ~~E.~~ All purchases and sales by the county purchasing agent shall be made in  
31 accordance with Chapter 7 (§ 11-35 et seq.) of Title 11 and under such rules and regulations ~~not~~



1 ~~inconsistent~~ consistent with Chapter 7 of Title 11 as the board ~~of county supervisors shall~~  
2 ~~provide~~ provides.

3 (F) F. The county purchasing agent shall have charge of such storage rooms and  
4 warehouses of the county as the board ~~of county supervisors may provide~~ provides.

5 **Drafting note: No substantive change in the law.**

6

7 ~~§ 15.1-713.~~

8 ~~Repealed by Acts 1972, c. 549.~~

9

10 ~~§ 15.1-714~~ 15.2-415. Schedule of compensation for officers and employees.

11 The board ~~of county supervisors~~ shall, except as otherwise provided in this ~~article~~  
12 ~~chapter~~, establish a schedule of compensation for officers and employees which shall, so far as  
13 practical, provide uniform compensation for like service. The compensation prescribed shall be  
14 subject to such limitations as may be made by general law.

15 **Drafting note: No substantive change in the law.**

16

17 ~~§ 15.1-715~~ 15.2-416. Official bonds.

18 The county officers ~~of the county~~ shall give such bonds as ~~are now~~ required by general  
19 law, except that the treasurer's bond ~~of the treasurer~~ shall be in such penalty as the court or judge  
20 ~~may require~~ requires, but not less than fifteen ~~per centum~~ percent of the amount to be received  
21 annually by him. In addition thereto, the board ~~of county supervisors shall have power to~~ may fix  
22 and require bonds in excess of the amounts so required, and to require bonds of other county  
23 officers and employees in their discretion, conditioned on the faithful discharge of their duties  
24 and the proper accounting for all funds coming into their possession.

25 **Drafting note: No substantive change in the law.**

26

27 ~~§ 15.1-716~~ 15.2-417. Examination and audit of accounts and books.

28 The board ~~of county supervisors~~ shall require an annual audit of the books of every  
29 county officer who handles public funds to be made by an accountant who is not a regular officer  
30 or employee of the county and who is thoroughly qualified by training and experience. An audit  
31 ~~made~~ by the Auditor of Public Accounts, under the provisions of law, may be considered as

1 having satisfied the requirements of this section. The board ~~of county supervisors~~ may at any  
2 time order an examination or audit of the accounts of any officer or employee of the county  
3 government. Upon the death, resignation, removal or expiration of the term of any county officer  
4 ~~of the county~~, the board ~~of county supervisors~~ shall cause an audit and investigation of the  
5 accounts of such officer to be made. If, as a result of any such audit, an officer ~~be~~ is found  
6 indebted to the county, the board ~~of county supervisors~~ shall proceed forthwith to collect such  
7 indebtedness.

8 **Drafting note: No substantive change in the law.**

9  
10 ~~§ 15.1-717.~~

11 ~~Repealed by Acts 1970, c. 463.~~

12  
13 ~~§ 15.1-718. Offices abolished; transfer of certain powers and duties.~~

14 ~~When this form of county organization and government shall be adopted the following~~  
15 ~~officers shall, when such form of organization and government become operative in the county,~~  
16 ~~be abolished, the powers and duties of such officers transferred as herein provided, and the terms~~  
17 ~~of office of such officers expire as provided in § 15.1-698:~~

18 (a) ~~Superintendent of the poor; his powers shall be exercised and his duties performed by~~  
19 ~~the superintendent of public welfare.~~

20 (b) ~~The school trustee electoral board.~~

21 (c) ~~The inheritance tax commissioner.~~

22 **Drafting note: Repealed; the listed offices no longer exist; § 15.2-403 (§ 15.1-701)**  
23 **gives the governing body general authority to organize the structure, powers and duties of**  
24 **the county government.**

25  
26 ~~§ 15.1-719.~~

27 ~~Repealed by Acts 1973, c. 30.~~

28  
29 ~~§ 15.1-720~~ 15.2-418. (For effective date - See note) Certain officers not affected.

30 The following officers shall not, except as herein otherwise provided, be affected by the  
31 adoption of the county board form:

- 1           ~~(1)~~ 1. Jury commissioners;
- 2           ~~(2)~~ Notaries public;
- 3           ~~(3)~~ 2. County electoral boards;
- 4           ~~(4)~~ 3. Registrars;
- 5           ~~(5)~~ 4. Judges and clerks of election;
- 6           ~~(6)~~ County coroners;
- 7           ~~(7)~~ Judge of general or juvenile and domestic relations district court;
- 8           ~~(8)~~ 5. Magistrates; and
- 9           ~~(9)~~ 6. ~~Commissioner~~ Commissioners of accounts.

10           **Drafting note: No substantive change in the law. Certain officers are stricken from**  
11 **this section since they would clearly not be impacted by the adoption of the county board**  
12 **form.**

13  
14           § ~~15.1-720~~ 15.2-418. (Delayed effective date - See notes) Certain officers not affected.  
15           The following officers shall not, except as herein otherwise provided, be affected by the  
16 adoption of the county board form:

- 17           ~~(1)~~ 1. Jury commissioners;
- 18           ~~(2)~~ Notaries public;
- 19           ~~(3)~~ 2. County electoral boards;
- 20           ~~(4)~~ 3. Registrars;
- 21           ~~(5)~~ 4. Judges and clerks of election;
- 22           ~~(6)~~ County coroners;
- 23           ~~(7)~~ Judge of general or juvenile and domestic relations district court;
- 24           ~~(8)~~ 5. Magistrates; and
- 25           ~~(9)~~ 6. ~~Commissioner~~ Commissioners of accounts.

26           **Drafting note: No substantive change in the law. Certain officers are stricken from**  
27 **this section since they would clearly not be impacted by the adoption of the county board**  
28 **form.**

29  
30           § ~~15.1-721~~. ~~Procedure whereby form of county organization and government may be~~  
31 ~~changed.~~

1           ~~(a) Any county which adopts the county board form of organization and government~~  
2 ~~provided for by §§ 15.1-699 to 15.1-721, both inclusive, may change to some other form of~~  
3 ~~organization and government prescribed by Article VII of the Constitution of Virginia and the~~  
4 ~~general law of the Commonwealth. The procedure shall be the same, insofar as applicable, as~~  
5 ~~that herein provided in § 15.1-698.~~

6           ~~(b) If in accordance with the provisions of the foregoing paragraph of this section the~~  
7 ~~voters approve changing the form of county organization and government from the county board~~  
8 ~~form to some other form of county organization and government prescribed by Article VII of the~~  
9 ~~Constitution of Virginia and the provisions of general law enacted pursuant thereto, the change~~  
10 ~~shall become effective on the first day of January next succeeding the election wherein the~~  
11 ~~change is approved.~~

12           ~~(c) The term of the member of the board of county supervisors elected from the county at~~  
13 ~~large shall terminate and his office be abolished at the same time that the change in the form of~~  
14 ~~county organization and government becomes effective. The other members of the board of~~  
15 ~~county supervisors in office immediately prior to the change shall constitute and continue as,~~  
16 ~~unless sooner revoked, the board of supervisors of the county until the expiration of their~~  
17 ~~respective terms and until their successors are qualified.~~

18           ~~(d) The clerk, attorney for the Commonwealth, sheriff, commissioner of the revenue and~~  
19 ~~treasurer of the county immediately prior to the change in the form of county organization and~~  
20 ~~government shall continue, unless sooner removed, as clerk, attorney for the Commonwealth,~~  
21 ~~sheriff, commissioner of the revenue and treasurer, respectively, until the expiration of their~~  
22 ~~respective terms of office and until their respective successors are qualified.~~

23           ~~(e) If the change in the form of county organization and government becomes effective~~  
24 ~~on the first day of January next succeeding the regular election of the successors to the officers~~  
25 ~~mentioned in paragraphs (c) and (d) of this section, such newly elected successors shall qualify~~  
26 ~~and, as soon as possible after the change becomes effective, succeed the officers mentioned in~~  
27 ~~paragraphs (c) and (d) of this section.~~

28           ~~(f) All other county and district officers provided for by general law, but abolished by~~  
29 ~~the county board form of organization and government, shall, upon the change provided for in~~  
30 ~~this section becoming effective, be filled by appointment or election as provided by law.~~

31           **Drafting note: Repealed; the subject matter of this section is found in § 15.2-305.**

1 **PROPOSED**  
2 **CHAPTER 13 5.**  
3 **COUNTY EXECUTIVE AND COUNTY MANAGER FORMS FORM OF**  
4 **GOVERNMENT.**  
5

6 **Chapter drafting note: Old Chapter 13, which contains provisions for two separate**  
7 **forms of county government, is divided into two chapters. Proposed Chapter 5 contains the**  
8 **provisions for the county executive form, which is used by Albemarle and Prince William**  
9 **Counties, and proposed Chapter 6 contains the provisions for the county manager form,**  
10 **and is not shown in this draft.**

11  
12 **Article 1.**

13 **~~Effective Change Adoption of County Executive Form.~~**

14  
15 **~~§ 15.1-582. Two forms provided for.~~**

16 **~~Any county in the Commonwealth, except those having the county manager form of~~**  
17 **~~government under the provisions of Chapter 14 (§ 15.1-669 et seq.) of this title, may adopt either~~**  
18 **~~of the two forms of county organization and government provided for in Articles 2 (§ 15.1-588 et~~**  
19 **~~seq.) and 3 (§ 15.1-622 et seq.) of this chapter, by complying with the requirements and~~**  
20 **~~procedure hereinafter specified.~~**

21 **Drafting note: Repealed; the subject matter of this section is found in § 15.2-300.**

22  
23 **~~§ 15.1-583. Petition and order for election; notice; resolution in lieu of petition.~~**

24 **~~Upon a petition filed with the circuit court of the county signed by ten per centum of the~~**  
25 **~~qualified voters of such county which in no event shall be less than 100 qualified voters of the~~**  
26 **~~county, asking that a referendum be held on the question of adopting one of the forms of county~~**  
27 **~~organization and government herein provided for, the court shall, by order entered of record, in~~**  
28 **~~accordance with § 24.1-165, require the regular election officials to open a poll and take the~~**  
29 **~~sense of the qualified voters of the county on the question submitted as herein provided. The~~**  
30 **~~clerk of the county shall cause a notice of such election to be published in some newspaper~~**  
31 **~~published in or having a general circulation in the county once a week for three consecutive~~**

1 weeks and shall post a copy of such notice at the door of the courthouse of the county. The cost  
2 of such publication shall be paid by the petitioner or the applicant.

3 ~~In lieu of such a petition, a resolution may be passed by the board of supervisors and filed~~  
4 ~~with the court asking for a referendum, in which case the court shall proceed as in the case of a~~  
5 ~~petition.~~

6 **Drafting note: Repealed; see Chapter 3 for the uniform procedure for adopting**  
7 **optional forms of government.**

8  
9 § 15.1-584. ~~Conducting election; form of ballots.~~

10 ~~The regular election officers of such county at the time designated in the order~~  
11 ~~authorizing the vote shall open the polls at the various voting places in the county and conduct~~  
12 ~~the election in such manner as is provided by law for other elections, insofar as the same is~~  
13 ~~applicable. The election shall be by secret ballot and the ballots shall be prepared by the electoral~~  
14 ~~board and distributed to the various election precincts as in other elections. The ballots used shall~~  
15 ~~be printed to read as follows:-~~

16 ~~Question one. Shall the county change its form of government?~~

17  ~~Yes~~

18  ~~No~~

19 ~~Question two. In the event of such change, which form of organization and government~~  
20 ~~shall be adopted?-~~

21  ~~County Executive Form~~

22  ~~County Manager Form~~

23 ~~If the petition or the resolution provided for in § 15.1-583 shall ask for a referendum on~~  
24 ~~the single question as to whether the county shall adopt that form of county organization and~~  
25 ~~government designated herein as the county executive form, the ballot shall read:-~~

26 ~~Shall the county adopt the county executive form?~~

27  ~~Yes~~

28  ~~No~~

29 ~~If the petition or the resolution shall ask for a referendum on the single question as to~~  
30 ~~whether the county shall adopt that form of county organization and government designated~~  
31 ~~herein as the county manager form, the ballot shall read:-~~

1            Shall the county adopt the county manager form?

2             Yes

3             No

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

5            ~~The ballots shall be counted, returns made and canvassed as in other elections, and the~~  
6 ~~results certified by the electoral board to the circuit court. If it shall appear by the report of the~~  
7 ~~electoral board that a majority of the qualified voters of the county voting are in favor of~~  
8 ~~changing the existing form of government therein provided for, the circuit court shall enter of~~  
9 ~~record such fact, and the additional fact as to the form of county organization and government~~  
10 ~~adopted.~~

11            **Drafting note: Repealed; see Chapter 3 for the uniform procedure for adopting**  
12 **optional forms of government.**

13

14            ~~§ 15.1-585. When change effective.~~

15            ~~From and after the date on which the officers first elected under the provision of § 15.1-~~  
16 ~~586 shall take office, the form of organization and government of such county shall be in~~  
17 ~~accordance with the form of organization and government adopted by the voters.~~

18            **Drafting note: Repealed; the subject matter of this section is found in § 15.2-302**  
19 **with no substantive change.**

20

21            ~~§ 15.1-586. When new supervisors elected.~~

22            ~~When any form of county organization and government provided for herein shall have~~  
23 ~~been adopted by any county, the members of the board of county supervisors thereof shall be~~  
24 ~~elected at the next succeeding regular November election; their term of office shall commence on~~  
25 ~~the first day of January thereafter. Until the supervisors so elected, or a majority of them, shall~~  
26 ~~have qualified and take office, the supervisors in office shall continue.~~

27            **Drafting note: Repealed; the subject matter of this section is found in § 15.2-303**  
28 **with no substantive change.**

29

30            ~~§ 15.1-587. Effect of change on other county officers.~~

1 All other county and district officers of such county shall continue to hold office until  
2 their successors are elected or appointed and shall have qualified; but the term of office of any  
3 person who holds an office abolished by the form of organization and government adopted shall  
4 terminate as soon as his powers and duties shall have been transferred to some other officer or  
5 employee, or done away with.

6 **Drafting note: Repealed; the subject matter of this section is found in § 15.2-304**  
7 **with no substantive change.**

8  
9 Article 2.

10 County Executive Form.

11  
12 § ~~15.1-588~~ 15.2-500. Title of ~~plan~~ form; applicability of chapter.

13 The form of county organization and government provided for in §§ ~~15.1-588 to 15.1-~~  
14 ~~621, inclusive, this chapter~~ shall be known and designated as the county executive form. The  
15 provisions of this chapter shall apply only to counties which have adopted the county executive  
16 form.

17 **Drafting note: No substantive change in the law. The county executive form is**  
18 **currently used by Albemarle and Prince William County.**

19  
20 § 15.2-501. Adoption of county executive form.

21 Any county may adopt the county executive form of government in accordance with the  
22 provisions of Chapter 3.

23 **Drafting note: This new section is added in order to cross-reference the procedure**  
24 **by which counties may adopt an optional form of government.**

25  
26 § ~~15.1-589~~ 15.2-502. Powers vested in board of county supervisors; election and terms of  
27 members; vacancies.

28 The powers of the county as a body politic and corporate shall be vested in a board of  
29 county supervisors (“the board”), to consist of not less than three nor more than nine members to  
30 be elected by the ~~qualified~~ voters of the county at large, or solely by the ~~qualified~~ voters of the  
31 respective magisterial or election district of which each member is a qualified voter, ~~depending~~



1 upon the result of the election held upon the questions submitted to the voters pursuant to ~~§ 15.1-~~  
2 ~~589.1~~. There shall be on the board for each magisterial or election district one member, and no  
3 more, who shall be a qualified voter of ~~such~~ the district.

4 The supervisors first elected shall hold office until January 1 following the next regular  
5 election provided by general law for the election of supervisors. At such election their successors  
6 shall be elected for terms of four years each.

7 When any vacancy ~~shall occur~~ occurs in the board ~~of supervisors~~, the vacancy shall be  
8 filled in accordance with ~~§ 24.1-76.1~~ 24.2-228, except that the board shall have the option in its  
9 petition to the court to request that the election to fill the vacancy be held prior to the next or  
10 second ensuing general election, as the case may be. In that event, such election shall be held  
11 within sixty days of the issuance of the writ, or, if such election would fall within the sixty days  
12 prior to a general or primary election, on the general election day or within sixty days following  
13 the primary election.

14 **Drafting note: No substantive change in the law.**

15  
16 ~~§ 15.1-589.1. Referendum on election of supervisors by districts or at large.~~

17 ~~The governing body of any county which has adopted the county executive form of~~  
18 ~~government as provided in chapter 368 of the Acts of 1932, at an election held prior to April 6,~~  
19 ~~1942, for that purpose pursuant to the provisions of said chapter, may by resolution petition the~~  
20 ~~circuit court of the county requesting that a referendum be held on the following question: Shall~~  
21 ~~the county board of supervisors be elected solely by the qualified voters of each magisterial~~  
22 ~~district, or by the qualified voters of the county at large? The court shall by order entered of~~  
23 ~~record in accordance with § 24.1-165, require the regular election officials on a day fixed in such~~  
24 ~~order to open a poll and take the sense of the qualified voters of the county on the question~~  
25 ~~submitted as herein provided. The clerk of the county shall cause a notice of such referendum~~  
26 ~~election to be published in some newspaper published in or having a general circulation in the~~  
27 ~~county once a week for four consecutive weeks and shall post a copy of such notice at the door~~  
28 ~~of the courthouse of the county. In lieu of such resolution by the board of supervisors, upon a~~  
29 ~~petition filed with the circuit court of the county signed by ten per centum of the qualified voters~~  
30 ~~of such county requesting such referendum, the court shall proceed as in the case of a resolution~~  
31 ~~filed by the board of supervisors. The ballot used shall be printed to read as follows:-~~

1           ~~Shall the county board of supervisors be elected by the qualified voters of each~~  
2 ~~magisterial district, or by the qualified voters of the county at large?~~

3            ~~By qualified voters of each magisterial district.~~

4            ~~By the qualified voters of the county at large.~~

5           ~~The ballots shall be marked in accordance with the provisions of § 24.1-165.~~

6           ~~The ballots shall be counted, returns made and canvassed as in other elections, and the~~  
7 ~~result certified by the electoral board to the circuit court of the county. The circuit court shall~~  
8 ~~enter of record the fact of which method of election of supervisors has been chosen by a majority~~  
9 ~~of the qualified voters participating in such referendum election, and an election for members of~~  
10 ~~the board by such method in that county shall be held at the next regular November election of~~  
11 ~~such officers, and every four years thereafter.~~

12           ~~In any election pursuant to §§ 15.1-582 to 15.1-585, the question provided for in this~~  
13 ~~section shall be submitted to the voters, in addition to the question or questions required by §~~  
14 ~~15.1-584.~~

15           **Drafting note: Repealed; this section is no longer needed.**

16  
17           ~~§ 15.1-589.2. Election by voters of magisterial districts in certain counties.~~

18           ~~If any county which adjoins three cities in this Commonwealth, one of which has a~~  
19 ~~population of more than one hundred ninety thousand, elects to adopt the form of government~~  
20 ~~provided in this article, each member of the county governing body shall, notwithstanding other~~  
21 ~~provisions hereof to the contrary, continue to be a qualified voter of his magisterial district and~~  
22 ~~elected by the qualified voters of such district.~~

23           **Drafting note: Repealed; this section, which appears to have applied to Chesterfield**  
24 **County, is no longer needed.**

25  
26           ~~§ 15.1-589.3~~ 15.2-503. Referendum on election of the county chairman from the county  
27 at large at large; powers and duties of chairman.

28           A. The governing body board of any county which has adopted the county executive  
29 form of government, and which is contiguous to a county having the urban county executive  
30 form of government provided in this article and in which members of the board of supervisors  
31 are elected from districts, may by resolution petition the circuit court of for the county for a

1 referendum on the question of whether there should be a chairman of the ~~county~~ board of  
2 supervisors elected ~~at large~~ at large, or the like referendum may be requested by a petition to the  
3 circuit court signed by ~~registered voters equal in number~~ at least ~~to~~ ten percent of the ~~registered~~  
4 voters of the county ~~as of January 1 of the year in which the petition is filed~~. Upon the filing of  
5 the petition, which shall be filed not less than ninety days before the general election, the circuit  
6 court shall order the election officials at the next general election held in the county to open the  
7 polls and take the sense of the voters therein on that question. ~~The clerk of the court shall cause~~  
8 ~~notice~~ Notice of the referendum ~~to~~ shall be published once a week for ~~four~~ three consecutive  
9 weeks prior to the referendum in a newspaper having general circulation in the county, and shall  
10 ~~post a copy of such notice during the same time~~ be posted at the door of the county courthouse of  
11 ~~the county~~. The ballot shall be printed as follows:

12 "Shall the chairman of the county board of supervisors, to be known as the county  
13 chairman, be elected by the voters of the county ~~at large~~ at large?

14  Yes

15  No"

16 The election shall be held and the results certified as provided in § ~~24.1-165~~ 24.2-684.

17 B. If a majority of the qualified voters voting in such referendum vote in favor of the  
18 election of a county chairman of the board of ~~supervisors~~ from the county ~~at large~~ at large,  
19 beginning at the next general election for the board of ~~supervisors~~, the county chairman shall be  
20 elected for a term of the same length and commencing at the same time as that of other members  
21 of the ~~county~~ board, ~~of supervisors~~. No person may be a candidate for county chairman at the  
22 same time he is a candidate for membership on the ~~county~~ board from any district of the county.

23 C. Notwithstanding the provisions of § ~~15.1-589~~ 15.2-502, the ~~county~~ board of  
24 ~~supervisors~~ thereafter shall consist of one member elected from each district of ~~such~~ the county  
25 and a county chairman elected by the voters of the county ~~at large~~ at large. The county chairman  
26 shall be the chairman of the ~~county~~ board of ~~supervisors~~ and preside at ~~the~~ its meetings ~~thereof~~.  
27 The chairman shall represent the county at official functions and ceremonial events. The  
28 chairman shall have all voting and other rights, privileges, and duties of other board members of  
29 ~~the board~~ and such other, not in conflict with this article, as the board may prescribe. At the first  
30 meeting at the beginning of its term and any time thereafter when necessary, the board of

1 supervisors shall elect a vice-chairman from its membership, who shall perform the duties of the  
2 chairman in his absence.

3 **Drafting note: SUBSTANTIVE CHANGE; this section, which applied only to**  
4 **Prince William County, has been broadened to apply to any county with the county**  
5 **executive form. If this change is not made, the section should be repealed since Prince**  
6 **William already has a board chairman elected at large. Also, the publication requirement**  
7 **is changed from four to three weeks in order to be consistent with other notice**  
8 **requirements within this subtitle (see § 15.2-301 B, for example).**

9  
10 Article 2.

11 General Powers; County Executive Form.

12  
13 § ~~15.1-590~~ 15.2-504. General powers of board.

14 The board of ~~county supervisors~~ shall be the policy-determining body of the county and  
15 shall be vested with all rights and powers conferred on boards of supervisors by general law, ~~not~~  
16 ~~inconsistent~~ consistent with the form of county organization and government ~~herein~~ provided in  
17 this chapter.

18 **Drafting note: No substantive change in the law.**

19  
20 § ~~15.1-590.1~~ 15.2-505. Appointment by certain ~~local government~~ localities of members  
21 of certain boards, authorities and commissions.

22 ~~Notwithstanding any contrary provision of general law, the~~ The governing body of a  
23 county having the county executive form of government that is adjacent to a county having the  
24 urban county executive form of government may establish different terms of office for initial and  
25 subsequent appointments for those boards, authorities and commissions for which it is given the  
26 authority to appoint members, excluding authorities empowered to issue certificates of  
27 indebtedness.

28 ~~Such~~ The different terms of office for such boards, authorities and commissions shall be  
29 for fixed terms, and such different terms of office may include, but are not limited to, terms of  
30 either two or four years and terms that extend until July 1 of the year following the year in which  
31 there is a regular election provided by general law for the election of supervisors. ~~In the event~~ If

1 the board ~~of supervisors~~ establishes different terms of office pursuant to this section, ~~such~~ the  
2 new terms shall affect future appointments to such offices and shall not affect the existing terms  
3 of any commissioner or member then serving in office. This section shall not affect the removal  
4 of any member of a board, authority or commission for incompetency, neglect of duty or misuse  
5 of office pursuant to provisions of general law.

6 **Drafting note: No substantive change in the law.**

7  
8 ~~§ 15.1-591.~~

9 ~~Repealed by Acts 1968, c. 378.~~

10  
11 ~~§ 15.1-592~~ 15.2-506. Investigation of county officers.

12 The board ~~shall have full power to~~ may inquire into the official conduct of any office or  
13 officer under its control, and ~~to~~ investigate the accounts, receipts, disbursements and expenses of  
14 any county or district officer; ~~for~~. For these purposes it may subpoena witnesses, administer  
15 oaths and require the production of books, papers and other evidence; ~~and in case any.~~ Any  
16 witness who fails or refuses to obey ~~any lawful~~ an order of the board ~~of supervisors~~, he shall be  
17 guilty of a misdemeanor.

18 **Drafting note: No substantive change in the law.**

19  
20 ~~§ 15.1-593~~ 15.2-507. Organization of departments.

21 The board ~~of county supervisors~~ shall, as soon as ~~the~~ its members ~~thereof~~ are elected and  
22 take office, provide for the performance of all the governmental functions of the county and to  
23 that end shall provide for and set up all necessary departments of government ~~that shall be~~  
24 ~~necessary, not inconsistent~~ consistent with the ~~provisions of the form of county organization and~~  
25 ~~government herein provided~~ this chapter and general law.

26 **Drafting note: No substantive change in the law.**

27  
28 ~~§ 15.1-594~~ 15.2-508. Designation of officers to perform certain duties.

29 Whenever it is not designated herein what officer or employee of the county shall  
30 exercise any power or perform any duty conferred upon or required of the county, or any officer  
31 thereof, by general law, then any such power shall be exercised or duty performed by that officer

1 or employee of the county so designated by ordinance or resolution of the board of ~~county~~  
2 ~~supervisors~~.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-595~~ 15.2-509. County executive appointed by board.

6 The board of ~~county supervisors~~ shall appoint a county executive and fix his  
7 compensation. He shall devote his full time to the work of the county. He shall be appointed with  
8 regard to merit only, and need not be a resident of the county at the time of his appointment. No  
9 board member of ~~the board of county supervisors~~ shall, during the time for which he has been  
10 elected, be chosen county executive, nor shall such powers be given to a person who at the same  
11 time is filling an elective office. The head of one of the departments of ~~our~~ county government  
12 may, however, also be appointed county executive.

13 **Drafting note: No substantive change in the law.**

14  
15 § ~~15.1-596~~ 15.2-510. Tenure of office; removal.

16 The county executive shall not be appointed for a definite tenure, but ~~shall~~ may be  
17 ~~removable~~ removed at the pleasure of the board of ~~county supervisors~~. ~~In case~~ If the board  
18 determines to remove the county executive, he shall be given, if he so demands, a written  
19 statement of the reasons alleged for the proposed removal and the right to a hearing thereon at a  
20 public meeting of the board prior to the date on which his final removal ~~shall take~~ takes effect,  
21 ~~but pending.~~ Pending and during such hearing, the board of ~~county supervisors~~ may suspend  
22 him from office, provided that the period of suspension ~~shall~~ be limited to thirty days. The action  
23 of the board in suspending or removing the county executive ~~shall is~~ is not be subject to review.

24 **Drafting note: No substantive change in the law.**

25  
26 § ~~15.1-597~~ 15.2-511. Disability of executive.

27 In case of the absence or disability of the county executive, the board of ~~county~~  
28 ~~supervisors~~ may designate some responsible person to perform the duties of the office who meets  
29 the criteria of § 15.2-509.

1           **Drafting note: No substantive change in the law; the reference to § 15.2-509**  
2 **requires the board’s selection of an interim county executive to meet the same basic criteria**  
3 **as a permanent selection.**

4  
5           § ~~15.1-598~~ 15.2-512. Appointment of officers and employees; recommendations by  
6 county executive.

7           The board ~~of county supervisors~~ shall appoint, upon the recommendation of the county  
8 executive, all officers and employees in the administrative service of the county except as  
9 otherwise provided in § ~~15.1-614~~ 15.2-535 and except as the board may authorize the head of a  
10 department or office to appoint subordinates in such department or office; ~~provided, however,~~  
11 However, in appointing the county school board no recommendation by the county executive  
12 shall be required. All appointments shall be based on ~~the basis of the~~ ability, training and  
13 experience of the appointees which ~~fit them for~~ are relevant to the work which they are to  
14 perform.

15           **Drafting note: No substantive change in the law.**

16  
17           § ~~15.1-599~~ 15.2-513. Term, removal and disability of officers and employees.

18           All ~~such~~ appointments of officers and employees shall be without definite term, unless  
19 for temporary service not to exceed sixty days, ~~except as otherwise provided as to the county~~  
20 ~~executive~~.

21           Any officer or employee of the county appointed pursuant to § ~~15.1-598~~ 15.2-512 may be  
22 suspended or removed from office or employment either by the board of county supervisors or  
23 the officer by whom he was appointed or employed. In case of the absence or disability of any  
24 officer, except the county clerk, the attorney for the Commonwealth, and the sheriff, which  
25 offices shall be filled as provided by general law, the board of county supervisors or other  
26 appointing power may designate some responsible person to perform the duties of the office.

27           **Drafting note: No substantive change in the law. Language in the first sentence is**  
28 **deleted since § 15.2-510 also provides that the county executive serves without definite**  
29 **tenure.**

30  
31           § ~~15.1-600~~ 15.2-514. Compensation of officers and employees.

1           The board of ~~county supervisors~~ shall, subject to ~~such~~ the limitations as ~~may be made by~~  
2 of general law, establish a schedule of compensation for officers and employees which provides  
3 uniform compensation for like service and shall fix the compensation of all officers and  
4 employees of the county, except as it may authorize the head of ~~some~~ a department or office to  
5 fix the compensation of subordinates and employees in such department or office. The board  
6 may authorize the county executive to establish terms and conditions of employment for  
7 department heads and other specified employees who report directly to the county executive.

8           **Drafting note: No substantive change in the law; the new language is relocated from**  
9 **§ 15.1-616.**

10  
11           ~~§ 15.1-600.1~~ 15.2-515. Restrictions on activities of former officers and employees.

12           ~~The provisions of this section shall apply to any county operating under the county~~  
13 ~~executive form of government which has~~ In any county with a population of at least 100,000. ~~In~~  
14 ~~any such county,~~ the board of ~~county supervisors~~, by ordinance, may prohibit former officers and  
15 employees, for one year after their terms of office have ended or employment ceased, from  
16 providing personal and substantial assistance for remuneration of any kind to any party, in  
17 connection with any proceeding, application, case, contract, or other particular matter involving  
18 the county or an agency thereof, if that matter is one in which the former officer or employee  
19 participated personally and substantially as a county officer or employee through decision,  
20 approval, or recommendation.

21           The term "officer or employee," as used in this section, includes members of the board of  
22 county supervisors, county officers and employees, and individuals who receive monetary  
23 compensation for service on or employment by agencies, boards, authorities, sanitary districts,  
24 commissions, committees, and task forces appointed by the board of county supervisors.

25           **Drafting note: No substantive change in the law.**

26  
27           ~~§ 15.1-601. Meetings and discussions with board of supervisors.~~

28           ~~The county executive, the attorney for the Commonwealth, the sheriff and the directors or~~  
29 ~~heads of all departments of the county shall be entitled to be present at all meetings of the board~~  
30 ~~of county supervisors. The county executive shall have the right to take part in all discussions~~  
31 ~~and to present his views on all matters coming before the board; the attorney for the~~



1 Commonwealth, the sheriff and the directors or heads of the departments shall be entitled to  
2 present their views on matters relating to their respective departments.

3 **Drafting note: Repealed; this section, which pre-dates the Virginia Freedom of**  
4 **Information Act, is no longer needed.**

5  
6 § ~~15.1-602~~ 15.2-516. Duties of county executive.

7 The county executive shall be the administrative head of the county. He shall attend all  
8 meetings of the board of county supervisors and recommend such action as he ~~may deem~~ deems  
9 expedient. He shall be responsible to the board of ~~county supervisors~~ for the proper  
10 administration of ~~all~~ the affairs of the county which the board has authority to control.

11 He shall also:

12 ~~(4)~~ 1. Make monthly reports to the board of ~~county supervisors in regard to~~ on matters of  
13 administration, and keep the board fully advised as to the county's financial condition ~~of the~~  
14 ~~county.~~

15 ~~(2)~~ 2. Submit to the board of ~~county supervisors~~ a proposed annual budget, with his  
16 recommendations, and ~~shall~~ execute the budget as finally adopted.

17 ~~(3)~~ 3. Execute and enforce all board resolutions and orders ~~of the board of county~~  
18 ~~supervisors~~ and ~~shall~~ see that all laws of the Commonwealth required to be enforced through the  
19 board of ~~county supervisors~~ or some other county officer subject to the control of the board of  
20 ~~county supervisors~~ are faithfully executed.

21 ~~(4)~~ 4. Examine regularly the books and papers of every officer and department of the  
22 county and report to the board of ~~county supervisors the~~ on their condition ~~in which he finds~~  
23 ~~them.~~

24 ~~(5)~~ 5. Perform such other duties as may be required of him by the board of ~~county~~  
25 ~~supervisors~~, and as may be otherwise required of him by law.

26 **Drafting note: No substantive change in the law.**

27  
28 § ~~15.1-603~~ 15.2-517. Executive may also be department head.

29 The county executive may, if ~~required by~~ the board of ~~county supervisors~~ requires, act as  
30 the director or head of any department or departments, the directors or heads of which are

1 appointed by the board of ~~county supervisors~~, providing he is otherwise eligible to head such  
2 department or departments.

3 **Drafting note: No substantive change in the law.**

4  
5 Article 3.

6 Departments; County Executive Form.

7  
8 § ~~15.1-604~~ 15.2-518. Departments of the county.

9 The activities or functions of the county shall, with the exceptions herein provided, be  
10 distributed among the following general divisions or departments:

11 ~~(1)~~ 1. Department of finance.

12 ~~(2)~~ 2. Department of public welfare or social services.

13 ~~(3)~~ 3. Department of law enforcement.

14 ~~(4)~~ 4. Department of education.

15 ~~(5)~~ 5. Department of records.

16 ~~(6)~~ 6. Department of health.

17 The board of ~~county supervisors~~ may establish any of the following additional  
18 departments, and such other departments as it deems necessary to the proper conduct of the  
19 business of the county:

20 ~~(1)~~ 1. Department of assessments.

21 ~~(2) Department of extension and continuing education.~~

22 ~~(3)~~ 2. Department of public works.

23 Any activity which is unassigned by this form of county organization and government  
24 shall, upon recommendation of the county executive, be assigned by the board of ~~county~~  
25 ~~supervisors~~ to the appropriate department. The board may further, upon recommendation of the  
26 county executive, reassign, transfer, rename or combine any county functions, activities or  
27 departments.

28 **Drafting note: No substantive change in the law; nonexistent departments are**  
29 **deleted.**

30  
31 § ~~15.1-605~~ 15.2-519. Department of finance; director; general duties.

1           ~~(a) Director; general duties.~~ The director of finance shall be the head of the department  
2 of finance and, as such, have charge of: (i) the administration of the financial affairs of the  
3 county, including the budget; (ii) the assessment of property for taxation; (iii) the collection of  
4 taxes, license fees and other revenues; (iv) the custody of all public funds belonging to or  
5 handled by the county; (v) the supervision of the expenditures of the county and its subdivisions;  
6 (vi) the disbursement of county funds; (vii) the purchase, storage and distribution of all supplies,  
7 materials, equipment and contractual services needed by any department, office or other using  
8 agency of the county unless some other officer or employee is designated for this purpose; (viii)  
9 the keeping and supervision of all accounts; and (ix) such other duties as the board of ~~county~~  
10 ~~supervisors may by ordinance or resolution require~~ requires.

11           **Drafting note: No substantive change in the law. Section 15.1-605 has been divided**  
12 **into seven sections. Provision (h) is deleted since it duplicates provision (ix) of this section.**  
13 **Provision (i) is deleted as unnecessary.**

14  
15           ~~(b) Expenditures and accounts. § 15.2-520. Same; expenditures and accounts.~~

16           No money shall be drawn from the treasury of the county, nor shall any obligation for the  
17 expenditure of money be incurred, except ~~in pursuance of~~ pursuant to appropriation resolutions;  
18 ~~except funds.~~ Funds appropriated for outstanding grants, however, may be carried over for one  
19 year without being reappropriated. Accounts shall be kept for each item of appropriation made  
20 by the board of ~~county supervisors~~. Each such account shall show in detail the appropriations  
21 made thereto, the amount drawn thereon, the unpaid obligation charged against it, and the  
22 unencumbered balance in the appropriation account, properly chargeable, sufficient to meet the  
23 obligation entailed by contract, agreement or order.

24           **Drafting note: No substantive change in the law.**

25  
26           ~~(c) Powers of commissioners of revenue. § 15.2-521. Same; powers of commissioners of~~  
27 revenue; real estate reassessments.

28           A. The director of finance shall exercise all the powers conferred and perform all the  
29 duties imposed by general law upon commissioners of the revenue, not inconsistent herewith,  
30 and shall be subject to the obligations and penalties imposed by general law.

31           ~~(d) Real estate reassessments.~~

1            ~~B. Every~~ The director of finance shall make every general reassessment of real estate in  
2 the county, unless some other person ~~be is~~ designated for this purpose by the board ~~of county~~  
3 ~~supervisors~~ in accordance with § ~~15.1-598~~ 15.2-512 or unless the board ~~shall create~~ creates a  
4 separate department of assessments in accordance with § ~~15.1-604~~ 15.2-518 ~~shall be made by the~~  
5 ~~director of finance; he.~~ The assessing officer shall collect and ~~keep in his office~~ maintain data  
6 and devise methods and ~~procedure~~ procedures to be followed in each ~~such~~ general reassessment  
7 that will make for uniformity in assessments throughout the county.

8            **Drafting note: No substantive change in the law.**

9  
10            ~~(e) Powers of county treasurer; deposit of moneys.~~ § 15.2-522. Same; powers of county  
11 treasurer; deposit of moneys.

12            The director of finance shall also exercise ~~all~~ the powers conferred and perform ~~all~~ the  
13 duties imposed by general law upon county treasurers, and shall be subject to ~~all~~ the obligations  
14 and penalties imposed by general law. All moneys received by any county officer or employee ~~of~~  
15 ~~the county~~ for or in connection with ~~the county~~ business of the county shall be paid promptly  
16 into the hands of the director of finance; ~~all.~~ All such money shall be promptly deposited by the  
17 director of finance to the credit of the county in such banks or trust companies as ~~shall be~~  
18 ~~selected by the board of county supervisors~~ selects. No money shall be disbursed or paid out by  
19 the county except upon checks signed by the chairman of the board ~~of county supervisors~~, or  
20 such other person as ~~may be designated by the board~~ designates, and countersigned by the  
21 director of the department of finance.

22            The board may designate one or more banks or trust companies as a receiving or  
23 collecting agency ~~or agencies~~ under the direction of the department of finance. All funds so  
24 collected or received shall be deposited to the credit of the county in such banks or trust  
25 companies as ~~shall be selected by the board~~ selects.

26            Every bank or trust company serving as a depository or as a receiving or collecting  
27 agency for county funds shall be required by the board ~~of county supervisors~~ to give adequate  
28 security therefor and to meet such interest requirements ~~as to interest thereon~~ as the board may  
29 by ordinance or resolution establish. All interest on money so deposited shall accrue to the  
30 county's benefit of the county.

31            **Drafting note: No substantive change in the law.**

1  
2 ~~(f) Claims against counties; accounts. § 15.2-523. Same; claims against counties;~~  
3 accounts.

4 The director of finance shall (i) audit all claims against the county for goods or services;  
5 ~~it shall also be his duty to~~ (ii) ascertain that such claims are in accordance with the purchase  
6 orders or contracts of employment from which ~~same~~ the claims arise; ~~to~~ (iii) draw all checks in  
7 settlement of such claims; ~~to~~ (iv) keep a record of the revenues and expenditures of the county;  
8 ~~to~~ (v) keep such accounts and records of the affairs of the county as ~~shall be~~ prescribed by the  
9 Auditor of Public Accounts; and ~~at the end of each month to~~ (vi) prepare and submit to the board  
10 ~~of county supervisors~~ statements showing the progress and status of the county's affairs ~~of the~~  
11 ~~county~~ in such form and at such time as ~~shall be~~ agreed upon by the Auditor of Public Accounts  
12 and the board ~~of county supervisors~~.

13 **Drafting note: No substantive change in the law.**

14  
15 ~~(g) Director as purchasing agent. § 15.2-524. Same; director as purchasing agent.~~

16 The director of finance shall act as purchasing agent for the county, unless the board ~~of~~  
17 ~~county supervisors shall designate some other~~ designates another officer or employee for such  
18 purpose. The director of finance or the person designated as purchasing agent shall make all  
19 purchases, subject to such exceptions as ~~may be allowed by~~ the board ~~of county supervisors~~  
20 allows. He ~~shall have authority to make transfers of~~ may transfer supplies, materials and  
21 equipment between departments and offices, ~~to~~; sell any surplus supplies, materials or  
22 equipment; and ~~to~~ make such other sales as ~~may be authorized by~~ the board ~~of county~~  
23 ~~supervisors~~ authorizes. He ~~shall also have power~~ may, with the board's approval ~~of the board of~~  
24 ~~county supervisors~~, ~~to~~ establish suitable specifications or standards for all supplies, materials and  
25 equipment to be purchased for the county and to inspect all deliveries to determine their  
26 compliance with such specifications and standards. ~~He shall have charge of such storerooms and~~  
27 ~~warehouses of the county as the board of county supervisors may provide.~~

28 All purchases shall be made in accordance with Chapter 7 (§ 11-35 et seq.) of Title 11  
29 and under such rules and regulations ~~not inconsistent~~ consistent with Chapter 7 of Title 11 as the  
30 board ~~of county supervisors~~ may by ordinance or resolution establish. He shall not furnish any  
31 supplies, materials, equipment or contractual services to any department or office except upon

1 receipt of a properly approved requisition and unless there ~~be~~ is an unencumbered appropriation  
2 balance sufficient to pay for the ~~same~~ supplies, materials, equipment or contractual services.

3 Except as provided by the board, before making any sale he shall invite competitive bids  
4 under such rules and regulations as the board may by ordinance or resolution establish.

5 ~~(h) Other duties. He shall perform such other duties as may be imposed upon him by the~~  
6 ~~board of county supervisors.~~

7 ~~(i) Assistants.~~

8 ~~The director may have such deputies or assistants in the performance of his duties as may~~  
9 ~~be allowed by the board of county supervisors.~~

10 **Drafting note: No substantive change in the law. The substance of provision (h) is**  
11 **found in § 15.2-519. Provision (i) is unnecessary since all county departments may have**  
12 **deputies and assistants.**

13  
14 ~~(j) Approval of chief assessing officer. § 15.2-525. Same; obligations of chief assessing~~  
15 ~~officer.~~

16 ~~Before the appointment of the chief assessing officer of the county, whether he be the~~  
17 ~~director of finance, a deputy or supervisor of assessments in the department of finance or the~~  
18 ~~head of the department of assessments, shall become effective, it shall be approved by the State~~  
19 ~~Tax Commissioner and such.~~ The chief assessing officer shall be subject to the obligations and  
20 penalties imposed by general law upon commissioners of the revenue.

21 **Drafting note: SUBSTANTIVE CHANGE; the first sentence is deleted as it appears**  
22 **outdated. Also, there is no general requirement for counties to have their chief assessing**  
23 **officer approved by the State Tax Commissioner.**

24  
25 ~~§ 15.1-606~~ 15.2-526. Department of public works.

26 ~~The county engineer shall be head of~~ If the department of public works if and when is  
27 ~~established. He, the director of the department shall be a person who by~~ has training and  
28 ~~experience is qualified for the construction of highways. He shall have charge of the construction~~  
29 ~~and maintenance of county drains and all other public works and the construction and care of~~  
30 ~~public buildings, storerooms and warehouses. He shall have the custody of such equipment and~~  
31 ~~supplies as the board of county supervisors may authorize.~~ in the management of the

1 construction and maintenance of public projects. He shall exercise ~~all~~ the powers conferred and  
2 perform ~~all~~ the duties imposed by general law upon the county road engineer and in addition  
3 shall perform such other duties as may be imposed upon him by the board ~~of county supervisors.~~  
4 He shall also have charge of the maintenance, construction and reconstruction of county roads  
5 and bridges, unless the maintenance, construction and reconstruction of such county roads and  
6 bridges ~~shall~~ have been assumed by the Commonwealth.

7 **Drafting note: No substantive change in the law; outdated language is deleted.**

8  
9 § ~~15.1-607~~ 15.2-527. Department of public welfare or social services.

10 The superintendent of public welfare, ~~who~~ or social services shall be head of the  
11 department of public welfare or social services, and shall be chosen from a list of eligibles  
12 furnished by the Commissioner of Social Services. He shall have charge of poor relief, and  
13 charitable ~~and correctional~~ institutions ~~and~~; may, at the discretion of the board ~~of supervisors~~,  
14 have charge of parks and playgrounds, ~~and~~; shall exercise ~~all~~ the powers conferred and perform  
15 ~~all~~ the duties imposed by general law upon the county board of public welfare or social services,  
16 not inconsistent herewith. ~~He~~; and shall ~~also~~ perform such other duties ~~as may be imposed upon~~  
17 ~~him by the board of county supervisors~~ imposes upon him.

18 A county board of public welfare or social services shall be appointed pursuant to the  
19 provisions of § 63.1-41.

20 **Drafting note: No substantive change in the law.**

21  
22 § ~~15.1-608~~ 15.2-528. Department of law enforcement.

23 ~~The department of law enforcement shall consist of an attorney for the Commonwealth~~  
24 ~~and a sheriff, together with their assistants, deputies and employees, and such police as may be~~  
25 ~~appointed pursuant to this section and § 15.1-598.~~

26 ~~The attorney for the Commonwealth shall exercise all the powers conferred and perform~~  
27 ~~all the duties imposed upon such officer by general law. He shall be selected as provided in §~~  
28 ~~15.1-614.~~

29 ~~The department of law enforcement may also include a county attorney to be appointed~~  
30 ~~annually by the board of county supervisors, who shall serve at an annual salary as fixed by the~~  
31 ~~board of county supervisors and who shall be accountable to the board of county supervisors.~~

1           ~~The sheriff shall exercise all the powers conferred and perform all the duties imposed~~  
2 ~~upon sheriffs by general law. He shall have the custody of, and be charged with the duty of~~  
3 ~~feeding and caring for, all prisoners confined in the county jail. He shall perform such other~~  
4 ~~duties as may be imposed upon him by the board of county supervisors.~~

5           ~~The county executive shall have supervision and control of the police force of the county.~~  
6 Such The department of law enforcement shall consist of such police as may be appointed  
7 pursuant to § 15.1-598 15.2-512, and all police officers appointed by the board of county  
8 supervisors, pursuant to such section, including the chief of the department,. All so appointed  
9 shall be conservators of the peace in the county. The county executive shall have supervision  
10 and control of the county police force.

11           ~~and~~ The department of law enforcement, attorney for the Commonwealth, and sheriff  
12 shall be charged with the enforcement of all criminal laws throughout the confines of the county.  
13 The authority of the county police of the county, upon the consent of the governing body of the  
14 incorporated town, shall be concurrent with that of any law-enforcement officers appointed by  
15 the governing body of any incorporated town located within the county for purposes of enforcing  
16 the laws of the Commonwealth.

17           **Drafting note: No substantive change in the law. The first two paragraphs are**  
18 **deleted since the attorney for the Commonwealth and the sheriff are constitutional officers**  
19 **with no oversight over the police department. The third and fourth paragraph are**  
20 **relocated to the two sections which follow.**

21  
22           § 15.2-529. Appointment of county attorney.

23           The board may appoint a county attorney pursuant to § 15.2-1542, who shall serve at a  
24 salary as fixed by the board and who shall be accountable to the board.

25           **Drafting note: This section is relocated from the third paragraph of § 15.1-608 (§**  
26 **15.2-528) with no significant change.**

27  
28           § 15.2-530. Powers and duties of sheriff.

29           The sheriff shall exercise the powers conferred and perform the duties imposed upon  
30 sheriffs by general law. He shall have the custody of, and be charged with the duty of feeding  
31 and caring for, all prisoners confined in the county jail. However, he shall not be responsible for



1 a regional jail operated pursuant to Title 53.1. He shall perform such other duties the board  
2 imposes upon him.

3 **Drafting note: This section is relocated from the fourth paragraph of § 15.1-608 (§**  
4 **15.2-528) with no significant change.**

5  
6 § ~~15.1-609~~ 15.2-531. Department of education.

7 The department of education shall consist of the county school board, the division  
8 superintendent of schools and the officers and employees thereof. Except as herein otherwise  
9 provided, the county school board and the division superintendent of schools shall exercise ~~all~~  
10 the powers conferred and perform ~~all~~ the duties imposed upon them by general law. The county  
11 school board shall be composed of not less than three nor more than seven members, who shall  
12 be chosen by the board of county supervisors. The exact number of members shall be determined  
13 by the board ~~of county supervisors~~.

14 Notwithstanding the foregoing provisions of this section, the county school board in a  
15 county which ~~has adopted the form of government provided for in this article and which is~~  
16 contiguous to a county having the urban county executive form of government shall consist of  
17 the same number of members as there are supervisors' election districts for the county, one  
18 member to be appointed from each of the districts by the board of county supervisors.

19 The board ~~of county supervisors~~ may also appoint a county resident ~~of the county~~ to cast  
20 the deciding vote in case of a tie vote of the school board as provided in § 22.1-75. ~~The~~ Any tie  
21 breaker, ~~if any,~~ shall be appointed for a four-year term whether appointed to fill a vacancy  
22 caused by expiration of a term or otherwise.

23 The chairman of the county school board ~~shall,~~ for the purpose of appearing before the  
24 board of county supervisors ~~under the provisions of § 15.1-601,~~ shall be considered head of this  
25 department, unless the school board designates some other person in the department ~~shall be~~  
26 ~~designated by the school board~~ for such purpose.

27 **Drafting note: No substantive change in the law; § 15.1-601 is being repealed.**

28  
29 § ~~15.1-609.1~~ 15.2-532. Terms of school boards.

1 The members of the county school board shall be appointed or reappointed, as the case  
2 may be, for terms of four years each, except that initial appointments hereunder may be for terms  
3 of one to four years, respectively, so as to provide staggered terms for such members.

4 Notwithstanding the foregoing provisions of this section, the terms of office ~~of the~~  
5 ~~members~~ of the school board members in a county which ~~has adopted the form of government~~  
6 ~~provided for in this article and which~~ is contiguous to a county having the urban county  
7 executive form of government shall begin on July 1 of the year in which the board of supervisors  
8 ~~shall take~~ takes office following the next general election for supervisors. However, all other  
9 applicable provisions of Titles 22.1 and ~~45.1~~ 15.2 pertaining to the powers and duties of school  
10 boards and their appointments shall continue to apply to the members of such school board.

11 **Drafting note: No substantive change in the law.**

12  
13 § 15.2-533. Elected school boards.

14 Notwithstanding any contrary provisions of §§ 15.2-531 and 15.2-532, a county which  
15 has an elected school board shall comply with the applicable provisions of Article 7 (§ 22.1-57.1  
16 et seq.) of Title 22.1.

17 **Drafting note: This section is added as a cross reference to provisions relating to**  
18 **elected school boards.**

19  
20 ~~§ 15.1-610. Department of records.~~

21 ~~The department of records shall be under the supervision and control of the county clerk.~~  
22 ~~He shall be clerk of the circuit court of the county and clerk of the board of county supervisors~~  
23 ~~unless the board shall designate some other person for this latter purpose. He shall exercise all~~  
24 ~~the powers conferred and perform all the duties imposed upon such officers by general law and~~  
25 ~~shall be subject to the obligations and penalties imposed by general law. He shall also perform~~  
26 ~~such other duties as may be imposed upon him by the board of county supervisors.~~

27 **Drafting note: Repealed; this section is antiquated.**

28  
29 ~~§ 15.1-611~~ 15.2-534. Department of health.

30 The department of health shall consist of the health director, who shall be appointed as  
31 provided in the applicable provisions of Article 5 (§ 32.1-30 et seq.) of Chapter 1 of Title 32.1

1 and who shall be head thereof, and the other officers and employees of such department. The  
2 head of ~~such~~ the department shall exercise ~~all~~ the powers conferred and shall perform ~~all~~ the  
3 duties imposed upon the local health director by general law, not inconsistent herewith. He shall  
4 also perform such other duties as may be imposed upon him by the board ~~of county supervisors~~  
5 or, if the health department is operated under contract with the State Board of Health, as ~~may be~~  
6 specified in such contract.

7 If the board of county supervisors appoints a local board of health as provided in § 32.1-  
8 32, it shall consist of two qualified citizens of the county, who shall serve without pay, and the  
9 county health director. Such board ~~shall have power to~~ may adopt necessary rules and  
10 regulations, not in conflict with law, concerning the department. The board of health may at any  
11 time be abolished by the board of county supervisors.

12 **Drafting note: No substantive change in the law.**

13

14 § ~~15.1-612~~ 15.2-535. Department of assessments.

15 The department of assessments, if and when established, shall be headed by a  
16 commissioner of the revenue or a supervisor of assessments, who shall exercise ~~all~~ the powers  
17 conferred and perform ~~all~~ the duties imposed by ~~paragraphs (c) and (d) of § 15.1-605~~ § 15.2-521  
18 upon the director of finance.

19 In addition to the powers and duties hereinabove conferred, the governing body of any  
20 county which has provided for a department of assessments headed by a supervisor of  
21 assessments may, in lieu of the method now prescribed by law, provide for the annual  
22 assessment and equalization of assessments of real estate by such department. All real estate  
23 shall thereafter be assessed as of January 1 of each year. ~~Any person aggrieved by any such~~  
24 ~~assessment may apply for relief to the circuit court of the county as provided by law.~~ The  
25 provisions of this section shall not, however, apply to any real estate assessable under the law by  
26 the State Corporation Commission.

27 **Drafting note: No substantive change in the law. The stricken language refers to**  
28 **the appeals process, which is set forth in Title 58.1.**

29

30 § ~~15.1-613.~~

31 ~~Repealed by Acts 1972, c. 653.~~

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~~§ 15.1-613.1. Department of extension and continuing education.~~

~~The department of extension and continuing education shall be established 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.).~~

**Drafting note: Repealed; this department does not currently exist. Also, § 15.2-518 (§ 15.1-604) allows the establishment of any department deemed necessary.**

~~§ 15.1-614~~ 15.2-536. Selection of clerk, attorney and sheriff.

The county clerk, the attorney for the Commonwealth and the sheriff shall be selected in the manner and for the terms, and vacancies in such offices shall be filled, as provided by general law.

**Drafting note: No change.**

~~§ 15.1-662~~ 15.2-537. Officers not affected by adoption of either plan.

The following officers shall not, except as herein otherwise provided, be affected by the adoption of either the county executive form or the county manager form:

- ~~(1)~~ 1. Jury commissioners;<sub>2</sub>
- ~~(2)~~ Notaries public,
- ~~(3)~~ 2. County electoral boards;<sub>2</sub>
- ~~(4)~~ 3. Registrars;<sub>2</sub>
- ~~(5)~~ 4. Judges and clerks of elections;<sub>2</sub> and
- ~~(6)~~ 5. Magistrates.

**Drafting note: No substantive change in the law; notaries are stricken from this section since they would clearly not be impacted by the adoption of the county executive form.**

~~§ 15.1-615~~ 15.2-538. Examination and audit of accounts and books.

The board of county supervisors shall require an annual audit of the books of every county officer who handles public funds to be made by an accountant who is not a regular officer or employee of the county and who is thoroughly qualified by training and experience. An audit

1 made by the Auditor of Public Accounts, under the provisions of law, may be considered as  
2 having satisfied the requirements of this paragraph.

3 The board ~~of county supervisors~~ may at any time order an examination or audit of the  
4 accounts of any officer or department of the county government. Upon the death, resignation,  
5 removal or expiration of the terms of any county officer ~~of the county~~, the director of finance  
6 shall cause an audit and investigation of the accounts of such officer to be made and shall report  
7 the results ~~thereof~~ to the county executive and to the board ~~of county supervisors~~. In case of the  
8 death, resignation or removal of the director of finance, the board ~~of county supervisors~~ shall  
9 cause an audit to be made of his accounts. If, as a result of any such audit, an officer ~~be~~ is found  
10 indebted to the county, the board ~~of county supervisors~~ shall proceed forthwith to collect such  
11 indebtedness.

12 **Drafting note: No substantive change in the law.**

13  
14 ~~§ 15.1-616. Schedule of compensation.~~

15 ~~The board of county supervisors shall establish a schedule of compensation for officers~~  
16 ~~and employees which shall provide uniform compensation for like service. The compensation~~  
17 ~~prescribed shall be subject to such limitations as may be made by general law.~~

18 **Drafting note: The provisions of this section are relocated to § 15.2-514.**

19  
20 ~~§ 15.1-617~~ 15.2-539. Submission of budget by executive; hearings; notice; adoption.

21 Each year at least two weeks before the board ~~of county supervisors~~ must prepare its  
22 proposed annual budget, the county executive shall prepare and submit to the board ~~of county~~  
23 ~~supervisors~~ a budget presenting a financial plan for conducting the county's affairs ~~of the county~~  
24 for the ensuing year. ~~Such~~ The budget shall be set up in the manner prescribed by general law.  
25 Hearings thereon shall be held and notice thereof given and the budget adopted in accordance  
26 with ~~such~~ general law.

27 **Drafting note: No substantive change in the law.**

28  
29 ~~§ 15.1-618.~~

30 ~~Repealed by Acts 1970, c. 463.~~

31

1           § ~~15.1-619~~ 15.2-540. Officers and employees to receive regular compensation; fee system  
2 abolished; collection and disposition of fees.

3           All county officers and employees ~~of the county~~ shall be paid regular compensation and  
4 the fee system as a method of compensation in the county shall be abolished, except ~~as to~~ for  
5 those officers not affected by the adoption of this form of county organization and government.  
6 All such officers and employees shall, however, continue to collect all fees and charges provided  
7 for by general law, shall keep a record thereof, and shall promptly transmit all such fees and  
8 charges collected to the director of finance, who shall promptly provide receipt therefor. Such  
9 officers shall also keep such other records as are required by §§ 14.1-136 ~~to~~ through 14.1-163.  
10 All fees and commissions, which, but for this section, would be paid to such officers by the  
11 Commonwealth for services rendered shall be paid into the county treasury ~~of the county~~.

12           ~~The~~ Any excess, ~~if any,~~ of the fees collected by each of the officers mentioned in § 14.1-  
13 136 or collected by anyone exercising the powers of and performing the duties of any such  
14 officer, over ~~(a)~~ (i) the allowance to which such officer would be entitled by general law but for  
15 the provisions of this section and ~~(b)~~ (ii) expenses in such amount as ~~shall be~~ allowed by the  
16 Compensation Board, shall be paid one third into the state treasury; and ~~the other~~ two thirds ~~shall~~  
17 belong to the county.

18           Any county officer or employee ~~of the county~~ who ~~shall fail~~ fails or ~~refuse~~ refuses to  
19 collect any fee which is collectible and should be collected under the provisions of this section,  
20 or who ~~shall fail~~ fails or ~~refuse~~ refuses to pay any fee so collected to the county as herein  
21 provided, shall upon conviction be deemed guilty of a misdemeanor.

22           **Drafting note: No substantive change in the law.**

23  
24           ~~§ 15.1-620. Offices abolished.~~

25           ~~When this form of county organization and government shall be adopted the following~~  
26 ~~offices shall, when the form of organization and government becomes operative, be abolished,~~  
27 ~~the powers and duties of such officers transferred as herein provided, and the terms of office of~~  
28 ~~such officers expire as provided in § 15.1-587.~~

29           ~~(1) [Repealed.]~~

30           ~~(2) Superintendent of the poor; his powers shall be exercised and his duties performed by~~  
31 ~~the superintendent of public welfare.~~

1           ~~(3) The school trustee electoral board.~~

2           ~~(4) The inheritance tax commissioner.~~

3           **Drafting note: Repealed; the listed offices no longer exist; § 15.2-507 (§ 15.1-593)**  
4 **and § 15.2-508 (§ 15.1-594) give the governing body general authority to organize the**  
5 **structure, powers and duties of the county government.**

6

7           § ~~15.1-621~~ 15.2-541. Bonds of officers.

8           The county executive shall give bond ~~to~~ in the amount of not less than \$5,000. The  
9 director of finance shall give bond ~~to~~ in the amount of not less than fifteen ~~per centum~~ percent of  
10 the amount of money to be received by him annually. ~~In case~~ If the county executive serves also  
11 as director of finance, he shall give bond ~~to~~ in the full amounts indicated above. The board ~~of~~  
12 ~~county supervisors shall have the power to~~ may fix bonds in excess of these amounts and ~~to~~  
13 require bonds of other county officers in their discretion, conditioned on the faithful discharge of  
14 their duties and the proper account for all funds coming into their possession.

15           **Drafting note: No substantive change in the law.**

1 **PROPOSED**  
2 **CHAPTER 6.**  
3 **COUNTY MANAGER FORM OF GOVERNMENT.**  
4

5 **Chapter drafting note: Old Chapter 13, which contains provisions for two separate**  
6 **forms of county government, is divided into two chapters. Proposed Chapter 5 contains the**  
7 **provisions for the county executive form, and is not shown in this draft, and proposed**  
8 **Chapter 6 contains the provisions for the county manager form, currently used by Henrico**  
9 **County.**

10  
11 **~~CHAPTER 13.~~**  
12 **~~COUNTY EXECUTIVE AND COUNTY MANAGER FORMS OF~~**  
13 **~~GOVERNMENT.~~**  
14

15 **~~Article 1.~~**  
16 **~~Effective Change.~~**  
17

18 **~~§ 15.1-582. Two forms provided for.~~**

19 **~~Any county in the Commonwealth, except those having the county manager form of~~**  
20 **~~government under the provisions of Chapter 14 (§ 15.1-669 et seq.) of this title, may adopt either~~**  
21 **~~of the two forms of county organization and government provided for in Articles 2 (§ 15.1-588 et~~**  
22 **~~seq.) and 3 (§ 15.1-622 et seq.) of this chapter, by complying with the requirements and~~**  
23 **~~procedure hereinafter specified.~~**

24 **Drafting note: Repealed; the subject matter of this section is found in § 15.2-300 of**  
25 **Chapter 3.**  
26

27 **~~§ 15.1-583. Petition and order for election; notice; resolution in lieu of petition.~~**

28 **~~Upon a petition filed with the circuit court of the county signed by ten per centum of the~~**  
29 **~~qualified voters of such county which in no event shall be less than 100 qualified voters of the~~**  
30 **~~county, asking that a referendum be held on the question of adopting one of the forms of county~~**  
31 **~~organization and government herein provided for, the court shall, by order entered of record, in~~**



1 ~~accordance with § 24.1-165, require the regular election officials to open a poll and take the~~  
2 ~~sense of the qualified voters of the county on the question submitted as herein provided. The~~  
3 ~~clerk of the county shall cause a notice of such election to be published in some newspaper~~  
4 ~~published in or having a general circulation in the county once a week for three consecutive~~  
5 ~~weeks and shall post a copy of such notice at the door of the courthouse of the county.~~

6 ~~In lieu of such a petition, a resolution may be passed by the board of supervisors and filed~~  
7 ~~with the court asking for a referendum, in which case the court shall proceed as in the case of a~~  
8 ~~petition.~~

9 **Drafting note: Repealed; the subject matter of this section is found in § 15.2-301 of**  
10 **Chapter 3.**

11  
12 ~~§ 15.1-584. Conducting election; form of ballots.~~

13 ~~The regular election officers of such county at the time designated in the order~~  
14 ~~authorizing the vote shall open the polls at the various voting places in the county and conduct~~  
15 ~~the election in such manner as is provided by law for other elections, insofar as the same is~~  
16 ~~applicable. The election shall be by secret ballot and the ballots shall be prepared by the electoral~~  
17 ~~board and distributed to the various election precincts as in other elections. The ballots used shall~~  
18 ~~be printed to read as follows:-~~

19 ~~Question one. Shall the county change its form of government?~~

20  ~~Yes-~~

21  ~~No-~~

22 ~~Question two. In the event of such change, which form of organization and government~~  
23 ~~shall be adopted?-~~

24  ~~County Executive Form-~~

25  ~~County Manager Form-~~

26 ~~If the petition or the resolution provided for in § 15.1-583 shall ask for a referendum on~~  
27 ~~the single question as to whether the county shall adopt that form of county organization and~~  
28 ~~government designated herein as the county executive form, the ballot shall read:-~~

29 ~~Shall the county adopt the county executive form?~~

30  ~~Yes-~~

31  ~~No-~~

1           ~~If the petition or the resolution shall ask for a referendum on the single question as to~~  
2 ~~whether the county shall adopt that form of county organization and government designated~~  
3 ~~herein as the county manager form, the ballot shall read:-~~

4           ~~Shall the county adopt the county manager form?~~

5            ~~Yes~~

6            ~~No~~

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

8           ~~The ballots shall be counted, returns made and canvassed as in other elections, and the~~  
9 ~~results certified by the electoral board to the circuit court. If it shall appear by the report of the~~  
10 ~~electoral board that a majority of the qualified voters of the county voting are in favor of~~  
11 ~~changing the existing form of government therein provided for, the circuit court shall enter of~~  
12 ~~record such fact, and the additional fact as to the form of county organization and government~~  
13 ~~adopted.~~

14           **Drafting note: Repealed; the subject matter of this section is found in § 15.2-301 of**  
15 **Chapter 3.**

16  
17           ~~§ 15.1-585. When change effective.~~

18           ~~From and after the date on which the officers first elected under the provision of § 15.1-~~  
19 ~~586 shall take office, the form of organization and government of such county shall be in~~  
20 ~~accordance with the form of organization and government adopted by the voters.~~

21           **Drafting note: Repealed; the subject matter of this section is found in § 15.2-302 of**  
22 **Chapter 3.**

23  
24           ~~§ 15.1-586. When new supervisors elected.~~

25           ~~When any form of county organization and government provided for herein shall have~~  
26 ~~been adopted by any county, the members of the board of county supervisors thereof shall be~~  
27 ~~elected at the next succeeding regular November election; their term of office shall commence on~~  
28 ~~the first day of January thereafter. Until the supervisors so elected, or a majority of them, shall~~  
29 ~~have qualified and take office, the supervisors in office shall continue.~~

30           **Drafting note: Repealed; the subject matter of this section is found in § 15.2-303 of**  
31 **Chapter 3.**

1  
2 § 15.1-587. Effect of change on other county officers.

3 ~~All other county and district officers of such county shall continue to hold office until~~  
4 ~~their successors are elected or appointed and shall have qualified; but the term of office of any~~  
5 ~~person who holds an office abolished by the form of organization and government adopted shall~~  
6 ~~terminate as soon as his powers and duties shall have been transferred to some other officer or~~  
7 ~~employee, or done away with.~~

8 **Drafting note: Repealed; the subject matter of this section is found in § 15.2-304 of**  
9 **Chapter 3.**

10  
11 Article 3 1.

12 ~~County Manager Form~~ Adoption of County Manager Form.

13  
14 § ~~15.1-622~~ 15.2-600. Designation of ~~plan~~ form; applicability of chapter.

15 The form of county organization and government provided for in §§ ~~15.1-622 to 15.1-~~  
16 ~~660, both inclusive, this chapter~~ shall be known and designated as the county manager form.  
17 The provisions of this chapter shall apply only to counties which have adopted the county  
18 manager form.

19 **Drafting note: No substantive change in the law. The county manager form is**  
20 **currently used by Henrico County.**

21  
22 15.2-601. Adoption of county manager form.

23 Any county may adopt the county manager form of government in accordance with the  
24 provisions of Chapter 3 of this title.

25 **Drafting note: This new section is added in order to cross-reference the procedure**  
26 **by which counties may adopt an optional form of government.**

27  
28 § ~~15.1-623~~ 15.2-602. Powers vested in board of supervisors; election and terms of  
29 members; vacancies.

30 The powers of the county as a body politic and corporate shall be vested in a board of  
31 ~~county~~ supervisors ("the board"), to consist of not less fewer than three nor more than nine

1 members to be elected by the qualified voters of the county at large, or solely by the qualified  
2 voters of the respective magisterial or election district of which the member is a qualified voter,  
3 plus one additional member elected at large, depending upon the result of the election held upon  
4 the questions submitted to the voters pursuant to § ~~15.1-623.1~~ 15.2-603. There shall be on the  
5 board for each magisterial or election district at least one member, and he shall be a qualified  
6 voter of such district, except as hereinabove provided.

7 The supervisors first elected shall hold office until ~~the first day of~~ January 1 following the  
8 next regular election provided by general law for the election of supervisors. At such election  
9 their successors shall be elected for terms of four years each.

10 Any vacancy on the board ~~of supervisors~~ shall be filled as provided in § ~~24.1-76.1~~ 24.2-  
11 228.

12 **Drafting note: No substantive change in the law.**

13  
14 § ~~15.1-623.1~~ 15.2-603. Referendum on election of supervisors by districts or at large.

15 The governing body of any county which has adopted the county manager form of  
16 government, as provided in Chapter 368 of the Acts of 1932, at an election held for that purpose  
17 pursuant to the provisions of said chapter, may by resolution petition the circuit court of the  
18 county requesting that a referendum be held on the following questions: ~~(1)~~ (i) Shall the ~~county~~  
19 board of supervisors be elected solely by the qualified voters of each magisterial or election  
20 district, or by the qualified voters of the county at large? ~~(2)~~ (ii) Shall the board have in addition  
21 to the members from each magisterial or election district, one member from any district elected  
22 from and representing the county at large? The court, by order entered of record in accordance  
23 with § ~~24.1-165~~ 24.2-684, shall require the regular election officials on a day fixed in such order  
24 to open ~~a poll~~ the polls and take the sense of the qualified voters of the county on the questions  
25 submitted as herein provided. The clerk of the circuit court of the county shall cause a notice of  
26 such referendum election to be published once a week for three consecutive weeks in ~~some a~~  
27 newspaper published ~~in~~ or having a general circulation in the county ~~once a week for four~~  
28 ~~consecutive weeks~~ and shall post a copy of such notice at the door of the courthouse of the  
29 county. The ballot used shall be printed to read as follows:

30 Shall the ~~county~~ board of supervisors be elected by the qualified voters of each  
31 magisterial or election district, or by the qualified voters of the county at large?



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§ ~~15.1-625~~ 15.2-604. General powers of board.

The board of ~~county~~ supervisors shall be the policy-determining body of the county and shall be vested with all rights and powers conferred on boards of supervisors by general law, ~~not~~ ~~inconsistent~~ consistent with the form of county organization and government herein provided.

**Drafting note: No substantive change in the law.**

§ ~~15.1-626~~ 15.2-605. Prohibiting misdemeanors and providing penalties.

The board ~~is also authorized and empowered to~~ may prohibit any act defined as a misdemeanor and prohibited by the laws of this Commonwealth and ~~to~~ provide a penalty for violations, to the end that the board may parallel by ordinance the criminal laws of this Commonwealth.

**Drafting note: No substantive change in the law.**

§ ~~15.1-627~~ 15.2-606. Investigation of county officers.

The board ~~shall have full power to~~ may inquire into the official conduct of any office or officer under its control, and ~~to~~ investigate the accounts, receipts, disbursements and expenses of any county or district officer; ~~for~~. For these purposes it may subpoena witnesses, administer oaths and require the production of books, papers and other evidence; ~~and in case any.~~ Any witness who fails or refuses to obey any such lawful order of the board ~~of supervisors,~~ he shall be deemed guilty of a misdemeanor.

**Drafting note: No substantive change in the law.**

§ ~~15.1-628~~ 15.2-607. Organization of departments.

The board ~~of county supervisors~~ shall, as soon as ~~the~~ its members ~~thereof~~ are elected and take office, provide for the performance of all the governmental functions of the county and to that end shall provide for and set up all necessary departments of government ~~that shall be necessary,~~ ~~not inconsistent~~ consistent with the provisions of the form of county organization and government herein provided.

**Drafting note: No substantive change in the law.**

1           § ~~15.1-629~~ 15.2-608. Designation of officers to perform certain duties.

2           Whenever it is not designated herein what officer or employee of the county shall  
3 exercise any power or perform any duty conferred upon or required of the county, or any officer  
4 thereof, by general law, then any such power shall be exercised or duty performed by that officer  
5 or employee of the county so designated by ~~ordinance or resolution of the board of county~~  
6 ~~supervisors~~.

7           **Drafting note: No substantive change in the law.**

8  
9           § ~~15.1-630~~. Manner of execution of obligations of certain counties.

10           ~~Notwithstanding any other provisions of law to the contrary in any county having the~~  
11 ~~county manager form of organization and government under this chapter, adjoining a city with a~~  
12 ~~population of not more than 43,000, all bonds and other obligations of the county, whether issued~~  
13 ~~by the governing body thereof or by the school board, shall hereafter be signed by the chairman~~  
14 ~~of such governing body and countersigned by the clerk thereof.~~

15           **Drafting note: Repealed; this section is not currently applicable to any county.**

16  
17           § ~~15.1-631~~ 15.2-609. Appointment of county manager.

18           The board ~~of county supervisors~~ shall appoint a county manager and fix his  
19 compensation. He shall be the administrative head of the county government and shall devote his  
20 full time to the work of the county. He shall be appointed with regard to merit only, and need not  
21 be a resident of the county at the time of his appointment. No member of the board ~~of county~~  
22 ~~supervisors~~ shall, during the time for which he has been elected, be ~~chosen~~ appointed county  
23 manager, nor shall the managerial powers be given to a person who at the same time is filling an  
24 elective office.

25           **Drafting note: No substantive change in the law.**

26  
27           § ~~15.1-632~~ 15.2-610. Tenure of office; removal.

28           The county manager shall not be appointed for a definite tenure, but ~~shall~~ may be  
29 ~~removable~~ removed at the pleasure of the board ~~of county supervisors~~. ~~In case~~ If the board  
30 determines to remove the county manager, he shall be given, if he so demands, a written  
31 statement of the reasons alleged for the proposed removal and the right to a hearing thereon at a

1 public meeting of the board prior to the date on which his final removal ~~shall take~~ takes effect,  
2 ~~but pending.~~ Pending and during such hearing, the board ~~of county supervisors~~ may suspend  
3 him from the office, provided that the period of suspension ~~shall be~~ is limited to thirty days. The  
4 ~~board's action of the board~~ in suspending or removing the county manager shall not be subject to  
5 review.

6 **Drafting note: No substantive change in the law.**

7  
8 § ~~15.1-633~~ 15.2-611. Disability of county manager.

9 In case of the absence or disability of the manager, the board ~~of county supervisors~~ may  
10 designate some responsible person to perform the duties of the office.

11 **Drafting note: No substantive change in the law.**

12  
13 § ~~15.1-634~~ 15.2-612. Manager responsible for administration of affairs of county;  
14 appointment of officers and employees.

15 The county manager shall be responsible to the board ~~of county supervisors~~ for the proper  
16 administration of all the affairs of the county which the board has authority to control. To that  
17 end he shall appoint all officers and employees in the county's administrative service ~~of the~~  
18 ~~county~~, except as otherwise provided in this form of county organization and government, and  
19 except as he ~~may authorize~~ authorizes the head of a department or office responsible to him to  
20 appoint subordinates in such department or office. All appointments shall be ~~on the basis of~~  
21 based on the ability, training and experience of the appointees which ~~fit them for~~ are relevant to  
22 the work which they are to perform.

23 **Drafting note: No substantive change in the law.**

24  
25 § ~~15.1-635~~ 15.2-613. Term of office and removal of such appointees.

26 All ~~such~~ appointments made pursuant to § 15.2-612 shall be without definite term, unless  
27 for temporary service not to exceed ~~sixty days~~ twelve months. Any officer or employee of the  
28 county appointed by the manager, or upon his authorization, may be laid off, suspended or  
29 removed from office or employment either by the manager or ~~by the officer by whom he was~~  
30 who appointed him.



1           **Drafting note: SUBSTANTIVE CHANGE; the maximum period of temporary**  
2 **service is increased from sixty days to twelve months to more accurately reflect the current**  
3 **practice.**

4  
5           ~~§ 15.1-636. Meetings and discussions of board.~~

6           ~~The manager, the attorney for the Commonwealth, the sheriff and the directors or heads~~  
7 ~~of all departments of the county shall be entitled to be present at all meetings of the board of~~  
8 ~~county supervisors. The manager shall have the right to take part in all discussions and to present~~  
9 ~~his views on all matters coming before the board; the attorney for the Commonwealth, the sheriff~~  
10 ~~and the directors or heads of the departments shall be entitled to present their views on matters~~  
11 ~~relating to their respective departments.~~

12           **Drafting note: Repealed; this section, which pre-dates the Virginia Freedom of**  
13 **Information Act, is no longer needed.**

14  
15           ~~§ 15.1-637~~ 15.2-614. Powers and duties of manager.

16           As the administrative head of the county government for the board of county supervisors,  
17 the manager shall supervise the collection of all revenues, guard adequately all expenditures,  
18 secure proper accounting for all funds, ~~look after~~ safeguard the ~~physical~~ property of the county,  
19 exercise general supervision over all county institutions and agencies, and, with the board's  
20 approval ~~of the board of county supervisors~~, coordinate the various activities of the county and  
21 unify the management of its affairs.

22           He shall also:

23           ~~(1) 1.~~ Execute and enforce all board resolutions and orders ~~of the board of county~~  
24 ~~supervisors~~ and see that all laws of the Commonwealth required to be enforced through the board  
25 ~~of county supervisors~~ or other county officers subject to the board's control ~~of the board of~~  
26 ~~supervisors~~ are faithfully executed.

27           ~~(2) 2.~~ Attend all meetings of the board ~~of county supervisors~~ and recommend such action  
28 as he ~~may deem~~ deems expedient.

29           ~~(3) 3.~~ Subject to such limitations as ~~may be made~~ by general law, fix, with the board's  
30 approval ~~of the board of county supervisors~~, the compensation of all officers and employees  
31 whom he or a subordinate ~~may appoint or employ~~ appoints or employs.



Departments; County Manager Form.

§ ~~15.1-639~~ 15.2-616. Departments of the county.

The activities or functions of the county shall, with the exceptions herein provided, be distributed among the following ~~general divisions or~~ departments:

~~(1)~~ 1. Department of finance.

~~(2)~~ 2. Department of public works.

~~(3)~~ 3. Department of ~~public welfare~~ social services.

~~(4)~~ ~~Department of law enforcement.~~

~~(5)~~ 4. Department of education.

~~(6)~~ ~~Department of records.~~

~~(7)~~ 5. Department of public health.

The board ~~of county supervisors~~ may establish any ~~of the following~~ additional departments ~~and no others:~~ it deems necessary and appropriate.

~~(1)~~ ~~Department of assessments.~~

~~(2)~~ ~~Department of farm and home demonstration.~~

~~(3)~~ ~~Department of public safety.~~

~~(4)~~ ~~Department of public utilities.~~

~~Any~~ In addition, any activity which is unassigned by this form of county organization and government shall, upon recommendation of the county manager, be assigned by the board ~~of county supervisors~~ to the appropriate department. The board may further, upon recommendations of the county manager, reassign, transfer or combine any county functions, activities or departments.

**Drafting note: SUBSTANTIVE CHANGE; the board of supervisors is given flexibility to establish additional departments as needed and unused departments are deleted.**

§ ~~15.1-640~~ 15.2-617. Department of finance; director; general duties.

A. ~~Director; general duties.~~ The director of finance shall be the head of the department of finance and as such have charge of (i) the administration of the county's financial affairs ~~of the county~~, including the budget; (ii) the assessment of property for taxation; (iii) the collection

1 of taxes, license fees and other revenues; (iv) the custody of all public funds belonging to or  
2 handled by the county; (v) the supervision of the expenditures of the county and its subdivisions;  
3 (vi) the disbursement of county funds; (vii) the purchase, lease, storage and distribution of all  
4 ~~supplies materials, equipment goods, and contractual service~~ the purchase of all services,  
5 insurance or construction needed by any department, office or other using agency of the county  
6 unless some other officer or employee is designated for this purpose; (viii) the keeping and  
7 supervision of all accounts; and (ix) such other duties as the board ~~of county supervisors~~ may ~~by~~  
8 ~~ordinance or resolution~~ require.

9 **Drafting note: No substantive change in the law. Section 15.1-640 has been divided**  
10 **into eight sections. Provision (h) is deleted since it is repetitive and possibly in conflict with**  
11 **provision (ix) of this section.**

12  
13 ~~B. Expenditures and accounts. § 15.2-618. Same; expenditures and accounts.~~

14 No money shall be drawn from the county treasury ~~of the county~~, nor shall any obligation  
15 for the expenditure of money be incurred except in pursuance of appropriation resolutions.  
16 Accounts shall be kept for each item of appropriation made by the board ~~of county supervisors~~.  
17 Each such account shall show in detail the appropriations made thereto, the amount drawn  
18 thereon, the unpaid obligations charged against it, and the unencumbered balance in the  
19 appropriation account, properly chargeable, sufficient to meet the obligation entailed by contract,  
20 agreement or order.

21 **Drafting note: No substantive change in the law.**

22  
23 ~~C. Powers of commissioners of revenue. § 15.2-619. Same; powers of commissioners of~~  
24 ~~revenue; real estate reassessments.~~

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

28 ~~D. Real estate reassessments. 1. Every general reassessment of real estate in the county,~~  
29 ~~unless some other person be~~ is designated for this purpose by the county manager in accordance  
30 with § ~~15.1-634~~ 15.2-612 or unless the board ~~of county supervisors shall create~~ creates a separate  
31 department of assessments in accordance with § ~~15.1-639~~ 15.2-616, shall be made by the director

1 of finance; he shall collect and keep in his office data and devise methods and procedures to be  
2 followed in each such general reassessment that will make for uniformity in assessments  
3 throughout the county.

4 ~~2.~~ In addition to any other method provided by general law or by this article or to certain  
5 classified counties, the director of finance may provide for the annual assessment and  
6 equalization of real estate and any general reassessment order by the board ~~of county~~  
7 ~~supervisors~~. The director of finance or his designated agent shall collect data, provide maps and  
8 charts, and devise methods and procedures to be followed for such assessment that will make for  
9 uniformity in assessments throughout the county.

10 There shall be a reassessment of all real estate at periods not to exceed six years between  
11 such reassessments.

12 All real estate shall be assessed as of January 1 of each year by the director of finance or  
13 such other person designated to make ~~such~~ assessment ~~and such annual~~. Such assessment shall  
14 provide for the equalization of assessments of real estate, correction of errors in tax assessment  
15 records, addition of erroneously omitted properties to the tax rolls, and ~~the~~ removal of properties  
16 acquired by owners not subject to taxation.

17 The taxes for each year on ~~such~~ the real estate assessed shall be extended on the basis of  
18 the last assessment made prior to such year.

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

22 Any reassessments ~~made~~, which shall change the assessment of real estate, shall not be  
23 extended for taxation until forty-five days after ~~there is mailed~~ a written notice is mailed to the  
24 person in whose name such property is to be assessed at his last known address, setting forth the  
25 amount of the prior assessment and the new assessment.

26 The board ~~of county supervisors~~ shall establish a continuing board of real estate review  
27 and equalization to review all assessments made under authority of this section and to which all  
28 appeals by any person aggrieved by any real estate assessment shall first apply for relief. The  
29 board ~~so established~~ of real estate review and equalization shall consist of not less fewer than  
30 three nor more than five members who shall be freeholders in the county. The appointment,  
31 terms of office and compensation of the members of such board shall be prescribed by the board

1 of ~~county supervisors; such.~~ The board of real estate review and equalization shall have all the  
2 powers conferred upon boards of equalization by general law. All applications for review to such  
3 board shall be made not later than April 1 of the year for which extension of taxes on the  
4 assessment is to be made. Such board shall grant a hearing to any person making application at a  
5 regular advertised meeting of the board, shall rule on all applications within sixty days after the  
6 date of the hearing, and shall thereafter promptly certify its action thereon to the director of  
7 finance; ~~it also.~~ The equalization board shall conduct hearings at such ~~time or~~ times as ~~is~~ are  
8 convenient, after publishing a notice in a newspaper having a general circulation in the county,  
9 ten days prior to any such hearing at which any person applying for review will be heard.

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

13 **Drafting note: No substantive change in the law.**

14  
15 ~~E. Powers of county treasurer; deposit of moneys. § 15.2-620. Same; powers of county~~  
16 treasurer; deposit of moneys.

17 The director of finance shall ~~also~~ exercise ~~all~~ the powers conferred and perform ~~all~~ the  
18 duties imposed by general law upon county treasurers, and shall be subject to ~~all~~ the obligations  
19 and penalties imposed by general law. All moneys received by any county officer or employee ~~of~~  
20 ~~the county~~ for or in connection with the county business ~~of the county~~ shall be paid promptly  
21 into the hands of the director of finance; ~~all.~~ All such money shall be promptly deposited by the  
22 director of finance to the credit of the county in such banks or trust companies ~~as shall be~~  
23 ~~selected by the board of county supervisors~~ selects. No money shall be disbursed or paid out by  
24 the county except upon check signed by the chairman of the board ~~of county supervisors~~, or such  
25 other person ~~as may be designated by the board~~ designates, and countersigned by the director ~~of~~  
26 ~~the department~~ of finance.

27 The director of finance or his ~~duly~~ authorized deputies may transfer public funds from  
28 one depository to another by wire. Such officers may also ~~shall have the authority to~~ draw any of  
29 the county's money by check or by an electronic fund wire, or by any means deemed appropriate  
30 and sound by the director of finance and approved by the ~~governing body~~ board, drawn upon a  
31 warrant issued by the ~~governing body~~ board. If any money is knowingly paid otherwise than

1 upon the director of finance's check or electronic fund wire or by alternative means specifically  
2 approved by the director of finance and the ~~governing body~~ board, drawn upon such warrant, the  
3 payment shall be invalid against the county.

4 The board may designate one or more banks or trust companies as a receiving or  
5 collecting agency ~~or agencies~~ under the direction of the department of finance. All funds so  
6 collected or received shall be deposited to the credit of the county in such banks or trust  
7 companies as ~~shall be selected by the board~~ selects.

8 Every bank or trust company serving as a depository or as a receiving or collecting  
9 agency for county funds shall be required by the board ~~of county supervisors~~ to give adequate  
10 security therefor, and to meet such requirements as to interest thereon as the board may ~~by~~  
11 ~~ordinance or resolution~~ establish. All interest on money so deposited shall accrue to the benefit  
12 of the county.

13 **Drafting note: No substantive change in the law.**

14  
15 ~~F. Claims against counties; accounts. § 15.2-621. Same; claims against counties;~~  
16 accounts.

17 The director of finance shall audit all claims against the county for goods or services; ~~it,~~  
18 It shall also be his duty (i) to ascertain that such claims are in accordance with the purchase  
19 orders or contracts ~~of employment~~ from which ~~same~~ the claims arise; (ii) to draw all checks in  
20 settlement of such claims; (iii) to keep a record of the revenues and expenditures of the county;  
21 (iv) to keep such accounts and records of the affairs of the county as shall be prescribed by the  
22 Auditor of Public Accounts; and (v) at the end of each month, to prepare and submit to the board  
23 ~~of county supervisors~~ statements showing the progress and status of the county's affairs ~~of the~~  
24 ~~county~~ in such form as ~~shall be~~ agreed upon by the Auditor of Public Accounts and the board ~~of~~  
25 ~~county supervisors~~.

26 **Drafting note: No substantive change in the law.**

27  
28 ~~G. Director as purchasing agent. § 15.2-622. Same; director as purchasing agent.~~

29 The director of finance shall act as purchasing agent for the county, unless the board ~~of~~  
30 ~~county supervisors shall designate some other~~ designates another officer or employee for such  
31 purpose. The director of finance or the person designated as purchasing agent shall make all

1 purchases, subject to such exceptions as ~~may be allowed by the board of county supervisors~~  
2 allows. He ~~shall have authority to make such transfers of~~ may transfer supplies, materials and  
3 equipment between departments and offices, ~~to; sell, exchange or otherwise dispose of~~ any  
4 surplus supplies, materials or equipment; and ~~to make such other sales, exchanges and~~  
5 dispositions as ~~may be authorized by the board of county supervisors~~ authorizes. He ~~shall also~~  
6 ~~have power~~ may, with the approval of the board of county supervisors, ~~to establish suitable~~  
7 specifications or standards for all ~~supplies, materials and equipment~~ goods, services, insurance  
8 and construction to be ~~purchased~~ procured for ~~that the county and to;~~ inspect all deliveries to  
9 determine their compliance with such specifications and standards. ~~He shall further have the~~  
10 ~~power, with the approval of the board of county supervisors, to;~~ and sell supplies, materials and  
11 equipment to volunteer rescue squads and fire fighting companies at the same cost as the cost of  
12 such supplies, materials and equipment to the county. He shall have charge of such storerooms  
13 and warehouses of the county as the board of county supervisors ~~may provide~~ provides.

14 All purchases ~~and sales~~ shall be made in accordance with Chapter 7 (§ 11-35 et seq.) of  
15 Title 11 and under such rules and regulations ~~not inconsistent~~ consistent with Chapter 7 of Title  
16 11 as the board of county supervisors ~~may by ordinance or resolution establish~~ establishes. He  
17 shall not furnish any ~~supplies, materials, equipment or contractual services~~ goods, services,  
18 insurance or construction to any department or office except upon receipt of a properly approved  
19 requisition and unless there ~~be~~ is an unencumbered appropriation balance sufficient to pay for ~~the~~  
20 ~~same~~ them.

21 ~~Except as provided by the board, before making any sales he shall invite competitive bids~~  
22 ~~under such rules and regulations as the board may by ordinance or resolution establish.~~

23 ~~H. Other duties. He shall perform such other duties as may be imposed upon him by the~~  
24 ~~board of county supervisors.~~

25 **Drafting note: No substantive change in the law. The substance of provision (H) is**  
26 **found in § 15.2-617.**

27

28 ~~I. Assistants. § 15.2-623. Same; assistants.~~

29 The director may have such deputies or assistants in the performance of his duties as ~~may~~  
30 ~~be allowed by the board of county supervisors~~ allows.

31 **Drafting note: No substantive change in the law.**



1  
2 J. ~~Approval of chief assessing officer. § 15.2-624. Same; obligations of chief assessing~~  
3 ~~officer.~~

4 ~~Before the appointment of the chief assessing officer of the county (whether he be the~~  
5 ~~director of finance, a deputy or supervisor of assessments in the department of finance or the~~  
6 ~~head of the department of assessments) shall become effective, it shall be approved by the State~~  
7 ~~Tax Commissioner and such~~ The chief assessing officer shall be subject to the obligations and  
8 penalties imposed by general law upon commissioners of the revenue.

9 **Drafting note: SUBSTANTIVE CHANGE; the first sentence is deleted as it appears**  
10 **outdated. Also, there is no general requirement for counties to have their chief assessing**  
11 **officer approved by the State Tax Commissioner.**

12  
13 § ~~15.1-641~~ 15.2-625. Department of public works.

14 The county engineer, who shall be head of the department of public works, ~~shall be a~~  
15 ~~person who by training and experience is qualified for the construction of highways. He shall~~  
16 ~~have charge of~~ be responsible for the construction and maintenance of county roads and bridges,  
17 county drains stormwater systems within public rights-of-way and public easements and all other  
18 public works ~~and construction and care of public buildings, storerooms and warehouses. He shall~~  
19 ~~have the custody of such equipment and supplies as the board of county supervisors may~~  
20 ~~authorize.~~ He shall exercise all the powers conferred and perform all the duties imposed by  
21 general law upon the county ~~road~~ engineer and in addition shall perform such other duties as ~~may~~  
22 ~~be imposed~~ the board imposes upon him ~~by the board of county supervisors. But this section~~  
23 ~~shall not apply to any county wherein the maintenance, construction and reconstruction of county~~  
24 ~~roads and bridges shall have been assumed by the Commonwealth, and in such event there shall~~  
25 ~~be in such county no department of public works. The board of county supervisors shall in each~~  
26 ~~such county assign to some other department, officer or employee the duties set forth in this~~  
27 ~~section and not taken over by the Commonwealth.~~

28 **Drafting note: No substantive change in the law.**

29  
30 § ~~15.1-642~~ 15.2-626. Department and board of ~~public welfare~~ social services.

1           The ~~superintendent~~ director of ~~public welfare~~ social services, who shall be head of the  
2 department of ~~public welfare~~, shall be chosen from a list of eligibles furnished by the  
3 ~~Commissioner of Social Services~~. He shall have charge of ~~poor relief, charitable and correctional~~  
4 ~~institutions and parks and playgrounds, and~~ social services, shall exercise all the powers  
5 conferred and perform all the duties imposed by general law upon the county board of ~~public~~  
6 ~~welfare~~ social services, not inconsistent herewith. He shall also perform such other duties as ~~may~~  
7 ~~be imposed upon him by~~ the board of ~~county~~ supervisors imposes upon him.

8           The ~~board of county supervisors may select two qualified citizens of the county, who~~  
9 ~~shall serve without pay, and who, together with the head of the department, shall constitute the~~  
10 ~~county board of public welfare. Such board shall advise and cooperate with the department of~~  
11 ~~public welfare and shall have power to adopt necessary rules and regulations not in conflict with~~  
12 ~~law concerning such department. The county board of social services shall consist of six~~  
13 members; shall have all the powers, duties, and authority set out in Chapter 3 (§ 63.1-38 et seq.)  
14 of Title 63.1 of the Code of Virginia; and shall be appointed by the board of supervisors, which  
15 may fix, within the limits set forth in § 63.1-47, the compensation of the members of such board.  
16 At all times one member of the county board of social services shall also be a member of the  
17 board of supervisors. The board of social services may at any time be abolished by the board of  
18 ~~county~~ supervisors.

19           **Drafting note: No substantive change in the law; language is updated to reflect the**  
20 **current practice. For example, a three-member board of public welfare is replaced with a**  
21 **six-member board of social services.**

22  
23           ~~§ 15.1-643. Department of law enforcement.~~

24           The ~~department of law enforcement shall consist of an attorney for the Commonwealth~~  
25 ~~and a sheriff, together with their assistants, deputies and employees, and any police appointed by~~  
26 ~~the county manager, except as otherwise provided in § 15.1-649.~~

27           The ~~attorney for the Commonwealth shall exercise all the powers conferred and perform~~  
28 ~~all the duties imposed upon such officer by general law. He shall be selected as provided in §~~  
29 ~~15.1-652.~~

30           The ~~sheriff shall exercise all the powers conferred and perform all the duties imposed~~  
31 ~~upon sheriffs by general law. He shall have the custody, feeding and care of all prisoners~~

1 confined in the county jail. He shall perform such other duties as may be imposed upon him by  
2 the board of county supervisors. The sheriff shall be selected as provided in § 15.1-652. The  
3 sheriff and such other deputies and assistants appointed hereunder shall receive such  
4 compensation as the board of county supervisors may prescribe. Any policeman appointed by the  
5 county manager pursuant to § 15.1-634 shall be under the supervision and control of such county  
6 manager and such policeman shall have such powers as special policemen as may be provided  
7 for by general law.

8 **Drafting note: Repealed; this department does not exist.**

9  
10 § ~~15.1-644~~ 15.2-627. Department of education.

11 The department of education shall consist of the county school board, the division  
12 superintendent of schools and the officers and employees thereof. Except as herein otherwise  
13 provided, the county school board and the division superintendent of schools shall exercise all  
14 the powers conferred and perform all the duties imposed upon them by general law. ~~In addition~~  
15 ~~the parks and playgrounds shall be under the supervision and control of the department of~~  
16 ~~education.~~ Except for the initial elected board which shall consist of five members, the county  
17 school board shall be composed of not less than three nor more than nine members; however,  
18 there shall be at least one school board member elected from each of the county's magisterial or  
19 election districts. ~~Such~~ The members shall be elected by popular vote from election districts  
20 coterminous with the election districts for the board of county supervisors. The exact number of  
21 members shall be determined by the board of county supervisors. Elections of school board  
22 members shall be held to coincide with the elections of members of the board of county  
23 supervisors at the regular general election in November. The terms of office for the county  
24 school board members shall be the same as the terms of the members of the board of county  
25 supervisors and shall commence on January 1 following their election.

26 A vacancy in the office of school board member shall be filled pursuant to §§ 24.2-226  
27 and 24.2-228.

28 In order to have their names placed on the ballot, all candidates shall be nominated only  
29 by petition as provided by general law pursuant to § 24.2-506.

30 The county school board may also appoint a resident of the county to cast the deciding  
31 vote in case of a tie vote of the school board as provided in § 22.1-75. The tie breaker, if any,

1 shall be appointed for a four-year term whether appointed to fill a vacancy caused by expiration  
2 of term or otherwise.

3 The chairman of the county school board ~~shall~~, for the purpose of appearing before the  
4 board of county supervisors ~~under the provisions of § 15.1-636 §15.2-614,~~ shall be considered  
5 head of this department, unless some other person in the department shall be designated by the  
6 school board for such purpose.

7 **Drafting note: No substantive change in the law; the reference to park supervision**  
8 **is eliminated since this is not a current function of the Department of Education. The**  
9 **reference to § 15.1-636 is deleted since it is being repealed.**

10  
11 § ~~15.1-644.1~~ 15.2-628. Terms of school boards.

12 Notwithstanding the provisions of the preceding sections, in any county which hereafter  
13 adopts the county manager form of organization and government under this ~~article~~ chapter, the  
14 members of the county school board ~~in office on June 27, 1976, and those hereafter appointed~~  
15 then in office shall be appointed or reappointed, as the case may be, for terms of four years each,  
16 except that initial appointments hereunder may be for terms of one to four years, respectively, so  
17 as to provide staggered terms for such members.

18 **Drafting note: No substantive change in the law.**

19  
20 § ~~15.1-645~~. Department of records.

21 ~~The department of records shall be under the supervision and control of the county clerk.~~  
22 ~~He shall be clerk of the circuit court of the county and clerk of the board of supervisors, unless~~  
23 ~~the board shall designate some other person for this latter purpose. He shall exercise all the~~  
24 ~~powers conferred and perform all the duties imposed upon such officers by general law and shall~~  
25 ~~be subject to the obligations and penalties imposed by general law. He shall also perform such~~  
26 ~~other duties as may be imposed upon him by the board of supervisors.~~

27 **Drafting note: Repealed; this department does not exist.**

28  
29 § ~~15.1-646~~ 15.2-629. Department and board of health.

30 The department of health shall consist of the county health director, who shall be  
31 appointed as provided in the applicable provisions of Article 5 (§ 32.1-30 et seq.) of Chapter 1 of

1 Title 32.1 and who shall be head thereof, and the other officers and employees of such  
2 department. The head of ~~such~~ the department shall exercise ~~all~~ the powers conferred and shall  
3 perform ~~all~~ the duties imposed upon the local health director by general law, not inconsistent  
4 herewith. He shall also perform such other duties as may be imposed upon him by the board of  
5 ~~county supervisors~~ or, if the health department is operated under contract with the State Board of  
6 Health, as may be specified in such contract.

7 If the board of ~~county supervisors~~ appoints a local board of health as provided in § 32.1-  
8 32, it shall consist of two qualified citizens of the county, who shall serve without pay, and the  
9 county health director. Such board shall have power to adopt necessary rules and regulations, not  
10 in conflict with law, concerning the department. The board of health may at any time be  
11 abolished by the board of ~~county~~ supervisors.

12 **Drafting note: No substantive change in the law.**

13  
14 § ~~15.1-647~~ 15.2-630. Department of assessments.

15 The department of assessments, if and when established, shall be headed by a  
16 commissioner of the revenue or supervisor of assessments, who shall exercise ~~all~~ the powers  
17 conferred and perform ~~all~~ the duties imposed by ~~paragraphs C and D of § 15.1-640~~ 15.2-619  
18 upon the director of finance.

19 **Drafting note: No substantive change in the law.**

20  
21 § ~~15.1-648~~ 15.2-631. Department of ~~farm and home demonstration~~ extension and  
22 continuing education.

23 The department of ~~farm and home demonstration~~ extension and continuing education, if  
24 and when established, shall consist of the county ~~agricultural~~ extension agent, who shall be head  
25 of the department, a home ~~demonstration~~ economics agent, a 4-H youth agent and such ~~assistants~~  
26 other extension agents and employees as may be appointed or employed. The county ~~agricultural~~  
27 extension agent and the ~~home demonstration agent~~ other extension agents shall be selected from  
28 a list ~~or lists~~ of eligibles submitted by the Virginia Polytechnic Institute and State University.  
29 They shall perform such duties as ~~may be imposed upon them by the board of county supervisors~~  
30 imposes upon them.

1           **Drafting note: No substantive change in the law; amendments conform the section**  
2 **to the current practice.**

3  
4           § ~~15.1-649~~ 15.2-632. Department of public safety.

5           The department of public safety, if and when established, shall be under the supervision  
6 of a director of public safety appointed by the county manager. Such department shall consist of  
7 the following divisions:

8           (1) 1. Division of police, in the charge of a chief of police and consisting of such other  
9 police officers and other personnel as may be appointed.

10           (2) 2. Division of fire ~~protection~~, in the charge of a fire chief and consisting of such fire  
11 fighters, and other personnel as may be appointed.

12           **Drafting note: No substantive change in the law.**

13  
14           § ~~15.1-9.1~~ 15.2-633. ~~Appointment and duties~~ Office of the county attorney ~~in Henrico~~  
15 ~~County~~.

16           The ~~governing body of Henrico County~~ board may create the office of county attorney.  
17 ~~Such a~~ The county attorney shall be appointed ~~annually~~ by the county manager, and ~~shall~~ serve  
18 at a salary ~~to be~~ fixed by the board of ~~county supervisors~~. He shall be accountable to the county  
19 manager.

20           No person shall be appointed a county attorney under the provisions of this section unless  
21 at the time of his appointment he ~~shall be~~ has been admitted to practice before the Supreme  
22 Court of Virginia.

23           **Drafting note: No substantive change in the law.**

24  
25           § ~~15.1-650~~ 15.2-634. Department of public utilities.

26           The department of public utilities, if and when established, shall be under the supervision  
27 of a director of public utilities appointed by the county manager. ~~Such~~ The department shall be in  
28 charge of the construction, operation, maintenance and administration of ~~all public works coming~~  
29 ~~under the general category of~~ public utilities, owned, operated and controlled by ~~any such~~ the  
30 county or any sanitary district of ~~such~~ the county. ~~Such department shall be responsible for the~~  
31 ~~administration of the affairs of the sanitary districts, included,~~ including but not limited to water

1 systems, sewer systems, sewage disposal systems, ~~garbage~~ solid waste management, street lights  
2 and any other ~~sanitary district~~ related functions not assigned to or administered by other  
3 departments. If the county has a division of fire ~~protection~~ and a fire chief under the provisions  
4 of § ~~15.1-649~~ 15.2-633, then ~~such~~ the division of fire ~~protection~~ shall not be under the  
5 department of public utilities.

6 **Drafting note: No substantive change in the law.**

7  
8 ~~§ 15.1-651.~~

9 ~~Reserved.~~

10  
11 § ~~15.1-652~~ 15.2-635. Selection or appointment of certain officers and heads of  
12 departments; filling vacancies.

13 The ~~county~~ clerk of the circuit court, the attorney for the Commonwealth and the sheriff  
14 shall be selected in the manner and for the terms, and vacancies in such office shall be filled, as  
15 provided by general law.

16 The clerk of the circuit court shall be clerk of the board of supervisors unless the board  
17 designates some other person for this purpose. The clerk of the board shall exercise the powers  
18 conferred and perform the duties imposed upon such officer by general law and shall be subject  
19 to the obligations and penalties imposed by general law. He shall also perform such other duties  
20 as the board imposes upon him.

21 The directors or heads of all other departments of the county shall be appointed by the  
22 county manager. The county manager may, with the board's consent ~~of the board of county~~  
23 ~~supervisors~~, act as the director or head of one or more departments of the county, provided he is  
24 otherwise eligible to head such department or departments and, in the case of those officers  
25 whose appointments must be approved, his appointment is likewise approved.

26 In case of the absence or disability of any officer, other than the attorney for the  
27 Commonwealth, the ~~county~~ clerk of the circuit court and the sheriff, which offices shall be filled  
28 as prescribed by general law, the county manager or other appointing power may designate some  
29 responsible person to perform the duties of the office.

1           **Drafting note: No substantive change in the law; new language is added in order to**  
2 **clarify the distinction between the clerk of the circuit court and the clerk of the board of**  
3 **supervisors.**

4  
5           § ~~15.1-653~~ 15.2-636. Examination and audit of books and accounts.

6           The board ~~of county supervisors~~ shall require an annual audit of the books of every  
7 county officer who handles public funds to be made by an accountant who is not a regular officer  
8 or employee of the county and who is ~~thoroughly~~ qualified by training and experience. An audit  
9 made by the Auditor of Public Accounts under the provisions of law, may be considered as  
10 having satisfied the requirements of this paragraph.

11           Either the board ~~of county supervisors~~ or the manager may at any time order an  
12 examination or audit of the accounts of any officer or department of the county government.  
13 Upon the death, resignation, removal or expiration of the term of any county officer ~~of the~~  
14 ~~county~~, the director of finance shall cause an audit and investigation of the accounts of such  
15 officer to be made and shall report the results ~~thereof~~ to the manager and the board ~~of county~~  
16 ~~supervisors~~. In case of the death, resignation or removal of the director of finance, the board ~~of~~  
17 ~~county supervisors~~ shall cause an audit to be made of his accounts. If as a result of any such  
18 audit, an officer ~~be~~ is found indebted to the county, the board ~~of county supervisors~~ shall proceed  
19 forthwith to collect such indebtedness.

20           **Drafting note: No substantive change in the law.**

21  
22           § ~~15.1-654~~ 15.2-637. Schedule of compensation.

23           The board ~~of county supervisors~~ shall establish a schedule of compensation for officers  
24 and employees which shall provide uniform compensation for like service. The compensation  
25 prescribed shall be subject to such limitations as ~~may be~~ made by general law.

26           **Drafting note: No substantive change in the law.**

27  
28           § ~~15.1-655~~ 15.2-638. Submission of annual financial plan by manager; notice and  
29 hearings thereon; adoption of budget.

30           Each year at least two weeks before the board ~~of county supervisors~~ must prepare its  
31 proposed annual budget, the county manager shall prepare and submit to the board ~~of county~~



1 ~~supervisors~~ a budget presenting a financial plan for conducting the county's affairs ~~of the county~~  
2 for the ensuing year; ~~such~~. Such budget shall be set up in the manner prescribed by general law.  
3 Hearings ~~thereon~~ shall be held ~~and~~, notice ~~thereof~~ given and the budget adopted in accordance  
4 with ~~such~~ general law.

5 **Drafting note: No substantive change in the law.**

6  
7 ~~§ 15.1-656.~~

8 ~~Repealed by Acts 1970, c. 463.~~

9  
10 ~~§ 15.1-657~~ 15.2-639. Compensation; fee system abolished.

11 All county officers and employees ~~of the county~~ shall be paid regular compensation ~~and~~  
12 ~~the~~. The fee system as a method of compensation in the county shall be abolished, except ~~as to~~  
13 ~~those~~ for officers not affected by the adoption of this form of county organization and  
14 government. All such officers and employees shall, however, continue to collect all fees and  
15 charges provided for by general law, shall keep a record thereof, and shall promptly transmit all  
16 such fees and charges collected to the director of finance, who shall promptly receipt therefor.  
17 Such officers shall also keep such other records as are required by §§ 14.1-136 ~~to~~ through 14.1-  
18 163. All fees and commissions; ~~which~~, but for the provisions of this section, ~~would be paid to~~  
19 such officers by the Commonwealth for services rendered shall be paid to the county treasury ~~of~~  
20 ~~the county~~.

21 The excess, if any, of the fees collected by each of the officers mentioned in § 14.1-136  
22 or collected by anyone exercising the powers of and performing the duties of any such officer,  
23 over ~~(a)~~ (i) the allowance to which such officer would be entitled by general law but for the  
24 provisions of this section and ~~(b)~~ (ii) expenses in such amount as ~~shall be~~ allowed by the  
25 Compensation Board, shall be paid, one third into the state treasury; and the other two thirds  
26 ~~shall belong~~ to the county.

27 Any county officer or employee ~~of the county~~ who ~~shall fail~~ fails or ~~refuse~~ refuses to  
28 collect any fee which is collectible and should be collected under the provisions of this section,  
29 or who ~~shall fail~~ fails or ~~refuse~~ refuses to pay any fee so collected to the county as herein  
30 provided, shall upon conviction be deemed guilty of a misdemeanor.

31 **Drafting note: No substantive change in the law.**

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§ ~~15.1-658~~ 15.2-640. Establishing times and conditions of employment, personnel management, etc.

~~(1) Any~~ The county ~~having the county manager form of organization and government under this chapter is authorized to~~ may establish and prescribe for all employees of the county the following provisions applicable to such employees:

- ~~(a)~~ 1. Normal workdays and hours of employment therein;
- ~~(b)~~ 2. Holidays;
- ~~(c)~~ 3. Days of vacation allowed;
- ~~(d)~~ 4. Days of sick leave allowed;
- ~~(e)~~ 5. Other provisions concerning the hours and conditions of employment;
- ~~(f)~~ 6. Plans of personnel management and control.

~~(2) Any such~~ The county ~~shall have power to~~ may establish, alter, amend or repeal at will any provision adopted under ~~subsection (1) hereof~~ this section.

**Drafting note: No substantive change in the law. The stricken language in the first paragraph is not needed since the entire chapter is applicable only to counties with the county manager form.**

~~§ 15.1-659. Offices abolished.~~

~~When this form of county organization and government shall be adopted the following officers shall, when the form of organization and government becomes operative, be abolished, the powers and duties of such officers transferred as herein provided, and the terms of office of such officers expire as provided in § 15.1-587:-~~

- ~~(1) [Repealed.]~~
- ~~(2) Superintendent of the poor; his powers shall be exercised and his duties performed by the superintendent of public welfare.~~
- ~~(3) The school trustee electoral board.~~
- ~~(4) The inheritance tax commissioner.~~

**Drafting note: Repealed; the listed officers no longer exist; § 15.2-607 (§ 15.1-628) and § 15.2-608 (§ 15.1-629) give the governing body general authority to organize the structure, powers and duties of the county government.**

1  
2 § ~~15.1-660~~ 15.2-641. Bonds of officers.

3 The county manager shall give bond ~~to~~ in the amount of not less than \$5,000. The  
4 director of finance shall give bond ~~to the amount of not less than fifteen per centum of the~~  
5 ~~amount of money to be received by him annually. In case~~ in accordance with general law. If the  
6 county manager also serves ~~also~~ as director of finance, he shall give bond ~~to~~ in the full amounts  
7 indicated above. The board ~~of county supervisors~~ shall have the power to fix bonds in excess of  
8 these amounts and to require bonds of other county officers in their discretion, conditioned on  
9 the faithful discharge of their duties and the proper account for all funds coming into their  
10 possession.

11 **Drafting note: No substantive change in the law.**

12  
13 Article 4.

14 General Provisions.

15  
16 § ~~15.1-661~~. ~~Provisions applicable to both plans.~~

17 ~~The provisions of this article shall be applicable to each of the two forms of county~~  
18 ~~organization and government provided for in Articles 2 (§ 15.1-588 et seq.) and 3 (§ 15.1-622 et~~  
19 ~~seq.) of this chapter.~~

20 **Drafting note: Repealed; this section is no longer needed since the county executive**  
21 **and county manager forms of government will be placed in separate chapters.**

22  
23 § ~~15.1-662~~ 15.2-642. Officers not affected by adoption of ~~either~~ plan.

24 The following officers shall not, except as herein otherwise provided, be affected by the  
25 adoption of ~~either the county executive form or the county manager form~~:

26 ~~(1)~~ 1. Jury commissioners;₂

27 ~~(2)~~ Notaries public;₂

28 ~~(3)~~ 2. County electoral boards;₂

29 ~~(4)~~ 3. Registrars;₂

30 ~~(5)~~ 4. Judges and clerks of elections;₂ and

31 ~~(6)~~ 5. Magistrates.

1           **Drafting note: No substantive change in the law; notaries are stricken from this**  
2 **section since they would clearly not be impacted by the adoption of the county manager**  
3 **form.**

4  
5           ~~§ 15.1-663. Inconsistent provisions of law.~~

6           ~~Other provisions of law in conflict with any form of county organization and government~~  
7 ~~adopted by any county pursuant to this chapter shall not apply to the county.~~

8           **Drafting note: Repealed; the substance of this section is found in § 15.2-300.**

9  
10          ~~§ 15.1-664. Changing from one form to another.~~

11          ~~Any county which adopts either form of organization and government provided for by~~  
12 ~~this chapter may change to the other form of organization and government therein provided for,~~  
13 ~~or some other form of county organization and government provided for by the general law of~~  
14 ~~the Commonwealth. The procedure shall be the same, insofar as applicable, as that herein~~  
15 ~~provided in §§ 15.1-582 to 15.1-587.~~

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

17          **Drafting note: Repealed; the substance of this section is found in § 15.2-305.**

18  
19          ~~§ 15.1-665. Effect of change from executive to manager form.~~

20          ~~If in accordance with the foregoing section the form of the county organization and~~  
21 ~~government be changed from the county executive form to the county manager form, all officers~~  
22 ~~and employees of the county shall be thereafter selected as provided in the county manager form;~~  
23 ~~the persons holding office under the county executive form shall continue to hold office until~~  
24 ~~their successors have been selected and qualified; the members of the board of county~~  
25 ~~supervisors, the county clerk, and the attorney for the Commonwealth shall continue to hold~~  
26 ~~office under the county manager form until the expiration of their terms and until their~~  
27 ~~successors have been elected and qualified.~~

28          ~~This change shall become effective as soon as the judge shall enter of record the results~~  
29 ~~of the election provided for in § 15.1-664.~~

30          **Drafting note: Repealed; the substance of this section is found in § 15.2-305.**

1           ~~§ 15.1-666. Effect of change from manager to executive form.~~

2           ~~If in accordance with § 15.1-664 the form of county organization and government be~~  
3 ~~changed from the county manager form to the county executive form, all officers and employees~~  
4 ~~of the county shall be thereafter selected as provided in the county executive form; those persons~~  
5 ~~holding office under the county manager form shall continue to hold office until their successors~~  
6 ~~have been selected and qualified; the members of the board of supervisors, the county clerk, and~~  
7 ~~the attorney for the Commonwealth shall continue to hold office under the county executive form~~  
8 ~~until the expiration of their terms and until their successors have been elected and qualified.~~

9           ~~This change shall become effective as soon as the judge shall enter of record the results~~  
10 ~~of the election provided for in § 15.1-664.~~

11           **Drafting note: Repealed; the substance of this section is found in § 15.2-305.**

12  
13           ~~§ 15.1-667. Effect of change to old form.~~

14           ~~If in accordance with the provisions of § 15.1-664 the form of the county organization~~  
15 ~~and government be changed from either the county executive form or the county manager form~~  
16 ~~to some other form of county organization and government provided for by the provisions of~~  
17 ~~general law, all officers of the county and the district whose election is provided for by general~~  
18 ~~law shall be elected at the next succeeding regular November election, held at least sixty days~~  
19 ~~after such change shall have been voted upon; all appointive officers shall be appointed by the~~  
20 ~~appointing power provided for by general law; the terms of the officers so elected or appointed~~  
21 ~~shall begin on the first day of January next succeeding, at which time the change of county~~  
22 ~~organization and government shall become effective, and such officers shall hold office until~~  
23 ~~their successors have been elected at the next regular election provided for such officers or have~~  
24 ~~been appointed, as provided by general law, and have qualified; provided, that after November 1,~~  
25 ~~1977, where the majority of the qualified voters have by referendum voted in favor of changing~~  
26 ~~from the county executive form to the form of government used by all counties that have not~~  
27 ~~adopted a form of government provided for in Chapters 13 (§ 15.1-582 et seq.), 14 (§ 15.1-669 et~~  
28 ~~seq.) and 15 (§ 15.1-722 et seq.) of this title, no such special election for county and district~~  
29 ~~officers shall be held, and said change in form of government shall not take effect until the first~~  
30 ~~day of January next following the expiration of the terms of office of the incumbent attorney for~~  
31 ~~the Commonwealth and sheriff.~~

1           **Drafting note: Repealed; the substance of this section is found in § 15.2-305.**

2  
3           ~~§ 15.1-668. Limitation as to frequency of elections.~~

4           ~~If any election has been or is held in any county to determine whether such county shall~~  
5 ~~adopt either of the two forms of county organization and government provided for in Articles 2~~  
6 ~~(§ 15.1-588 et seq.) and 3 (§ 15.1-622 et seq.) of this chapter, or if any election has been or is~~  
7 ~~held in any county which has adopted either of such optional forms of county organization and~~  
8 ~~government to determine whether such county shall change to the other optional form of county~~  
9 ~~organization and government or to determine whether such county shall change to some other~~  
10 ~~form of county organization and government provided for by Article VII of the Constitution of~~  
11 ~~Virginia and the other provisions of general law of the Commonwealth, no further election of the~~  
12 ~~nature referred to in this section shall be held in the county within three years thereafter.~~

13           **Drafting note: Repealed; the substance of this section is found in § 15.2-306.**

1 PROPOSED  
2 CHAPTER 14 7.  
3 ~~OTHER FORMS OF GOVERNMENT FOR CERTAIN COUNTIES~~ COUNTY  
4 MANAGER PLAN OF GOVERNMENT.  
5

6 Chapter drafting note: Old Chapter 14, which contains provisions for two separate  
7 forms of county government, is divided into two chapters. Proposed Chapter 7 contains the  
8 provisions for the county manager plan of government, currently used by Arlington  
9 County, and proposed Chapter 4 contains the provisions for the county board form of  
10 government, and is not shown in this draft.

11  
12 Article 1.

13 ~~Applicability~~ Adoption of County Manager Plan.

14  
15 § 15.1-669. ~~Application of Articles 1 to 4.~~

16 ~~Subject to the election hereinafter provided, the provisions of Articles 1 (§ 15.1-669), 2~~  
17 ~~(§ 15.1-670 et seq.), 3 (§ 15.1-674 et seq.) and 4 (§ 15.1-689 et seq.) of this chapter shall be~~  
18 ~~applicable to any county having a population of 500 inhabitants or more to the square mile, as~~  
19 ~~shown by the last United States census, and to any county having less than sixty square miles of~~  
20 ~~high land. Subject to the approval of a majority of the qualified voters of any such county who~~  
21 ~~vote thereon, either of the two forms of county organization and government provided in Articles~~  
22 ~~2 and 3 of this chapter may be adopted. For the purpose of this section, the term "high land" in~~  
23 ~~any county means the land therein above the low water line or mark of waters within and~~  
24 ~~adjacent to the boundaries of such county.~~

25 **Drafting note: Repealed; relevant portions of this section are relocated to § 15.2-**  
26 **701.**

27  
28 Article 2.

29 ~~Modified Commission Plan.~~

30  
31 §§ 15.1-670 through 15.1-673.

1 ~~Repealed by Acts 1976, c. 458.~~

2  
3 § 15.2-700. Title of plan; applicability of chapter.

4 The form of county organization and government provided for in this chapter shall be  
5 known and designated as the county manager plan. The provisions of this chapter shall apply  
6 only to counties which have adopted the county manager plan.

7 **Drafting note: The county manager plan is currently used by Arlington County.**

8  
9 § 15.2-701. Adoption of county manger plan.

10 Any county with a population density of at least 500 persons per square mile may adopt  
11 the county manager plan of government in accordance with the provisions of Chapter 3.

12 **Drafting note: This new section is added in order to cross-reference the uniform**  
13 **procedure by which counties may adopt an optional form of government. The population**  
14 **density restriction comes from § 15.1-669.**

15  
16 Article 3 2.

17 County Manager Plan General Powers; County Manager Plan.

18  
19 ~~§ 15.1-674~~ 15.2-702. County board; membership, terms, chairman, etc.; ~~board to appoint~~  
20 ~~county manager.~~

21 Under the county manager plan all of the legislative powers of the county, however  
22 conferred or possessed by it, shall be vested in a board of five members to be known as the  
23 county board ("the board"). The members of the board shall be elected in the manner hereinafter  
24 provided ~~and~~ for terms of four years. ~~The county board shall appoint the county manager, who~~  
25 ~~need not be a resident of the county or of the Commonwealth.~~ The county board shall elect one  
26 of its members as chairman, who shall preside over its meetings. The chairman shall be elected  
27 by the board annually and any vacancy in the office shall be filled by the board for the unexpired  
28 term. The chairman ~~shall have~~ has the same powers and duties as other members of the board  
29 with a vote but no veto and ~~shall be~~ is the official head of the county. With the exception of those  
30 officers whose election is provided for by popular vote in Article VII, Section 4 of the  
31 Constitution of Virginia ~~and the trial justice or county judge,~~ board members ~~of the board~~ shall



1 be the only elective county officials. The ~~county~~ board shall be a body corporate and as such  
2 ~~shall have~~ has the right to sue and be sued in the same manner as is now provided by law for  
3 boards of supervisors.

4 **Drafting note: No substantive change in the law. The provisions of the stricken**  
5 **sentence are relocated to § 15.2-706. References to the trial justice and county judge are**  
6 **obsolete.**

7  
8 § ~~15.1-675~~ 15.2-703. Interference by members of ~~county~~ board in appointments and  
9 removals of personnel.

10 Neither the ~~county~~ board nor any of its members shall in any manner dictate the  
11 appointment or removal of any county administrative officers or employees ~~whom the~~ who are  
12 appointed by the manager or any of his subordinates ~~are empowered to appoint, but.~~ However,  
13 the ~~county~~ board may express its views and fully and freely discuss with the manager anything  
14 pertaining to appointment and removal of such officers and employees. Except for the purposes  
15 of inquiry and investigation, the board and its members shall deal with county officers and  
16 employees who are subject to the direction and supervision of the manager solely through the  
17 county manager, and neither the board nor any member thereof shall give orders either publicly  
18 or privately to any such county officer or employee.

19 **Drafting note: No substantive change in the law.**

20  
21 § ~~15.1-675.1~~ 15.2-704. Appointment of clerk of ~~county~~ board; powers and duties;  
22 obligations and penalties.

23 The clerk of the ~~county~~ board shall be such qualified person as ~~may be designated by the~~  
24 board designates. He shall be compensated in an amount set by the board and may employ such  
25 deputies and assistants as the board authorizes. He shall exercise ~~all~~ the powers conferred and  
26 perform ~~all~~ the duties imposed upon such officers by general law and shall be subject to the  
27 obligations and penalties imposed by general law. He shall also perform such other duties as ~~may~~  
28 ~~be imposed upon him by the county board~~ imposes upon him.

29 **Drafting note: No substantive change in the law.**

30  
31 § ~~15.1-676~~ 15.2-705. Election of members of ~~county~~ board; filling vacancies.

1 A. ~~Notwithstanding the provisions of § 15.1-694, in~~ In any county operating as of  
2 December 1, 1993, under the county manager plan provided for in this chapter, the members of  
3 the ~~county~~ board shall be elected and vacancies on the board shall be filled as provided in this  
4 section. The members of the board shall be elected from the county at large.

5 B. Two board members ~~of the county board~~ shall be elected at the November 1995  
6 election to succeed the members whose terms are expiring, and one member each shall be elected  
7 at the 1994, 1996, and 1997 November elections to succeed the members whose terms  
8 respectively are expiring. Thereafter at each regular November election ~~there shall be elected~~  
9 one or more ~~members of the county~~ board members shall be elected to succeed the ~~member or~~  
10 members whose terms expire on or before January 1 next succeeding such election. The  
11 members so elected shall be elected for terms of four years each, shall take office on January 1  
12 next succeeding their election, and shall hold office until their successors are elected and qualify.

13 C. ~~When~~ Notwithstanding the provisions of § 24.2-226, when any vacancy occurs in the  
14 membership of the ~~county~~ board, the judge of the circuit court of the county shall call a special  
15 election for the remainder of the unexpired term to be held not less than ~~45~~ forty-five days and  
16 not more than ~~60~~ sixty days thereafter; ~~provided that,~~ However, if any vacancy occurs within  
17 180 days before the expiration of a term of office, the vacancy shall be filled by appointment by  
18 a majority vote of the remaining members of the board within ~~30~~ thirty days of the occurrence of  
19 the vacancy after holding a public hearing ~~with respect to~~ on the appointment. The appointment  
20 shall be for the duration of the unexpired term.

21 **Drafting note: No substantive change in the law. The new sentence in subsection A**  
22 **is relocated from § 15.1-691.**

23  
24 § ~~15.1-677~~ 15.2-706. Duties of county manager; compensation; appointment of officers  
25 and employees.

26 The administrative and executive powers of the county, including the power of  
27 appointment of all officers and employees whose appointment or election is not otherwise  
28 provided by law, are vested in ~~an official known as~~ the county manager, who shall be appointed  
29 by the ~~county~~ board at its first meeting or as soon thereafter as practicable. The county manager  
30 need not be a resident of the county or of the Commonwealth. He shall receive such  
31 compensation as shall be fixed by the board. The officers whose election by popular vote is

1 provided for in Article VII, Section 4 of the Constitution of Virginia ~~and the trial justice or~~  
2 ~~county judge~~, the school board and the superintendent of schools shall not be subject to  
3 appointment but shall be selected in the manner prescribed by law. The heads of all departments  
4 other than those hereinbefore referred to and excepted from the provisions of this section shall be  
5 selected by the county board; ~~provided that~~. However, if a majority of the qualified voters voting  
6 in the election required by § ~~15.1-668~~ 15.2-716 vote in favor thereof, then the heads of the  
7 several county departments, other than those hereinbefore referred to and excepted from the  
8 provisions of this section shall be appointed by the county manager.

9 **Drafting note: No substantive change in the law. The new sentence is relocated**  
10 **from § 15.1-674 (15.2-702). The existing reference to § 15.1-668 is incorrect and should be**  
11 **§ 15.1-686.**

12  
13 § ~~15.1-678~~ 15.2-707. Bonds of county officers and employees.

14 The county officers ~~of the county~~ shall give such bonds as are now required by general  
15 law, except that the bond of the treasurer shall be in such penalty as the court or judge ~~may~~  
16 ~~require~~ requires, but not less than fifteen ~~per centum~~ percent of the amount to be received  
17 annually by him. In addition ~~thereto~~, the county board ~~shall have power to~~ may fix and require  
18 bonds in excess of the amounts so required, and ~~to~~ may require bonds of other county officers  
19 and employees in ~~their~~ the board's discretion, conditioned on the faithful discharge of their  
20 duties and the proper accounting for all funds coming into their possession.

21 **Drafting note: No substantive change in the law.**

22  
23 § ~~15.1-679~~ 15.2-708. Term of office of county manager; salary and performance of  
24 duties; acting manager in case of temporary absence or disability; removal or suspension.

25 The term of office of ~~such~~ the county manager shall expire on June 30 of each year ~~after~~  
26 ~~1952, but except~~. Except as hereinafter provided, he shall be notified at least sixty days before  
27 the expiration of his term if his services are not desired for the ensuing twelve ~~months'~~ -month  
28 period. He shall receive such annual salary as the board may prescribe payable in monthly  
29 installments from county funds. He shall devote his full time to the performance of the duties  
30 imposed on him by law, and the performance of such other duties as ~~may be directed by the~~  
31 board directs.

1 To perform his duties during his temporary absence or disability the manager may  
2 designate by letter filed with the clerk of the board a qualified administrative officer of the  
3 county to be acting manager. ~~In the event of failure of~~ If the manager fails to make such  
4 designation, the ~~county~~ board may, by resolution, appoint an officer of the county to perform the  
5 duties of the manager until he ~~shall return~~ returns or his disability ~~cease~~ ceases.

6 The board may at any time remove the county manager for neglect of duty, malfeasance  
7 or misfeasance in office, or incompetency; ~~provided, that if~~ If a majority of the qualified voters  
8 voting in the election required by § ~~15.1-668~~ 15.2-301 vote in favor thereof, the county manager  
9 shall, ~~after December 31, 1952,~~ be appointed for an indefinite period and be subject to removal  
10 by the county board at any time, any other provision of law to the contrary notwithstanding. ~~In~~  
11 ~~case~~ If the board determines to remove the county manager ~~so appointed,~~ he shall be given, if he  
12 so requests, a written statement of the reasons alleged for the proposed removal and the right of a  
13 hearing thereon at a public meeting of the board prior to the date on which his final removal ~~shall~~  
14 ~~take~~ takes effect, ~~but pending.~~ Pending and during such hearing the ~~county~~ board may suspend  
15 him from office, provided that the period of suspension ~~shall~~ be limited to thirty days. The action  
16 of the board in suspending or removing the county manager shall not be subject to review.

17 **Drafting note: No substantive change in the law.**

18  
19 ~~§ 15.1-680-~~

20 ~~Repealed by Acts 1982, c. 30-~~

21  
22 ~~§ 15.1-684~~ 15.2-709. Investigation of county officers or employees.

23 The ~~county~~ board ~~shall have full power to~~ may inquire into the official conduct of any  
24 office, officer or employee under its control, and ~~to~~ investigate the accounts, receipts,  
25 disbursements and expenses of any such office, officer or employee; ~~for~~ For these purposes it  
26 may subpoena ~~persons who are~~ county employees ~~of such county~~ as witnesses, administer oaths  
27 and require the production of books, papers and other evidence in their control; ~~and in case.~~ If  
28 any such witness fails or refuses to obey any such lawful board order ~~of the board,~~ he shall be  
29 deemed guilty of a misdemeanor.

30 **Drafting note: No substantive change in the law.**

1           § ~~15.1-682~~ 15.2-710. Budget; county manager to be executive and administrative officer;  
2 financial condition of county.

3           In addition to such other duties as are or may be prescribed by law or directed by the  
4 board, the county manager ~~in counties having a population of 500 or more per square mile~~ shall  
5 each year on or before April 15 prepare and submit to the board a tentative budget for  
6 informative and fiscal planning purposes ~~only~~. ~~The budget shall be prepared in accordance with~~  
7 ~~the provisions of law in effect governing the preparation of the county budget and showing~~ shall  
8 show in detail the recommendations of the county manager for expenditures on each road and  
9 bridge or for other purposes.

10           The county manager shall be the executive and administrative officer of the county in all  
11 matters relating to the public roads and bridges of the county, and other public work and business  
12 in the county, except public schools, ~~and~~. He shall have general supervision and charge of ~~all~~  
13 construction and maintenance of the public roads, bridges and landings of the county, and ~~all of~~  
14 public work and business of the county, except public schools, and of the purchase of ~~all~~  
15 supplies, equipment and materials for the roads, bridges and landings and other public work and  
16 business of the county, and the employment of all superintendents, foremen and labor therefor;  
17 ~~provided, however, that~~. However, the ~~county~~ board may, by ordinance, prescribe rules and  
18 regulations for the purchase of all supplies, equipment and materials for the roads, bridges and  
19 landings and other public work and business of the county.

20           The county manager shall keep the board advised as to the county's financial condition ~~of~~  
21 ~~the county~~, and at each regular board meeting ~~of the board~~ he shall present ~~to the board~~ an  
22 itemized statement of all expenditures he has made ~~by him~~ since his last report, ~~and on~~. On or  
23 before July 15 of each year, he shall file with the clerk of the board an itemized statement  
24 showing the amount expended on each road, bridge or for other purposes for the ~~year~~ preceding  
25 year, ending June 30.

26           **Drafting note: No substantive change in the law. The stricken language in the first**  
27 **sentence is not needed since the entire chapter applies only to those counties with a**  
28 **population density of at least 500 persons per square mile.**

29  
30           § ~~15.1-683~~ 15.2-711. Certification and payment of payrolls.

1           The ~~county~~ board by resolution may require the county manager to certify to the treasurer  
2 the payroll of the regular employees of the county for the successive payroll periods, and  
3 vouchers for the payment of bills for materials and supplies which have been received and for  
4 which discounts are allowed. Upon receipt thereof the treasurer shall pay the same as if they had  
5 been approved by the ~~county~~ board. No payment shall be made hereunder when at any meeting  
6 of the county board a resolution opposing such method of payment has been adopted.

7           **Drafting note: No substantive change in the law.**

8  
9           § ~~15.1-684~~ 15.2-712. Certification and payment of certain vouchers.

10          The ~~county~~ board may by resolution authorize the county manager to sign and issue an  
11 order or authorization to the treasurer for payment of vouchers for materials, supplies and  
12 services which have been received and the treasurer shall pay the same. The provisions of § ~~15.1-~~  
13 ~~683~~ 15.2-711 shall apply to actions hereunder.

14          **Drafting note: No substantive change in the law.**

15  
16          § ~~15.1-684.1~~ 15.2-713. Means of transferring funds.

17          The treasurer or his duly authorized deputies may transfer public funds from one  
18 depository to another by wire. Such officers may also ~~shall have the authority to~~ draw any of the  
19 county's money by check, by an electronic fund wire or payment system, or by any means  
20 deemed appropriate and sound by the county treasurer and approved by the governing body,  
21 drawn upon a warrant issued by the governing body. If any money is knowingly paid otherwise  
22 than upon the county treasurer's check, electronic fund wire or payment system or by alternative  
23 means specifically approved by the county treasurer and the governing body, drawn upon such  
24 warrant, the payment shall be invalid against the county.

25          **Drafting note: No substantive change in the law.**

26  
27          § ~~15.1-684.2~~ 15.2-714. Depository for county funds.

28          The ~~county~~ board may designate one or more banks or trust companies as collecting or  
29 receiving agencies for county funds, which funds shall be deposited to the county's credit ~~of the~~  
30 ~~county~~ and be subject to the control of the county treasurer.

31          **Drafting note: No substantive change in the law.**

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§ ~~15.1-685~~ 15.2-715. Abolition of offices and distribution of duties.

The board, by a majority vote of all the members elected, may abolish any board, commission, or office of such county except the school board, school superintendent and trial justice, and the officers elected by popular vote provided for in Article VII, Section 4 of the Constitution of Virginia, and may delegate and distribute the duties, authority and powers of the boards, commissions, or offices abolished to the county manager or to any other officer of the county it may think proper. ~~In the event of the abolition of~~ If any such board, commission, or office is abolished, those to whom the duties thereof ~~may be~~ are delegated or distributed shall discharge ~~all of~~ the duties and exercise ~~all of~~ the powers and authorities of, ~~and both the~~ abolished entity. Both they and the county for which they were appointed, or by whom they were employed, shall enjoy the immunities and exemptions from liability or otherwise that were enjoyed by the abolished boards, commissions, or offices, prior to the adoption of the county manager plan of government, except insofar as such duties, powers, authority, immunities and exemptions have been or hereafter may be changed according to law.

**Drafting note: No substantive change in the law.**

§ ~~15.1-686~~ 15.2-716. Referendum for establishment of department of real estate assessments; board of equalization; general reassessments in county where department established.

A referendum may be initiated by a petition signed by 200 or more qualified voters of the county filed with the circuit court, asking that a referendum be held on the question of whether the county shall have a department of real estate assessments. The court shall on or before August 1 enter of record an order requiring the county election officials to open the polls at the regular election to be held in November of such year on the question stated in such order. If the petition seeks the holding of a special election on the question, then the petition hereinabove referred to shall be signed by 1,000 or more qualified voters of the county and the court shall within fifteen days of the date such petition is filed enter an order, in accordance with § 24.2-684, requiring the election officials to open the polls on a date fixed in the order and take the sense of the qualified voters of the county. The clerk of the county shall cause a notice of such

1 election to be published in a newspaper having general circulation in the county once a week for  
2 three successive weeks, and shall post a copy of such notice at the door of the county courthouse.

3 If a majority of the voters voting in a the referendum ~~as hereinafter provided~~ vote for the  
4 establishment of a department of real estate assessments, the ~~county~~ board shall by ordinance  
5 establish such department, provide for the compensation of the department head and employees  
6 therein, and decide such other matters in relation to the powers and duties of the department, the  
7 department head and the employees, as the board deems proper. As used in this section the term  
8 "department" refers to the department of real estate assessments and where proper the department  
9 head thereof.

10 Upon the establishment of the department, the county manager shall select ~~some person~~  
11 ~~as~~ the head thereof and provide for such employees and assistants as ~~may be~~ required. Such  
12 department shall be vested with the powers and duties conferred or imposed upon commissioners  
13 of the revenue by general law to the extent that such duties and powers are ~~not inconsistent~~  
14 consistent with this section, in relation to the assessment of real estate. All real estate shall be  
15 assessed at its fair market value as of January 1 of each year by ~~such~~ the department and taxes  
16 for each year on such real estate shall be entered on the land book by the department in the name  
17 of the owner thereof. Whenever any such assessment is increased over the last assessment made  
18 prior to such year, the department shall give written notice to the owner of such real estate or of  
19 any interest therein, by mailing such notice to the last known post-office address of such owner;  
20 ~~but~~. However, the validity of such assessment shall not be affected by any failure to receive such  
21 notice.

22 If a department of real estate assessments is appointed as above provided, the governing  
23 body of the county shall annually appoint a board of equalization of real estate assessments. Such  
24 board shall have the powers and duties provided by, and be subject to the provisions of, Chapter  
25 32, Article 14 (§ 58.1-3370 et seq.) of Title 58.1. Any person aggrieved by any assessment made  
26 under the provisions of this section may apply for relief to such board as therein provided.

27 ~~Such referendum may be initiated by a petition signed by 200 or more qualified voters of~~  
28 ~~the county filed with the circuit court, asking that a referendum be held on the question of~~  
29 ~~whether the county shall have a department of real estate assessments. Such court shall on or~~  
30 ~~before August 1 enter of record an order requiring the county election officials to open the polls~~  
31 ~~at the regular election to be held in November of such year on the question stated in such order.~~



1 ~~If the petition seeks the holding of a special election on the question then the petition~~  
2 ~~hereinabove referred to shall be signed by 1,000 or more qualified voters of the county and the~~  
3 ~~court shall within fifteen days of the date such petition is filed enter an order, in accordance with~~  
4 ~~§ 24.1-165, requiring the election officials to open the polls and take the sense of the qualified~~  
5 ~~voters of the county on a date fixed in the order. The clerk of the county shall cause a notice of~~  
6 ~~such election to be published in some newspaper published or having general circulation in the~~  
7 ~~county once a week for three successive weeks, and shall post a copy of such notice at the door~~  
8 ~~of the courthouse of such county.~~

9       When a department of real estate assessments is appointed ~~as above provided~~, the county  
10 shall not be required to undertake general reassessments of real estate every six years, but the  
11 governing body of the county may, but shall not be required to, request the circuit court of such  
12 county to order a general reassessment at such ~~time or~~ times as the governing body deems proper  
13 ~~and such.~~ Such court shall then enter an order directing a reassessment of real estate in the  
14 manner provided by law.

15       The department of real estate assessments may require that the owners of income-  
16 producing real estate in the county subject to local taxation, except property producing income  
17 solely from the rental of no more than four dwelling units, furnish to ~~such~~ the department on or  
18 before a time specified by the director of ~~such~~ the department statements of the income and  
19 expenses attributable over a specified period of time to each such parcel of real estate. If there is  
20 a willful failure to furnish statements of income and expenses in a timely manner to the director,  
21 the owner of such parcel of real estate shall be deemed to have waived his ~~or her~~ right in any  
22 proceeding contesting the assessment to utilize such income and expenses as evidence of fair  
23 market value. Each such statement shall be certified as to its accuracy by an owner of the real  
24 estate for which the statement is furnished, or a duly authorized agent thereof. Any statement  
25 required by this section shall be kept confidential as required by § 58.1-3.

26       **Drafting note: No substantive change in the law. The fourth paragraph is relocated**  
27 **to the beginning of the section.**

28  
29       § ~~15.1-686.01~~ 15.2-717. Time in which to contest real property assessments.

30       Notwithstanding any other provision of law and instead of any other right to apply to  
31 court, any person aggrieved by an assessment of real estate made by the department of real estate

1 assessments may apply for relief to the circuit court of the county within one year from  
2 December 31 of the year in which such assessment is made. The application shall be before the  
3 court when it is filed in the clerk's office. In such proceeding the burden of proof shall be on the  
4 taxpayer to show that the property in question is valued at more than its fair market value or that  
5 the assessment is not uniform in its application, or that the assessment is otherwise invalid or  
6 illegal, but it shall not be necessary for the taxpayer to show that intentional, systematic and  
7 willful discrimination has taken place. The proceedings shall be conducted as an action at law  
8 before the court, sitting without a jury, and the court shall act with the authority granted by §§  
9 58.1-3987 and 58.1-3988.

10 **Drafting note: No change.**

11  
12 ~~§ 15.1-686.1.~~

13 ~~Repealed by Acts 1964, c. 645.~~

14  
15 ~~§§ 15.1-686.2, 15.1-686.3.~~

16 ~~Repealed by Acts 1989, c. 353.~~

17  
18 ~~§ 15.1-686.4.~~

19 ~~Repealed by Acts 1982, c. 433.~~

20  
21 ~~§ 15.1-686.5~~ 15.2-718. Postponement of payment of certain assessments.

22 The county board may provide for the postponement of the payment of assessments made  
23 pursuant to the provisions of Article 2 (§ ~~15.1-239~~ 15.2-2404 et seq.) of Chapter 7 24 of this title  
24 by any property owner at the election of the property owner. Full payment of the assessment plus  
25 accrued interest shall become due and payable at the time of the death of the owner or the last  
26 surviving joint owner who made such an election or at the time the property or any divided part  
27 is sold, devised, subdivided, or transferred in any way. The county board may impose interest on  
28 the unpaid balance of such assessments at a rate not to exceed the judgment rate, but at a rate  
29 which may be different from that imposed on property owners making installment payments  
30 under § ~~15.1-249.1~~ 15.2-2413.

31 **Drafting note: No substantive change in the law.**

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§ ~~15.1-686.6~~ 15.2-719. Immobilization, etc., of certain vehicles.

The ~~county~~ board may by ordinance place reasonable limits on the removal or immobilization of trespassing vehicles.

**Drafting note: No substantive change in the law.**

§ ~~15.1-686.7~~ 15.2-720. Employee salary reduction agreements.

In connection with some or all of its employee benefit programs, the ~~county~~ board is authorized to enter into voluntary salary reduction agreements with its officers and employees when such agreements are authorized under the laws of the United States relating to federal income taxes. Any such voluntary salary reduction agreements entered into prior to July 1, 1988, are hereby validated.

**Drafting note: No substantive change in the law.**

§ ~~15.1-687~~ 15.2-721. Civil service commission.

The board, in addition to any other powers granted by general or special law, ~~is empowered to~~ may appoint a civil service commission, ~~hereafter designated as~~ (“the commission”), to be composed of five persons who shall receive such compensation as the board prescribes. The initial terms of office of commission members ~~of the commission~~ shall ~~expire June 30, 1964. The board shall appoint successors to members whose terms are so terminated for terms ending on June 30, 1965, 1966 and 1967~~ be staggered so that the terms of no more than two commissioners expire at one time. At the expiration of the term of each such member, his successor shall be appointed for a term of four years.

The commission, subject to the control of the board, shall establish and operate a classified civil service system for any or all classes of county employees, as designated by the board, which system shall provide for appointment, promotion, demotion, transfer, suspension, reinstatement, retirement and discharge of such employees. To this end it may establish a personnel administration and promulgate rules and regulations for the furtherance of the matters herein set out ~~so far as not inconsistent with other provisions of law.~~ The commission may appoint such employees and staff as it deems necessary subject to prior authorization of the board.

1 Notwithstanding any other provision of law, the commission may establish its own rules,  
2 regulations, or procedures to govern the conduct of hearings before the commission, including  
3 whether to permit rehearings.

4 ~~The initial terms of office of the fourth and fifth members of the commission added in~~  
5 ~~1978 shall be established by the board in such manner that the terms of no more than two~~  
6 ~~commissioners expire at one time. Thereafter, the terms of such members shall be for four years.~~

7 **Drafting note: No substantive change in the law. The relevant portions of the**  
8 **stricken paragraph are added to the first paragraph.**

9  
10 § ~~15.1-687.01~~ 15.2-722. Personnel studies.

11 Notwithstanding any other provision of law to the contrary, any questionnaires, audit or  
12 interview notes, scoring keys, scoring sheets or similar documents pertaining to a classification  
13 and compensation study for county employees shall not be considered to be public or official  
14 records, except that any employee may inspect and copy any document which the employee has  
15 signed or filled out.

16 **Drafting note: No change.**

17  
18 § ~~15.1-687.1~~ 15.2-723. Grievances by police officers.

19 In any county ~~which has adopted a manager plan of government provided for by this~~  
20 ~~chapter and for which a trial board for police officers is provided by state statute, police officers~~  
21 ~~may elect the remedy provided by Chapter 10.1 (§ 2.1-116.1 et seq.) of Title 2.1 in lieu of~~  
22 ~~appealing to the trial board, but such election shall bar the right of appeal to the trial board or the~~  
23 ~~right to employ any other grievance procedure with regard to the matters for which the~~  
24 ~~provisions of such chapter are involved.~~

25 **Drafting note: No substantive change in the law. The stricken language in the first**  
26 **sentence is not needed since the entire chapter applies only to counties with the county**  
27 **manager plan.**

28  
29 § ~~15.1-687.2~~ 15.2-724. Choice of powers where sanitary district involved.

30 ~~The governing body, in any Any county which has the manager plan of government~~  
31 ~~provided for in this chapter and has a sanitary district which includes the entire county, may~~

1 exercise all of the powers granted to the sanitary district in the name of the county or in the name  
2 of the sanitary district, or both. ~~In the event that~~ If the governing body board elects to exercise  
3 any of the powers of the sanitary district, it may expend funds from unrestricted county revenue  
4 sources, or from bonds issued pursuant to the Public Finance Act (Chapter ~~5.1 25~~ (§ ~~15.1 227.1~~  
5 15.2-2500 et seq.) of this title), or from restricted use funds, as appropriate to exercise the powers  
6 granted the sanitary district.

7 **Drafting note: No substantive change in the law.**

8

9 § ~~15.1 687.3~~ 15.2-725. Commission on human rights; subpoena requests.

10 A. ~~The board of supervisors~~ may, by ordinance, establish a local commission on human  
11 rights which shall have the following duties:

12 1. To promote policies to ensure that all persons be afforded equal opportunity;

13 2. To serve as an agency for receiving, investigating and assisting in the resolution of  
14 complaints from citizens of the county regarding discriminatory practices and, with the board's  
15 approval ~~of the board of supervisors~~, to seek, through appropriate enforcement authorities,  
16 prevention of or relief from such practices.

17 § ~~15.1 687.24~~. ~~Human rights commission subpoena requests~~.

18 B. ~~The county board of any county operating under a county manager plan of government~~  
19 ~~which has established a local commission on human rights~~, may ~~provide~~ by ordinance provide  
20 that whenever the commission has reasonable cause to believe that any person has engaged in or  
21 is engaging in a violation of an authorized local human rights ordinance, and after making a good  
22 faith effort to obtain, voluntarily, the attendance of witnesses necessary to determine whether  
23 such violation occurred, the commission is unable to obtain such attendance, it may request the  
24 county attorney, with the approval of the ~~county~~ board, to apply to the judge of the circuit court  
25 for the locality in which the witness resides or is doing business for a subpoena against such  
26 person refusing to appear as a witness, and the judge of such court may, upon good cause shown,  
27 cause the subpoena to be issued. Such ordinance shall provide that any witness subpoena so  
28 issued shall include a statement that any statements made will be under oath and the witness is  
29 entitled to be represented by an attorney. Such ordinance shall further provide that any person  
30 failing to comply with such subpoena so issued shall be subject to punishment for contempt by

1 the court issuing the subpoena, and that any person so subpoenaed may apply to the judge who  
2 issued a subpoena to quash it.

3 ~~§ 15.1-687.20. Human rights ordinances.~~

4 C. Notwithstanding the provisions of ~~§ 15.1-37.3:8 subsection A~~, whenever ~~any a~~ county  
5 ~~operating under a county manager plan provided for in this chapter~~ has adopted an ordinance  
6 prohibiting discrimination as authorized by ~~and in § 15.1-37.3:8 this section~~, such county may  
7 also in its ordinance prohibit discrimination in commercial real estate transactions.

8 **Drafting note: No substantive change in the law; §§ 15.1-687.3, 15.1-687.20 and**  
9 **15.1-687.24 are combined.**

10  
11 ~~§ 15.1-687.4~~ 15.2-726. Acquisition of easements.

12 The ~~county~~ board is hereby authorized, without limiting its authority to acquire by other  
13 means, to acquire by gift or purchase easements in gross or such other interest in real estate as  
14 are designed to maintain (i) the character and use of improved real property as rental property  
15 and not in a cooperative or condominium form of ownership or (ii) the market rents of a portion  
16 of the units in any multi-family residential property at a percentage of the market rent for the  
17 remaining units in the multi-family residential property, such percentages to be defined and  
18 stated in the easement; ~~provided~~, however, ~~that~~ no property or interest therein shall be acquired  
19 by eminent domain by any public body for the purposes of provision (ii). However, this  
20 provision shall not limit the power of eminent domain as it was possessed by any public body  
21 prior to passage of provision (ii). Any such interest shall be for the minimum period specified by  
22 the county board and may be perpetual.

23 **Drafting note: No substantive change in the law.**

24  
25 ~~§ 15.1-687.5~~ 15.2-727. Payment of certain assessments.

26 The ~~county~~ board may provide that the persons, firms or corporations against whom  
27 assessments have finally been made under Article 2 (~~§ 15.1-239~~ 15.2-2404 et seq.) of Chapter 7  
28 23 of this title may pay such assessments in equal installments over a period not exceeding ten  
29 years together with interest at a rate not to exceed ten percent per year on the unpaid balance.  
30 Such installments may become due at the same time that real estate taxes become due and

1 payable and the amount of each installment, including principal and interest, shall be shown on  
2 the tax ticket mailed to each such person, firm or corporation by the treasurer.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-687.6~~ 15.2-728. Title insurance for county real estate.

6 Notwithstanding ~~the provisions of § 15.1-285~~ any other provision of law, whenever any  
7 county ~~operating under a county manager plan provided for in this chapter~~ purchases real estate  
8 for which the consideration paid exceeds \$1,000, the county, in lieu of having the title examined  
9 and approved by an attorney-at-law, may purchase an insurance policy which insures the  
10 county's interest in the title to the property from a company which is authorized to issue such  
11 policies in the Commonwealth. Evidence of such insurance shall be filed with the clerk for the  
12 circuit court of the county along with the recorded deed or other papers by which the title is  
13 conveyed.

14 **Drafting note: No substantive change in the law; the reference to § 15.1-285 is**  
15 **eliminated since this section may be repealed as part of the recodification.**

16  
17 § ~~15.1-687.7~~ 15.2-729. Relocation assistance programs.

18 The ~~county~~ board may provide by local ordinance for the application of Chapter 6 (§ 25-  
19 235 et seq.) of Title 25 to displaced persons as defined in § 25-238 ~~(e)~~ or as more narrowly  
20 defined by the ~~county~~ board, in cases of acquisition of real property for use in projects or  
21 programs in which only local funds are used.

22 **Drafting note: No substantive change in the law.**

23  
24 § ~~15.1-687.8~~ 15.2-730. Civil penalties for violations of zoning ordinance.

25 Notwithstanding ~~the provisions~~ provision 6 of § ~~15.1-491 (e)~~ 15.2-2293, ~~the governing~~  
26 ~~body of any a county which has adopted the county manager plan provided for in this chapter~~  
27 may adopt an ordinance which establishes a uniform schedule of civil penalties for violations of  
28 specified provisions of the zoning ordinances regulating the storage of junk and the repair of  
29 motor vehicles. Such schedule of offenses shall not include any zoning violation resulting in  
30 injury to any person ~~or persons~~, and the existence of a civil penalty shall not preclude action by

1 the zoning administrator under provision 4 of § 15.1-491 (d) 15.2-2286 or action by the  
2 governing body under § ~~15.1-499~~ 15.2-2208.

3 This schedule of civil penalties may allow for progressively higher penalties for  
4 subsequent offenses whether or not the subsequent offenses arise from the same set of operative  
5 facts; however, the penalty for any one violation shall be a fine of not more than fifty dollars.  
6 Each day during which the violation is found to have existed shall constitute a separate offense.  
7 However, in no event shall specified violations arising from the same operative set of facts be  
8 charged more frequently than once in any ten-day period, and in no event shall a series of  
9 specified violations arising from the same operative set of facts result in civil penalties which  
10 exceed a total of \$250. Designation of a particular zoning ordinance violation for a civil penalty  
11 pursuant to this section shall be in lieu of criminal sanctions, and except for any violation  
12 resulting in injury to any person ~~or persons~~, such designation shall preclude the prosecution of a  
13 violation as a criminal misdemeanor.

14 Any person summoned for a scheduled violation may make an appearance in person or in  
15 writing by mail to the treasurer of the county prior to the date fixed for trial in court. Any person  
16 so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for  
17 the offense charged. Such persons shall be informed of their right to stand trial and that a  
18 signature to an admission of liability will have the same force and effect as a judgment of court.

19 If a person charged with a scheduled violation does not elect to enter a waiver of trial and  
20 admit liability, the violation shall be tried in the general district court in the same manner and  
21 with the same right of appeal as provided for in Title 8.01. In any trial for a scheduled violation  
22 authorized by this section, it shall be the burden of the county to show the liability of the violator  
23 by a preponderance of the evidence. An admission of liability or finding of liability shall not be  
24 a criminal conviction for any purpose.

25 No provision herein shall be construed to allow the imposition of civil penalties: (i) for  
26 enforcement of the Uniform Statewide Building Code; (ii) for activities related to land  
27 development or activities related to the construction or repair of buildings and other structures; or  
28 (iii) for violation of any provision of a local zoning ordinance relating to the posting of signs on  
29 public property or public rights-of-way.

30 **Drafting note: No substantive change in the law.**

31



1           § ~~15.1-687.9~~ 15.2-731. Retirement benefits for part-time employees.

2           The ~~county~~ board may by resolution elect to have those of its officers and employees who  
3 are regularly employed part-time on a salary basis, whose tenure is not restricted as to temporary  
4 or provisional appointment, become eligible to participate in the county retirement systems as  
5 provided by local ordinance.

6           **Drafting note: No substantive change in the law.**

7  
8           § ~~15.1-687.10~~ 15.2-732. Peddlers; itinerant merchants.

9           ~~The governing body of any A county operating under a county manager plan of~~  
10 ~~government~~ may provide by ordinance for the regulation of sales of goods and services by  
11 peddlers or itinerant merchants on any public street or sidewalk.

12           **Drafting note: No substantive change in the law.**

13  
14           § ~~15.1-687.11~~ 15.2-733. Summons for violations of litter control ordinances.

15           The ~~county~~ board may adopt by ordinance procedures and a schedule of penalties so that  
16 the county manager or his designee may issue ~~notice~~ notices of violation for ~~any or all of the~~  
17 litter control ordinances. Before any summons ~~shall be~~ is issued for the prosecution of a  
18 violation, the violator shall ~~have been first~~ be notified by mail at his last known address that he  
19 may pay the fine, established by county ordinance, within five days of receipt of such notice to  
20 the county treasurer, and that the officer issuing the summons shall be notified that the violator  
21 has failed to pay such fine within such time. The notice to the violator, required by the provisions  
22 of this section, shall be contained in an envelope bearing the words "Law Enforcement Notice"  
23 stamped or printed on the face thereof in type at least one-half inch in height. The county  
24 manager may delegate the notification responsibility and the authority to make and enforce rules  
25 and regulations to the appropriate administrative official or employees.

26           **Drafting note: No substantive change in the law.**

27  
28           § ~~15.1-687.12~~ 15.2-734. Purchase, sale, exchange, or lease of real property.

29           The ~~county~~ board ~~shall have power~~ may (i) ~~to~~ sell, at public or private sale, or exchange,  
30 lease (as lessor or lessee), mortgage, pledge, subordinate its interest in, or otherwise dispose of  
31 the real property, which includes the superjacent airspace ~~except~~ airspace provided for in §

1 ~~15.1-376.1)~~ 15.2-2030, which may be subdivided and conveyed separate from the subjacent land  
2 surface, of the county; and (ii) ~~to~~ purchase any real estate as may be necessary for the erection of  
3 all necessary county buildings. However, no such land shall be disposed of unless and until the  
4 governing body has held a public hearing ~~thereon~~ concerning such disposal.

5 The ~~governing body of the county shall have the power to~~ board may acquire by  
6 purchase, gift, devise, bequest, grant, lease, or otherwise title to, or any interests or rights of less  
7 than fee-simple title in, any real property within its jurisdiction, for any public purposes.

8 The initial term of any lease shall not exceed seventy-five years, provided such lease term  
9 is not prohibited by the Constitution of Virginia. The terms and provisions of any lease shall be  
10 prescribed by the county board, provided that any lease shall have a clause to the effect that at  
11 the termination of such lease it shall not be renewed if required for any of the purposes  
12 mentioned in § ~~15.1-258~~ 15.2-1639, and that upon termination, all improvements thereon shall  
13 revert to the county and the real property including all improvements erected thereon shall revert  
14 to the county and shall be free from any encumbrance at the time of such reversion. Such real  
15 property including all improvements situated thereon may be mortgaged or pledged by the lessee  
16 for the term of its lease. ~~In the event that~~ If a lease allows a lessee to mortgage or pledge the  
17 property, it may also provide that the ~~county~~ board has the right to take all action necessary to  
18 cure the default ~~in the event of any default by~~ if the lessee defaults.

19 The ~~county~~ board may lease real property to private entities under terms which allow the  
20 private entities to build office and commercial buildings on the property and to use the office and  
21 commercial space itself or lease it to others. The leases by the ~~county~~ board to ~~the private entity~~  
22 ~~or~~ private entities may provide that the rent to be paid the ~~county~~ board is to be based in total or  
23 in part on a percentage of the profit the private entity gains from the operation of the  
24 development on the leased real property; however, the ~~county~~ board may not participate in the  
25 management or operation of the private commercial activity on the site except during such  
26 reasonable period as it is necessary for the ~~county~~ board to operate the property in order to  
27 protect its interest in the property ~~in the event of default by~~ if the developer defaults on the lease  
28 or on a mortgage or pledge of the property ~~by the developer~~. As soon as reasonably possible the  
29 county shall provide for management and operation of the property by a private developer.

30 The ~~county~~ board may lease space in the improvements constructed on the land which it  
31 leases to the private entities for use by the county government and county constitutional officers,

1 ~~provided that if it pay~~ pays fair market rent for the use of the space and ~~provided that if the lease~~  
2 of its land is not conditioned on the lease of such space. The lease of such space by the ~~county~~  
3 board may be for a ~~term of years to the extent that a multi-year lease is not prohibited by the~~  
4 ~~Constitution of Virginia~~ any terms of years not prohibited by the Virginia Constitution.

5 This section shall not be construed to in any way affect the requirements of §§ ~~45.1-257~~  
6 ~~15.2-1638, 45.1-267~~ 15.2-1643 or § 16.1-69.50.

7 **Drafting note: No substantive change in the law.**

8  
9 § ~~45.1-687.13~~ 15.2-735. Local housing fund and ~~Voluntary Coordinated Housing~~  
10 ~~Preservation and Development Districts~~ voluntary coordinated housing preservation and  
11 development districts.

12 The ~~county~~ board may establish by resolution a housing fund, the purpose of which will  
13 be to assist for-profit or nonprofit housing developers or organizations to develop or preserve  
14 affordable housing for low and moderate income persons. The fund ~~can~~ may be used to assist the  
15 developer or organization with such items as acquisition of land and buildings, lighting, sanitary  
16 and storm sewers, landscaping, walkways, construction of parking facilities, water-sewer hookup  
17 fees, and site improvements, including sidewalks, curbs, and gutters but not street improvements.  
18 Developers assisted in this manner ~~must~~ shall provide a minimum of twenty percent of the units  
19 for low and moderate income persons as defined by the county for a minimum of ten years.

20 The ~~county~~ board may declare by resolution that a portion of the county is eligible for use  
21 of the housing fund by designation of a ~~Voluntary Coordinated Housing Preservation and~~  
22 ~~Development District~~ voluntary coordinated housing preservation and development district. Such  
23 resolution shall contain a statement that (i) there exists within the county a serious shortage of  
24 sanitary and safe residential housing at rentals and prices which persons and families of low and  
25 moderate income can afford, and that this shortage has contributed and will contribute to the  
26 creation of substandard living conditions and is inimical to the health, welfare and prosperity of  
27 the residents of the county; (ii) it is imperative that the supply of rental and other housing for  
28 such persons and families be preserved or developed; and (iii) private enterprise is unable,  
29 without assistance, to produce the needed development or rehabilitation of sanitary and safe  
30 housing which persons or families of low and moderate income can afford.

1 The resolution shall include a statement that the owner of such rental property, or persons  
2 showing evidence of site control by a legally binding agreement, have requested the county to  
3 designate the site a ~~Voluntary Coordinated Housing Preservation and Development District~~  
4 voluntary coordinated housing preservation and development district.

5 The resolution shall also provide a plan for the district which outlines actions to be taken  
6 by the owner and by the county to assure that physical improvements to the structures, site and  
7 infrastructure are designed to improve the neighborhood, enhance the useful life of the buildings  
8 and promote energy conservation. Such plan shall further specify the actions to be taken by the  
9 owner and by the county (i) to minimize the displacement of persons or families of low and  
10 moderate income residing in the property; (ii) to reserve some units at rents and prices affordable  
11 to persons or families of low and moderate income; and (iii) otherwise to serve public purposes.

12 Upon declaration of an approved district, the county may:

13 1. Provide for the installation, construction, or reconstruction of streets, utilities, parks,  
14 parking facilities, playgrounds, and other site improvements essential to the development,  
15 preservation or rehabilitation planned;

16 2. Provide encouragement or financial assistance to the owners or occupants for  
17 acquisition of land and buildings, developing or preserving and upgrading residential buildings  
18 and for improving health and safety, conserving energy, preventing erosion, enhancing the  
19 neighborhood, and reducing the displacement of low and moderate income residents of the  
20 property;

21 3. Require that the owner agree to maintain a portion of the property in residential rental  
22 or other residential use for a period of not less than ten years and that a portion of the dwelling  
23 units in the property be offered at rents and prices affordable to persons or families of low and  
24 moderate income; and

25 4. Provide that the value of assistance given by the county under subdivisions 1 and 2  
26 above be proportionate to the value of considerations rendered by the owner in maintaining a  
27 portion of the dwelling units at reduced rents and prices for persons or families of low and  
28 moderate income.

29 **Drafting note: No substantive change in the law.**

30  
31 § ~~15.1-687.14~~ 15.2-736. State benefits for certain employees.

1 Notwithstanding any other provision of law to the contrary, any person who is transferred  
2 from state to local employment pursuant to Chapter 816 of the Acts of Assembly of 1988, and  
3 who is a member of the Virginia Retirement System at the time of the transfer, shall continue to  
4 be a member of the System during the period of local employment. Any such transferred  
5 employee shall remain a member of the System under the same terms and conditions as would  
6 apply if the transferred employee had remained as a state employee, so long as the employee is  
7 employed with a local health department or returns to state employment. For purposes of any  
8 employment of the transferred employee as a state employee after local employment, the  
9 membership in the System during local employment shall be treated the same as any other  
10 membership in the System.

11 The ~~local governing body~~ board shall collect and pay all employee and employer  
12 contributions to the Virginia Retirement System for retirement and group life insurance in  
13 accordance with the provisions of Chapter 1 of Title 51.1.

14 **Drafting note: No substantive change in the law.**

15

16 § ~~15.1-687.15~~ 15.2-737. Tenant relocation payments.

17 The ~~county~~ board may require by ordinance that the county and the owner ~~shall~~ divide  
18 equally the reimbursement of any tenant of a building containing at least four residential units for  
19 amounts actually expended to relocate when the tenant has been terminated by 120 days' notice  
20 given under § 55-222 in order to carry out the rehabilitation of the building. The reimbursement  
21 shall not exceed the amount to which the tenant would have been entitled to receive under §§ 25-  
22 239 ~~(b)~~ B and 25-247.1; if the real estate comprising the units had been condemned by the  
23 Department of Transportation.

24 **Drafting note: No substantive change in the law.**

25

26 § ~~15.1-687.16~~ 15.2-738. Modification of grievance procedure.

27 Notwithstanding the provisions in Chapter 10.01 (§ 2.1-116.01 et seq.) of Title 2.1, and  
28 §§ ~~15.1-7.1~~ 15.2-1506, and ~~15.1-7.2~~ 15.2-1507, to the contrary, in any county which has the  
29 county manager plan of government provided for in this chapter, a grievance procedure may be  
30 established which permits an Equal Employment Opportunity officer, except the Director of the  
31 Department of Employee Relations Counselors appointed pursuant to § 2.1-116.02 and any

1 employees thereof, to be present at any step of a grievance procedure established under § ~~15.1-~~  
2 ~~7.1~~ 15.2-1506. Such officer shall not be an advocate or representative on behalf of either the  
3 grievant or management.

4 **Drafting note: No substantive change in the law.**

5  
6 § ~~15.1-687.17~~ 15.2-739. Diversion of certain waters.

7 With the consent of the property owner, a county ~~operating under a county manager plan~~  
8 ~~of government under this chapter~~ may enter private property and, at the county's expense,  
9 construct or reconstruct a system ~~or systems~~ to divert water not requiring treatment by the  
10 county's sanitary sewer system into the county's storm sewer system.

11 **Drafting note: No substantive change in the law.**

12  
13 § ~~15.1-687.18~~ 15.2-740. Authority to impose assessments for local improvements;  
14 purposes.

15 The ~~county~~ board may impose taxes or assessments upon ~~the owner or~~ owners of abutting  
16 property for making, improving, replacing, or enlarging the walkways upon then existing streets;  
17 for improving and paving then existing alleys;  
18 sanitary or storm water sewers including retaining walls, curbs, and gutters; ~~however.~~ However,  
19 such taxes or assessments shall not ~~be in excess of~~ exceed the peculiar benefits resulting from the  
20 improvements to ~~such owner or~~ the owners of abutting property and no assessment for retaining  
21 walls shall be imposed upon any property owner who does not agree to such assessment.

22 In addition to the foregoing, the ~~county~~ board may impose taxes or assessments upon  
23 owners of abutting property for the construction, replacement, or enlargement of sidewalks,  
24 waterlines, sanitary sewers, or storm water sewers; for the installation of street lights; for the  
25 construction or installation of canopies or other weather protective devices; for the installation of  
26 lighting in connection with the foregoing; and for permanent amenities, including, but not  
27 limited to, benches or waste receptacles, provided that such taxes or assessments shall not ~~be in~~  
28 ~~excess of~~ exceed the peculiar benefits resulting from the improvements to such owners of  
29 abutting property.

30 All assessments pursuant to this section shall be subject to the laws pertaining to  
31 assessments under Title ~~15.1~~ 15.2, Chapter ~~7~~ 24, Article 2 (§ ~~15.1-239~~ 15.2-2404 et seq.),

1 mutatis mutandis. All assessments pursuant to this section may also be made subject to  
2 installment payments and other provisions allowed for local assessments under this article.

3 As used in this section, "~~owner or~~ owners of abutting property" ~~shall include~~ includes the  
4 ~~owner or~~ owners of property that abuts a state highway when the improvement is funded solely  
5 by county revenues.

6 **Drafting note: No substantive change in the law.**

7  
8 § ~~15.1-687.19~~ 15.2-741. Regulation of child-care services and facilities in certain  
9 counties.

10 A. The ~~governing body of any county that has adopted the county manager plan of~~  
11 ~~government~~ board may by ordinance provide for the regulation and licensing of (i) persons who  
12 provide child-care services for remuneration and (ii) child-care facilities. "Child-care services"  
13 includes regular care, protection, or guidance during a part of a day to one or more children, not  
14 related by blood or marriage to the provider of services, while they are not attended by their  
15 parent, guardian, or person with legal custody. "Child-care facilities" includes any commercial  
16 or residential structure which is used to provide child-care services for remuneration. However,  
17 such ordinance shall not require the regulation or licensing of any facility operated by a religious  
18 institution as exempted from licensure by § 63.1-196.3.

19 B. Such ordinance may be more restrictive or more extensive in scope than statutes or  
20 state regulations that may affect child-care services or child-care facilities, provided that such  
21 ordinance shall not impose additional requirements or restrictions on the construction or  
22 materials to be used in the erection, alteration, repair, or use of a residential dwelling.

23 **Drafting note: No substantive change in the law.**

24  
25 § ~~15.1-687.23~~ 15.2-742. Lighting level regulation.

26 The ~~governing body of any county operating under a county manager plan of government~~  
27 board may ~~provide~~ by ordinance provide for the regulation of exterior illumination levels of  
28 buildings and property.

29 **Drafting note: No substantive change in the law.**

30  
31 § ~~15.1-687.21~~ 15.2-743. Fee for certain vacations and abandonments.

1           ~~Any A~~ county ~~operating under a county manager plan provided for in this chapter~~ may  
2 charge a fee for processing applications for vacations as provided for in § ~~15.1-482.1~~ 15.2-2273  
3 and petitions for abandonments under § 33.1-159. The fee for processing such applications and  
4 petitions shall be, at the county's discretion, either the amount provided in § ~~15.1-482.1~~ 15.2-  
5 2273, or an amount not to exceed the county's demonstrable costs for such processing.

6           **Drafting note: No substantive change in the law.**

7  
8           § ~~15.1-687.22~~ 15.2-744. Authority of county board to impose civil penalties for wrongful  
9 demolition, razing or moving of historic buildings.

10           The ~~county~~ board may adopt an ordinance which establishes a civil penalty for the  
11 wrongful demolition, razing or moving of part or all of a building or structure when such  
12 building or structure has been designated as an historic structure or landmark or is part of an  
13 historic district. The civil penalty shall be imposed on the party deemed by the court to be  
14 responsible for the violation and shall not exceed twice the fair market value of the property, as  
15 determined by the county real estate tax assessment at the time of the demolition, razing or  
16 moving.

17           An action seeking the imposition of such a penalty shall be instituted by petition filed by  
18 the county in circuit court, which shall be tried in the same manner as any action at law. It shall  
19 be the burden of the county to show the liability of the violator by a preponderance of the  
20 evidence. An admission of liability or finding of liability shall not be a criminal conviction for  
21 any purpose. The filing of any action pursuant to this section shall preclude a criminal  
22 prosecution for the same offense.

23           The defendant, within twenty-one days after the filing of the petition, shall file an answer  
24 and may, without admitting liability, agree to restore the building or structure as it existed prior  
25 to demolition, razing or moving. If the restoration is completed within the time agreed upon by  
26 the parties, or as established by the court, the petition may be dismissed from the court's docket  
27 upon a finding by the court that the building or structure has been restored as it existed prior to  
28 demolition, razing or moving.

29           Nothing in this section shall preclude action by the zoning administrator under provision  
30 5 of § 15.1-491 (d) 15.2-2286 or by the county under § ~~15.1-499~~ 15.2-2208, either by separate  
31 action or as a part of the petition seeking a civil penalty.





1  
2           § 15.1-691. Election of board by districts or at large.

3           ~~Unless otherwise provided in the election hereinafter provided for, the members of the~~  
4 ~~board shall be elected from the county at large and not by districts. Subject to the result of such~~  
5 ~~election, the magisterial districts in such counties are hereby abolished for all purposes and~~  
6 ~~thereafter the county shall be operated as a unit. In the event that the majority of those voting~~  
7 ~~thereon decide that the county board shall be elected by districts, the judge of the circuit court of~~  
8 ~~the county shall, within thirty days thereafter, divide the county into five election districts and by~~  
9 ~~order duly entered upon the minute book of the court fix and determine the metes and bounds of~~  
10 ~~each of the districts, having in mind that in the establishment of such districts they shall be made~~  
11 ~~as nearly equal as possible as to population, without dividing the thickly settled communities. In~~  
12 ~~case of election by districts, the members of the board shall be duly qualified voters and residents~~  
13 ~~of the districts they respectively represent and one shall be elected by the qualified voters of each~~  
14 ~~district. In case of a decision to abolish the districts, the members of the board shall be qualified~~  
15 ~~voters of the county. Removal from the county or district from which elected shall forthwith~~  
16 ~~vacate the office held by any member.~~

17           **Drafting note: Repealed; provisions regarding election of board members can be**  
18 **found in § 15.2-705.**

19  
20           ~~§ 15.1-692~~ 15.2-748. Annexation by city.

21           ~~When a county has once adopted one of the forms of government provided for in Articles~~  
22 ~~2 (§ 15.1-670 et seq.) and 3 (§ 15.1-674 et seq.) of this chapter, no~~ No ~~part of its~~ a county's  
23 ~~territory may be annexed by any city unless the whole county be annexed. In such latter case the~~  
24 ~~county shall not be annexed until the question of annexation has been first submitted to a~~  
25 ~~referendum of the voters of such county and approved by a majority of those voting thereon.~~

26           ~~The foregoing provisions of this section shall not apply to any county in Virginia having~~  
27 ~~an area of more than forty and of less than sixty square miles of high land and a population,~~  
28 ~~according to the last preceding United States census, of less than 600 inhabitants per square mile.~~  
29 ~~For the purpose of this section, the term "high land" in any county means the land therein above~~  
30 ~~the low water line or mark of waters within and adjacent to the boundaries of such county.~~

1           **Drafting note: No substantive change in the law; the second paragraph is**  
2 **unnecessary. For a similar provision, see § 15.2-3229 (§ 15.1-1057).**

3  
4           ~~§ 15.1-693. Submission of plans to voters.~~

5           ~~The provisions of Articles 1 (§ 15.1-669), 2 (§ 15.1-670 et seq.), 3 (§ 15.1-674 et seq.)~~  
6 ~~and 4 (§ 15.1-689 et seq.) of this chapter shall not become effective in any county until there has~~  
7 ~~been submitted to the qualified voters thereof, in an election held for such purpose, the questions~~  
8 ~~as to whether the form of its government shall be changed, as to which form of government is~~  
9 ~~desired, and as to whether the members of the board shall be elected by the county at large or by~~  
10 ~~districts. The form of ballot shall be as provided in § 15.1-694.~~

11           **Drafting note: Repealed; the subject matter of this section is found in § 15.2-301.**

12  
13           ~~§ 15.1-694. Form of ballot; conduct of election; election, terms and salary of board.~~

14           ~~Whenever 200 or more qualified voters in any such county shall petition the circuit court~~  
15 ~~for the purpose, such court shall by order entered of record in accordance with § 24.1-165 require~~  
16 ~~the judges of election, on the day fixed in the order to open a poll and take the sense of the~~  
17 ~~qualified voters of the county on the questions submitted as hereinafter provided for. In the~~  
18 ~~calling and holding of such election, the same procedure shall be followed as is provided in §~~  
19 ~~15.1-584, except that the ballot shall have written or printed thereon the following:-~~

20           ~~Question 1. Shall the county change its form of government?-~~

21            ~~Yes-~~

22            ~~No-~~

23           ~~Question 2. In the event of such change, which form of government shall be adopted?-~~

24            ~~Modified commission plan-~~

25           ~~or-~~

26            ~~County manager plan-~~

27           ~~Question 3. In the event of such change, shall the governing board be elected at large or~~  
28 ~~by districts?-~~

29            ~~At large-~~

30            ~~By districts-~~

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

1           ~~The electoral board shall ascertain whether a majority of the qualified voters of the~~  
2 ~~county voting on the question are in favor of changing its form of government and, if so, whether~~  
3 ~~the form shall be the commission plan or the county manager plan, and whether the governing~~  
4 ~~board shall be elected by the county at large or by districts and make report thereof to the circuit~~  
5 ~~court of the county. If it appears from such report that a majority of the qualified voters of the~~  
6 ~~county, voting on the question, are in favor of the change, the circuit court, at its next term, shall~~  
7 ~~enter of record such fact and such additional facts as to the form of county government adopted~~  
8 ~~and as to whether the governing board shall be elected by the county at large or by districts.~~

9           ~~From and after the date on which the officers first elected under the provisions of this~~  
10 ~~chapter shall take office, the form of government of such county shall be in accordance with the~~  
11 ~~applicable provisions hereof.~~

12           ~~When either of the forms of county government provided herein shall be adopted for any~~  
13 ~~county in the manner herein prescribed, the members of the county board shall be elected at the~~  
14 ~~next succeeding regular election and shall take and hold office for a term of four years beginning~~  
15 ~~on the first day of January after their election. The salary of each member of the board shall be~~  
16 ~~\$1,200 per annum; provided that in any county having a population of more than 1,000 per~~  
17 ~~square mile such salary shall be \$6,000 per annum for each member except the chairman who~~  
18 ~~shall receive a salary of \$8,000 per annum.~~

19           **Drafting note: Repealed; the subject matter of this section is found in §§ 15.2-301**  
20 **through 15.2-303.**

21  
22           ~~§ 15.1-695~~ 15.2-749. Certain referenda in certain counties.

23           If on or before ~~the fifteenth day of July~~ 15 of any year in which such referendum is  
24 provided for by law a petition signed by 200 or more qualified voters of the county ~~be~~ is filed  
25 with the circuit court of ~~any~~ the county ~~having the form of government provided for in Article 3~~  
26 ~~(§ 15.1-674 et seq.) of this chapter,~~ asking that a referendum be held on any question upon which  
27 a referendum is provided for by any applicable statute, then such court shall on or before ~~the first~~  
28 ~~day of August~~ 1 of such year issue and enter of record an order requiring the county election  
29 officials to open the polls at the regular election to be held in November of such year on the  
30 question stated in such statute. If the statute providing for such referendum shall authorize or  
31 require the ~~same~~ referendum to be held at a special election, then the petition hereinabove

1 referred to shall be signed by 1,000 or more ~~qualified~~ voters of the county and the court shall  
2 within fifteen days of the date such petition is filed enter an order requiring the election officials  
3 to open the polls and take the sense of the ~~qualified~~ voters of the county on a date fixed in his  
4 order, which shall be in accordance with § ~~24.1-165~~ 24.2-682. The clerk of the county shall  
5 cause a notice of such election to be published in ~~some~~ a newspaper published or having general  
6 circulation in the county once a week for three successive weeks, and shall post a copy of ~~such~~  
7 the notice at the door of the county courthouse ~~of such county~~.

8 **Drafting note: No substantive change in the law.**

9  
10 § ~~15.1-696~~.

11 Reserved.

1 **PROPOSED**  
2 **CHAPTER 15 §.**  
3 **URBAN COUNTY EXECUTIVE FORMS FORM OF GOVERNMENT.**  
4

5 **Chapter drafting note: The urban county executive form of government is**  
6 **currently used by Fairfax County.**  
7

8 ~~Article 1.~~  
9 ~~Effecting Change.~~  
10

11 ~~§ 15.1-722. What counties may adopt urban county executive form of government.~~

12 ~~Any county in the Commonwealth having a population of more than 90,000 may adopt~~  
13 ~~the urban county executive form of government provided for in this chapter, by complying with~~  
14 ~~the requirements and procedure hereinafter specified. Provided that the provisions of this chapter~~  
15 ~~shall not apply to any county adjoining a city which has a population of more than 200,000, lying~~  
16 ~~wholly within the Commonwealth.~~

17 **Drafting note: Repealed; the relevant portions of this section are found in § 15.2-**  
18 **800. The final sentence is not carried forward since it originally applied only to Norfolk**  
19 **County, which no longer exists.**  
20

21 ~~§ 15.1-723. Petition or resolution asking for referendum; when election held; notice~~  
22 ~~thereof; recount.~~

23 ~~Upon a petition filed with the circuit court of the county signed by ten per centum of the~~  
24 ~~qualified voters of such county or by at least 3,000 qualified voters of the county, asking that a~~  
25 ~~referendum be held on the question of adopting the form of county organization and government~~  
26 ~~herein provided for, the court shall, by order entered of record, in accordance with § 24.1-165,~~  
27 ~~require the regular election officials on the day fixed in such order to open a poll and take the~~  
28 ~~sense of the qualified voters of the county on the questions submitted as herein provided. The~~  
29 ~~clerk of the county shall cause a notice of such election to be published in some newspaper~~  
30 ~~published in or having a general circulation in the county once a week for three consecutive~~  
31 ~~weeks and shall post a copy of such notice at the door of the courthouse of the county.~~

1           ~~A resolution may be passed by the board of supervisors of any such county and filed with~~  
2 ~~the court asking for a referendum, in which case the court shall proceed as in the case of a~~  
3 ~~petition.~~

4           ~~The court shall act upon the petition or resolution first filed in the clerk's office.~~

5           ~~If the canvass of the election shows that there is a difference of one per centum or less~~  
6 ~~between the votes "for" and "against," petitioners, or any of them, or the board of supervisors~~  
7 ~~may request a recount. If the petitioner be the board of supervisors, the entire cost shall be paid~~  
8 ~~from county funds. If any other petitioner requests such recount, the cost shall be charged to such~~  
9 ~~petitioner unless the result of the election is changed by such recount, in which case the county~~  
10 ~~shall pay such costs.~~

11           **Drafting note: Repealed; the subject matter of this section is found in § 15.2-301.**

12  
13           ~~§ 15.1-724. Conduct of election; form of ballot; referendum on responsibility for~~  
14 ~~highways.~~

15           ~~The regular election officers of such county at the time designated in the order~~  
16 ~~authorizing the vote shall open the polls at the various voting places in the county and conduct~~  
17 ~~the election in such manner as is provided by law for other elections, insofar as the same is~~  
18 ~~applicable. The election shall be by secret ballot and the ballots shall be prepared by the electoral~~  
19 ~~board and distributed to the various election precincts as in other elections.~~

20           ~~If the petition or the resolution provided for in § 15.1-723 shall ask for a referendum on~~  
21 ~~the question as to whether the county shall adopt that form of county organization and~~  
22 ~~government designated herein as the urban county executive form, the ballot shall be printed to~~  
23 ~~read as follows:~~

24           ~~Question. Shall the county adopt the urban county executive form of government and be~~  
25 ~~empowered to assume the debts and acquire the assets of all towns within the county in which~~  
26 ~~the voters determine to dissolve their town charters?~~

27            ~~Yes~~

28            ~~No~~

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

30           ~~The ballots shall be counted, returns made and canvassed as in other elections, and the~~  
31 ~~results certified by the electoral board to the circuit court. If it shall appear by the report of the~~

1 ~~electoral board that a majority of the qualified voters of the county voting are in favor of~~  
2 ~~changing the existing form of government therein provided for, the circuit court shall enter of~~  
3 ~~record such fact and the additional fact as to the form of county organization and government~~  
4 ~~adopted.~~

5 ~~If such form of government is adopted, and after the same has become effective, the~~  
6 ~~board of supervisors may petition the circuit court of the county for a referendum on the question~~  
7 ~~as to whether the county shall assume the responsibility for the construction, control,~~  
8 ~~maintenance and repair of the primary and secondary system of state highways or the secondary~~  
9 ~~system of highways within the county. Provided, however, that the notice of such election~~  
10 ~~published as required herein shall contain a statement as to terms and conditions upon which the~~  
11 ~~transfer of such system or systems of state highways would be made for such purposes as well as~~  
12 ~~the formula by which state funds would be distributed to the county for such purposes, all as~~  
13 ~~agreed to by the Commonwealth Transportation Board and the board of supervisors of the~~  
14 ~~county. Such election shall be called and conducted as provided in this article for other~~  
15 ~~referenda. The ballot shall be printed to read as follows:-~~

16 ~~Question. Shall the county assume the responsibility of the construction, control,~~  
17 ~~maintenance and repair of the primary and secondary system of state highways (or secondary~~  
18 ~~system of state highways, as the case may be) within the county?-~~

19  ~~Yes-~~

20  ~~No-~~

21 ~~The ballots shall be counted, returns made and canvassed and the results certified as~~  
22 ~~provided for herein. If a majority of the qualified voters of the county voting are in favor of the~~  
23 ~~county assuming such responsibility the judge of the circuit court shall enter of record such fact~~  
24 ~~and shall include in the order the terms and conditions contained in the agreement between the~~  
25 ~~Commonwealth Transportation Board and the board of supervisors as set forth in the notice of~~  
26 ~~election. On the date set forth in said agreement the transfer of said system or systems of~~  
27 ~~highways to the county shall take effect. Any agreement hereunder may provide for the transfer~~  
28 ~~and conveyance to any such county without further consideration such highway construction and~~  
29 ~~maintenance equipment as is fairly allocated or assigned to such county, provided, that such~~  
30 ~~agreement is approved and ratified by the General Assembly prior to submitting same to~~  
31 ~~referendum.~~



1           **Drafting note: Repealed; the subject matter of this section is found in § 15.2-301.**

2  
3           ~~§ 15.1-725. When form of government to go into effect.~~

4           ~~From and after the date on which the officers first elected under the provisions of § 15.1-~~  
5 ~~726 shall take office, the form of organization and government of such county shall be in~~  
6 ~~accordance with the form of organization and government adopted by the voters thereof and as~~  
7 ~~hereinafter provided.~~

8           **Drafting note: Repealed; the subject matter of this section is found in § 15.2-302.**

9  
10          ~~§ 15.1-726. First election and term of urban county board of supervisors.~~

11          ~~When the form of county organization and government provided for herein shall have~~  
12 ~~been adopted by any county and the districting provided for in § 15.1-787 shall have been~~  
13 ~~completed, then the members of the urban county board of supervisors thereof shall be elected at~~  
14 ~~the next succeeding regular November election; their term of office shall commence on the first~~  
15 ~~day of January thereafter. Until supervisors so elected, or a majority of them, shall have qualified~~  
16 ~~and taken office, the supervisors in office shall continue to serve.~~

17          **Drafting note: Repealed; the subject matter of this section is found in § 15.2-303.**

18  
19          ~~§ 15.1-727. Effect of change on other county officers, etc.; application of other laws;~~  
20 ~~meaning of "county board of supervisors" or "board of supervisors".~~

21          ~~All other county and district officers of such county shall continue to hold office until~~  
22 ~~their successors are elected or appointed and shall have qualified, but the term of office of any~~  
23 ~~person who holds an office abolished by the form of organization and government adopted shall~~  
24 ~~terminate as soon as his powers and duties shall have been transferred to some other officer or~~  
25 ~~employee, or done away with.~~

26          ~~If any county which adopts the form of organization and government provided by this~~  
27 ~~chapter and which has heretofore been without some officer, board, agency or function provided~~  
28 ~~for in the Constitution, the fact that such county adopts the form of organization and government~~  
29 ~~provided for in this chapter shall not thereby establish in such county such officer, board, agency,~~  
30 ~~or function unless the same be specifically created or provided for in this chapter.~~

1           ~~Except where inconsistent with this chapter, all provisions of law relating to boards of~~  
2 ~~supervisors or governing bodies of counties shall refer to the urban county board of supervisors,~~  
3 ~~to the extent that the term "urban county board of supervisors" shall be synonymous with and~~  
4 ~~equivalent to the board of supervisors referred to in general law insofar as the powers, duties and~~  
5 ~~functions of such board are used in general law and all provisions of law relating to supervisors~~  
6 ~~or members of the board of supervisors or governing bodies of counties shall refer to the~~  
7 ~~members of the urban county board of supervisors to the end that the term "supervisors" shall be~~  
8 ~~synonymous with and equivalent to the members of the urban county board of supervisors. The~~  
9 ~~provisions of this chapter as to the form of organization and government and the powers of the~~  
10 ~~governing body thereof shall, as to any county adopting the form of government herein provided,~~  
11 ~~be controlling within such county.~~

12           ~~Hereafter in this chapter the terms "county board of supervisors" or "board of~~  
13 ~~supervisors," if used, shall mean the urban county board of supervisors.~~

14           **Drafting note: Repealed; the provisions of the first paragraph are found in § 15.2-**  
15 **304. The second and fourth paragraphs are deleted as unnecessary. The third paragraph**  
16 **appears to be covered by § 15.2-307.**

17  
18   Article 2 1.

19   ~~Urban County Executive Form~~ General Provisions.

20  
21           ~~§ 15.1-728~~ 15.2-800. Designation of form of government; applicability of chapter.

22           The form of county organization and government provided for in this ~~article~~, chapter  
23 shall be known and designated as the urban county executive form. The provisions of this  
24 chapter shall apply only to the counties which have adopted the urban county executive form.

25           **Drafting note: No substantive change in the law.**

26  
27           § 15.2-801. Adoption of urban county executive form.

28           Any county with a population of more than 90,000 may adopt the urban county executive  
29 form of government in accordance with the provisions of Chapter 3 of this title.

1           **Drafting note: This new section is added in order to cross-reference the procedure**  
2 **by which the counties may adopt an optional form of government. The 90,000 population**  
3 **figure comes from § 15.1-722.**

4  
5           § ~~15.1-729~~ 15.2-802. Powers of county vested in board of supervisors; membership,  
6 election, terms, etc., of board; vacancies; powers of chairman.

7           The powers of the county as a body politic and corporate shall be vested in an urban  
8 county board of supervisors, to consist of one member from each district of such county and to  
9 be known as the board of supervisors (“the board”). Each member shall be a qualified voter of  
10 his district and shall be elected by the qualified voters thereof. In addition to the above board  
11 ~~members of the board of supervisors, there shall be elected~~ the voters shall elect a county  
12 chairman who shall be a qualified voter of the county ~~and shall be elected by the qualified voters~~  
13 ~~thereof~~. No person may be a candidate for county chairman at the same time he is a candidate for  
14 membership on the county board from any district of the county. A quorum shall consist of a  
15 majority of the board ~~of supervisors~~ and the chairman shall be included and counted.

16           The county chairman shall be the chairman of the board ~~of supervisors~~ and preside at the  
17 meetings thereof. The chairman shall represent the county at official functions and ceremonial  
18 events. The chairman shall have all rights, privileges, and duties of other members of the board  
19 and such others, not in conflict with this article, as the board may prescribe. In addition, the  
20 chairman shall have the power to (i) call special meetings of the board in accordance with the  
21 procedures and restrictions of § ~~15.1-538~~ 15.2-1418, mutatis mutandis; (ii) set the agenda for ~~the~~  
22 board meetings ~~of the board~~; however, any such agenda may be modified by an affirmative vote  
23 of the board; (iii) appoint county representatives to regional boards, authorities and commissions  
24 which are authorized in advance by the board; however, any such appointment shall be subject to  
25 revocation by an affirmative vote of a majority of all members elected to the board acting within  
26 the thirty-day period following that appointment; and (iv) create and appoint committees of the  
27 board and name presiding members of such committees as authorized by the board; however,  
28 any such committee or appointment shall be subject to revocation by an affirmative vote of a  
29 majority of all members elected to the board.

1 At the first meeting at the beginning of its term and any time thereafter when necessary,  
2 the board of supervisors shall elect a vice-chairman from its membership who shall perform the  
3 duties of the chairman in his absence.

4 The supervisors and chairman first elected under the provisions of this chapter shall hold  
5 office until January 1 following the next regular election provided by general law for the election  
6 of supervisors. At such election their successors shall be elected for terms of four years each.

7 ~~In the event that~~ If the number of districts in any such county shall be is increased by  
8 redistricting or otherwise subsequent to a general election for supervisors ~~under such form of~~  
9 ~~government,~~ and such supervisors shall have taken office, then, ~~in such event,~~ the urban county  
10 board of supervisors shall adopt a resolution requesting a judge of the circuit court of for such  
11 county to call a special election for an additional supervisor or supervisors in accordance with  
12 the increase in the number of districts, such additional supervisor or supervisors to be elected  
13 from the county at large, and such election shall be held within forty-five days from the date of  
14 such request. The qualifications of candidates and the election shall be as at general law applying  
15 to special elections. Any ~~supervisor or~~ supervisors thereby elected shall hold office until January  
16 1 following the next regular election provided by general law for the election of members of the  
17 board of supervisors, and at the next regular election all supervisors of any such county shall be  
18 elected from districts as provided by law.

19 ~~In the event~~ If a vacancy occurs on the urban county board of supervisors, the chief judge  
20 of the circuit court of for such county shall call a special election, in the district, if the vacancy  
21 ~~be is~~ of a district supervisor, or in the county at large if the vacancy ~~be is~~ of the chairman, to be  
22 held not ~~less~~ fewer than ~~30~~ thirty nor more than ~~90~~ ninety days ~~of~~ after the occurrence of the  
23 vacancy; ~~provided that~~ however, if the vacancy occurs within 150 days prior to a general  
24 election, such special election may be held on the general election day; and ~~provided further that~~  
25 if ~~any such~~ the vacancy ~~occur~~ occurs within 120 days prior to the date of a regular election for  
26 the board of supervisors, such vacancy shall be filled by appointment by the remaining members  
27 of ~~such~~ the board within seven days of the occurrence of ~~such~~ the vacancy, which appointment  
28 shall be for the duration of the term of office of the person whose absence from ~~such~~ the board  
29 occasioned such vacancy. The qualification of candidates and the election shall be otherwise as  
30 at general law applying to special elections.

31 **Drafting note: No substantive change in the law.**

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§ ~~15.1-730~~ 15.2-803. General powers of board of supervisors.

The ~~urban county~~ board of supervisors shall be the policy-determining body of the county and shall be vested with all rights and powers conferred on boards of supervisors by general law, not inconsistent with the form of county organization and government herein provided.

The ~~urban county~~ board of supervisors shall be the governing body of the urban county and of each of the districts established under Article ~~6 4~~ (§ ~~15.1-787~~ 15.2-855 et seq.) of this chapter for the provision of certain services to residents of such districts.

**Drafting note: No substantive change in the law.**

§ ~~15.1-731~~ 15.2-804. Appointment, qualifications and compensation of urban county executive; to devote full time to work.

The ~~urban county~~ board of supervisors shall appoint an urban county executive and fix his compensation. He shall devote his full time to the work of the county. He shall be appointed with regard to merit only, and need not be a resident of the county at the time of his appointment. No member of the ~~urban county~~ board of supervisors shall, during the time for which he has been elected, be chosen urban county executive, nor shall such powers be given to a person who at the same time is filling an elective office. The head of one of the departments of the county government may, however, also be appointed urban county executive.

**Drafting note: No substantive change in the law.**

§ ~~15.1-732~~ 15.2-805. Tenure of county executive; suspension or removal.

The urban county executive shall not be appointed for a definite tenure, but ~~shall~~ may be ~~removable~~ removed at the pleasure of the ~~urban county~~ board of supervisors. ~~In case~~ If the ~~urban county~~ board of supervisors determines to remove the urban county executive, he shall be given, if he so demands, a written statement of the reasons alleged for the proposed removal and the right to a hearing thereon at a public meeting of the ~~urban county~~ board of supervisors prior to the date on which his final removal ~~shall take~~ takes effect, ~~but pending~~. Pending and during such hearing, the ~~urban county~~ board of supervisors may suspend him from office, provided that the period of suspension ~~shall~~ be limited to thirty days. The board's action ~~of the urban county board~~

1 of supervisors in suspending or removing the urban county executive shall not be subject to  
2 review by any court.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-733~~ 15.2-806. Absence or disability of county executive.

6 In case of the absence or disability of the urban county executive, the ~~urban county~~ board  
7 of supervisors may designate some responsible person to perform the duties of the office.

8 **Drafting note: No substantive change in the law.**

9  
10 § ~~15.1-734~~ 15.2-807. Appointment of county officers and employees; federal  
11 employment, etc., not to disqualify.

12 The ~~urban county~~ board of supervisors shall appoint, upon the recommendation of the  
13 urban county executive, all officers and employees in the administration service of the county,  
14 except as the ~~urban county~~ board of supervisors may authorize authorizes the urban county  
15 executive to appoint heads of a department or office and except as the ~~urban county~~ board of  
16 supervisors may authorize authorizes the heads of a department or office to appoint subordinates  
17 in such department or office; ~~provided, however.~~ However, in appointing the county school  
18 board no recommendation by the urban county executive ~~shall be~~ is required. All appointments  
19 shall be on the basis of ability, training and experience of the appointees which ~~fit them for~~ are  
20 relevant to the work which they are to perform.

21 No person otherwise eligible, shall be disqualified by reason of his accepting or holding  
22 employment, an office, post, trust or emolument under ~~the government~~ of the United States  
23 government, from serving as a member of any board, commission, authority, committee or  
24 agency whose members are appointed by the board of supervisors.

25 The county clerk, the attorney for the Commonwealth and the sheriff shall be selected in  
26 the manner and for the terms, and vacancies in such offices shall be filled, as provided by general  
27 law.

28 **Drafting note: No substantive change in the law.**

29  
30 § ~~15.1-735~~ 15.2-808. Tenure of county officers and employees; suspension or removal.

1 All such appointments shall be without definite term, unless for limited term  
2 appointments for temporary services not to exceed one year in duration, ~~except as otherwise~~  
3 ~~provided as to the urban county executive and~~ except as otherwise specifically provided for  
4 herein.

5 Any county officer or employee ~~of the county~~ appointed pursuant to § ~~15.1-734~~ 15.2-807  
6 may be suspended or removed from office or employment either by the ~~urban county~~ board of  
7 ~~supervisors~~ or the officer ~~by whom he was~~ who appointed or employed him. In case of the  
8 absence or disability of any such officer, the ~~urban county~~ board of ~~supervisors~~ or other  
9 appointing power may designate some responsible person to perform the duties of the office.

10 **Drafting note: No substantive change in the law. The stricken language in the first**  
11 **sentence is not needed since § 15.2-807 states that the county executive serves without a**  
12 **definite tenure.**

13  
14 § ~~15.1-736~~ 15.2-809. Compensation of officers and employees.

15 The ~~urban county~~ board of ~~supervisors~~ shall, subject to ~~such~~ the limitations ~~as may be~~  
16 ~~made by~~ of general law, fix the compensation of all county officers and employees ~~of the county~~,  
17 except as it may authorize the head of some department or office to fix the compensation of  
18 subordinates and employees in such department or office.

19 **Drafting note: No substantive change in the law.**

20  
21 § ~~15.1-736.1~~ 15.2-810. Restrictions on activities of former officers and employees.

22 The ~~urban county~~ board of ~~supervisors~~, by ordinance, may prohibit former officers and  
23 employees, for one year after their terms of office have ended or employment ceased, from  
24 assisting for remuneration a party, other than a governmental agency, in connection with any  
25 proceeding, application, case, contract, or other particular matter involving the urban county or  
26 an agency thereof, if that matter is one in which the former officer or employee participated  
27 personally and substantially as an urban county officer or employee through decision, approval,  
28 or recommendation.

29 The term "officer or employee," as used in this section, includes members of the ~~urban~~  
30 ~~county~~ board of ~~supervisors~~, county officers and employees, and individuals who receive  
31 monetary compensation for service on or employment by agencies, boards, authorities, sanitary

1 districts, commissions, committees, and task forces appointed by the ~~urban county~~ board of  
2 supervisors.

3 **Drafting note: No substantive change in the law.**

4  
5 ~~§ 15.1-737. Certain officers entitled to participate in meetings of board of supervisors.~~

6 ~~The urban county executive, the attorney for the Commonwealth and the sheriff of the~~  
7 ~~county shall be entitled to be present at all meetings of the urban county board of supervisors.~~  
8 ~~The urban county executive shall have the right to take part in all discussions and to present his~~  
9 ~~views on all matters coming before the urban county board of supervisors; the attorney for the~~  
10 ~~Commonwealth and the sheriff shall be entitled to present their views on matters relating to their~~  
11 ~~respective departments.—~~

12 **Drafting note: Repealed; this section, which pre-dates the Virginia Freedom of**  
13 **Information Act, is no longer needed.**

14  
15 ~~§ 15.1-738~~ 15.2-811. Powers and duties of county executive.

16 The urban county executive shall be the administrative head of the county. He shall  
17 attend all meetings of the ~~urban county~~ board of supervisors and recommend such action as he  
18 may deem expedient. He shall be responsible to the ~~urban county~~ board of supervisors for the  
19 proper administration of all ~~the~~ county affairs ~~of the county~~ which the ~~urban county~~ board of  
20 supervisors has authority to control.

21 He shall also:

22 ~~(4)~~ 1. Make monthly reports to the ~~urban county~~ board of supervisors ~~in regard to~~ on  
23 administrative matters ~~of administration~~, and keep the ~~urban county~~ board of supervisors fully  
24 advised as to the county's financial condition ~~of the county~~.

25 ~~(2)~~ 2. Submit to the ~~urban county~~ board of supervisors a proposed annual budget, with his  
26 recommendations, and ~~shall~~ execute the budget as finally adopted.

27 ~~(3)~~ 3. Execute and enforce all board resolutions and orders ~~of the urban county board of~~  
28 ~~supervisors~~ and shall see that all laws of the Commonwealth required to be enforced through the  
29 ~~urban county~~ board of supervisors or some other county officer subject to the board's control ~~of~~  
30 ~~the urban county board of supervisors~~ are faithfully executed.



1 (4) 4. Examine regularly the books and papers of every officer and department of the  
2 county and report to the ~~urban county~~ board of supervisors the condition in which he finds them.

3 (5) 5. Perform such other duties as ~~may be required~~ the board requires of him ~~by the~~  
4 ~~urban county~~ board of supervisors.

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-739~~ 15.2-812. County executive may act as director or head of department.

8 The urban county executive may, if ~~required by the urban county~~ board of supervisors  
9 requires, act as the director or head of any department ~~or departments~~, the ~~directors~~ director or  
10 ~~heads~~ head of which ~~are~~ is appointed by the ~~urban county~~ board of supervisors, provided he is  
11 otherwise eligible to head such department ~~or departments~~.

12 **Drafting note: No substantive change in the law.**

13  
14 § ~~15.1-740.~~ ~~Certain offices abolished.~~

15 ~~When this form of county organization and government shall be adopted the following~~  
16 ~~offices shall, when the form of organization and government becomes operative, be abolished,~~  
17 ~~the powers and duties of such officers transferred as herein provided, and the terms of office of~~  
18 ~~such officers expire as provided in § 15.1-727.~~

19 (1) ~~[Repealed.]~~

20 (2) ~~Superintendent of the poor; his powers shall be exercised and his duties performed by~~  
21 ~~the superintendent of public welfare.~~

22 (3) ~~The school trustee electoral board.~~

23 (4) ~~The inheritance tax commissioner.~~

24 **Drafting note: Repealed; the listed offices no longer exist; § 15.2-821 (§ 15.1-763)**  
25 **and § 15.2-822 (§ 15.1-764) give the governing body general authority to organize the**  
26 **structure, powers and duties of the county government.**

27  
28 **Article 3:**

29 **Urban County Manager Form.**

30  
31 §§ ~~15.1-741~~ through ~~15.1-753~~.

1           ~~Repealed by Acts 1976, c. 458.—~~

2

3

Article 4.

4

General Provisions.

5

6           ~~§ 15.1-754. Application of article.~~

7           ~~The provisions of this article shall be applicable to each of the two forms of county~~  
8 ~~organization and government provided for in Articles 2 (§ 15.1-728 et seq.) and 3 (§ 15.1-741 et~~  
9 ~~seq.) of this chapter.—~~

10           **Drafting note: Repealed; this section is unnecessary since the chapter applies to**  
11 **only one form of optional government.**

12

13           ~~§ 15.1-755~~ 15.2-813. Certain officers not affected by adoption of plan.

14           The following officers shall not, except as herein otherwise provided, be affected by the  
15 adoption of ~~either the urban county executive form or the urban county manager form:~~

16           ~~(1)~~ 1. Jury commissioners,

17           ~~(2)~~ Notaries public—

18           ~~(3)~~ 2. County electoral boards,

19           ~~(4)~~ 3. Registrars,

20           ~~(5)~~ 4. Judges and clerks of elections, and

21           ~~(6)~~ 5. Magistrates.

22           **Drafting note: No substantive change in the law; notaries are stricken from this**  
23 **section since they would clearly not be impacted by the adoption of the urban county**  
24 **executive form.**

25

26           ~~§ 15.1-756. Inconsistent provisions of law.~~

27           ~~Other provisions of law in conflict with any form of county organization and government~~  
28 ~~adopted by any county pursuant to this chapter shall not apply to the county.—~~

29           **Drafting note: Repealed; the subject matter of this section is found in § 15.2-300.**

30

31           ~~§ 15.1-757. Changing from one form to another.~~

1           ~~(a) Any county which adopts either form of organization and government provided for~~  
2 ~~by this chapter may change to the other form of organization and government therein provided~~  
3 ~~for, or change to the form of county organization and government provided for by Title 15.1,~~  
4 ~~Chapter 13 (§ 15.1-582 et seq.), or change to some other form of county organization and~~  
5 ~~government provided for by Article VII of the Constitution of Virginia and the general law of the~~  
6 ~~Commonwealth. The procedure for initiating, conducting and determining the results of a~~  
7 ~~referendum thereon, shall be the same, insofar as applicable, as that herein provided in Article 1~~  
8 ~~(§ 15.1-722 et seq.) of this chapter.~~

9           ~~The ballot shall be printed to read as follows:-~~

10           ~~Question. Shall the county adopt (here insert name of form proposed in petition or~~  
11 ~~resolution)?~~

12            ~~For~~

13            ~~Against~~

14           ~~**Drafting note: Repealed; the subject matter of this section is found in § 15.2-305.**~~

15  
16           ~~§ 15.1-758. Effect of change from executive to manager form.~~

17           ~~If in accordance with § 15.1-757 the form of the county organization and government be~~  
18 ~~changed from the urban county executive form to the urban county manager form, all officers~~  
19 ~~and employees of the county shall be thereafter selected as provided in the urban county manager~~  
20 ~~form; the persons holding office under the urban county executive form shall continue to hold~~  
21 ~~office until their successors have been selected and qualified; the members of the urban county~~  
22 ~~board of supervisors, the county clerk, the sheriff, and the attorney for the Commonwealth shall~~  
23 ~~continue to hold office under the urban county manager form until the expiration of their terms~~  
24 ~~and until their successors have been elected and qualified.~~

25           ~~This change shall become effective as soon as the judge shall enter of record the results~~  
26 ~~of the election provided for in § 15.1-757.~~

27           ~~**Drafting note: Repealed; the subject matter of this section is found in Chapter 3 of**~~  
28 ~~**this title.**~~

29  
30           ~~§ 15.1-759. Effect of change from manager to executive form.~~

1           ~~If in accordance with § 15.1 757 the form of county organization and government be~~  
2 ~~changed from the urban county manager form to the urban county executive form, all officers~~  
3 ~~and employees of the county shall be thereafter selected as provided in the urban county~~  
4 ~~executive form; those persons holding office under the urban county manager form shall~~  
5 ~~continue to hold office until their successors have been selected and qualified; the members of~~  
6 ~~the urban county board of supervisors, the county clerk, the sheriff and the attorney for the~~  
7 ~~Commonwealth shall continue to hold office under the urban county executive form until the~~  
8 ~~expiration of their terms and until their successors have been elected and qualified.~~

9           ~~This change shall become effective as soon as the judge shall enter of record the results~~  
10 ~~of the election provided for in § 15.1 757.~~

11           **Drafting note: Repealed; the subject matter of this section is found in Chapter 3 of**  
12 **this title.**

13  
14           ~~§ 15.1 760. Effect of change to other form provided by Constitution and general law.~~

15           ~~If, in accordance with the provisions of § 15.1 757 the form of county organization and~~  
16 ~~government be changed to some other form of county organization and government provided for~~  
17 ~~by Article VII of the Constitution of Virginia and the provisions of general law enacted pursuant~~  
18 ~~thereto, all officers of the county and the district whose election is provided for by Article VII of~~  
19 ~~the Constitution of Virginia and the general law shall be elected at the next succeeding regular~~  
20 ~~November election, held at least sixty days after such change shall have been voted upon; all~~  
21 ~~appointive officers shall be appointed by the appointing powers provided for by general law; the~~  
22 ~~terms of the officers so elected or appointed shall begin on the first day of January next~~  
23 ~~succeeding, at which time the change of county organization and government shall become~~  
24 ~~effective, and such officers shall hold office until their successors have been elected at the next~~  
25 ~~regular election provided for such officers or have been appointed, as provided by general law,~~  
26 ~~and have qualified.~~

27           **Drafting note: Repealed; the subject matter of this section is found in Chapter 3 of**  
28 **this title.**

29  
30           ~~§ 15.1 760.1. Special elections; changes in form of government.~~

1           ~~In any case in which the voters of a county are authorized to petition for a referendum on~~  
2 ~~changing the county's form of government and organization in accordance with § 15.1-757, the~~  
3 ~~number of signatures of qualified voters required on the petition shall be equal to or greater than~~  
4 ~~ten percent of the number of voters registered in the county on January 1 of the year in which the~~  
5 ~~petition is filed.~~

6           ~~Any referendum concerning such change in the county's form of government and~~  
7 ~~organization shall be ordered to be held on the next November general election date at least sixty~~  
8 ~~days after the date of the order.~~

9           **Drafting note: Repealed; the subject matter of this section is found in Chapter 3 of**  
10 **this title.**

11  
12           ~~§ 15.1-761. Limitation as to frequency of elections.~~

13           ~~If any election has been or is held in any county to determine whether such county shall~~  
14 ~~adopt either of the two forms of county organization and government provided for in Articles 2~~  
15 ~~(§ 15.1-728 et seq.) and 3 (§ 15.1-741 et seq.) of this chapter, or if any election has been or is~~  
16 ~~held in any county which has adopted either of such optional forms of county organization and~~  
17 ~~government to determine whether such county shall change to any other optional form of county~~  
18 ~~organization and government or to determine whether such county shall change to some other~~  
19 ~~form of county organization and government provided for by Article VII of the Constitution of~~  
20 ~~Virginia and the other provisions of general law of the Commonwealth, no further election of the~~  
21 ~~nature referred to in this section shall be held in the county within three years thereafter.~~

22           **Drafting note: Repealed; the subject matter of this section is found in § 15.2-306.**

23  
24           ~~§ 15.1-762~~ 15.2-814. Inquiries and investigations by board of supervisors.

25           ~~The urban county board of supervisors shall have full power to~~ may inquire into the  
26 official conduct of any office or officer under its control, and ~~to~~ investigate the accounts,  
27 receipts, disbursements and expenses of any county or district officer; ~~for~~ For these purposes it  
28 may subpoena witnesses, administer oaths and require the production of books, papers and other  
29 evidence; ~~and in case~~ If any witness fails or refuses to obey any such lawful order of the ~~urban~~  
30 ~~county~~ board of supervisors, he shall be deemed guilty of a misdemeanor.

31           **Drafting note: No substantive change in the law.**

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§ ~~15.1-730.4~~ 15.2-815. Regulation of garbage, trash and refuse pickup and disposal services; contracting for such services in certain counties.

The ~~governing bodies of counties that have adopted the urban county executive form of government board~~ may adopt ~~ordinances~~ an ordinance requiring the delivery of all or any portion of the garbage, trash and refuse generated or disposed of within such ~~counties~~ county to waste disposal facilities located therein or to waste disposal facilities located outside of such ~~counties~~ county if the ~~counties have~~ county has contracted for capacity at or service from such facilities.

Such ~~counties~~ ordinances may provide ~~in such ordinance~~ that it is unlawful for any person to dispose of his garbage, trash and refuse in or at any other place. No such ordinance ~~making it unlawful to dispose of garbage, trash and refuse in any other place~~ shall apply to the occupants of single-family residences or family farms disposing of their own garbage, trash or refuse if such occupants have paid the fees, rates and charges of other single-family residences and family farms in the same service area.

Such ordinance shall not apply to garbage, trash and refuse generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or refuse-derived fuels for sale to a person other than any entity controlling, controlled by or under the same control as the manufacturer, miner, processor, refiner or converter. Nor shall such ordinance apply to (i) recyclable materials, which are those materials that have been source-separated by any person or materials that have been separated from garbage, trash and refuse by any person for utilization in both cases as a raw material to be manufactured into a new product other than fuel or energy, (ii) construction debris to be disposed of in a landfill, or (iii) waste oil. Such ordinances may provide penalties, fines and other punishment for violations.

Such ~~counties are authorized to~~ county may contract with any person, whether profit or nonprofit, for garbage and refuse pickup and disposal services ~~in their respective jurisdictions~~ and ~~to~~ enter into contracts relating to waste disposal facilities which recover energy or materials from garbage, trash and refuse. Such contracts may make provision for, among other things, (i) the purchase by the ~~counties~~ county of all or a portion of the disposal capacity of a waste disposal facility located within or ~~without~~ outside the ~~counties~~ county for ~~their~~ present or future waste disposal requirements; (ii) the operation of such facility by the ~~counties~~ county; (iii) the

1 delivery by or on behalf of the contracting ~~counties~~ county of specified quantities of garbage,  
2 trash and refuse, whether or not such ~~counties collect~~ county collects such garbage, trash and  
3 refuse, and the making of payments ~~in respect of~~ for such quantities of garbage, trash and refuse  
4 whether or not such garbage, trash and refuse are delivered, including payments ~~in respect of~~ for  
5 revenues lost if garbage, trash and refuse are not delivered; (iv) adjustments to payments made  
6 by the ~~counties~~ county in ~~respect of~~ regard to inflation, changes in energy prices or residue  
7 disposal costs, taxes imposed upon the facility owner or operator, or other events beyond the  
8 control of the facility operator or owners; (v) the fixing and collection of fees, rates or charges  
9 for use of the disposal facility and for any product or service resulting from operation of the  
10 facility; and (vi) such other provision as is necessary for the safe and effective construction,  
11 maintenance or operation of such facility, whether or not such provision displaces competition in  
12 any market. Any such contract shall not be deemed to be a debt or gift of the ~~counties~~ county  
13 within the meaning of any law, charter provision or debt limitation. Nothing in the foregoing  
14 powers granted such ~~counties~~ county shall include the authority to pledge the full faith and credit  
15 of such local ~~governments~~ government in violation of Article X, Section 10 of the Constitution  
16 of Virginia.

17 **Drafting note: No substantive change in the law. The reference to the urban county**  
18 **executive form of government in the first sentence is deleted since the entire chapter applies**  
19 **only to such counties.**

20

21 § ~~15.1-730.2~~ 15.2-816. Maintenance of certain sewer lines.

22 Upon petition of a majority of the affected property owners or members of an affected  
23 owners' association, (i) the county may take over the maintenance of undersized sewer lines  
24 installed as a result of the county's waiver of its adopted requirements developed under this title  
25 or Title 62.1; and (ii) the county shall be granted the right to convert the undersized sewer lines  
26 to county standards at its expense, if the county deems the conversion to be in its best interests  
27 for health or economic reasons; or (iii) if the ~~homeowners~~ property owners or their associations  
28 elect to convert the undersized sewer lines to county standards, the county may take over and  
29 maintain at county expense the converted sewer lines.

1 The cost for the maintenance of such lines shall be borne ~~either (i)~~ by the county general  
2 fund; or ~~(ii)~~ the county, at its discretion, may incorporate the sewer lines into an existing sanitary  
3 district for uniformity of maintenance and cost/budget allocations.

4 If the county determines that the builder/developer installed the undersized lines without  
5 the express permission of the appropriate county agency, then the county ~~is authorized to~~ may  
6 collect the cost of conversion from the builder/developer; however, the county shall bear the  
7 ongoing cost of maintenance.

8 This section ~~shall apply~~ applies only to sewer lines installed on or before January 1, 1987.

9 **Drafting note: No substantive change in the law.**

10  
11 § ~~15.1-785~~ 15.2-817. No unincorporated area to be incorporated after adoption of urban  
12 county form of government.

13 After the date of adoption of ~~either of~~ the urban county ~~forms~~ executive form of  
14 government, no unincorporated area within the limits of such county shall be incorporated as a  
15 separate town or city within the limits of such county, whether by judicial proceedings or  
16 otherwise; ~~provided that no judicial proceeding pending at the time of adoption of this act [April~~  
17 ~~5, 1968]~~ shall be affected by this section.

18 **Drafting note: No substantive change in the law. The stricken language at the end**  
19 **of the section is no longer needed.**

20  
21 § ~~15.1-786~~ 15.2-818. City may petition to become part of county.

22 After the date of adoption of ~~either of~~ the urban county ~~forms~~ executive form of  
23 government, a city contiguous to or within the limits of such a county ~~adopting the same~~ may  
24 petition, by action of its governing body, to become a part of ~~such~~ the county on terms set forth  
25 in a resolution adopted by the ~~urban county~~ board of supervisors. A Passage of a referendum  
26 within the petitioning city shall constitute approval of the city becoming a district of the county  
27 or a part or parts of one or more districts and action of the ~~urban county~~ board of supervisors  
28 shall constitute final approval thereof by the county.

29 **Drafting note: No substantive change in the law.**

30  
31 § ~~15.1-499.2~~ 15.2-819. Demolition of historic structures ~~in certain counties~~; civil penalty.



1           ~~The governing body of any A county which has adopted the urban county executive form~~  
2 ~~of government~~ may adopt an ordinance which establishes a civil penalty for the demolition,  
3 razing or moving of a building or structure which is located in an historic district or which has  
4 been designated by the governing body as an historic structure or landmark without the prior  
5 approval from either the architectural review board or the governing body as provided by  
6 subdivision A 2 of § ~~15.1-503.2~~ 15.2-2308.

7           The civil penalty imposed for a violation of ~~any~~ such an ordinance shall not exceed the  
8 market value of the property as determined by the assessed value of the property at the time of  
9 the destruction or removal of the building or structure, ~~and that~~. Such value shall include the  
10 value of any structures ~~together with~~ and the value of the real property upon which any such  
11 structure or structures were located. Such ordinances may be enforced by the county attorney by  
12 bringing an action in the name of the county in the circuit court. Such actions shall be brought  
13 against the party or parties deemed responsible for ~~such~~ the violation. It shall be the burden of  
14 the county to show the liability of the violator by a preponderance of the evidence.

15           Nothing in this section shall preclude action by the zoning administrator under  
16 subdivision 5 of § 15.1-491 (d) 15.2-2286 or action by the ~~governing body board~~ under § ~~15.1-~~  
17 ~~499~~ 15.2-2208.

18           **Drafting note: No substantive change in the law.**

19  
20           § ~~15.1-27.2~~ 15.2-820. Donations to legal entities owning recreational facilities ~~in certain~~  
21 ~~counties~~.

22           ~~The governing body of any A county that has adopted the urban county executive form of~~  
23 ~~government~~ is authorized to make annual appropriations of public funds to any nonprofit legal  
24 entity that is not controlled in whole or in part by any church, sectarian society or group that has  
25 exclusionary membership practices or rules that owns recreational facilities in the county such  
26 as, but not limited to, swimming pools, tennis courts, etc., in an amount not to exceed the amount  
27 of real estate taxes that is owed on the recreational facilities owned by the legal entity receiving  
28 the appropriations.

29           The provisions of § ~~15.1-24~~ 15.2-953 are not affected by this statute section.

30           **Drafting note: No substantive change in the law.**

31

1 Article 2.

2 Departments and Commissions.

3  
4 § ~~15.1-763~~ 15.2-821. ~~Supervisors~~ Board to provide for and set up departments; removal  
5 of department head or person assigned to county executive's office; powers of supervisors  
6 generally.

7 The ~~urban-county~~ board of ~~supervisors~~ shall, as soon as ~~the~~ its members ~~thereof~~ are  
8 elected and take office, provide for the performance of all the governmental functions of the  
9 county and to that end shall provide for and set up all necessary departments of government ~~that~~  
10 ~~shall be necessary, not inconsistent~~ consistent with the provisions of ~~the form of county~~  
11 ~~organization and government herein provided~~ this chapter. Any deputy county executive,  
12 assistant county executive, or department head ~~shall~~ may be removable removed at the pleasure  
13 of the ~~urban-county~~ board of ~~supervisors~~, except as the ~~urban-county~~ board of ~~supervisors~~ may  
14 authorize the urban county executive to remove such employees, and such removal shall not be  
15 subject to review by any other county employee, agency, board or commission ~~of the county~~ or  
16 under the grievance procedure adopted pursuant to § ~~15.1-7.1~~ 15.2-1506. The ~~urban-county~~  
17 board of ~~supervisors~~ shall have all authority and powers provided for by this chapter or by other  
18 law and shall have the power to raise annually by taxes and assessments on property, persons and  
19 other subjects of taxation, which are not prohibited by law, such sums of money as in the  
20 judgment of the board are necessary to pay the debts, defray the expenses, accomplish the  
21 purposes and perform the functions of the county.

22 However, any department head who could grieve his own removal from an office held  
23 prior to July 1, 1987, under the law in effect at the time ~~that department head~~ he was appointed to  
24 office, shall retain such right to grieve his own removal from that office unless that right is  
25 waived in writing in consideration of a payment mutually agreed to by that department head and  
26 by the ~~urban-county~~ board of ~~supervisors~~.

27 **Drafting note: No substantive change in the law.**

28  
29 § ~~15.1-764~~ 15.2-822. Designation of officer or employee to exercise power or perform  
30 duty.

1 Whenever it is not designated herein what officer or employee of the county shall  
2 exercise any power or perform any duty conferred upon or required of the county, or any officer  
3 thereof, by general law, then any such power shall be exercised or duty performed by that officer  
4 or employee of the county so designated by ordinance or resolution of the ~~urban county~~ board of  
5 ~~supervisors~~.

6 **Drafting note: No substantive change in the law.**

7  
8 § ~~15.1-765~~ 15.2-823. Departments and commissions of county government.

9 The activities or functions of the county shall, with the exceptions herein provided, be  
10 distributed among the following general divisions or departments:

11 ~~(1)~~ 1. Department of finance.

12 ~~(2)~~ 2. Department of public works.

13 ~~(3)~~ 3. Department of social services.

14 ~~(4)~~ 4. Department of law enforcement.

15 ~~(5)~~ 5. Department of education.

16 ~~(6)~~ 6. Department of records.

17 ~~(7)~~ 7. Department of health.

18 The ~~urban county~~ board of ~~supervisors~~ may establish any of the following additional  
19 departments and commissions and such other departments and commissions as it deems  
20 necessary to the proper conduct of the county's business ~~of the county~~:

21 ~~(1)~~ 1. Department of assessments.

22 ~~(2)~~ 2. Department of farm and home demonstration.

23 ~~(3)~~ 3. Department of public safety.

24 ~~(4)~~ 4. Department of public utilities.

25 ~~(5)~~ 5. Commission on human rights.

26 Any activity which is unassigned by this ~~form of county organization and government~~  
27 chapter shall, upon recommendation of the urban county ~~manager or~~ executive, be assigned by  
28 the ~~urban county~~ board of ~~supervisors~~ to the appropriate department. The ~~urban county~~ board of  
29 ~~supervisors~~ may, upon recommendations of the urban county ~~manager or~~ executive, reassign,  
30 transfer or combine any county functions, activities or departments.

31 **Drafting note: No substantive change in the law.**

1  
2 § ~~15.1-765.1~~ 15.2-824. Appointment of members of certain boards, authorities and  
3 commissions.

4 A. Notwithstanding the provisions of §§ ~~15.1-437, 15.1-770, 15.1-787, 15.1-1231, 15.1-~~  
5 ~~1249~~ 15.1-837, 15.1-855, 15.1-2212, 15.1-5113, 15.1-5703 and 36-11, the board of supervisors  
6 may establish different terms of office for initial and subsequent appointments of (i) the  
7 commissioners of any county redevelopment and housing authority created pursuant to the  
8 Housing Authorities Law (§§ 36-1 through 36-55.6), (ii) the members of any county authority  
9 created pursuant to the Park Authorities Act (§§ ~~15.1-1228 through 15.1-1238.1~~ 15.2-5700 et  
10 seq.), (iii) the members of the county planning commission, (iv) the members of the county  
11 school board, (v) any commissions created pursuant to § ~~15.1-765~~ 15.2-823 and (vi) the  
12 members of any county water or sewer authority created pursuant to § ~~15.1-1241~~ 15.2-5102.

13 Such different terms of office for such authorities, boards and commissions shall be for  
14 fixed terms, and such different terms of office may include, but are not limited to, terms of either  
15 two or four years and terms that extend until July 1 of the year following the year in which there  
16 is a regular election provided by general law for the election of supervisors. ~~In the event~~ If the  
17 board of supervisors establishes different terms of office pursuant to this section, such new terms  
18 shall affect future appointments to such offices and shall not affect the existing terms of any  
19 commissioner or member then serving in office. This section shall not affect the removal of any  
20 member of an authority, board or commission for incompetency, neglect of duty or misuse of  
21 office pursuant to provisions of general law.

22 B. Notwithstanding the provisions of §§ ~~15.1-1249~~ 15.2-5113 and 36-11, the board of  
23 supervisors may appoint as many as eleven persons as (i) commissioners of any county  
24 redevelopment and housing authority created pursuant to the Housing Authorities Law and (ii)  
25 members of any county water or sewer authority created pursuant to § ~~15.1-1241~~ 15.2-5102.

26 **Drafting note: No substantive change in the law.**

27  
28 § ~~15.1-765.2~~ 15.2-825. Committee for legislative audit and review.

29 The ~~governing body of any county which has adopted the urban county executive form of~~  
30 ~~government~~ board may establish a committee for the audit and review of county agencies and  
31 county-funded functions. The committee shall be composed of not more than eleven members

1 who shall be appointed by the ~~governing body~~ board for a term of two years. The committee  
2 shall have the power to make performance reviews of operations of county agencies or county-  
3 funded programs to ascertain that sums appropriated are expended for the purposes for which  
4 such appropriations were made and to evaluate the effectiveness of those agencies and programs.  
5 The committee shall make such special studies and reports as it deems appropriate and as ~~may be~~  
6 ~~requested by the governing body~~ board requests. Notwithstanding the provisions of § ~~15.1-50.4~~  
7 15.2-1534, the ~~governing body~~ board may appoint one or more of its members to serve on this  
8 committee.

9 The ~~governing body~~ board ~~shall be authorized to~~ may provide staff assistance to ~~this~~ the  
10 committee which shall be independent of the administrative staff of the county. Any such staff  
11 shall be hired on the basis of merit and shall be paid in conformity with existing pay scales. The  
12 director of the staff to the committee shall serve at the pleasure of the board ~~of supervisors~~, and if  
13 removed, such removal shall not be subject to review by any other employee, agency, board or  
14 commission of the county or under the grievance procedure adopted pursuant to § ~~15.1-7.1~~ 15.2-  
15 1506. The director of any such staff shall be known as the auditor of the board.

16 **Drafting note: No substantive change in the law.**

17  
18 § ~~15.1-766~~ 15.2-826. Department of finance; director; general duties.

19 ~~(a) Director; general duties~~. The director of finance shall be the head of the department  
20 of finance and as such have charge of (i) the administration of the county's financial affairs ~~of~~  
21 ~~the county~~, including the budget; (ii) the assessment of property for taxation; (iii) the collection  
22 of taxes, license fees and other revenues; (iv) the custody of all public funds belonging to or  
23 handled by the county; (v) the supervision of the expenditures of the county and its subdivisions;  
24 (vi) the disbursement of county funds; (vii) the purchase, storage and distribution of all supplies,  
25 materials, equipment and contractual service needed by any department, office or other using  
26 agency of the county unless some other officer or employee is designated for this purpose; (viii)  
27 the keeping and supervision of all accounts; and (ix) such other duties as the ~~urban county~~ board  
28 ~~of supervisors may by ordinance or resolution require~~ requires.

29 The ~~urban county~~ board ~~of supervisors~~ may assign the budget function to the urban  
30 county executive or a budget officer.

1           **Drafting note: No substantive change in the law. Section 15.1-766 has been divided**  
2 **into eight sections. Old provision (h) is deleted since it duplicates provision (ix) of this**  
3 **section.**

4  
5           ~~(b) Expenditures and accounts. § 15.2-827. Same; expenditures and accounts.~~

6           No money shall be drawn from the county treasury ~~of the county~~, nor shall any obligation  
7 for the expenditure of money be incurred, except in pursuance of a legally enacted appropriation  
8 resolution, or legally enacted supplement thereto passed by the ~~urban county~~ board of  
9 ~~supervisors~~. Accounts shall be kept for each item of appropriation made by the ~~urban county~~  
10 board of ~~supervisors~~. Each such account shall show in detail the appropriation made thereto, the  
11 amount drawn thereon, the unpaid obligations charged against it, and the unencumbered balance  
12 in the appropriation account, properly chargeable, sufficient to meet the obligation entailed by  
13 contract, agreement or order.

14           **Drafting note: No substantive change in the law.**

15  
16           ~~(c) Powers of commissioners of revenue. § 15.2-828. Same; powers of commissioners~~  
17 ~~of revenue; real estate assessments.~~

18           A. The director of finance shall exercise all the powers conferred and perform all the  
19 duties imposed by general law upon commissioners of the revenue, not inconsistent herewith,  
20 and shall be subject to the obligations and penalties imposed by general law.

21           ~~(d) Real estate reassessments. (1) B.~~ Every general reassessment of real estate in the  
22 county, unless some other person ~~be~~ is designated for this purpose, shall be made by the director  
23 of finance; ~~he.~~ He shall collect and keep data and devise methods and procedures to be followed  
24 in each such general reassessment that will make for uniformity in assessments throughout the  
25 county.

26           ~~(2)~~ In addition to any other method provided by general law or by this ~~article~~ chapter, the  
27 director of finance may provide for the annual assessment and equalization of real estate and any  
28 general reassessment ordered by the ~~urban county~~ board of ~~supervisors~~. The director of finance  
29 or his designated agent shall collect data, provide maps and charts, and devise methods and  
30 procedures to be followed for such assessments that will make for uniformity in assessments  
31 throughout the county.

1 All real estate shall be assessed as of January 1 of each year by the director of finance or  
2 ~~such~~ other person designated to make such assessment ~~and such annual~~. Such assessment shall  
3 provide for the equalization of assessments of real estate, correction of errors in tax assessment  
4 records, addition of erroneously omitted properties to the tax rolls, and the removal of properties  
5 acquired by owners not subject to taxation.

6 All reassessments ~~made~~, which ~~shall~~ change the assessment of real estate, shall not be  
7 extended for taxation until after ~~there is mailed~~ a written notice has been mailed to the person in  
8 whose name such property is to be assessed at his last known address, setting forth the amount of  
9 the new assessment.

10 C. This section shall not apply to real estate assessable under the law by the State  
11 Corporation Commission.

12 **Drafting note: No substantive change in the law. The last two paragraphs are**  
13 **reversed.**

14  
15 ~~(e) Powers of county treasurer; deposit of moneys. § 15.2-829. Same; powers of county~~  
16 ~~treasurer; deposit of moneys.~~

17 A. The director of finance shall also exercise ~~all~~ the powers conferred and perform all the  
18 duties imposed by general law upon county treasurers, and shall be subject to ~~all~~ the obligations  
19 and penalties imposed by general law. All moneys received by any county officer or employee ~~of~~  
20 ~~the county~~ for or in connection with the business of the county shall be paid promptly into the  
21 hands of the director of finance; ~~all~~. All such money shall be promptly deposited by the director  
22 of finance to the credit of the county in such banks or trust companies as ~~shall be selected by the~~  
23 ~~urban county~~ board of supervisors selects. No money shall be disbursed or paid out by the county  
24 except upon check signed by the chairman of the ~~urban county~~ board of supervisors, or ~~such~~  
25 other person as ~~may be designated by the urban county~~ board of supervisors designates, and  
26 countersigned by the director of the department of finance or by an electronic fund wire or  
27 payment system, or by any means deemed appropriate and sound by the director of finance and  
28 approved by the ~~urban county~~ board of supervisors drawn upon a warrant issued by the ~~urban~~  
29 ~~county~~ board of supervisors. If any money is knowingly paid otherwise than upon the director of  
30 finance's check, electronic fund wire or payment system or by alternative means specifically

1 approved by the director of finance and the urban county board of supervisors, drawn upon such  
2 warrant, this payment shall be invalid against the county.

3 B. The ~~urban county~~ board of supervisors may designate one or more banks or trust  
4 companies as a receiving or collecting agency ~~or agencies~~ under the direction of the department  
5 of finance. All funds so collected or received shall be deposited to the credit of the county in  
6 such banks or trust companies as ~~shall be selected by the urban county board of supervisors~~  
7 selects.

8 C. Every bank or trust company serving as a depository or as a receiving or collecting  
9 agency for county funds shall be required by the ~~urban county~~ board of supervisors to give  
10 adequate security therefor, and to meet such ~~requirement as to interest thereon~~ interest  
11 requirements as the ~~urban county~~ board of supervisors ~~may~~ establishes by ordinance or  
12 resolution ~~establish~~. All interest on money so deposited shall accrue to the county's benefit ~~of the~~  
13 ~~county~~. The director of finance or his ~~duly~~ authorized deputies may transfer funds from one such  
14 depository to another by wire.

15 **Drafting note: No substantive change in the law.**

16  
17 ~~(f) Claims against counties; accounts. § 15.2-830. Same; claims against counties;~~  
18 accounts.

19 The director of finance shall audit all claims against the county for goods or services; ~~it~~  
20 He shall also ~~be his duty to~~ (i) ascertain that such claims are in accordance with the purchase  
21 orders or contracts of employment from which ~~same~~ the claims arise; ~~to~~ (ii) present such claims  
22 to the ~~urban county~~ board of supervisors for approval after such audit; ~~to~~ (iii) draw all checks in  
23 settlement of such claims after approval by the ~~urban county~~ board of supervisors unless the ~~said~~  
24 ~~urban county~~ board of supervisors otherwise provides; ~~to~~ (iv) keep a record of the revenues and  
25 expenditures of the county; ~~to~~ (v) keep such accounts and records of the county's affairs ~~of the~~  
26 ~~county~~ as shall be prescribed by the Auditor of Public Accounts; and (vi) at the end of each  
27 month, ~~to~~ prepare and submit to the ~~urban county~~ board of supervisors statements showing the  
28 progress and status of the county's affairs ~~of the county~~ in such form as ~~shall be~~ agreed upon by  
29 the Auditor of Public Accounts and the ~~urban county~~ board of supervisors. Such accounts and  
30 records may be kept in such form, including microphotography or other reproductive method, as  
31 the ~~urban county~~ board of supervisors ~~may prescribe~~ prescribes.



1           **Drafting note: No substantive change in the law.**

2  
3           ~~(g) Director as purchasing agent. § 15.2-831. Same; director as purchasing agent.~~

4           The director of finance shall act as purchasing agent for the county, unless the ~~urban~~  
5 ~~county board of supervisors shall designate~~ designates some other officer or employee for such  
6 purpose. The director of finance or the person designated as purchasing agent shall make all  
7 purchases, subject to such exceptions as ~~may be allowed by the urban county board of~~  
8 ~~supervisors~~ allows. He ~~shall have authority to make transfers of~~ may transfer supplies, materials  
9 or equipment between departments and offices; ~~to~~; sell any surplus supplies, materials or  
10 equipment; and ~~to make such other sales as may be authorized by the urban county board of~~  
11 ~~supervisors~~ authorizes. He ~~shall~~ may also have power, with the board's approval ~~of the urban~~  
12 ~~county board of supervisors, to~~ (i) establish suitable specifications or standards for all supplies,  
13 materials and equipment to be purchased for the county; ~~and to~~ (ii) inspect all deliveries to  
14 determine their compliance with such specifications and standards. ~~He shall further have the~~  
15 ~~power, with the approval of the urban county board of supervisors, to~~; and (iii) sell supplies,  
16 materials and equipment to volunteer rescue squads and fire-fighting companies at the same cost  
17 of such supplies, materials and equipment to the county. He shall have charge of such storerooms  
18 and warehouses of the county as the ~~urban county board of supervisors may provide~~ provides.

19           All purchases shall be made in accordance with Chapter 7 (§ 11-35 et seq.) of Title 11  
20 and under such rules and regulations ~~not inconsistent~~ consistent with Chapter 7 of Title 11 as the  
21 ~~urban county board of supervisors may~~ establishes by ordinance or resolution ~~establish~~, which  
22 ordinance or resolution may, notwithstanding the provisions of ~~subsection (f) hereof § 15.2-830,~~  
23 provide for the use of a combination purchase order-check, which check may be made valid for  
24 such maximum amount as the board may fix, not to exceed \$250. Subject to such exceptions as  
25 the ~~urban county board of supervisors may provide~~ provides, ~~he shall~~ before making any sale the  
26 director shall invite competitive bidding under such rules and regulations as the ~~urban county~~  
27 ~~board of supervisors may~~ establishes by ordinance or resolution ~~establish~~. He shall not furnish  
28 any supplies, materials, equipment or contractual services to any department or office except  
29 upon receipt of a properly approved requisition and unless there ~~be~~ is an unencumbered  
30 appropriation balance sufficient to pay for the ~~same~~ supplies, materials, equipment or contractual  
31 services.

1           ~~(h) Other duties. He shall perform such other duties as may be imposed upon him by the~~  
2 ~~urban county board of supervisors.~~

3           **Drafting note: No substantive change in the law. The substance of provision (h) is**  
4 **found in § 15.2-823.**

5  
6           ~~(i) Assistants. § 15.2-832. Same; assistants.~~

7           The director may have such deputies or assistants in the performance of his duties as ~~may~~  
8 ~~be allowed by the urban county board of supervisors~~ allows.

9           **Drafting note: No substantive change in the law.**

10  
11           ~~(j) Approval of chief assessing officer. § 15.2-833. Same; obligations of chief assessing~~  
12 ~~officer.~~

13           ~~Before the appointment of the chief assessing officer of the county (whether he be the~~  
14 ~~director of finance, a deputy or supervisor of assessments in the department of finance, or the~~  
15 ~~head of the department of assessments) shall become effective, it shall be approved by the Tax~~  
16 ~~Commissioner and such.~~ The chief assessing officer shall be subject to the obligations and  
17 penalties imposed by general law upon commissioners of the revenue.

18           **Drafting note: SUBSTANTIVE CHANGE; the first sentence is deleted as it appears**  
19 **outdated. Also, there is no general requirement for counties to have their chief assessing**  
20 **officer approved by the State Tax Commissioner.**

21  
22           ~~§ 15.1-767~~ 15.2-834. Department of public works.

23           The director of public works shall be head of the department of public works. He shall  
24 have charge of the construction and maintenance of county drains and all other public works and  
25 construction and care of public buildings, storerooms and warehouses. He shall have the custody  
26 of such equipment and supplies as the ~~urban county board of supervisors may authorize~~  
27 authorizes. He shall exercise ~~all~~ the powers conferred; and ~~shall perform such~~ the duties as ~~may~~  
28 ~~be imposed;~~ upon him by the ~~urban county board of supervisors.~~

29           **Drafting note: No substantive change in the law.**

30  
31           ~~§ 15.1-768~~ 15.2-835. Department and board of social services.

1 The superintendent of social services, who shall be head of the department of social  
2 services, shall be chosen from a list of eligibles furnished by the State Department of Social  
3 Services. Such person shall exercise ~~all~~ the powers conferred and perform ~~all~~ the duties imposed  
4 by general law upon the county board of social services, not inconsistent herewith. Such person  
5 shall also perform such other duties as ~~may be imposed upon him by the urban county board of~~  
6 ~~supervisors~~ imposes upon him.

7 The ~~urban county board of supervisors~~ shall select at least five and not more than eleven  
8 qualified county citizens ~~of the county~~, one of whom may be a member of the urban county  
9 board of supervisors, who shall constitute the county board of social services. Such board shall  
10 advise and cooperate with the department of social services and ~~shall have power to~~ may adopt  
11 necessary rules and regulations not in conflict with law concerning such department.

12 As provided for in Chapters 2 (§ 63.1-31 et seq.) and 3 (§ 63.1-38 et seq.) of Title 63.1,  
13 the urban county board of supervisors in its discretion may designate either the superintendent of  
14 social services or the above-mentioned county board of social services as the local board. If the  
15 urban county board of supervisors designates the superintendent of social services as constituting  
16 the local board, the county board of social services shall serve in an advisory capacity to such  
17 officer with respect to the duties and functions imposed upon him by law.

18 **Drafting note: No substantive change in the law.**

19  
20 § ~~15.1-769~~ 15.2-836. Department of law enforcement.

21 The department of law enforcement shall consist of the attorney for the Commonwealth,  
22 chief of police, and sheriff, together with their assistants, police officers, deputies and  
23 employees. ~~Should~~ If a department of public safety ~~be~~ is created, the chief of police, his police  
24 officers and employees shall be a part of such department as hereinafter provided ~~for~~.

25 The attorney for the Commonwealth shall exercise ~~all~~ the powers conferred and perform  
26 ~~all~~ the duties imposed upon such officer by general law and shall be accountable to the ~~urban~~  
27 ~~county board of supervisors~~ in all matters affecting the county and shall perform such duties, ~~not~~  
28 ~~inconsistent~~ consistent with his office, as the ~~urban county board of supervisors shall direct~~  
29 directs. He shall be selected as provided by general law.

30 The department of law enforcement may also include a county attorney to be appointed  
31 by the ~~urban county board of supervisors~~ upon the recommendation of the county executive and

1 who shall serve at an annual salary to be set by ~~said~~ the board. ~~In the event of the appointment of~~  
2 ~~such~~ If a county attorney is appointed, the attorney for the Commonwealth shall be relieved of  
3 the duties of advising the board ~~of supervisors~~, of drafting or preparing county ordinances, and of  
4 defending or bringing civil actions in which the county or any of its officials ~~shall be~~ is a party;  
5 ~~and all.~~ All such duties shall be performed by the county attorney ~~and he, who~~ shall be  
6 accountable to the ~~urban county~~ board ~~of supervisors~~ in all such matters.

7 The sheriff shall exercise ~~all~~ the powers conferred and perform all the duties imposed  
8 upon sheriffs by general law except as herein provided. He shall have the custody, feeding and  
9 care of all prisoners confined in the county jail. He shall perform such other duties as ~~may be~~  
10 ~~imposed upon him by the urban county board of supervisors~~ may impose upon him. The sheriff  
11 shall be selected as provided by general law. The sheriff and such other deputies and assistants  
12 appointed hereunder shall receive such compensation as the ~~urban county board of supervisors~~  
13 ~~may prescribe~~ prescribes. Any ~~policeman~~ police officer appointed by the urban county ~~manager~~  
14 ~~or executive or the board of supervisors~~ shall be under the supervision and control of the ~~urban~~  
15 ~~county board of supervisors~~ unless such supervision and control ~~be~~ are conferred upon the urban  
16 county ~~manager or executive and such policeman.~~ Such police officer shall have such powers as  
17 ~~policemen~~ as may be provided by general law throughout the county, including all towns therein.

18 **Drafting note: No substantive change in the law.**

19

20 § ~~15.1-770~~ 15.2-837. Department of education.

21 The department of education shall consist of the county school board, the division  
22 superintendent of schools and the officers and employees thereof. Except as herein otherwise  
23 provided, the county school board and the division superintendent of schools shall exercise ~~all~~  
24 the powers conferred and perform ~~all~~ the duties imposed upon them by general law. In addition  
25 the parks and playgrounds shall be under the supervision and control of the department of  
26 education unless otherwise provided by the urban county board of supervisors. The county  
27 school board shall be composed of not less than five nor more than twelve members, who shall  
28 be chosen by the urban county board of supervisors to serve for a term of two years, except that  
29 as many as one half of the members of the first such board appointed may be appointed for lesser  
30 terms. The exact number of members shall be determined by the urban county board of

1 supervisors. The term of office for any member appointed after July 1, 1972, shall expire on July  
2 1; of the second year after his appointment.

3 The board of county supervisors may also appoint a county resident ~~of the county~~ to cast  
4 the deciding vote in case of a tie vote of the school board as provided in § 22.1-75. The tie  
5 breaker, if any, shall be appointed for a four-year term whether appointed to fill a vacancy  
6 caused by expiration of a term or otherwise.

7 The chairman of the county school board, unless some other person in the department is  
8 designated by the school board for such purpose, ~~shall have the right to~~ may appear before the  
9 urban county board of supervisors and present his views on matters relating to the department of  
10 education.

11 Notwithstanding any contrary provisions of this section, a county which has an elected  
12 school board shall comply with the applicable provisions of Article 7 (§ 22.1-57.1 et seq.) of  
13 Title 22.1.

14 **Drafting note: No substantive change in the law; the last sentence is added as a**  
15 **cross reference to provisions relating to elected school boards.**

16

17 § ~~15.1-771~~ 15.2-838. Department of records.

18 The department of records shall be under the supervision and control of the county clerk.  
19 He shall be clerk of the circuit court of the county; and, if designated by the ~~urban county~~ board  
20 ~~of supervisors~~, clerk ~~of~~ for the county court, ~~and~~. The county clerk shall also be clerk of the  
21 ~~urban county~~ board ~~of supervisors~~ unless the ~~urban county~~ board ~~of supervisors~~ shall designate  
22 designates some other person for this ~~latter~~ purpose. He shall exercise ~~all~~ the powers conferred  
23 and perform ~~all~~ the duties imposed upon such officers by general law and shall be subject to the  
24 obligations and penalties imposed by general law. He shall also perform such other duties ~~as may~~  
25 ~~be imposed upon him by the urban county board of supervisors~~ the board imposes upon him.

26 **Drafting note: No substantive change in the law.**

27

28 § ~~15.1-772~~ 15.2-839. Department and board of health.

29 The department of health shall consist of the county health officer, who shall be chosen  
30 from a list of eligibles furnished by the State Board of Health, ~~and who shall be head thereof~~, and  
31 the other officers and employees of such department. The county health officer shall be head of

1 such department and shall exercise ~~all~~ the powers conferred and shall perform ~~all~~ the duties  
2 imposed upon the local health officer and the local board of health by general law, not  
3 inconsistent herewith. He shall also perform such other duties as ~~may be imposed upon him by~~  
4 the ~~urban county~~ board of supervisors imposes upon him.

5 The ~~urban county~~ board of supervisors may select two qualified county citizens ~~of the~~  
6 ~~county~~, who, together with the county health officer, shall constitute the county board of health.  
7 Such board shall advise and cooperate with the department of health and shall have power to  
8 adopt rules and regulations, not in conflict with law, concerning the department. The board of health  
9 may at any time be abolished by the ~~urban county~~ board of supervisors.

10 **Drafting note: No substantive change in the law.**

11  
12 § ~~15.1-773~~ 15.2-840. Department of assessments.

13 A. The department of assessments, if and when established, shall be headed by a  
14 commissioner of the revenue or supervisor of assessments, who shall exercise ~~all~~ the power  
15 conferred and perform ~~all~~ the duties imposed by ~~subsections (c) and (d) of § 15.1-766~~ 15.2-826  
16 upon the director of finance.

17 B. In addition to the powers and duties hereinabove conferred, the governing body of  
18 any county which has provided for a department of assessments headed by a supervisor of  
19 assessments may, in lieu of the method now prescribed by law, provide for the annual  
20 assessments and equalization of assessments of real estate by such department. All real estate  
21 shall thereafter be assessed as of January 1 of each year. The board of supervisors shall appoint a  
22 board of equalization of real estate assessments composed of not less than three nor more than  
23 eleven members. The board of supervisors may provide for terms varying in duration ~~by member~~  
24 ~~or members~~ not to exceed four years. Such equalization board shall have the powers and duties  
25 provided by and be subject to, the provisions of Article 14 (§ 58.1-3370 et seq.) of Chapter 32 of  
26 Title 58.1. Any person aggrieved by any assessment made under the provisions of this section  
27 may apply for relief to such board as therein provided. The provisions of this section shall not,  
28 however, apply to any real estate assessable under the law by the State Corporation Commission.

29 C. The board of equalization may sit in panels of at least three members each under the  
30 following terms and conditions:

31 1. The presence of all members in the panel shall be necessary to constitute a quorum.

1           2. The chairman of the board of equalization shall assign the members to panels and,  
2 insofar as practicable, rotate the membership of the panels.

3           3. The chairman of the board of equalization shall preside over any panel of which he is a  
4 member and shall designate the presiding member of the other panels.

5           4. Each panel shall perform its duties independently of the others.

6           5. The board of equalization shall sit en banc (i) when there is a dissent in the panel to  
7 which the matter was originally assigned and an aggrieved party requests an en banc hearing; or  
8 (ii) upon its own motion at any time, in any matter in which a majority of the board of  
9 equalization determines it is appropriate to do so. The board of equalization sitting en banc shall  
10 consider and decide the matter and may affirm, reverse, overrule or modify any previous  
11 decision by any panel.

12           **Drafting note: No substantive change in the law.**

13  
14           § ~~15.1-774~~ 15.2-841. Department of farm and home demonstration.

15           The department of farm and home demonstration shall consist of the county agricultural  
16 agent, who shall be head of the department, a home demonstration agent and such assistants and  
17 employees as may be appointed or employed. The county agricultural agent and the home  
18 demonstration agent shall be selected from ~~a list or~~ lists of eligibles submitted by the Virginia  
19 Polytechnic Institute and State University. They shall perform such duties as ~~may be imposed~~  
20 ~~upon them by the urban county board of supervisors~~ imposes upon them.

21           **Drafting note: No substantive change in the law.**

22  
23           § ~~15.1-775~~ 15.2-842. Department of public safety.

24           The department of public safety, if and when established, shall be under the supervision  
25 of a director of public safety. Such department may consist of the following divisions:

26           (1) 1. Division of police, in the charge of a chief of police and consisting of such other  
27 police officers and personnel as may be appointed.

28           (2) 2. Division of fire protection, in the charge of a fire chief and consisting of such fire  
29 fighters, and other personnel as may be appointed.

30           **Drafting note: No substantive change in the law.**

31

1           § ~~15.1-776~~ 15.2-843. Department of public utilities.

2           The department of public utilities, if and when established, shall be under the supervision  
3 of a director of public utilities. Such department shall be in charge of construction, operation,  
4 maintenance and administration of all public works coming under the general category of public  
5 utilities, owned, operated and controlled by any such county or district or any sanitary district of  
6 such county. Such department shall be responsible for the administration of the affairs of the  
7 sanitary districts, including but not limited to water systems, sewer systems, sewage disposal  
8 systems, garbage and any other sanitary district functions not assigned or administered by other  
9 departments or agencies. If the county has a division of fire protection and a fire chief under the  
10 provisions of § ~~15.1-775~~ 15.2-842 then such fire protection shall not be under the department of  
11 public utilities.

12           **Drafting note: No change.**

13  
14           § ~~15.1-776.1~~.

15           ~~Repealed by Acts 1986, c. 495.~~

16  
17           § ~~15.1-777~~ 15.2-844 Examination and audit of books and accounts.

18           The ~~urban county~~ board of supervisors shall require an annual audit of the books of every  
19 county officer who handles public funds to be made by a certified public accountant who is not a  
20 regular officer or employee of the county and who is thoroughly qualified by training and  
21 experience. An audit made by the Auditor of Public Accounts under the provisions of law may  
22 be considered as having satisfied the requirements of this paragraph.

23           Either the ~~urban county~~ board of supervisors or the urban county executive ~~or manager~~  
24 may at any time order an examination or audit of the accounts of any officer or department of the  
25 county government. Upon the death, resignation, removal or expiration of the term of any county  
26 officer ~~of the county~~, the director of finance shall cause an audit and investigation of the  
27 accounts of such officer to be made and shall report the results ~~thereof~~ to the ~~manager or~~  
28 executive and the ~~urban county~~ board of supervisors. In the case of the death, resignation or  
29 removal of the director of finance, the ~~urban county~~ board of supervisors shall cause an audit to  
30 be made of his accounts. If as a result of any such audit, an officer ~~be~~ is found indebted to the



1 county, the ~~urban county~~ board of ~~supervisors~~ shall proceed forthwith to collect such  
2 indebtedness.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-778~~ 15.2-845 Schedule of compensation.

6 The ~~urban county~~ board of ~~supervisors~~ shall establish a schedule of compensation for  
7 officers and employees which shall provide equitable compensation for officers and employees  
8 and which shall provide for recognition of length of service and of merit. The compensation  
9 prescribed shall be subject to such limitations ~~as may be~~ made by general law.

10 **Drafting note: No substantive change in the law.**

11  
12 § ~~15.1-778.1~~ 15.2-846 Salaries and expenses of board members; administrative staff.

13 The ~~urban county~~ board of ~~supervisors~~ shall establish the salaries and allowances of  
14 board members ~~of the board of supervisors~~ in accordance with the provisions of general law  
15 provided:

16 1. A public hearing shall be held on the salaries to be established;

17 2. No increase in such salaries shall be effective until the expiration of the current term of  
18 all board members ~~of the board~~ whose salaries are to be increased; and

19 3. Any action or procedure necessary to be taken to increase such salaries shall be  
20 completed not later than April 15 of any year in which there is an election for board members ~~of~~  
21 ~~the board of supervisors~~.

22 Each board member, in addition to salary and allowances, shall be entitled to reasonable  
23 administrative staff support paid by the county in conformity with existing pay scales and whose  
24 duty shall be limited exclusively to county business.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-779~~ 15.2-847. Budget; board to fix salaries and allowances.

28 Each year at least two weeks before the ~~urban county~~ board of ~~supervisors~~ must prepare  
29 its proposed annual budget, the urban county executive ~~or manager~~ shall prepare and submit to  
30 the ~~urban county~~ board of ~~supervisors~~ a budget presenting a financial plan for conducting the  
31 county's affairs ~~of the county~~ for the ensuing year; ~~such~~. The budget shall be set up in the

1 manner prescribed by general law. Hearings thereon shall be held and notice thereof given and  
2 the budget adopted in accordance with such general law. The ~~urban county~~ board of supervisors  
3 shall establish the salary and allowances of all county employees ~~of the county~~.

4 **Drafting note: No substantive change in the law.**

5  
6 ~~§ 15.1-780.~~

7 ~~Repealed by Acts 1970, c. 463.~~

8  
9 § ~~15.1-781~~ 15.2-848. Compensation of officers and employees; fee system abolished.

10 All county officers and employees ~~of the county~~ shall be paid regular compensation and  
11 the fee system as a method of compensation in the county shall be abolished, except as to those  
12 officers not affected by the adoption of this form of county organization and government. All  
13 such officers and employees shall, however, continue to collect all fees and charges provided for  
14 by general law, shall keep a record thereof, and shall promptly transmit all such fees and charges  
15 collected to the director of finance, who shall promptly receipt therefor. Such officers shall also  
16 keep such other records as are required by §§ 14.1-136 ~~to~~ through 14.1-163. All fees and  
17 commissions, which but for this section would be paid to such officers by the Commonwealth for  
18 services rendered, shall be paid into the county treasury ~~of the county~~.

19 The excess, if any, of the fees collected by each of the officers mentioned in § 14.1-136  
20 or collected by anyone exercising the powers of and performing the duties of any such officers,  
21 over ~~(a)~~ (i) the allowance to which such officers would be entitled by general law but for the  
22 provisions of this section and ~~(b)~~ (ii) expenses in such amount as ~~shall be~~ allowed by the  
23 Compensation Board shall be paid, one third into the state treasury; and ~~the other~~ two thirds ~~shall~~  
24 ~~belong~~ to the county.

25 Any county officer or employee ~~of the county~~ who ~~shall fail or refuse~~ fails or refuses to  
26 collect any fee which is collectible and should be collected under the provisions of this section,  
27 or who ~~shall fail or refuse~~ fails or refuses to pay any fee so collected to the county as herein  
28 provided, shall upon conviction be deemed guilty of a misdemeanor.

29 **Drafting note: No substantive change in the law.**

1           § ~~15.1-782~~ 15.2-849. Establishing times and conditions of employment; personnel  
2 management, etc.

3           A. ~~Any county having the urban county executive form of government is authorized to A~~  
4 county may establish and prescribe for all county employees ~~of the county~~ and, as necessary, for  
5 officers thereof, the following provisions ~~applicable to such employees and officers~~:

6           1. Normal workdays and hours of employment therein;

7           2. Holidays;

8           3. Days of vacation allowed;

9           4. Days of sick leave allowed;

10          5. Other provisions concerning the hours and conditions of employment;

11          6. Plans of personnel management and control;

12          7. Systems of retirement for all or any classes of officers and employees of the county but  
13 the adoption of the urban county executive form of government shall in no way affect any  
14 retirement system in effect in any such county prior to the date of adoption of such form; and

15          8. Notwithstanding any other provision of law, such employee benefit programs as it  
16 deems appropriate. In connection with some or all of such employee benefit programs, the  
17 county ~~is authorized to~~ may enter into voluntary salary reduction agreements with its officers and  
18 employees when such agreements are authorized under the laws of the United States relating to  
19 federal income taxes. Any such voluntary salary reduction agreements entered into prior to  
20 January 1, 1988, are hereby validated.

21          B. Any such county shall have the power to establish, alter, amend or repeal at will any  
22 provision adopted under subsection A hereof.

23           **Drafting note: No substantive change in the law.**

24  
25           § ~~15.1-783~~ 15.2-850. Bonds of officers.

26           The urban county executive ~~or manager~~ shall give bond payable to the county in the  
27 amount of not less than \$5,000. The director of finance shall give bond ~~to~~ in the amount of not  
28 less than fifteen ~~per centum~~ percent of the amount of money to be received by him annually, but  
29 he shall not be required to give a bond in excess of five million dollars except as hereinafter  
30 provided. ~~In case~~ If the urban county executive ~~or manager~~ serves also as director of finance, he  
31 shall give bond to the full amount indicated above for the director of finance. The ~~urban county~~

1 board of supervisors ~~shall have the power to~~ may fix bonds in excess of these amounts and to  
2 require bonds of other county officers in ~~their~~ the board's discretion, conditioned on the faithful  
3 discharge of their duties and the proper accounting for all funds coming into their possession.

4 **Drafting note: No substantive change in the law; clarifying changes are made.**

5  
6 § ~~15.1-783.01~~ 15.2-851. Expedited land development review procedure.

7 A. ~~Any county having the urban county executive form of government~~ A county may  
8 establish, by ordinance, a separate processing procedure for the review of preliminary and final  
9 subdivision and site plans and other development plans certified by licensed professional  
10 engineers, architects, certified landscape architects and land surveyors who are also licensed  
11 pursuant to § 54.1-408 and recommended for submission by persons who have received special  
12 training in such county's land development ordinances and regulations. The purpose of such  
13 separate review procedure is to provide a procedure to expedite the county's review of certain  
14 qualified land development plans. If a separate procedure is established, the county shall  
15 establish within the adopted ordinance the criteria for qualification of persons and whose work is  
16 eligible to use the separate procedure as well as a procedure for determining if the qualifications  
17 are met by persons applying to use the separate procedure. Persons who satisfy the criteria of  
18 subsection B below shall qualify as plans examiners. Plans reviewed and recommended for  
19 submission by plans examiners and certified by the appropriately licensed professional engineer,  
20 architect, certified landscape architect or land surveyor shall qualify for the separate processing  
21 procedure.

22 B. The qualifications of those persons who may participate in this program shall include,  
23 but not be limited to, the following:

24 1. A bachelor of science degree in engineering, architecture, landscape architecture or  
25 related science or equivalent experience or a land surveyor certified pursuant to § 54.1-408.

26 2. Successful completion of an educational program specified by the ~~board~~ county.

27 3. A minimum of two years of land development engineering design experience  
28 acceptable to the ~~board~~ county.

29 4. Attendance at continuing educational courses specified by the ~~board~~ county.

30 5. Consistent preparation and submission of plans which meet all applicable ordinances  
31 and regulations.

1           ~~The word "board" as used in this subsection shall mean the board of supervisors.~~

2           C. If an expedited review procedure is adopted by the board of supervisors pursuant to  
3 ~~the authority granted by~~ this section, the board of supervisors shall establish an advisory plans  
4 examiner board which shall make recommendations to the board of supervisors on the general  
5 operation of the program, on the general qualifications of those who may participate in the  
6 expedited processing procedure, on initial and continuing educational programs needed to  
7 qualify and maintain qualification for such a program, and on the general administration and  
8 operation of such a program. In addition, the plans examiner board shall submit  
9 recommendations to the board of supervisors as to those persons who meet the established  
10 qualifications for participation in the program, ~~and the plans examiner board shall submit~~  
11 ~~recommendations~~ as to whether those persons who have previously qualified to participate in the  
12 program should be disqualified, suspended or otherwise disciplined. The plans examiner board  
13 shall consist of six members who shall be appointed by the board of supervisors for staggered  
14 four-year terms. Initial terms may be less than four years so as to provide for staggered terms.  
15 The plans examiner board shall consist of three persons in private practice as licensed  
16 professional engineers or land surveyors certified pursuant to § 54.1-408, at least one of whom  
17 shall be a certified land surveyor; one person employed by the county government; one person  
18 employed by the Virginia Department of Transportation who shall serve as a nonvoting advisory  
19 member; and one citizen member. All plans examiner board members ~~of the board~~ who serve as  
20 licensed engineers or as certified surveyors must maintain their professional license or  
21 certification as a condition of holding office, and all such persons shall have at least two years of  
22 experience in land development procedures of the county. The citizen member ~~of the board~~ shall  
23 meet the qualifications provided in § 54.1-107; ~~provided.~~ However, such member,  
24 notwithstanding the proscription of provision (i) of § 54.1-107, shall have training as an engineer  
25 or surveyor and may be currently licensed, certified or practicing his profession.

26           D. The expedited land development program shall include an educational program  
27 conducted under the auspices of a state institution of higher education. The instructors in the  
28 educational program shall consist of persons in the private and public sectors who are qualified  
29 to prepare land development plans. The educational program shall include the comprehensive  
30 and detailed study of county ordinances and regulations relating to plans and how they are  
31 applied.

1 E. The separate processing system may include a review of selected or random aspects of  
2 plans rather than a detailed review of all aspects; ~~however.~~ However, it shall also include  
3 periodic detailed review of plans prepared by persons who qualify for the system.

4 F. In no event shall this section relieve persons who prepare and submit plans of the  
5 responsibilities and obligations which they would otherwise have with regard to the preparation  
6 of plans, nor shall it relieve the county of its obligation to review other plans in the time periods  
7 and manner prescribed by law.

8 **Drafting note: No substantive change in the law.**

9  
10 § ~~15.1-73.4~~ 15.2-852. Disclosures in land use proceedings ~~in urban counties.~~

11 A. ~~In any county having a population in excess of 240,000 inhabitants and having~~  
12 ~~adopted the urban county executive form of government pursuant to Chapter 15 (§ 15.1-722 et~~  
13 ~~seq.) of Title 15.1, each~~ Each individual member of the ~~urban county executive~~ board of  
14 supervisors, the planning commission, and the board of zoning appeals board in any proceeding  
15 before each such body involving an application for a special exception or variance or involving  
16 an application for amendment of a zoning ordinance, which does not constitute the adoption of a  
17 comprehensive zoning plan or ordinance applicable throughout the ~~political subdivision~~ county,  
18 shall, prior to any hearing on the matter or at such hearing, make a full public disclosure of any  
19 business or financial relationship which such member has, or has had within the twelve-month  
20 period prior to such hearing, with (i) the applicant in such case, or (ii) with the title owner,  
21 contract purchaser or lessee of the land that is the subject of the application, or (iii) if any of the  
22 foregoing is a trustee "(other than a trustee under a corporate mortgage or deed of trust securing  
23 one or more issues of corporate mortgage bonds)," with any trust beneficiary having an interest  
24 in such land, or (iv) with the agent, attorney or real estate broker of any of the foregoing. For the  
25 purpose of this subsection, "business or financial relationship" ~~shall mean~~ means any ~~such~~  
26 relationship (other than any ordinary customer or depositor relationship with a retail  
27 establishment, public utility or bank) ~~which a such member of the urban county executive board~~  
28 ~~of supervisors, planning commission or zoning appeals board, or any member of his the~~  
29 member's immediate household, either directly or by way of a partnership in which any of them  
30 is a partner, employee, agent or attorney, or through a partner of any of them, or through a  
31 corporation in which any of them is an officer, director, employee, agent or attorney or holds ten

1 percent or more of the outstanding bonds or shares of stock of a particular class, has, or has had  
2 within the twelve-month period prior to such hearing, with the applicant in the case, or with the  
3 title owner, contract purchaser or lessee of the subject land, or with any of the other persons  
4 above specified. For the purpose of this subsection "business or financial relationship" shall also  
5 ~~mean~~ means the receipt by a the member of the ~~urban county executive board of supervisors,~~  
6 ~~planning commission or zoning appeals board,~~ or by any person, firm, corporation or committee  
7 in his behalf from the applicant in the case or from the title owner, contract purchaser or lessee of  
8 the subject land, or from any of the other persons above specified, during the twelve-month  
9 period prior to the hearing in such case, of any gift or donation having a value of \$200 or more.

10 If at the time of the hearing in any such case a such member of ~~such urban county~~  
11 ~~executive board of supervisors, planning commission or zoning appeals board,~~ has a business or  
12 financial interest, ~~as above defined,~~ with the applicant in the case or with the title owner, contract  
13 purchaser or lessee of the subject land or with any of the other persons above specified involving  
14 the ~~specific relationship, in any manner between them,~~ of employee-employer, agent-principal,  
15 or attorney-client, that member shall, prior to any hearing on the matter or at such hearing, make  
16 a full public disclosure of such relationship and ~~that member~~ shall be ineligible to vote or  
17 participate in any way in such case or in any hearing thereon.

18 B. In any ~~such~~ case described in subsection A pending before the ~~urban county executive~~  
19 board of supervisors, planning commission or board of zoning appeals board, the applicant in the  
20 case shall, prior to any hearing on the matter, file with the board or commission a statement in  
21 writing and under oath identifying by name and last known address each person, corporation,  
22 partnership or other association specified in the first paragraph of subsection A. ~~hereof; and the~~  
23 The requirements of this section shall be applicable only ~~in~~ with respect to those so identified.

24 C. Any person knowingly and willfully violating the provisions of this section, shall be  
25 guilty of a Class 1 misdemeanor.

26 **Drafting note: No substantive change in the law.**

27 Article 4.1 3.

28 Human Rights.

29  
30  
31 § ~~15.1-783.1~~ 15.2-853. Commission on human rights; human rights ordinance.

1           ~~The board of supervisors of an urban county executive form of government~~ A county  
2 may enact an ordinance prohibiting discrimination in housing, real estate transactions,  
3 employment, public accommodations, credit and education on the basis of race, color, religion,  
4 sex, national origin, age, marital status or disability. The board ~~of supervisors~~ may enact an  
5 ordinance establishing a local commission on human rights which shall have the following  
6 powers and duties:

7           1. To promote policies to ensure that all persons be afforded equal opportunity;

8           2. To serve as an agency for receiving, investigating, holding hearings, processing and  
9 assisting in the voluntary resolution of complaints regarding discriminatory practices occurring  
10 within the county; and

11           3. With the approval of the county attorney, to seek, through appropriate enforcement  
12 authorities, prevention of or relief from a violation of any ordinance prohibiting discrimination  
13 and to exercise such other powers and duties as provided ~~for~~ in this article; ~~however.~~ However,  
14 the commission shall have no power itself to issue subpoenas, award damages or grant injunctive  
15 relief.

16           For the purposes of this article, "person" means one or more individuals, labor unions,  
17 partnerships, corporations, associations, legal representatives, mutual companies, joint-stock  
18 companies, trusts or unincorporated organizations.

19           **Drafting note: No substantive change in the law. The definition of "person" is**  
20 **taken from the following section.**

21  
22           § ~~15.1-783.2~~ 15.2-854. Investigations.

23           Whenever the commission on human rights has a reasonable cause to believe that any  
24 person ("~~person" for the purposes of this article includes one or more individuals, labor unions,~~  
25 ~~partnerships, corporations, associations, legal representatives, mutual companies, joint stock~~  
26 ~~companies, trusts, or unincorporated organizations~~) has engaged in, or is engaging in, any  
27 violation of a county ordinance which prohibits discrimination due to race, color, religion, sex,  
28 national origin, age, marital status, or disability, and, after making a good faith effort to obtain  
29 the data, information, and attendance of witnesses necessary to determine whether such violation  
30 has occurred, is unable to obtain such data, information, or attendance, it may request the county  
31 attorney to petition the judge of the general district court for its jurisdiction for a subpoena



1 against any such person refusing to produce such data and information or refusing to appear as a  
2 witness, and the judge of such court may, upon good cause shown, cause the subpoena to be  
3 issued. Any witness subpoena issued under this section shall include a statement that any  
4 statements made will be under oath and that the respondent or other witness is entitled to be  
5 represented by an attorney at law. Any person failing to comply with a subpoena issued under  
6 this section shall be subject to punishment for contempt by the court issuing the subpoena. Any  
7 person so subpoenaed may apply to the judge who issued a subpoena to quash it.

8 **Drafting note: No substantive change in the law. The definition of “person” is**  
9 **moved to the preceding section.**

10  
11 Article 5.

12 Towns.

13  
14 ~~§ 15.1-784. Dissolution of charters of towns.~~

15 ~~Subsequent to the adoption by a county of either of the forms of county government and~~  
16 ~~organization authorized by this chapter, any town within the county may hold a referendum on~~  
17 ~~the question of whether or not the charter of the town shall be dissolved.~~

18 ~~Upon a petition filed with the circuit court of the county, signed by twenty per centum of~~  
19 ~~the qualified voters of such town, asking that a referendum be held on the question of whether or~~  
20 ~~not the charter of the town shall be dissolved, the court shall, by order entered of record, in~~  
21 ~~accordance with § 24.1-165, require the regular election officials on the day fixed in such order~~  
22 ~~to open a poll and take the sense of the qualified voters of the town on the question submitted as~~  
23 ~~herein provided. The clerk of the circuit court of the county shall cause a notice of such election~~  
24 ~~to be published in some newspaper published in or having general circulation in the town once a~~  
25 ~~week for three consecutive weeks and shall post a copy of such notice at the door of the~~  
26 ~~courthouse of the county and in three conspicuous places within the town.~~

27 ~~A resolution may be passed by the town council of any such town and filed with the~~  
28 ~~circuit court of the county asking for a referendum, in which case the court shall proceed as in~~  
29 ~~the case of a petition by the qualified voters.~~

30 ~~The court shall act upon the petition or resolution first filed in the said clerk's office.~~

1           ~~The regular election officers of such county at the time designated in the order~~  
2 ~~authorizing the vote shall open the polls at the various voting places in the town and conduct the~~  
3 ~~election in such manner as is provided by law for other elections, insofar as the same is~~  
4 ~~applicable. The election shall be by secret ballot and the ballots shall be prepared by the electoral~~  
5 ~~board. The ballots shall be counted, returns made and canvassed as in other elections, and the~~  
6 ~~results certified by electoral board to the circuit court.~~

7           ~~If it shall appear by the report of the electoral board that a majority of the qualified voters~~  
8 ~~of the town voting are in favor of dissolving its charter, then on the first day of January next~~  
9 ~~following, the charter of such town whether granted by a court or by the General Assembly shall~~  
10 ~~be dissolved. All town liabilities shall be assumed by, and become the obligations of the county,~~  
11 ~~and the county shall own all the corporate properties, franchises and rights of the town. Each~~  
12 ~~town shall become a small district of the district in which it is located; and the existing assets less~~  
13 ~~the liabilities assumed of such town shall be used by the urban county board of supervisors as a~~  
14 ~~factor in establishing service charges within such small districts, and existing services provided~~  
15 ~~by the town government shall not be discontinued so long as they are desired by the residents of~~  
16 ~~the then small district.~~

17           ~~All claims of whatsoever nature, tort, contract, or otherwise, which exist against a town~~  
18 ~~the moment before such town is dissolved under the provisions hereof shall constitute and be a~~  
19 ~~claim against the county in which such town was located and which has assumed the debts and~~  
20 ~~taken charge of the assets of such town. Suit may be brought against such county for any such~~  
21 ~~claim against the town and it shall be no defense in such proceeding that the defendant is the~~  
22 ~~county; in all such cases the county shall be subject to suit to the same extent and in the same~~  
23 ~~manner as the dissolved town and judgments resulting therefrom may be enforced against the~~  
24 ~~county as judgments are enforced against municipalities generally. Any defense which would be~~  
25 ~~available to the town shall likewise be available to the county.~~

26           ~~Nothing in this chapter shall be construed to affect any contractual or vested right against~~  
27 ~~a county adopting either of the forms of organization and government herein provided or any~~  
28 ~~such right against a town dissolved in accordance herewith; all such rights shall be enforceable~~  
29 ~~against and collectible from the county as if it were a municipality.~~

1 In any town in which a majority of the voters vote against dissolving the charter of such  
2 town, the charter of such town shall not be dissolved and such charter shall remain in full force  
3 and effect.

4 **Drafting note: Repealed; this section is no longer needed since a uniform method of**  
5 **town charter annulment has been created in old Chapter 20.3.**

6  
7 § ~~15.1-785.1~~.

8 Expired.  
9

10 Article 6 4.

11 ~~District Commissions~~ Election Districts.  
12

13 § ~~15.1-787~~ 15.2-855. Division of county into districts; functions of districts; appointees to  
14 planning commission and school board.

15 Within ninety days after the adoption of either of the forms urban county executive form  
16 of government ~~set forth in this chapter~~, the county board of supervisors, after holding a public  
17 hearing thereon, shall divide the county into from five to eleven districts. Each district shall be  
18 composed of contiguous and compact territory and shall be so constituted as to give, as nearly as  
19 is practicable, representation in proportion to the population in the district.

20 These districts shall serve as (a) the electoral divisions for elections of members of the  
21 urban county board of supervisors, (b) ~~and as~~ sanitary districts under the provisions of Article 7 5  
22 (§ ~~15.1-794~~ 15.2-858), and (c) shall have such other functions as are specified herein.

23 Each district shall have at least one of its residents who is a qualified voter of the district  
24 appointed to the local planning commission of the county and to the county school board. Each  
25 member of the county school board shall be appointed for terms and serve in accordance with all  
26 the provisions of § ~~15.1-770~~ 15.2-837.

27 **Drafting note: No substantive change in the law.**  
28

29 § ~~15.1-788~~ 15.2-856. Changes in boundaries of districts.

30 After the publication of the official results of each United States decennial census, the  
31 ~~urban county board of supervisors~~ shall make such changes in district boundaries as are required

1 to meet the tests of equitable population distribution among the districts with a minimum  
2 disruption of the then existing district pattern of service. In 1971 and every ten years thereafter,  
3 and also whenever the boundaries of such districts are changed, the board shall reapportion the  
4 representation in the governing body among the districts, and may, within the limits established  
5 in § ~~15.1-787~~ 15.2-855, increase or decrease the number of districts.

6 Each such reapportionment, other than decennial, shall become effective on ~~December 31~~  
7 ~~of January 1 following~~ the year in which it occurs; ~~provided, that in the event, if~~ such  
8 reapportionment, other than decennial, results in the creation of a district or districts in which no  
9 member of the governing body resides, such vacancy shall be filled in the manner provided for  
10 by § ~~15.1-729~~ 15.2-802. Each decennial reapportionment shall become effective as provided in §  
11 ~~24.1-17.2~~ 24.2-311.

12 **Drafting note: No substantive change in the law; “December 31” is changed to**  
13 **“January 1” to reflect the intent of the section.**

14  
15 § ~~15.1-788.1~~ 15.2-857. Judicial review; mandamus.

16 Whenever the ~~governing body of any county board~~ changes the boundaries, or increases  
17 or diminishes the number of districts, or reapportions the representation in the ~~governing body~~  
18 board as prescribed hereinabove, such action shall not be subject to judicial review, except as  
19 otherwise provided in § ~~15.1-37.8~~ 24.2-304.4. Whenever the ~~governing body of the county shall~~  
20 ~~fail board fails~~ to ~~perform the duty of reapportioning~~ reapportion the representation among the  
21 districts of such county, or ~~fail~~ fails to change the boundaries of districts, mandamus shall lie on  
22 behalf of any citizen thereof to compel performance by the ~~governing body~~ board.

23 **Drafting note: No substantive change in the law.**

24  
25 §§ ~~15.1-789, 15.1-790~~.

26 Repealed by Acts 1966, c. 464.—

27  
28 Article 7 5.

29 Sanitary Districts Within Urban Counties.

30  
31 § ~~15.1-794~~ 15.2-858. Creation, enlargement, contraction, etc., of sanitary districts.

1           (a) A. Notwithstanding any other provision of law, no court ~~within any county having the~~  
2 ~~form of county organization and government herein provided~~ shall entertain any petition filed for  
3 the creation, enlargement, contraction, merger, consolidation or dissolution of a district  
4 authorized to be created in accordance with the provisions of Chapters 2 (§ 21-112.22 et seq.), 6  
5 (§ 21-292 et seq.), 7 (§ 21-427 et seq.), or 8 (§ 21-428 et seq.) of Title 21, Chapter 161, Acts of  
6 the Assembly 1926, as amended, or any other law providing for the creation of those  
7 subdivisions referred to generally as sanitary or small districts hereinafter referred to as "sanitary  
8 districts." No petition for the creation, enlargement, contraction, merger, consolidation or  
9 dissolution of a sanitary district filed by any person or group of persons shall be of any effect and  
10 any court in which ~~same may be~~ the petition is filed shall forthwith strike the ~~same~~ petition from  
11 its dockets and no further proceedings thereon shall be had.

12           (b) B. Notwithstanding any other provision of law, ~~in any county having the form of~~  
13 ~~county organization and government herein provided,~~ each district created under the provisions  
14 of § ~~15.1-787~~ 15.2-855 shall be a sanitary district with all the rights and powers conferred on  
15 sanitary districts by general law. ~~Provided that~~ However, no incorporated town shall be included  
16 within any sanitary district without the consent of the council of such town.

17           Every sanitary district and every small and local sanitary district existing in the county  
18 shall be dissolved on the date that ~~either of the forms~~ form of government herein ~~go into effect~~  
19 becomes effective and each shall at that time be recreated as a small district or small districts  
20 within the respective sanitary districts. The county shall assume the liabilities of the sanitary  
21 district and shall own all its properties and the existing assets less the liabilities assumed of such  
22 sanitary district shall be used by the board ~~of supervisors~~ as a factor in establishing service  
23 charges within the small district or small districts. The services provided by the former sanitary  
24 districts shall be continued by the county in the new small districts.

25           Every small and local sanitary district existing in the county on the date that ~~either of the~~  
26 ~~forms~~ form of government herein ~~go into effect~~ becomes effective shall at that time be continued  
27 as small and local sanitary districts, and such small and local districts, and all small and local  
28 districts hereafter created pursuant to this article shall be deemed sanitary districts for the  
29 purpose of borrowing of funds and issuance of bonds for projects within such small districts as  
30 provided for by law for sanitary districts.

1 ~~Provided that nothing~~ Nothing in this section shall affect any sanitary district existing at  
2 the time of adoption of this form of government in which bonds of the district have been issued  
3 and for as long as such bonds are outstanding.

4 (e) ~~C.~~ Notwithstanding any other provision of law, ~~in any county having the form of~~  
5 ~~county organization and government herein provided,~~ the county board of supervisors shall have  
6 the power and authority with regard to the creation, enlargement, contraction, merger,  
7 consolidation or dissolution of small districts and local districts within such county that is  
8 granted to the circuit court of ~~of~~ for the county in connection therewith by Title 21 and by Chapter  
9 161 of the Acts of the Assembly of 1926 as amended.

10 (d) ~~D.~~ The ~~urban county~~ board of supervisors may create, enlarge, contract, merge,  
11 consolidate and dissolve small and local districts, by resolution, after giving notice thereof by  
12 publication once a week for two consecutive weeks in a newspaper ~~published in or~~ having  
13 general circulation in the ~~said~~ county. The notice shall contain the full text of the proposed  
14 resolution, except that the metes and bounds description may be replaced with a general  
15 description by commonly known landmarks of the district boundaries and a statement of the  
16 availability of a metes and bounds description at an identified county office; the time and place  
17 of the hearing; and ~~shall give notice~~ a statement that any interested party may appear on the date  
18 set for the public hearing, which date shall be not less than ten days after the date of the second  
19 publication.

20 **Drafting note: No substantive change in the law.**

21  
22 **Article 8.**

23 ~~Transportation Service Districts.~~

24  
25 **Article drafting note: This article is relocated as proposed Chapter 48.**

26  
27 ~~§ 15.1-791.1. Short title.~~

28 ~~This article shall be known as the "Virginia Transportation Service District Act."~~

29  
30 ~~§ 15.1-791.2. Definitions.~~

1           As used in this article, the following words and terms shall have the following meanings  
2 unless the context indicates another meaning or intent:

3           ~~"Board of supervisors" means the governing body of a county empowered to act under  
4 the provisions of this article.~~

5           ~~"Commission" means the governing body of the district created under § 15.1 791.3.~~

6           ~~"Cost" means all or any part of the cost of acquisition, construction, reconstruction,  
7 alteration, landscaping, enlargement, conservation, remodeling or equipping of a transportation  
8 facility or portion thereof, including the cost of the acquisition of land, rights of way, property  
9 rights, easements and interests acquired for such construction, alteration or expansion, the cost of  
10 demolishing or removing any structure on land so acquired, including the cost of acquiring any  
11 lands to which such structures may be removed, the cost of all labor, materials, machinery and  
12 equipment, financing charges, insurance, interest on all bonds prior to and during construction  
13 and, if deemed advisable by the governing body, for a reasonable period after completion of such  
14 construction, reserves for principal and interest and for extensions, enlargements, additions,  
15 replacements, renovations and improvements, provisions for working capital, the cost of surveys,  
16 engineering and architectural expenses, borings, plans and specifications and other engineering  
17 and architectural services, legal expenses, studies, estimates of costs and revenues,  
18 administrative expenses and such other expenses as may be necessary or incident to the creation  
19 of the district (which shall not exceed \$150,000), construction of the project and the provision of  
20 equipment therefor, and of such subsequent additions thereto or expansion thereof, and to  
21 determining the feasibility or practicality of such construction, the cost of financing such  
22 construction, additions or expansion, and placing the project and such additions or expansion in  
23 operation.~~

24           ~~"County" means (i) any county organized under the urban county executive form of  
25 government, (ii) any county adjoining a county organized under the urban county executive form  
26 of government, and (iii) any county with a population of at least 32,000 but not more than 36,000  
27 according to the most recent United States census.~~

28           ~~"District" means any transportation service district created under the provisions of § 15.1-  
29 791.3.~~

30           ~~"District advisory board" means the board appointed by the board of supervisors in  
31 accordance with § 15.1 791.5.~~

1           ~~"Federal agency" means and includes the United States of America or any department,~~  
2 ~~bureau, agency or instrumentality thereof.~~

3           ~~"Owner" or "landowner" means the person or entity which has the usufruct, control or~~  
4 ~~occupation of the real property as determined annually by the county.~~

5           ~~"Public highways" includes any public highways, roads, or streets, whether maintained~~  
6 ~~by the Commonwealth or otherwise.~~

7           ~~"Revenues" means any or all fees, tolls, rents, notes, receipts, assessments, taxes,~~  
8 ~~moneys, and income derived by the district and includes any cash contributions or payments~~  
9 ~~made to the district by the Commonwealth, any political subdivision thereof, or by any other~~  
10 ~~source.~~

11           ~~"Town" means any town having a population of more than 1,000 as determined by the~~  
12 ~~1980 census.~~

13           ~~"Transportation facilities" means any real or personal property acquired, constructed or~~  
14 ~~improved, or utilized in constructing or improving any public highway or portion thereof or any~~  
15 ~~publicly owned mass transit systems situated or operated within the district created pursuant to §~~  
16 ~~15.1-791.3. Such facilities shall include, without limitation, public rail, van, bus, or water borne~~  
17 ~~transit systems, public highways, all buildings, structures, approaches, and other facilities and~~  
18 ~~appurtenances thereto, rights-of-way, bridges, tunnels, transportation stations, terminals, areas~~  
19 ~~for parking and all related equipment and fixtures.~~

20  
21           ~~§ 15.1-791.3. Creation of district.~~

22           ~~A. A district shall be created under this article only by a resolution of the board of~~  
23 ~~supervisors upon the petition of the owners of at least fifty one percent of either the assessed~~  
24 ~~value of land or land area of the real property of the county which is within the boundaries of the~~  
25 ~~proposed district, and which (i) is unimproved, regardless of zoning, or (ii) has been zoned for~~  
26 ~~commercial or industrial use or is used for such purposes. Any proposed district may include~~  
27 ~~land within a town located in such county. Such petition shall:-~~

28           ~~1. Set forth the name and describe the boundaries of the proposed district;~~

29           ~~2. Describe the transportation facilities proposed within the district;~~



1           3. ~~Describe a proposed plan for providing such transportation facilities within the district~~  
2 ~~and describe specific terms and conditions with respect to all zoning classifications and uses,~~  
3 ~~densities, and criteria related thereto which the petitioners request for the proposed district;~~

4           4. ~~Describe the benefits which can be expected from the provision of such transportation~~  
5 ~~facilities within the district; and~~

6           5. ~~Request the board of supervisors to establish the proposed district for the purposes set~~  
7 ~~forth in the petition.~~

8           B. ~~Upon the filing of such a petition, the board of supervisors shall fix a day for a~~  
9 ~~hearing on the question of whether the proposed district shall be created. The hearing shall~~  
10 ~~consider whether or not the residents and owners of property within the proposed district would~~  
11 ~~benefit from the establishment of the proposed district. All interested persons who either reside~~  
12 ~~in or who own real property within the boundaries of the proposed district shall have the right to~~  
13 ~~appear and show cause why any property or properties should not be included in the proposed~~  
14 ~~district. If real property situate within a town is included in the proposed district, the board of~~  
15 ~~supervisors shall deliver a copy of the petition and notice of the public hearing thereon to the~~  
16 ~~town council at least thirty days prior to the public hearing, and the town council may, by~~  
17 ~~resolution duly passed, determine if it wishes such property located within the town to be~~  
18 ~~included within the proposed district, and shall deliver a copy of any such resolution to the board~~  
19 ~~of supervisors at the public hearing required hereunder, which resolution shall be binding upon~~  
20 ~~the board of supervisors with respect to the inclusion or exclusion of such properties within the~~  
21 ~~proposed district; however, the petition shall comply with the provisions of this section with~~  
22 ~~respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by~~  
23 ~~publication once a week for three consecutive weeks in a newspaper of general circulation within~~  
24 ~~the county as designated by the board of supervisors. At least ten days shall intervene between~~  
25 ~~the completion of the publication and the date set for the hearing. The publication shall be~~  
26 ~~considered complete on the twenty first day after the first publication.~~

27           C. ~~If the board of supervisors finds the creation of the proposed district would be in~~  
28 ~~accordance with the comprehensive plan for the development of the area, in the best interests of~~  
29 ~~the residents and owners of the property within the proposed district, and in furtherance of the~~  
30 ~~public health, safety and general welfare, it shall pass a resolution creating the district, which~~  
31 ~~resolution shall be reasonably consistent with the petition, and the resolution shall provide: (i) a~~

1 description with specific terms and conditions of all zoning classifications which shall be in force  
2 in the district upon its creation, together with any related criteria, and a term of years, not to  
3 exceed twenty years, as to which each such zoning classification and each related criteria set  
4 forth therein shall remain in force within the district without elimination, reduction, or  
5 restriction, except upon the written request or approval of the owner of any property affected by  
6 a change, or as specifically required to comply with the provisions of the Chesapeake Bay  
7 Preservation Act (§ 10.1-2100 et seq.) or the regulations adopted pursuant thereto, or other state  
8 law; and (ii) that the district shall terminate no later than thirty-five years from the date of the  
9 resolution. After the public hearing, the board of supervisors shall deliver a true copy of its  
10 proposed resolution creating the district to the petitioning landowners or their attorney in fact.  
11 Any petitioning landowner may then withdraw its signature on the petition in writing at any time  
12 prior to the vote of the board of supervisors. In the case where any signatures on the petition are  
13 withdrawn as provided herein, the board of supervisors may pass the proposed resolution in  
14 conformance herewith only upon certification that the petition continues to meet the provisions  
15 of subsection A of this section with respect to minimum acreage or assessed value as the case  
16 may be.

17 D. A district which proposes to construct or improve any portion of a two-lane primary  
18 highway which traverses an international airport at a county jurisdiction line shall be created in  
19 concert with the creation of a district in the adjoining county.

20 E. Where unimproved property, regardless of zoning, is included in the resolution  
21 creating the district, the board of supervisors, upon approving the resolution, shall direct that a  
22 copy of the resolution be recorded in the land records of the circuit court for the judicial circuit in  
23 which that county is located, for each parcel of unimproved real property included in the district.  
24 For purposes of this section, "parcel" is to be defined as tax map parcel.

25 F. No district shall be created under this article after June 30, 1993.

26  
27 § 15.1-791.4. Commission to exercise powers of the district.

28 A. The power of the district created under § 15.1-791.3 shall be exercised by a  
29 commission composed of five members of the board of supervisors. The Chairman of the  
30 Commonwealth Transportation Board, or his designee, shall be a member of any commission  
31 created pursuant to this article, ex officio.

1           ~~B. The members of the commission shall elect one of their number chairman of the~~  
2 ~~commission of the district; the chairman of the commission may or may not be the chairman or~~  
3 ~~presiding officer of the board of supervisors. In addition, with the advice of the district advisory~~  
4 ~~board, the members of the commission shall elect a secretary, and treasurer, who may or may not~~  
5 ~~be members or employees of the board of supervisors or any other governmental body~~  
6 ~~represented on the commission. The offices of secretary and treasurer may be combined. A~~  
7 ~~majority of the members of the commission shall constitute a quorum, and the vote of a majority~~  
8 ~~of the members of the commission shall be necessary for any action taken by the commission.~~  
9 ~~No vacancy in the membership of the commission shall impair the right of a majority of the~~  
10 ~~members to form a quorum or to exercise all of its rights, powers and duties.~~

11  
12           ~~§ 15.1 791.5. Creation of district advisory board.~~

13           ~~Within thirty days after passage of the resolution creating a district in accordance with the~~  
14 ~~procedures provided in § 15.1 791.3, the board of supervisors shall appoint a district advisory~~  
15 ~~board of six members composed as follows: three members selected by the board of supervisors,~~  
16 ~~each of whom either resides on or owns land within the district; and three members who own~~  
17 ~~land within the district who are nominated by the landowners who were co-petitioners to the~~  
18 ~~board of supervisors in the establishment of the district, voting on a basis weighted by either~~  
19 ~~acreage or assessed value of real property owned therein as the case may be. Such elections shall~~  
20 ~~be conducted by the commission by mail ballot of owners of land within the district. One~~  
21 ~~member from each group of three as so selected or nominated shall be appointed for a term of~~  
22 ~~four years, one for three years, and one for two years. Beginning two years after the creation of~~  
23 ~~the district, elections shall be held annually on the anniversary of the creation of the district in~~  
24 ~~the same manner described in the preceding provisions of this section. Members may be~~  
25 ~~reelected or reappointed provided that they, or the corporation or partnership they represent, own~~  
26 ~~land zoned for commercial or industrial use within the district at the time of their reelection or~~  
27 ~~reappointment. Whenever a vacancy occurs with respect to a member initially selected by the~~  
28 ~~board of supervisors or any successor of such a member, the board of supervisors shall appoint a~~  
29 ~~new member who is a resident or landowner within the district. Whenever a vacancy occurs with~~  
30 ~~respect to a member initially nominated by landowners who were petitioners to the board of~~  
31 ~~supervisors, or any successor of such a member, then the board of supervisors shall appoint a~~

1 new board member who is a landowner within the district, and who is among a list of nominees  
2 made by those remaining board members who were initially nominated by those petitioning  
3 landowners, or their successors.

4 The members shall serve without pay, but the commission shall provide the advisory  
5 board with facilities for the holding of meetings and the commission shall appropriate funds  
6 needed to defray the reasonable expenses and fees of the board which shall not exceed \$20,000  
7 annually, including, without limitation, expenses and fees arising out of the preparation of the  
8 annual report. Such appropriations shall be based on an annual budget, submitted by the board  
9 and approved by the commission, sufficient to carry out its responsibilities under this article.  
10 The board shall elect a chairman and a secretary and such other officers as it deems necessary.  
11 The board shall fix the time for holding regular meetings, but it shall meet at least once every  
12 year. Special meetings of the board shall be called by the chairman or by two members of the  
13 board upon written request to the secretary of the board. A majority of the members shall  
14 constitute a quorum, but no action of the board shall be valid unless authorized by at least five of  
15 the six members appointed to the board.

16 The board shall present an annual report to the commission on the transportation needs of  
17 the district and on the activities of the board, and the board shall present to the commission  
18 special reports on transportation matters which it deems necessary concerning any contract or  
19 other matters mentioned in § 15.1-791.6.

20  
21 § 15.1-791.6. Powers and duties of commission.

22 The commission shall have the following powers and duties with respect to the district:

23 1. To construct, reconstruct, alter, improve, expand, provide financial assistance to  
24 (including making loans) and operate transportation facilities in the district for the use and  
25 benefit of the public in the district.

26 2. To acquire by gift, purchase, lease, in kind contribution to construction costs, or  
27 otherwise any transportation facilities in the district and to sell, lease as lessor, transfer or  
28 dispose of any part of any transportation facilities in such manner and upon such terms as the  
29 commission may determine to be in the best interests of the district. However, prior to disposing  
30 of any such property or interest therein, the commission shall conduct a public hearing with  
31 respect to such disposition. At the hearing, the residents and owners of property within the

1 district shall have an opportunity to be heard. At least ten days' notice of the time and place of  
2 such hearing shall be published in a newspaper of general circulation in the district as prescribed  
3 by the commission. Such public hearing may be adjourned from time to time.

4 ~~3. To negotiate and contract with any person, firm, corporation, authority, transportation~~  
5 ~~district, or state or federal agency or instrumentality with regard to any matter necessary and~~  
6 ~~proper to provide any transportation facility, including, but not limited to, the financing,~~  
7 ~~acquisition, construction, reconstruction, alteration, improvement or expansion of any~~  
8 ~~transportation facility in the district.~~

9 ~~4. To accept the allocations, contributions or funds of, or to reimburse from, any available~~  
10 ~~source, including, but not limited to, any person, corporation, authority, transportation district, or~~  
11 ~~state or federal agency or instrumentality for either the whole or any part of the costs, expenses~~  
12 ~~and charges incident to the acquisition, construction, reconstruction, maintenance, alteration,~~  
13 ~~improvement, expansion and the operation or maintenance of any transportation facilities in the~~  
14 ~~district.~~

15 ~~5. To enforce the collection of any delinquent rates, fees, costs or other charges for the~~  
16 ~~use of transportation facilities against any person, corporation, authority or federal agency using~~  
17 ~~the same. The charges made for the use of any such facility shall be collectible by distress, levy,~~  
18 ~~garnishment, attachment or as otherwise permitted by law.~~

19 ~~6. To enter into a continuing service contract for a purpose authorized by this article and~~  
20 ~~to make payments of the proceeds received from the special taxes levied pursuant to this article,~~  
21 ~~together with any other revenues, for the payment of installments due under that service contract.~~  
22 ~~The district may apply such payments annually during the term of that service contract, subject~~  
23 ~~to the limitation imposed by § 15.1-791.7, but payments for any such service contract shall be~~  
24 ~~conditioned upon the receipt of services pursuant to the contract. Such a contract may not~~  
25 ~~obligate a county to make payments for services.~~

26 ~~7. Upon the written request of the advisory board to contract for the extension and use of~~  
27 ~~any transportation facility into territory outside of the district on such terms and conditions as the~~  
28 ~~commission may determine.~~

29 ~~8. To employ and fix the compensation of personnel which may be deemed necessary for~~  
30 ~~the construction, operation or maintenance of any transportation facility.~~

1           9. To have prepared an annual audit of the district's financial obligations and revenues,  
2 and upon review of such audit, to request a tax rate adequate to provide tax revenues which,  
3 together with all other revenues, are required by the district to fulfill its annual obligations.  
4

5           ~~§ 15.1-791.7. Annual special improvements tax; use of revenues.~~

6           Upon the written request of the district commission made to the boards of supervisors  
7 pursuant to subdivision 9 of § 15.1-791.6, the board of supervisors shall have the power to levy  
8 and collect an annual special improvements tax on all taxable real property which (i) is zoned for  
9 commercial or industrial use or used for such purposes or (ii) was unimproved at the time the  
10 district was created, regardless of zoning. Notwithstanding the provision of Article 4 (§ 58.1-  
11 3229 et seq.) of Chapter 32 of Title 58.1, the tax shall be levied upon the assessed fair market  
12 value of the taxable real property. The rate of the special improvements tax shall not be more  
13 than \$0.20 per \$100 of the assessed fair market value of any taxable real estate or the assessable  
14 value of taxable leasehold property as specified by § 58.1-3202. Such special improvements  
15 taxes shall be collected at the same time and in the same manner as county taxes are collected,  
16 and the proceeds shall be kept in a separate account. All revenues received by a county pursuant  
17 to such taxes shall be paid over to the district commission for its use pursuant to this article.  
18

19           ~~§ 15.1-791.8. Allocation of funds to district.~~

20           The board of supervisors of any county which has created a district pursuant to this  
21 article may advance funds or provide matching funds from moneys not otherwise specifically  
22 allocated or obligated, from whatever source received or generated, including without limitation,  
23 general revenues, special fees and assessments, state allocations, and contributions from private  
24 sources to a district to assist the district to undertake the project or projects for which it was  
25 created. The Commonwealth Transportation Board may allocate funds to a district only from the  
26 construction district or districts in which such transportation district is located pursuant to the  
27 highway allocation formula to assist the district with an approved project as provided by law.  
28

29           ~~§ 15.1-791.9. Reimbursement for advances to district.~~

1           ~~Notwithstanding the provisions of any other law, the commission shall direct the district~~  
2 ~~treasurer to reimburse the county or town from any funds of the district, not otherwise~~  
3 ~~specifically allocated or obligated, to the extent that the county or town has made advances.~~

4  
5           ~~§ 15.1-791.10. Cooperation between districts and adjoining counties, cities and towns.~~

6           ~~Any district created under the provisions of this chapter may enter into agreements with~~  
7 ~~adjoining counties, cities and towns for joint or cooperative action in accordance with the~~  
8 ~~authority contained in § 15.1-21.~~

9  
10          ~~§ 15.1-791.11. Tort liability.~~

11          ~~No pecuniary liability of any kind shall be imposed upon the Commonwealth or upon the~~  
12 ~~county, town, or any landowner therein because of any act, agreement, contract, tort,~~  
13 ~~malfeasance, misfeasance or nonfeasance, by or on the part of a district, its agents, servants, or~~  
14 ~~employees.~~

15  
16          ~~§ 15.1-791.12. Approval by Commonwealth Transportation Board.~~

17          ~~The district may not construct or improve a public highway or public mass transit system~~  
18 ~~without the approval of the Commonwealth Transportation Board and the county. At the request~~  
19 ~~of the commission, the Commonwealth Transportation Board may exercise its powers of~~  
20 ~~condemnation pursuant to §§ 33.1-89 through 33.1-132, or § 33.1-229, or as prescribed in §§ 25-~~  
21 ~~46.1 through 25-46.36 for the purpose of acquiring property for transportation facilities within~~  
22 ~~the district. Upon completion of such construction or improvement of a public highway, the~~  
23 ~~Commonwealth Transportation Board shall take such public highway into the primary or~~  
24 ~~secondary system of state highways for purposes of maintenance and subsequent improvement as~~  
25 ~~necessary. Upon acceptance by the Commonwealth of the highway into the state highway~~  
26 ~~system, all rights, title and interest in the right of way and improvements of such highway shall~~  
27 ~~vest in the Commonwealth. Upon completion of such construction or improvement of a mass~~  
28 ~~transit system, all rights, title, and interest in the right of way and improvements of such mass~~  
29 ~~transit system shall rest in the Northern Virginia Transportation Commission or other agency or~~  
30 ~~instrumentality of the Commonwealth.~~

1           § 15.1-791.13. Enlargement of districts.

2           A. ~~The district may be enlarged by resolution of the board of supervisors upon the~~  
3 ~~petition of the owners of at least fifty one percent of either the assessed value of land or land~~  
4 ~~area, as the case may be, of real property in the district which (i) is unimproved, regardless of~~  
5 ~~zoning, or (ii) has been zoned for commercial or industrial use or is used for such purposes in the~~  
6 ~~district, and of the owners of either at least fifty one percent of the assessed value of land or land~~  
7 ~~area, as the case may be, of real property which is located within the territory sought to be added~~  
8 ~~to the district and which (i) is unimproved, regardless of zoning, or (ii) has been zoned for~~  
9 ~~commercial or industrial use or is used for such purposes; provided, that any such territory shall~~  
10 ~~be contiguous to the existing district. The petitioners shall present the information required by §~~  
11 ~~15.1-791.3. Upon receipt of such petitions the county shall use the standards and procedures~~  
12 ~~described in § 15.1-791.3, except that residents and owners of both the existing district and the~~  
13 ~~area proposed for the enlargement shall have the right to appear and show cause why any~~  
14 ~~property or properties should not be included in the proposed enlargement of the district.~~

15           B. ~~If the board of supervisors finds the enlargement of a district (i) would be in~~  
16 ~~accordance with the applicable county comprehensive plan for the development of the area, (ii)~~  
17 ~~would be in the best interests of the residents and owners of the real property within the proposed~~  
18 ~~district, (iii) would be in furtherance of the public health, safety and general welfare, and (iv)~~  
19 ~~would not limit or adversely affect the rights and interests of any party which has contracted with~~  
20 ~~the district, the board of supervisors shall pass a resolution providing for the enlargement of the~~  
21 ~~district.~~

22           C. ~~Where unimproved property, regardless of zoning, is included in the resolution~~  
23 ~~enlarging the district, the board of supervisors, upon approving the resolution, shall direct that a~~  
24 ~~copy of the resolution be recorded in the land records of the circuit court for the judicial circuit in~~  
25 ~~which that county is located, for each parcel of unimproved real property included in the district.~~  
26 ~~For purposes of this section, "parcel" is to be defined as tax map parcel.~~

27  
28           § 15.1-791.14. Abolition of district.

29           A. ~~Any district created hereunder may be abolished by a resolution passed by the board~~  
30 ~~of supervisors upon the petition of the owners of either at least fifty one percent of the assessed~~  
31 ~~value of land or land area, as the case may be, of real property in the district which (i) was~~



1 unimproved on the date the district was created or (ii) was zoned for commercial and industrial  
2 use or used for such purposes located within the district at the time the petition for abolition is  
3 filed. The petition may:-

4 1. State whether or not the purposes for which the district was formed have been  
5 substantially achieved;-

6 2. State whether or not all obligations theretofore incurred by the district have been fully  
7 paid;-

8 3. Describe the benefits which can be expected from the abolition of the district; and-

9 4. Shall request the board of supervisors to abolish the proposed district.-

10 B. Upon receipt of such a petition the board of supervisors shall use, mutatis mutandis,  
11 the standards and procedures described in § 15.1-791.3, except that all interested persons who  
12 either reside in or who own real property within the boundaries of the district shall have the right  
13 to appear and show cause why the district should not be abolished.-

14 C. If the board of supervisors finds that the abolition of the district would be (i) in  
15 accordance with the applicable county comprehensive plan for the development of the area, (ii)  
16 in the best interests of the residents and owners of the property within the district, and (iii) in  
17 furtherance of the public health, safety and general welfare, and that all debts of the district either  
18 have been paid and the purposes of the district have been fulfilled or should not be fulfilled by  
19 the district or the board of supervisors with approval of the voters of the county has agreed to  
20 assume the debts of the district, then the board of supervisors shall pass a resolution abolishing  
21 the district. Upon abolition of the district, the title to all funds and properties owned by the  
22 district at the time of such dissolution shall vest in the Commonwealth.-

23 D. Where unimproved property, regardless of zoning, is included in the resolution  
24 dissolving the district, the board of supervisors, upon approving the resolution, shall direct that a  
25 copy of the resolution be recorded in the land records of the circuit court for the judicial circuit in  
26 which that county is located, for each parcel of unimproved real property included in the district.  
27 For purposes of this section, "parcel" is to be defined as tax map parcel.-

28  
29 § 15.1-791.15. Article to constitute complete authority for district for acts authorized;  
30 provisions severable; liberal construction.-

1           ~~This article shall constitute full and complete authority for the district, without regard to~~  
2 ~~the provisions of any other law, for doing the acts and things herein authorized. The provisions~~  
3 ~~of this article are severable, and if any of its provisions are declared unconstitutional or invalid~~  
4 ~~by any court of competent jurisdiction, the decision of such court shall not affect or impair any of~~  
5 ~~the other provisions of this article. This article, being necessary for the welfare of the~~  
6 ~~Commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof.~~  
7 ~~Any court test concerning the validity of any bonds which may be issued for transportation~~  
8 ~~improvements made pursuant to this article shall be determined pursuant to Article 6 (§ 15.1-~~  
9 ~~227.52 et seq.) of Chapter 5.1 of this title.~~

10  
11           ~~§ 15.1 791.16. Jurisdiction of counties, towns and officers, etc., not affected.~~

12           ~~Neither the creation of a district nor any other provision in this article shall affect the~~  
13 ~~power, jurisdiction, or duties of the respective local governing bodies; sheriffs; treasurers;~~  
14 ~~commissioners of revenue; circuit, district, or other courts; clerks of any court; magistrates; or~~  
15 ~~any other town, county, or state officer in regard to the area embraced in any district, nor restrict~~  
16 ~~or prevent any town or county or its governing body from imposing and collecting taxes or~~  
17 ~~assessments for public improvements as permitted by law. Notwithstanding any contrary~~  
18 ~~provisions of law, any county which creates a district pursuant to this section may obligate itself~~  
19 ~~with respect to the zoning ordinances, zoning ordinance text, and regulations relating thereto for~~  
20 ~~all classifications within the district as provided in subsection C of § 15.1 791.3 for a term not to~~  
21 ~~exceed twenty years from the date on which such a district is created.~~

1 PROPOSED  
2 CHAPTER 9.  
3 GENERAL POWERS OF LOCAL GOVERNMENTS.  
4

5 Chapter drafting note: This chapter collects sections which grant general powers to  
6 localities. It is divided into 5 articles; 1 - Public Health and Safety; Nuisances; 2 - Waste  
7 and Recycling; 3 - Economic Development; Tourism; Historic Preservation; 4 -Public  
8 Transportation; and 5 - Additional Powers. In order to group certain sections by subject  
9 area, provisions which do not have general application to all localities are also included  
10 within this chapter. However, provisions applicable only to cities and towns are found in  
11 proposed Chapter 11, and provisions applicable only to counties are found in proposed  
12 Chapter 12.

13  
14 Article 1.

15 Public Health and Safety; Nuisances.  
16

17 § ~~45.1-29.21~~ 15.2-900. Abatement or removal of nuisances by ~~counties, cities, and towns~~  
18 localities; recovery of costs.

19 In addition to the remedy provided by § 48-5 and any other remedy provided by law, ~~the~~  
20 ~~governing body of any county, city, or town~~ locality may maintain an action to compel a  
21 responsible party to abate, raze, or remove a public nuisance. If the public nuisance presents an  
22 imminent and immediate threat to life or property, then ~~the governing body of the county, city, or~~  
23 ~~town~~ locality may abate, raze, or remove such public nuisance, and a ~~county, city, or town~~  
24 locality may bring an action against the responsible party to recover the necessary costs incurred  
25 for the provision of public emergency services reasonably required to abate any such public  
26 nuisance.

27 The term "nuisance" ~~shall include~~ includes, but is not ~~be~~ limited to, dangerous or  
28 unhealthy substances which have escaped, spilled, been released or which have been allowed to  
29 accumulate in or on any place and all unsafe, dangerous, or unsanitary public or private  
30 buildings, walls, or structures which constitute a menace to the health and safety of the occupants  
31 thereof or the public. The term "responsible party" ~~shall include~~ includes, but is not ~~be~~ limited

1 to, the owner, occupier, or possessor of the premises where the nuisance is located, the owner or  
2 agent of the owner of the material which escaped, spilled, or was released and the owner or agent  
3 of the owner who was transporting or otherwise responsible for such material and whose acts or  
4 negligence caused such public nuisance.

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-14~~ 15.2-901. ~~County, city or town~~ Locality may provide for removal or disposal of  
8 trash, ~~garbage, etc.,~~ cutting of grass and weeds and other foreign growth; ~~disposal of trash and~~  
9 ~~garbage; covers on water wells;~~ penalty in certain counties.

10 Any ~~county, city or town~~ locality may, by ordinance, provide that:

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

20 3. ~~2. That trash~~ Trash, garbage, refuse, litter and other debris shall be disposed of in  
21 personally owned or privately owned receptacles that are provided for such use and for the use of  
22 the persons disposing of such matter or in authorized facilities provided for such purpose and in  
23 no other manner not authorized by law;

24 2. ~~3. That the~~ The owners of vacant developed or undeveloped property therein, including  
25 such property upon which buildings or other improvements are located, shall cut the grass, weeds  
26 and other foreign growth on such property or any part thereof at such time or times as the  
27 governing body shall prescribe; or may, whenever the governing body deems it necessary, after  
28 reasonable notice, have such grass, weeds or other foreign growth cut by its agents or employees,  
29 in which event the cost and expenses thereof shall be chargeable to and paid by the owner of  
30 such property and may be collected by the ~~county, city or town~~ locality as taxes ~~and levies~~ are  
31 collected. No such ordinance adopted by any county shall have any force and effect within the

1 corporate limits of any town. No such ordinance adopted by any county having a density of  
2 population of less than 500 per square mile shall have any force or effect except within the  
3 boundaries of platted subdivisions or any other areas zoned for residential, business, commercial  
4 or industrial use;

5 ~~4. That every~~ Every charge authorized by this section with which the owner ~~and lien~~  
6 ~~holder~~ of any such property shall have been assessed and which remains unpaid shall constitute a  
7 lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in  
8 the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of  
9 Chapter 39 of Title 58.1; and

10 ~~5. That Caroline County by ordinance may provide that owners of property keep covers~~  
11 ~~on water wells and may after reasonable notice cover uncovered water wells by its own agents or~~  
12 ~~employees, in which event the cost or expense thereof shall be chargeable to and paid by the~~  
13 ~~owners of such property and may be collected by the county as taxes and levies are collected.~~

14 ~~The governing body of any county adjoining a city whose population is in excess of~~  
15 ~~200,000 may provide that the violation of an ordinance adopted to enforce the provisions of this~~  
16 ~~section shall be a Class 4 misdemeanor.~~

17 **Drafting note: No substantive change in the law; provision 5 is relocated to § 15.2-**  
18 **1228. The task force and the Code Commission recommend deletion of the final paragraph**  
19 **as unnecessary.**

20  
21 ~~§ 15.1-28.4~~ 15.2-902. Authority of ~~local government~~ locality to control certain noxious  
22 weeds.

23 A. ~~The governing body of every county, city and town~~ Any locality may by ordinance  
24 prevent, control and abate the growth, importation, spread and contamination of uninfested lands  
25 by the species of grass *Sorghum halepense*, commonly known as Johnson grass or by the woody  
26 shrub *rosa multiflora*, commonly known as multiflora rose.

27 B. The Virginia Department of Agriculture and Consumer Services is authorized to  
28 provide financial and technical assistance to, and enter into agreements with, any ~~local~~  
29 ~~government~~ locality which adopts an ordinance for the control of Johnson grass or multiflora  
30 rose.

31 **Drafting note: No substantive change in the law.**

1  
2 § ~~15.1-28~~ 15.2-903. Ordinances taxing and regulating "automobile graveyards" and  
3 "junkyards."

4 (a) ~~A. The governing body of each county, city and town in this Commonwealth~~ Any  
5 locality may adopt ordinances imposing license taxes upon and otherwise regulating the  
6 maintenance and operation of places commonly known as automobile graveyards and junkyards  
7 and may prescribe fines and other punishment for violations of such ordinances.

8 No such ordinance shall be adopted until after notice of ~~intention to propose the same for~~  
9 ~~adoption shall have~~ proposed ordinance has been published ~~prior to its adoption~~ once a week for  
10 two successive weeks in ~~some a~~ newspaper ~~published in such county or city or, if there be no~~  
11 ~~newspaper published therein, then in some newspaper~~ having general circulation in such county  
12 ~~or city and no such ordinance shall become effective until it shall have been published in full for~~  
13 ~~two successive weeks in a like newspaper~~ the locality. The ordinance need not be advertised in  
14 full, but may be advertised by reference. Every such advertisement shall contain a descriptive  
15 summary of the proposed ordinance and a reference to the place or places within the locality  
16 where copies of the proposed ordinance may be examined.

17 As used in this section the terms "automobile graveyard" and "junkyard" ~~shall~~ have the  
18 meaning ascribed to them in § 33.1-348.

19 (b) ~~Any ordinance adopted by any county, city or town which was enacted in conformity~~  
20 ~~with § 33-279.3 as it existed prior to April 4, 1966, is hereby validated.~~

21 (c) ~~B. The governing body of any~~ Any county with a population of at least 43,000 but  
22 less than 45,700 and any county with a population of at least 18,000 but less than 19,000 may  
23 adopt an ordinance ~~or ordinances~~ imposing the screening of automobile graveyards and  
24 junkyards as set forth in § 33.1-348. Any such ordinance may apply to any automobile graveyard  
25 or junkyard within the boundaries of such county regardless of the date on which any such  
26 automobile graveyard or junkyard may have come into existence, notwithstanding the provisions  
27 of § 33.1-348.

28 **Drafting note: The notice provisions in the second paragraph are conformed to**  
29 **those found elsewhere in Title 15.1 thereby eliminating the requirement of publishing the**  
30 **ordinance in full. Subsection (b) is deleted as unnecessary.**

31

1           § ~~15.1-11.1~~ 15.2-904. Authority to restrict keeping of ~~inoperative~~ inoperable motor  
2 vehicles, etc., on residential or commercial property; removal of such vehicles.

3           ~~(a) A. The governing body of any county, city or town~~ Any locality may, by ordinance,  
4 provide that it shall be unlawful for any person, ~~firm or corporation~~ to keep, except within a fully  
5 enclosed building or structure or otherwise shielded or screened from view, on any property  
6 zoned for residential or commercial or agricultural purposes any motor vehicle, trailer or  
7 semitrailer, as such are defined in § 46.2-100, which is ~~inoperative~~ inoperable. ~~The governing~~  
8 ~~body of any county, city or town~~ Any locality in addition may, by ordinance, limit the number of  
9 ~~inoperative~~ inoperable motor vehicles which any person, ~~firm or corporation~~ may keep outside of  
10 a fully enclosed building or structure, but which are shielded or screened from view by covers.  
11 As used in this section, an "~~inoperative~~ inoperable motor vehicle" ~~shall mean~~ means any motor  
12 vehicle which is not in operating condition; or which for a period of sixty days or longer has  
13 been partially or totally disassembled by the removal of tires and wheels, the engine, or other  
14 essential parts required for operation of the vehicle or on which there are displayed neither valid  
15 license plates nor a valid inspection decal. However, the provisions of this section shall not apply  
16 to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile  
17 dealer, salvage dealer or scrap processor.

18           ~~(b) B. The governing body of any county, city or town~~ Any locality may, by ordinance,  
19 further provide that: ~~(1) (i)~~ the owners of property zoned for residential ~~or~~, commercial or  
20 agricultural purposes shall, at such time or times as the ~~governing body may prescribe~~ locality  
21 prescribes, remove therefrom any such ~~inoperative~~ inoperable motor vehicles, trailers or  
22 semitrailers that are not kept within a fully enclosed building or structure; ~~(2) (ii) the governing~~  
23 ~~body of such county, city or town~~ locality through its own agents or employees may remove any  
24 such ~~inoperative~~ inoperable motor vehicles, trailers or semitrailers, whenever the owner of the  
25 premises, after reasonable notice, has failed to do so; ~~(3) (iii) in the event the governing body of~~  
26 such ~~county, city or town~~ locality, through its own agents or employees, removes any such motor  
27 vehicles, trailers or semitrailers, after having given such reasonable notice, such ~~county, city or~~  
28 ~~town~~ locality may dispose of such motor vehicles, trailers or semitrailers after giving additional  
29 notice to the owner of the vehicle; ~~(4) (iv)~~ the cost of any such removal and disposal shall be  
30 chargeable to the owner of the vehicle or premises and may be collected by the ~~county, city or~~

1 ~~town~~ locality as taxes and levies are collected; and ~~(5)~~ (v) every cost authorized by this section  
2 with which the owner of the premises has been assessed shall constitute a lien against the  
3 property from which the vehicle was removed, the lien to continue until actual payment of such  
4 costs has been made to the ~~county, city or town~~ locality.

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-11.03~~ 15.2-905. Authority to restrict keeping of inoperable motor vehicles, etc., on  
8 residential or commercial property in certain localities; removal of such vehicles ~~in certain local~~  
9 jurisdictions.

10 A. The governing body of any county having adopted the urban county executive form  
11 of government; any county contiguous thereto; the county manager form; any town located,  
12 wholly or partly, in such counties; any city contiguous to a county having adopted the urban  
13 county executive form of government or surrounded by a county contiguous thereto; any city  
14 having a population between 60,000 and 70,000 and any city having a population between  
15 100,000 and 105,000 may ~~prohibit~~, by ordinance, prohibit any person from keeping, except  
16 within a fully enclosed building or structure or otherwise shielded or screened from view, on any  
17 property zoned for residential, commercial, or agricultural purposes any motor vehicle, trailer or  
18 semitrailer, as such are defined in § 46.2-100, which is inoperable.

19 The ~~governing body~~ locality in addition may ~~limit~~, by ordinance, limit the number of  
20 inoperable motor vehicles which any person may keep outside of a fully enclosed building or  
21 structure.

22 As used in this section, "shielded or screened from view" means hidden from sight by  
23 plantings or fences.

24 As used in this section, an "inoperable motor vehicle" means any motor vehicle, trailer or  
25 semitrailer which is not in operating condition; or does not display valid license plates; or does  
26 not display an inspection decal that is valid or does display an inspection decal that has been  
27 expired for more than sixty days. The provisions of this section shall not apply to a licensed  
28 business which is regularly engaged in business as an automobile dealer, salvage dealer or scrap  
29 processor.

30 B. The ~~governing body~~ locality may, by ordinance, further provide that the owners of  
31 property zoned for residential, commercial, or agricultural purposes shall, at such time or times



1 as the governing body may prescribe, remove therefrom any inoperable motor vehicle that is not  
2 kept within a fully enclosed building or structure. The ~~governing body~~ locality may remove the  
3 inoperable motor vehicle, whenever the owner of the premises, after reasonable notice, has failed  
4 to do so.

5 In the event the ~~governing body~~ locality removes the inoperable motor vehicle, after  
6 having given such reasonable notice, it may dispose of ~~same~~ the vehicle after giving additional  
7 notice to the owner of the premises. The cost of the removal and disposal may be charged to  
8 either the owner of the inoperable vehicle or the owner of the premises and the cost may be  
9 collected by the ~~county, city or town~~ locality as taxes ~~and levies~~ are collected. Every cost  
10 authorized by this section with which the owner of the premises has been assessed shall  
11 constitute a lien against the property from which the inoperable vehicle was removed, the lien to  
12 continue until actual payment of the cost has been made to the ~~county, city or town~~ locality.

13 **Drafting note: No substantive change in the law.**

14

15 § ~~15.1-11.2~~ 15.2-906. Authority to require removal, repair, etc., of buildings and other  
16 structures.

17 ~~The governing body of any county, city or town~~ Any locality may, by ordinance, provide  
18 that:

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

23 2. ~~That the governing body of such county, city or town~~ The locality through its own  
24 agents or employees may remove, repair or secure any building, wall or any other structure  
25 which might endanger the public health or safety of other residents of such ~~county, city or town~~  
26 locality, ~~wherein~~ if the owner and lien holder of such property after reasonable notice and a  
27 reasonable time to do so, has failed to remove, repair or secure ~~said~~ the building, wall or other  
28 structure. For purposes of this section, reasonable notice ~~shall include~~ includes a written notice  
29 (i) mailed by certified or registered mail, return receipt requested, sent to the last known address  
30 of the property owner and (ii) published once a week for two successive weeks in a newspaper  
31 having general circulation in the locality ~~in accordance with the applicable provisions of § 15.1-~~

1 504. No action shall be taken by the locality to remove, repair or secure any building, wall or  
2 other structure for at least thirty days following the later of the return of the receipt or newspaper  
3 publication;

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

9 4. ~~That every~~ Every charge authorized by this section with which the owner of any such  
10 property ~~shall have~~ has been assessed and which remains unpaid shall constitute a lien against  
11 such property ranking on a parity with liens for unpaid local taxes and enforceable in the same  
12 manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39  
13 of Title 58.1.

14 **Drafting note: No substantive change in the law.**

15  
16 § ~~15.1-11.2:1~~ 15.2-907. Authority to require removal, repair, etc., of buildings and other  
17 structures harboring illegal drug use.

18 A. As used in this section:

19 "Affidavit" means the affidavit prepared by a locality in accordance with subdivision B 1  
20 a hereof.

21 "Controlled substance" means illegally obtained controlled substances or marijuana, as  
22 defined in § 54.1-3401.

23 "Corrective action" means the taking of steps which are reasonably expected to be  
24 effective to abate drug blight on real property, such as removal, repair or securing of any  
25 building, wall or other structure.

26 "Drug blight" means a condition existing on real property which tends to endanger the  
27 public health or safety of residents of a locality and is caused by the regular presence on the  
28 property of persons under the influence of controlled substances or the regular use of the  
29 property for the purpose of illegally possessing, manufacturing or distributing controlled  
30 substances.

31 "Owner" means the record owner of real property.

1 "Property" means real property.

2 B. ~~The governing body of any county, city or town~~ Any locality may, by ordinance,  
3 provide that:

4 1. The locality may undertake corrective action with respect to property in accordance  
5 with the procedures described herein:

6 a. The locality shall execute an affidavit, citing this section, to the effect that (i) drug  
7 blight exists on the property and in the manner described therein; (ii) the locality has used  
8 diligence without effect to abate the drug blight; and (iii) the drug blight constitutes a present  
9 threat to the public's health, safety or welfare.

10 b. The locality shall then send a notice to the owner of the property, to be sent by regular  
11 mail to the last address listed for the owner on the locality's assessment records for the property,  
12 together with a copy of such affidavit, advising that (i) the owner has up to thirty days from the  
13 date thereof to undertake corrective action to abate the drug blight described in such affidavit and  
14 (ii) the locality will, if requested to do so, assist the owner in determining and coordinating the  
15 appropriate corrective action to abate the drug blight described in such affidavit.

16 c. If no corrective action is undertaken during such thirty-day period, the locality shall  
17 send by regular mail an additional notice to the owner of the property, at the address stated in the  
18 preceding subdivision, stating the date on which the locality may commence corrective action to  
19 abate the drug blight on the property, which date shall be no earlier than fifteen days after the  
20 date of mailing of the notice. Such additional notice shall also reasonably describe the corrective  
21 action contemplated to be taken by the locality. Upon receipt of such notice, the owner shall have  
22 a right, upon reasonable notice to the locality, to seek equitable relief, and the locality shall  
23 initiate no corrective action while a proper petition for relief is pending before a court of  
24 competent jurisdiction.

25 2. If the locality undertakes corrective action with respect to the property after complying  
26 with the provisions of subdivision B 1, the costs and expenses thereof shall be chargeable to and  
27 paid by the owner of such property and may be collected by the locality as taxes ~~and levies~~ are  
28 collected.

29 3. Every charge authorized by this section with which the owner of any such property has  
30 been assessed and which remains unpaid shall constitute a lien against such property with the

1 same priority as liens for unpaid local taxes and enforceable in the same manner as provided in  
2 Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

3 C. If the owner of such property takes timely corrective action pursuant to such  
4 ordinance, the locality shall deem the drug blight abated, shall close the proceeding without any  
5 charge or cost to the owner and shall promptly provide written notice to the owner that the  
6 proceeding has been terminated satisfactorily. The closing of a proceeding shall not bar the  
7 locality from initiating a subsequent proceeding if the drug blight recurs.

8 D. Nothing in this section shall be construed to abridge or waive any rights or remedies  
9 of an owner of property at law or in equity.

10 **Drafting note: No substantive change in the law.**

11  
12 § ~~15.1-11.2:2~~ 15.2-908. Authority of ~~counties, cities and towns~~ localities to remove or  
13 repair the defacement of buildings, walls, fences and other structures.

14 ~~The governing body of any county, city or town,~~ Any locality may by ordinance, ~~may~~  
15 undertake or contract for the removal or repair of the defacement of any public building, wall,  
16 fence or other structure or any private building, wall, fence or other structure where such  
17 defacement is visible from any public right-of-way. Prior to such removal, the locality shall seek  
18 the written permission of the property owner. Should the property owner fail to provide such  
19 permission within ten days, the locality may maintain a public nuisance action against the  
20 property owner in order to compel the property owner to allow removal or repair of the  
21 defacement. After receiving the written permission or the appropriate court order, the locality  
22 may undertake the removal or repair of the defacement. All such removal or repair shall be at the  
23 expense of the locality.

24 **Drafting note: No substantive change in the law.**

25  
26 § ~~15.1-11.3~~ 15.2-909. Authority to require removal, repair, etc., of wharves, piers,  
27 pilings, bulkheads or abandoned, obstructing or hazardous property.

28 ~~The governing body of any county, city or town~~ Any locality may by ordinance ~~may~~  
29 provide:

30 1. ~~That the~~ The owners of property therein shall at such time or times as the governing  
31 body may prescribe, remove, repair or secure any wharf, pier, piling, bulkhead or any other

1 structure or vessel which might endanger the public health or safety of other persons, or which  
2 might constitute an obstruction or hazard to the lawful use of the waters within or adjoining such  
3 ~~county, city or town, and if~~ locality. If such property is deemed to be abandoned, the governing  
4 body may designate and empower an official to ascertain the lawful owner of such property and  
5 to have the owner repair, remove or secure such property;

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

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

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

24 5. ~~That every~~ Every charge authorized by this section with which the owner of any such  
25 property ~~shall have~~ has been assessed and which remains unpaid, to the extent applicable, shall  
26 constitute a lien against such property, and such lien shall be recorded in the judgment lien  
27 docket book in the circuit court ~~of~~ for such ~~county, city or town~~ locality. Such lien may be  
28 released to a personal judgment against the owner.

29 **Drafting note: No substantive change in the law.**

30  
31 § ~~15.1-11.6~~ 15.2-910. Ordinance certifying boiler and pressure vessel operators; penalty.

1           A. ~~The governing bodies of counties, cities and towns~~ Any locality may by ~~duly adopted~~  
2 ordinance ~~may~~ require any person who engages in, or offers to engage in, for the general public  
3 for compensation, the operation or maintenance of a boiler or pressure vessel in such ~~counties,~~  
4 ~~cities or towns~~ locality, to obtain a certificate from the ~~county, city or town~~ locality.

5           B. The ordinance shall require the applicant for such certificate to furnish evidence of his  
6 ability and proficiency; shall require the examination of every such applicant to determine his  
7 qualifications; and shall designate or establish an agent or board for the ~~county, city or town~~  
8 locality to examine and determine a person's qualifications for certification; ~~and shall refuse to~~  
9 ~~grant a~~. A certificate shall not be granted to an applicant found not to be qualified.

10           C. In accordance with the Administrative Process Act (§ 9-6.14:1 et seq.), the Safety and  
11 Health Codes Board shall establish standards to be used in determining an applicant's ability,  
12 proficiency and qualifications.

13           D. No person certified pursuant to this section or certified or licensed pursuant to  
14 Chapter 3.1 (§ 40.1-51.5 et seq.) of Title 40.1 shall be required to obtain any other such  
15 certificate or to pay a fee, other than the initial certification fee, in any ~~county, city or town~~  
16 locality in which he practices his trade.

17           E. Any such ordinance adopted by a ~~county, city or town~~ locality may provide for  
18 penalties not exceeding those applicable to Class 3 misdemeanors.

19           **Drafting note: No substantive change in the law.**

20  
21           § ~~15.1-28.2~~ 15.2-911. Regulation of alarm company operators.

22           A. ~~The governing body of any county, city or town~~ Any locality may, by ordinance  
23 regulate the installation and maintenance of alarm systems operated by alarm company  
24 operators.

25           B. As used in this section, an "alarm company operator" ~~shall mean~~ means and ~~include~~  
26 includes any business operated for profit, engaged in the installation, maintenance, alteration, or  
27 servicing of alarm systems or which responds to such alarm systems. Such term, however, shall  
28 not include alarm systems maintained by governmental agencies or departments, nor shall it  
29 include a business which merely sells from a fixed location or manufactures alarm systems  
30 unless such business services, installs, monitors or responds to alarm systems at the protected  
31 premises.

1 C. As used in this section, the term "alarm system" ~~shall mean~~ means an assembly of  
2 equipment and devices arranged to signal the presence of a hazard requiring urgent attention and  
3 to which police or firefighters are expected to respond. Such system may be installed,  
4 maintained, altered or serviced by an alarm company operator in both commercial and residential  
5 premises.

6 **Drafting note: No substantive change in the law.**

7  
8 § ~~15.1-28.3~~ 15.2-912. Regulation of tattoo parlors; definition; exception.

9 A. Any ~~county, city or town~~ locality may ~~regulate~~ by ordinance regulate the sanitary  
10 condition of the personnel, equipment and premises of tattoo parlors.

11 B. A "tattoo parlor," as used in this section, is any place in which is offered or practiced  
12 the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin  
13 of any person with ink or any other substance, resulting in the permanent coloration of the skin  
14 by the aid of needles or any other instrument designed to touch or puncture the skin.

15 C. This section shall not apply to medical doctors, veterinarians, registered nurses or any  
16 other medical services personnel licensed pursuant to Title 54.1 in performance of their  
17 professional duties.

18 **Drafting note: No substantive change in the law.**

19  
20 § ~~15.1-37.3:1~~ 15.2-913. Ordinances regulating certain vendors.

21 A. Any locality may by ordinance  
22 provide for the regulation of persons not otherwise licensed by the Commonwealth under Title  
23 38.2, offering any item for sale within the ~~county, city or town~~ locality when such persons go  
24 from one place of human habitation to another offering an item, other than newspapers and fresh  
25 farm products, for sale. The purpose of such ordinance ~~shall be~~ is to reasonably control the  
26 activities of door-to-door vendors for the safety and well-being of the people residing in the  
27 ~~county, city or town~~ locality. ~~Provided, however~~ However, ~~such governing bodies~~ the locality  
28 may in such ordinance exempt such activities when they are conducted on behalf of a nonprofit  
29 charitable, civic or religious organization and may provide for other reasonable exemptions in  
30 such ordinance.

31 § ~~15.1-37.3:2~~. Fee may be collected from vendors regulated under § ~~15.1-37.3:1~~.

1            ~~B. Any county, city or town~~ locality adopting an ordinance ~~authorized by § 15.1-37.3:1~~  
2 under this section may collect a fee in an amount not to exceed twenty dollars, from each person  
3 granted a permit to sell door to door. ~~Such fee shall be paid into the general fund of the county,~~  
4 ~~city or town.~~

5            **Drafting note: Sections 15.1-37.3:1 and 15.1-37.3:2 are combined with no significant**  
6 **change. The last sentence is deleted as unnecessary.**

7  
8            ~~§ 15.1-37.3:12~~ 15.2-914. Regulation of child-care services and facilities in certain  
9 counties and cities.

10            ~~The governing body of (i) any~~ Any (i) county that has adopted the urban county  
11 executive form of government, (ii) ~~any~~ city adjacent to a county that has adopted the urban  
12 county executive form of government, or (iii) ~~any~~ city which is completely surrounded by such  
13 county may by ordinance provide for the regulation and licensing of persons who provide child-  
14 care services for compensation and for the regulation and licensing of child-care facilities.  
15 "Child-care services" ~~shall mean~~ means provision of regular care, protection and guidance to one  
16 or more children not related by blood or marriage while such children are separated from their  
17 parent, guardian or legal custodian in a dwelling not the residence of the child during a part of  
18 the day for at least four days of a calendar week. "Child-care facilities" ~~shall include~~ includes any  
19 commercial or residential structure which is used to provide child-care services.

20            Such local ordinance shall not require the regulation or licensing of any child-care facility  
21 that is licensed by the Commonwealth and such ordinance shall not require the regulation or  
22 licensing of any facility operated by a religious institution as exempted from licensure by § 63.1-  
23 196.3.

24            Such local ordinances shall not be more extensive in scope than comparable state  
25 regulations applicable to family day-care homes. Local regulations shall not affect the manner of  
26 construction or materials to be used in the erection, alteration, repair or use of a residential  
27 dwelling.

28            Such local ordinances may require that persons who provide child-care services shall  
29 provide certification from the Central Criminal Records Exchange, in accordance with § 19.2-  
30 389, that such persons have not been convicted of any offense involving the sexual molestation  
31 of children, the physical or sexual abuse or rape of a child or any offense identified in § 63.1-



1 198.1, and such ordinances may require that persons who provide child-care services shall  
2 provide certification from the central registry of the Department of Social Services that such  
3 persons have not been the subject of a founded complaint of abuse or neglect. If an applicant is  
4 denied licensure because of any adverse information appearing on a record obtained from the  
5 Central Criminal Records Exchange or the Department of Social Services, the applicant shall be  
6 provided a copy of the information upon which that denial was based.

7 **Drafting note: No substantive change in the law.**

8  
9 § ~~15.1-29.15~~ 15.2-915. Control of firearms.

10 From and after January 1, 1987, no ~~county, city or town~~ locality shall adopt any  
11 ordinance to govern the purchase, possession, transfer, ownership, carrying or transporting of  
12 firearms, ammunition, or components or combination thereof other than those expressly  
13 authorized by statute.

14 Nothing in this section shall affect the validity or invalidity of any ordinance adopted  
15 prior to January 1, 1987. Nothing in this section shall have any effect on any pending litigation.

16 **Drafting note: No substantive change in the law.**

17  
18 § ~~15.1-518.2~~ 15.2-916. Prohibiting shooting of compound bows, crossbows, longbows  
19 and recurve bows.

20 Any ~~county~~ locality may prohibit the shooting of an arrow from a bow in a manner that  
21 can be reasonably expected to result in the impact of the arrow upon the property of another  
22 without permission from the owner, ~~fee holder~~ or tenant of ~~the~~ such property ~~where the arrow is~~  
23 ~~expected to impact~~. For the purposes of this section, "bow" includes all compound bows,  
24 crossbows, longbows and recurve bows having a peak draw weight of ten pounds or more. The  
25 term "bow" does not include bows which have a peak draw of less than ten pounds or which are  
26 designed or intended to be used principally as toys. The term "arrow" means a shaft-like  
27 projectile intended to be shot from a bow.

28 **Drafting note: No substantive change in the law. "County" is changed to "locality"**  
29 **since § 15.1-865 also allows municipalities to prohibit shooting arrows from bows onto the**  
30 **property of others.**

1           § ~~15.1-29.20~~ 15.2-917. Applicability of local noise ordinances to certain sport shooting  
2 ranges.

3           No local ordinance regulating noise shall subject a sport shooting range to noise control  
4 standards more stringent than those in effect at the time the construction or operation of the range  
5 initially was approved. The operation or use of a sport shooting range shall not be enjoined on  
6 the basis of noise, nor shall any person be subject to action for nuisance or criminal prosecution  
7 in any matter relating to noise resulting from the operation of the range, if the range is in  
8 compliance with all ordinances relating to noise in effect at the time construction or operation of  
9 the range was approved.

10           For purposes of this section, "sport shooting range" means an area or structure designed  
11 for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar  
12 sport shooting.

13           **Drafting note: No change.**

14  
15           § ~~15.1-29.13~~ 15.2-918. ~~Counties, cities or towns~~ Locality may prohibit or regulate use of  
16 air cannons.

17           ~~The governing body of any county, city or town~~ Any locality may by ordinance prohibit  
18 or regulate the use within its jurisdiction of certain devices, including air cannons, carbide  
19 cannons, or other loud explosive devices which are designed to produce high intensity sound  
20 percussions for the purpose of repelling birds.

21           Such ordinance may prescribe the degree of sound or the decibel level produced by the  
22 cannon or device which is unacceptable in that jurisdiction.

23           In adopting an ordinance pursuant to the provisions of this section, the governing body  
24 may provide that any person who violates the provisions of such ordinance shall be guilty of a  
25 Class 3 misdemeanor.

26           **Drafting note: No substantive change in the law.**

27  
28           § ~~15.1-29.12~~ 15.2-919. Regulation of motorcycle noise.

29           Any ~~county, city or town~~ locality may, by ordinance, regulate noise from a motorcycle, as  
30 defined in § 46.2-100, which is not equipped with a muffler conforming to §§ 46.2-1047 and  
31 46.2-1049, if such noise may be hazardous to the health and well-being of its citizens.

1           **Drafting note: No substantive change in the law.**

2  
3           § ~~15.1-29.8~~ 15.2-920. Regulation of outdoor lighting near certain facilities.

4           In addition to any other authority granted to ~~local governments~~ localities by law, ~~the~~  
5 ~~governing body of every county, city and town~~ any locality may ~~regulate~~ by ordinance regulate  
6 outdoor lighting within an area one-half mile around planetariums, astronomical observatories  
7 and meteorological laboratories. This section shall not be construed to affect any ordinance  
8 heretofore adopted by a ~~local government~~ locality.

9           **Drafting note: No substantive change in the law.**

10  
11           § ~~15.1-29~~ 15.2-921. Ordinances requiring fencing of swimming pools.

12           For the purposes of this section ~~the following terms shall have the meanings respectively~~  
13 ~~assigned to them:~~

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

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

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

1 Violation of any such ordinance may be made punishable by a fine of not more than \$300  
2 or confinement in jail for not more than thirty days, either or both. Each day's violation may be  
3 construed as a separate offense.

4 Any such ordinance may be made applicable to swimming pools constructed before, as  
5 well as those constructed after, the adoption thereof; ~~but no~~. No such ordinance shall take effect  
6 less than ninety days from the adoption thereof, nor shall any such ordinance apply to any  
7 swimming pool operated by or in conjunction with any hotel located on a government  
8 reservation.

9 **Drafting note: No substantive change in the law.**

10  
11 § ~~15.1-29.9~~ 15.2-922. Smoke detectors in certain buildings.

12 ~~The governing body of any county, city or town~~ Any locality, notwithstanding any  
13 contrary provision of law, general or special, may ~~require~~ by ordinance require that smoke  
14 detectors be installed in the following structures or buildings: (i) any building containing one or  
15 more dwelling units, (ii) any hotel or motel regularly used, or offered for, or intended to be used  
16 to provide overnight sleeping accommodations for one or more persons, and (iii) rooming houses  
17 regularly used, offered for, or intended to be used to provide overnight sleeping  
18 accommodations. Smoke detectors installed pursuant to this section shall be installed in  
19 conformance with the provisions of the Uniform Statewide Building Code. The ordinance shall  
20 allow the type of smoke detector to be either battery operated or AC powered units. Such  
21 ordinance shall require that the owner of any unit which is rented or leased, at the beginning of  
22 each tenancy and at least annually thereafter, shall furnish the tenant with a certificate that all  
23 required smoke detectors are present, have been inspected, and are in good working order.  
24 Except for smoke detectors located in hallways, stairwells, and other public or common areas of  
25 multifamily buildings, interim testing, repair, and maintenance of smoke detectors in rented or  
26 leased units shall be the responsibility of the tenant; however, the owner shall be obligated to  
27 service, repair, or replace any malfunctioning smoke detectors within five days of receipt of  
28 written notice from the tenant that such smoke detector is in need of service, repair, or  
29 replacement.

30 **Drafting note: No substantive change in the law.**

1           § ~~15.1-37.2:1~~ 15.2-923. Local water-saving ordinances.

2           Notwithstanding any contrary provision of law, as shall be necessary to protect the public  
3 health, safety and welfare, (i) any ~~county, city or town~~ locality may ~~require~~ by ordinance require  
4 the installation of water conservation devices in the case of the retrofitting of buildings  
5 constructed prior to July 1, 1978, and (ii) ~~in~~ any city with a population of 350,000 or more, ~~the~~  
6 ~~local governing body~~ may, by ordinance, restrict the nonessential use of ground water during  
7 declared water shortages or water emergencies.

8           For purposes of this section "nonessential use" shall not include agricultural use.

9           **Drafting note: No substantive change in the law.**

10  
11           § ~~15.1-37.3:4~~ 15.2-924. Water supply emergency ordinances.

12           A. Whenever the governing body of any ~~county, city or town~~ locality finds that a water  
13 supply emergency exists, it may adopt an ordinance restricting the use of water by the citizens of  
14 such ~~county, city or town~~ locality for the duration of such emergency; ~~provided, however,~~  
15 However, such ordinance shall apply only to water supplied by a ~~county, city or town~~ locality,  
16 authority, or company distributing water for a fee or charge. Such ordinance may include  
17 appropriate penalties designed to prevent excessive use of water, including, but not limited to, a  
18 surcharge on excessive amounts used.

19           B. After such an emergency has been declared in any ~~jurisdiction~~ locality, any owner of  
20 a water supply system serving that ~~jurisdiction~~ locality may apply to the State Water Control  
21 Board for assistance. If the State Water Control Board confirms the existence of an emergency,  
22 and finds that such owner and such ~~jurisdiction~~ locality have exhausted available means to  
23 relieve the emergency and that the owner and ~~jurisdiction~~ locality are applying all feasible water  
24 conservation measures, and in addition finds that there is water available in neighboring  
25 ~~jurisdictions~~ localities in excess of the reasonable needs of such ~~jurisdictions~~ localities, and that  
26 there exists between such neighboring ~~jurisdictions~~ localities interconnections for the  
27 transmission of water, the Board shall so inform the Governor. The Governor, if requested  
28 jointly by the ~~jurisdiction~~ locality and the owner of the systems supplying the ~~jurisdiction~~  
29 locality, may then appoint a committee consisting of one representative of the ~~jurisdiction~~  
30 locality declaring the emergency, one representative of the system supplying the ~~jurisdiction~~  
31 locality under emergency, and those two representatives shall choose a third representative and

1 failing to choose such third representative within seven days he shall be selected by the  
2 Governor. The committee shall have the duty and authority to allocate the water available in such  
3 ~~jurisdictions~~ localities for the period of the emergency, provided that the period of the emergency  
4 shall not exceed that determined by the ~~jurisdiction~~ locality declaring the emergency or the State  
5 Water Control Board whichever period termination is earlier, so that the best water supply  
6 possible will be provided to all water users during the emergency as previously described.  
7 Nothing in this section shall be construed as requiring the construction of pipeline  
8 interconnections between any ~~jurisdiction~~ locality or any water supply system.

9 C. Any water taken from one water supplier for the benefit of another shall be paid for  
10 by using the established rate schedule of the supplier for treated water. Raw water shall be  
11 furnished at rates which shall reflect all costs to the supplying ~~jurisdiction~~ locality, including, but  
12 not limited to, capital investment costs. Should there be imposed upon the supplier any additional  
13 obligation, water production costs or other capital or operating expenditures beyond those  
14 normal to the suppliers' system, then the cost of same shall be chargeable to the receiving  
15 ~~jurisdiction~~ locality by single payment or by incorporation in a special rate structure, all of the  
16 same as shall be reasonable.

17 D. Nothing contained in this section shall authorize any ~~county, city or town~~ locality to  
18 regulate the use of water taken from a river or any flowing stream when such water is used for  
19 industrial purposes and the approximate same quantity of water is returned to such river or  
20 stream after such industrial usage.

21 **Drafting note: No substantive change in the law.**

22  
23 § ~~15.1-514.1~~ 15.2-925. Regulation, etc., of assemblies or movement of persons or  
24 vehicles under certain circumstances.

25 ~~The governing body of any county, city or town is authorized to~~ Any locality may  
26 empower the chief law-enforcement officer to regulate, restrict or prohibit any assembly of  
27 persons or the movement ~~therein~~ of persons or vehicles ~~when~~ if there exists an imminent threat  
28 of any civil commotion or disturbance in the nature of a riot ~~in such county, city or town or any~~  
29 ~~part thereof~~ which constitutes a clear and present danger ~~thereof; and in.~~ In such circumstances  
30 ~~said~~ the governing body may convene immediately in a special meeting and enact an emergency

1 ordinance or ordinances for ~~the~~ such purposes ~~hereof~~, notwithstanding any contrary provisions in  
2 any ~~city~~ charter or under the general law.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-33.4~~ 15.2-926. Prohibiting loitering; curfew for minors.

6 Any ~~city or town~~ locality may prohibit loitering in, upon or around any public place  
7 whether on public or private property and may prohibit minors who are not attended by their  
8 parents from frequenting or being in public places whether on public or private property at such  
9 times as the governing body deems proper.

10 **Drafting note: No substantive change in the law; section is amended to include**  
11 **counties in order to reflect the identical powers already granted counties under § 15.1-514.**

12  
13 Article 2.

14 Waste and Recycling.

15  
16 § ~~15.1-857~~ 15.2-927. Garbage and refuse disposal.

17 ~~A municipal corporation~~ Any locality may collect and dispose of garbage and other  
18 refuse; may regulate and inspect incinerators, dumps and other places and facilities for the  
19 disposal of garbage and other refuse and the manner in which such incinerators, dumps, places  
20 and facilities are operated or maintained; and without liability to the owner thereof may prevent  
21 the use thereof for such purposes when they contribute or are likely to contribute to the  
22 contraction or spread of infectious, contagious or dangerous diseases.

23 **Drafting note: No substantive change in the law.**

24  
25 § ~~15.1-11.5:3~~ 15.2-928. Local recycling and waste disposal; powers; penalties.

26 Any ~~county, city, or town~~ locality may (i) provide and operate, within or ~~without~~ outside  
27 its boundaries, solid waste management facilities and appurtenances for the collection,  
28 management, recycling and disposal of solid waste, recyclable materials, and other refuse of the  
29 residents and businesses of the ~~jurisdiction~~ locality; (ii) contract with other ~~counties, cities, or~~  
30 ~~towns~~ localities to provide such services jointly; (iii) contract with others for supplying such  
31 services; (iv) prohibit the disposal of garbage or recyclable materials in or at any place other than

1 that provided by the public or private sector for the purpose; (v) charge and collect compensation  
2 for such services; and (vi) provide penalties for the unauthorized use of or failure to use such  
3 facilities. For the purposes of this section, recyclable materials shall be those materials identified  
4 in a plan adopted pursuant to § 10.1-1411 and regulations promulgated thereunder. Nothing in  
5 this section shall invalidate the actions of any ~~county, city, or town~~ locality taken prior to  
6 enactment of this section. Nothing in this section shall be construed as prohibiting any generator  
7 of recyclable materials from selling, conveying or arranging for transportation of such materials  
8 to a recycler for reuse or reclamation, nor preventing a recycling company or nonprofit entity  
9 from collecting and transporting recyclable materials from a buy-back center, drop box or any  
10 generator of recyclable materials.

11 **Drafting note: No substantive change in the law.**

12

13 § ~~15.1-11.02~~ 15.2-929. Solid waste management facility siting approval.

14 A. Any ~~county, city or town~~ locality may enact an ordinance regulating the siting of solid  
15 waste management facilities within its boundaries. The ordinance shall prescribe the criteria,  
16 form of application, and procedure, which shall include a public hearing, for siting approval. In  
17 establishing the criteria, the ~~county, city or town~~ locality shall consider the potential effect of the  
18 siting of a solid waste management facility on the health, safety and welfare of the residents of  
19 the locality. Any person desiring to site a solid waste management facility within the boundaries  
20 of any ~~county, city or town~~ locality which has adopted an ordinance pursuant to this section shall  
21 file its application with the governing body of the locality. Within 120 days of the receipt of an  
22 application which complies with the provisions of the ordinance, the governing body shall grant  
23 or deny siting approval. Failure to act within 120 days shall constitute a granting of siting  
24 approval.

25 B. Whenever any governing body denies siting approval, the applicant shall be entitled  
26 to appeal such decision to the circuit court of the jurisdiction denying siting approval.

27 C. Any person who has already been issued a permit to operate a solid waste  
28 management facility by the Department of ~~Waste Management~~ Environmental Quality or has  
29 received zoning or other land use approval for the siting of the facility, prior to July 1, 1989,  
30 shall not be required to obtain siting approval for such solid waste management facility pursuant  
31 to the provisions of this section.



1           **Drafting note: No substantive change in the law.**

2  
3           § ~~15.1-28.1~~ 15.2-930. Regulation of garbage and refuse pickup and disposal services;  
4 contracting for such services.

5           A. ~~The governing body of any county, city or town in this Commonwealth~~ Any locality  
6 may, by ordinance, impose license taxes upon and otherwise regulate the services rendered by  
7 any business engaged in the pickup and disposal of garbage, trash or refuse, wherein service will  
8 be provided to the residents of any such ~~county, city or town~~ locality. Such regulation may  
9 include the delineation of service areas, the limitation of the number of persons engaged in such  
10 service in any such service area, including the creation of one or more exclusive service areas,  
11 and the regulation of rates of charge for any such service.

12           Such ~~governing bodies are~~ locality is authorized to contract with any person, whether  
13 profit or nonprofit, for garbage and refuse pickup and disposal services in ~~their~~ its respective  
14 jurisdiction.

15           B. Prior to enacting an ordinance pursuant to subsection A which displaces a private  
16 company engaged in the provision of pickup and disposal of garbage, trash or refuse in service  
17 areas, the governing body shall: (i) hold at least one public hearing seeking comment on the  
18 advisability of such ordinance; (ii) provide at least forty-five days' written notice of the hearing,  
19 delivered by first class mail to all private companies which provide the service in the locality and  
20 which the locality is able to identify through local government records; and (iii) provide public  
21 notice of the hearing. Following the final public hearing held pursuant to the preceding sentence,  
22 but in no event longer than one year after the hearing, a governing body may enact an ordinance  
23 pursuant to subsection A which displaces a private company engaged in the provision of pickup  
24 and disposal of garbage, trash or refuse in a service area if the ordinance provides that private  
25 companies will not be displaced until five years after its passage. As an alternative to delaying  
26 displacement five years, a governing body may pay a company an amount equal to the  
27 company's preceding twelve months' gross receipts for the displaced service in the displacement  
28 area. Such five-year period shall lapse as to any private company being displaced when such  
29 company ceases to provide service within the displacement area.

30           For purposes of this section, "displace" or "displacement" means an ordinance prohibiting  
31 a private company from providing the service it is providing at the time a decision to displace is

1 made. Displace or displacement does not mean: (i) competition between the public sector and  
2 private companies for individual contracts; (ii) situations where a locality or combination of  
3 localities, at the end of a contract with a private company, does not renew the contract and either  
4 awards the contract to another private company or, following a competitive process conducted in  
5 accordance with the Virginia Public Procurement Act, decides for any reason to contract with a  
6 public service authority established pursuant to the Virginia Water and ~~Sewer~~ Waste Authorities  
7 Act, or, following such competitive process, decides for any reason to provide such pickup and  
8 disposal service itself; (iii) situations where action is taken against a company because the  
9 company has acted in a manner threatening to the health and safety of the locality's citizens or  
10 resulting in a substantial public nuisance; (iv) situations where action is taken against a private  
11 company because the company has materially breached its contract with the locality or  
12 combination of localities; (v) situations where a private company refuses to continue operations  
13 under the terms and conditions of its existing agreement during the five-year period; (vi) entering  
14 into a contract with a private company to provide pickup and disposal of garbage, trash or refuse  
15 in a service area so long as such contract is not entered into pursuant to an ordinance which  
16 displaces or authorizes the displacement of another private company providing pickup and  
17 disposal of garbage, trash or refuse in such service area; or (vii) situations where at least fifty-  
18 five percent of the property owners in the displacement area petition the governing body to take  
19 over such collection service.

20 C. ~~The governing body of any~~ Any county with a population in excess of 800,000 may  
21 ~~provide,~~ by ordinance, provide civil penalties not exceeding \$500 per offense for persons  
22 willfully contracting with a solid waste collector or collectors not licensed or permitted to  
23 perform refuse collection services within ~~that jurisdiction~~ the county. For purposes of this  
24 section, evidence of a willful violation is the voluntary contracting by a person with a solid waste  
25 collector after having received written notice from the ~~jurisdiction~~ county that the solid waste  
26 collector is not licensed or permitted to operate within that ~~jurisdiction~~ county. Written notice  
27 may be provided by certified mail or by any appropriate method specified in Article 4 (§ 8.01-  
28 296 et seq.) of Chapter 8 of Title 8.01.

29 D. ~~The governing body of any~~ Any county with a population in excess of 800,000 may,  
30 by ordinance, authorize the local police department to serve a summons to appear in court on  
31 solid waste collectors operating within that ~~jurisdiction~~ county without a license or permit. Each

1 day the solid waste collector operates within the ~~jurisdiction~~ county without a license or permit is  
2 a separate offense, punishable by a fine of up to \$500.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-28.01~~ 15.2-931. Regulation of garbage and refuse pickup and disposal services;  
6 contracting for such services in certain ~~counties, cities and towns~~ localities.

7 ~~B. 1. Counties, cities and towns~~ A. Localities may adopt ordinances requiring the  
8 delivery of all or any portion of the garbage, trash or refuse generated or disposed of within such  
9 ~~counties, cities and towns~~ localities to waste disposal facilities located therein, or to waste  
10 disposal facilities located outside of such ~~counties, cities and towns~~ localities if the ~~counties,~~  
11 ~~cities and towns~~ localities have contracted for capacity at or service from such facilities.

12 ~~2.~~ Such ordinances may not be adopted until the local governing body, following one or  
13 more public hearings, has made the following findings:

14 ~~a. 1.~~ That other waste disposal facilities, including privately owned facilities and regional  
15 facilities, are: (i) unavailable; (ii) inadequate; (iii) unreliable; or (iv) not economically feasible,  
16 to meet the current and anticipated needs of the locality for waste disposal capacity; and

17 ~~b. 2.~~ That the ordinance is necessary to ensure the availability of adequate financing for  
18 the construction, expansion or closing of the locality's facilities, and the costs incidental or  
19 related thereto.

20 ~~3.~~ No ordinance adopted by a locality under this subsection shall prevent or prohibit the  
21 disposal of garbage, trash or refuse at any facility: (i) which has been issued a solid waste  
22 management facility permit by an agency of the Commonwealth ~~of Virginia~~ on or before July 1,  
23 1991; or (ii) for which a Part A permit application for a new solid waste management facility  
24 permit, including local governing body certification, was submitted to the Department of Waste  
25 Management in accordance with § 10.1-1408.1 B on or before December 31, 1991.

26 ~~C. 1. Counties, cities, and towns~~ B. Localities may provide in any ordinance adopted  
27 under this section that it is unlawful for any person to dispose of his garbage, trash and refuse in  
28 or at any other place. No such ordinance making it unlawful to dispose of garbage, trash and  
29 refuse in any other place shall apply to the occupants of single-family residences or family farms  
30 disposing of their own garbage, trash or refuse if such occupants have paid the fees, rates and  
31 charges of other single-family residences and family farms in the same service area.

1           2. No ordinance adopted under this section shall apply to garbage, trash and refuse  
2 generated, purchased or utilized by an entity engaged in the business of manufacturing, mining,  
3 processing, refining or conversion except for an entity engaged in the production of energy or  
4 refuse-derived fuels for sale to a person other than any entity controlling, controlled by or under  
5 the same control as the manufacturer, miner, processor, refiner or converter. Nor shall such  
6 ordinance apply to (i) recyclable materials, which are those materials that have been source-  
7 separated by any person or materials that have been separated from garbage, trash and refuse by  
8 any person for utilization in both cases as a raw material to be manufactured into a product other  
9 than fuel or energy, (ii) construction debris to be disposed of in a landfill, or (iii) waste oil. Such  
10 ordinances may provide penalties, fines and other punishment for violations.

11           Such ~~counties, cities, and towns~~ localities are authorized to contract with any person,  
12 whether profit or nonprofit, for garbage and refuse pickup and disposal services in their  
13 respective ~~jurisdictions~~ localities and to enter into contracts relating to waste disposal facilities  
14 which recover energy or materials from garbage, trash and refuse. Such contracts may make  
15 provision for, among other things, (i) the purchase by the ~~counties, cities, and towns~~ localities of  
16 all or a portion of the disposal capacity of a waste disposal facility located within or ~~without~~  
17 outside the ~~counties, cities, and towns~~ localities for their present or future waste disposal  
18 requirements, (ii) the operation of such facility by the ~~counties, cities, and towns~~ localities, (iii)  
19 the delivery by or on behalf of the contracting ~~counties, cities, and towns~~ localities of specified  
20 quantities of garbage, trash and refuse, whether or not such counties, cities, and towns collect  
21 such garbage, trash and refuse, and the making of payments in respect of such quantities of  
22 garbage, trash and refuse, whether or not such garbage, trash and refuse are delivered, including  
23 payments in respect of revenues lost if garbage, trash and refuse are not delivered, (iv)  
24 adjustments to payments made by the ~~counties, cities, and towns~~ localities in respect of inflation,  
25 changes in energy prices or residue disposal costs, taxes imposed upon the facility owner or  
26 operator, or other events beyond the control of the facility operator or owners, (v) the fixing and  
27 collection of fees, rates or charges for use of the disposal facility and for any product or service  
28 resulting from operation of the facility, and (vi) such other provision as is necessary for the safe  
29 and effective construction, maintenance or operation of such facility, whether or not such  
30 provision displaces competition in any market. Any such contract shall not be deemed to be a  
31 debt or gift of the ~~counties, cities, and towns~~ localities within the meaning of any law, charter

1 provision or debt limitation. Nothing in the foregoing powers granted such ~~counties, cities, and~~  
2 ~~towns shall include~~ localities includes the authority to pledge the full faith and credit of such  
3 ~~local governments~~ localities in violation of Article X, Section 10 of the Constitution of Virginia.

4 It has been and is continuing to be the policy of the Commonwealth ~~of Virginia~~ to  
5 authorize each ~~county, city or town~~ locality to displace or limit competition in the area of  
6 garbage, trash or refuse collection services and garbage, trash or refuse disposal services to  
7 provide for the health and safety of its citizens, to control disease, to prevent blight and other  
8 environmental degradation, to promote the generation of energy and the recovery of useful  
9 resources from garbage, trash and refuse, to protect limited natural resources for the benefit of its  
10 citizens, to limit noxious odors and unsightly garbage, trash and refuse and decay and to promote  
11 the general health and welfare by providing for adequate garbage, trash and refuse collection  
12 services and garbage, trash and refuse disposal services. Accordingly, ~~the governing bodies of~~  
13 ~~the counties, cities and towns of this Commonwealth~~ are directed and authorized to exercise all  
14 powers regarding garbage, trash and refuse collection and garbage, trash and refuse disposal  
15 notwithstanding any anti-competitive effect.

16 ~~A. The governing bodies of~~ C. The following localities may by ordinance require the  
17 delivery of all or any portion of the garbage, trash and refuse generated or disposed of within  
18 such localities to waste disposal facilities located therein or to waste disposal facilities located  
19 outside of such localities if the localities have contracted for capacity at or service from such  
20 facilities: (i) counties that have adopted the county manager plan of government and a city  
21 contiguous thereto having a 1980 population of more than 100,000, singly or jointly, two or all  
22 of such counties and cities, and (ii) counties with a 1980 population of more than 100,000 that  
23 have adopted the county executive form of government, any county contiguous to ~~such a county,~~  
24 and any town situated within or city wholly surrounded by ~~either~~ any of such counties, singly or  
25 jointly, two or more of such ~~counties, cities, and towns~~ localities, that have by resolution of the  
26 governing body committed the ~~county, city or town~~ locality to own or operate a resource  
27 recovery waste disposal facility,; and (iii) ~~counties, cities and towns~~ localities which are  
28 members of the Richmond Regional Planning District No. 15 or Crater Planning District No. 19,  
29 singly or jointly, two or more of such ~~counties, cities, and towns~~ localities, and (iv) ~~counties that~~  
30 ~~have adopted the county manager form of government,~~ that by ordinance of the governing body  
31 after a minimum of two public hearings, and after complying with applicable provisions of the

1 Public Procurement Act (Chapter 7 (§ 11-35 et seq.) of Title 11), have committed the ~~county,~~  
2 ~~city or town~~ locality to own, operate or contract for the operation of a resource recovery waste  
3 disposal facility, ~~may adopt ordinances requiring the delivery of all or any portion of the~~  
4 ~~garbage, trash and refuse generated or disposed of within such counties, cities, and towns~~  
5 ~~localities to waste disposal facilities located therein or to waste disposal facilities located outside~~  
6 ~~of such counties, cities, and towns localities if the counties, cities and towns localities have~~  
7 ~~contracted for capacity at or service from such facilities.~~

8 **Drafting note: No substantive change in the law; former subsection A is moved to**  
9 **subsection C. The section is reorganized for clarity and the reference to the county**  
10 **manager form in new subsection C is deleted since the only county with such form**  
11 **(Henrico) is already included within provision (iii).**

12  
13 § ~~15.1-28.02~~ 15.2-932. Authorization to enter into certain contracts for garbage and  
14 refuse pickup and disposal services; waste recovery facilities.

15 ~~The governing body of any county or municipality~~ Any locality is authorized to contract  
16 with any person, whether profit or nonprofit, for garbage and refuse pickup and disposal services  
17 in its ~~respective jurisdiction~~ locality and to enter into contracts relating to waste disposal  
18 facilities which recover energy or materials from garbage, trash and refuse. Such contracts may  
19 make provision for, among other things, (i) the purchase by the ~~county or municipality~~ locality of  
20 all or a portion of the disposal capacity of a waste disposal facility located within or ~~without~~  
21 outside the ~~county or municipality~~ locality for its present or future waste disposal requirements,  
22 (ii) the operation of such facility by the ~~county or municipality~~ locality, (iii) the delivery by or on  
23 behalf of the contracting ~~county or municipality~~ locality of specified quantities of garbage, trash  
24 and refuse, whether or not such ~~county or municipality collect~~ locality collects such garbage,  
25 trash and refuse, and the making of payments in respect of such quantities of garbage, trash and  
26 refuse, for such garbage, trash and refuse delivered, (iv) adjustments to payments made by the  
27 ~~county or municipality~~ locality in respect of inflation, changes in energy prices or residue  
28 disposal costs, taxes imposed upon the facility owner or operator, or other events beyond the  
29 control of the facility operator or owners, (v) the fixing and collection of fees, rates or charges  
30 for use of the disposal facility and for any product or service resulting from operation of the  
31 facility, and (vi) such other provision as is necessary for the safe and effective construction,

1 maintenance or operation of such facility, whether or not such provision displaces competition in  
2 any market. Any such contract shall not be deemed to be a debt or gift of the ~~counties and cities~~  
3 localities within the meaning of any law, charter provision or debt limitation. Nothing in the  
4 foregoing powers granted such ~~counties and cities~~ locality shall include the authority to pledge  
5 the full faith and credit of such ~~local governments~~ locality in violation of Article X, Section 10 of  
6 the Constitution of Virginia.

7 **Drafting note: No substantive change in the law.**

8  
9 § ~~15.1-28.03~~ 15.2-933. Ordinances requiring delivery of garbage, trash and refuse to  
10 certain facilities; exceptions.

11 Any ~~county or municipal~~ ordinance requiring the delivery of all or any portion of the  
12 garbage, trash or refuse generated or disposed of within ~~the county or municipality~~ a locality to  
13 waste disposal facilities located within or ~~without~~ outside the ~~county or municipality~~ locality, or  
14 otherwise prohibiting the disposal of garbage, trash and refuse in or at any other place other than  
15 that provided for the purpose, shall not apply to garbage, trash and refuse generated, purchased  
16 or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or  
17 conversion except for an entity engaged in the production of energy or refuse-derived fuels for  
18 sale to a person other than any entity controlling, controlled by or under the same control as the  
19 manufacturer, miner, processor, refiner or converter. Nor shall such ordinance apply to (i)  
20 recyclable materials, which are those materials that have been source-separated by any person or  
21 materials that have been separated from garbage, trash and refuse by any person for utilization in  
22 both cases as a raw material to be manufactured into a new product other than fuel or energy, (ii)  
23 construction debris to be disposed of in a landfill or (iii) waste oil.

24 **Drafting note: No substantive change in the law.**

25  
26 § ~~15.1-28.04~~ 15.2-934. Displacement of private waste companies.

27 No ~~county, city or town~~ locality or combination of ~~counties, cities or towns~~ localities  
28 shall displace a private company providing garbage, trash or refuse collection service without  
29 first: (i) holding at least one public hearing seeking comment on the advisability of the locality or  
30 combination of localities providing such service; (ii) providing at least forty-five days' written  
31 notice of the hearing, delivered by first class mail to all private companies which provide the

1 service in the locality or localities and which the locality or localities are able to identify through  
2 local government records; and (iii) providing public notice of the hearing. Following the final  
3 public hearing held pursuant to the preceding sentence, but in no event longer than one year after  
4 the hearing, the locality or combination of localities may proceed to take measures necessary to  
5 provide such service. A locality or combination of localities shall provide five years' notice to a  
6 private company before the locality or combination of localities engages in the actual provision  
7 of the service that displaces the company. As an alternative to delaying displacement five years,  
8 a locality or combination of localities may pay a displaced company an amount equal to the  
9 company's preceding twelve months' gross receipts for the displaced service in the displacement  
10 area. Such five-year period shall lapse as to any private company being displaced when such  
11 company ceases to provide service within the displacement area.

12 For purposes of this section, "displace" or "displacement" means a locality's or a  
13 combination of localities' provision of a service which prohibits a private company from  
14 providing the same service and which the company is providing at the time the decision to  
15 displace is made. Displace or displacement does not mean: (i) competition between the public  
16 sector and private companies for individual contracts; (ii) situations where a locality or  
17 combination of localities, at the end of a contract with a private company, does not renew the  
18 contract and either awards the contract to another private company or, following a competitive  
19 process conducted in accordance with the Virginia Public Procurement Act, decides for any  
20 reason to contract with a public service authority established pursuant to the Virginia Water and  
21 ~~Sewer~~ Waste Authorities Act, or, following such competitive process, decides for any reason to  
22 provide such collection service itself; (iii) situations where action is taken against a private  
23 company because the company has acted in a manner threatening to the health and safety of a  
24 locality's citizens or resulting in a substantial public nuisance; (iv) situations where action is  
25 taken against a private company because the company has materially breached its contract with  
26 the locality or combination of localities; (v) situations where a private company refuses to  
27 continue operations under the terms and conditions of its existing agreement during the five-year  
28 notice period; (vi) entering into a contract with a private company to provide garbage, trash or  
29 refuse collection so long as such contract is not entered into pursuant to an ordinance which  
30 displaces or authorizes the displacement of another private company providing garbage, trash or



1 refuse collection; or (vii) situations where at least fifty-five percent of the property owners in the  
2 displacement area petition the governing body to take over such collection service.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-11.5:1~~ 15.2-935. Authority to prohibit placement of leaves or grass clippings in  
6 landfills.

7 A. ~~After January 1, 1995, any county, city or town~~ Any locality may, by ordinance,  
8 prohibit the disposal of leaves or grass clippings in any privately operated landfill within its  
9 jurisdiction, provided such ~~county, city or town~~ locality has implemented a composting program  
10 which is capable of handling all leaves and grass clippings generated within the jurisdiction.  
11 However, no such ordinance shall contain provisions which penalize anyone other than the initial  
12 generator of such leaves or grass clippings.

13 B. For purposes of this section, the term "composting" means the manipulation of the  
14 natural aerobic process of decomposition of organic materials to increase the rate of  
15 decomposition.

16 C. Nothing in this section shall be construed to prohibit any ~~county, city or town~~ locality  
17 from prohibiting the disposal of leaves and grass clippings in any public landfill which it  
18 operates if that locality has implemented a composting program which is capable of handling all  
19 leaves and grass clippings generated within its jurisdiction.

20 **Drafting note: No substantive change in the law.**

21  
22 § ~~15.1-11.04~~ 15.2-936. Garbage and refuse disposal; fee exemption.

23 Persons may be exempted, deferred, or charged a lesser amount by a ~~county, city or town~~  
24 locality from paying any charges and fees authorized by any law for the collection and disposal  
25 of garbage and refuse. Ordinances providing for such exemptions, deferrals or charges of lesser  
26 amounts may be conditioned upon only the income criteria as provided by § 58.1-3211.

27 **Drafting note: No substantive change in the law.**

28  
29 § ~~15.1-11.5~~ 15.2-937. Separation of solid waste.

30 A. ~~The governing body of any county, city or town~~ Any locality may by ordinance ~~may~~  
31 require any person to separate solid waste for collection and recycling. Any such ordinance shall

1 specify the type of materials to be separated. No such ordinance shall affect the right of any  
2 person to sell or otherwise dispose of waste material as provided in § ~~15.1-28.03~~ 15.2-933 or  
3 permitted under any other law of the Commonwealth, nor shall any such ordinance impose any  
4 liability upon any apartment or commercial office building owner or manager for failure of  
5 tenants to comply with any provisions of the ordinance adopted pursuant to this section or upon  
6 any waste hauler for failure of its customers to comply with such ordinance. No such ordinance  
7 shall impose criminal penalties for failure to comply with its provisions; however, such  
8 ordinance may prescribe civil penalties for violations of the provisions of the ordinance.

9 B. ~~The governing body of any county, city or town~~ Any locality may ~~provide~~ by  
10 ordinance provide for the reasonable inspection at any landfill within their jurisdiction of any  
11 tractor truck semitrailer combination with five or more axles transporting solid waste to any  
12 landfill within their jurisdiction to ensure separation of such solid waste in accordance with all  
13 applicable state laws and regulations. In enforcing such ordinance, there shall be a rebuttable  
14 presumption that solid waste transported from any jurisdiction which has comparable  
15 requirements for waste recycling is in compliance with such ~~county, city or town~~ ordinance.

16 C. For purposes of this section, the term "recycling" ~~shall have~~ has the meaning ascribed  
17 to it in § 10.1-1414.

18 **Drafting note: No substantive change in the law.**

19  
20 § ~~15.1-11.5:01~~ 15.2-938. Preference for purchase of recycled paper and paper products.

21 A. ~~The governing body of any county, city or town~~ Any locality may by ordinance  
22 require that in determining the award of any contract for paper or paper products to be purchased  
23 for use by any division, department, or agency of such ~~county, city or town~~ locality, the  
24 purchasing agent for such ~~county, city or town~~ locality shall procure using competitive sealed  
25 bidding and shall award to the lowest responsible bidder offering recycled paper or paper  
26 products of a quality suitable for the purpose intended, so long as the bid price is not more than  
27 ten percent greater than the bid price of the low responsive and responsible bidder offering a  
28 product that does not qualify under subsection B of this section.

29 B. For purposes of this section, recycled paper and paper products means any paper and  
30 paper products meeting the EPA Recommended Content Standards as defined in 40 C.F.R. Part  
31 250.

1 **Drafting note: No substantive change in the law.**

2  
3 § ~~15.1-11.5:2~~ 15.2-939. Ordinances requiring recycling reports.

4 ~~The governing body of any county, city or town~~ Any locality may by ordinance ~~may~~  
5 require all nonresidential solid waste generators and companies that manage solid waste or  
6 recycle materials generated within its jurisdiction to annually report such nonproprietary  
7 information regarding waste generation, waste management, and recycling as is necessary to  
8 facilitate compliance with regulations adopted pursuant to § 10.1-1411. Any report required  
9 under this section shall be based on volume or weight, provided that where such measurements  
10 cannot be accurately determined, the report may be based on carefully estimated data.

11 **Drafting note: No substantive change in the law.**

12  
13 Article 3.

14 Economic Development; Tourism; Historic Preservation.

15  
16 § ~~15.1-10~~ 15.2-940. Expenditures for promoting resources and advantages of ~~county, city~~  
17 ~~or town~~ locality.

18 Any ~~county, city or town~~ locality may, in its discretion, expend funds from the locally  
19 derived revenues of the ~~county, city or town~~ locality for the purpose of promoting the resources  
20 and advantages of the ~~county, city or town~~ locality. Such purpose shall include, without limiting  
21 the generality thereof, watershed projects and expenditures in connection therewith.

22 **Drafting note: No substantive change in the law.**

23  
24 § ~~15.1-18.4~~ 15.2-941. Participation by local government in certain loan programs.

25 Any ~~county, city, town~~ locality or ~~any~~ other political subdivision may participate in a  
26 program known as the "Virginia Shell Building Initiative." This program, administered by the  
27 Virginia Economic Development Partnership, ~~hereafter referred to as the Authority,~~ makes  
28 available moneys to any ~~county, city, town~~ locality or any other political subdivision for the  
29 express purpose of constructing industrial shell buildings to be sold or leased at public or private  
30 sale to any person, ~~firm or corporation~~ that will locate thereon any manufacturing, processing or  
31 similar establishment.

1 Prior to filing an application with the Authority to participate in this program, the  
2 governing body shall hold a public hearing on the application and disposal of the proposed  
3 industrial shell buildings and related real estate. This public hearing process shall fulfill the  
4 public hearing requirements for the disposal of property set forth in § ~~15.1-262~~ 15.2-1800.

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-28.6~~ 15.2-942. Local government participation in certain events.

8 ~~Every county, city and town~~ Any locality may provide for the re-creation and portrayal of  
9 important historical or cultural events associated with or which have taken place within the  
10 ~~political subdivision~~ locality. Such ~~counties, cities and towns~~ locality may:

11 1. Enter into agreements with public or private nonprofit organizations to stage and  
12 promote such events;

13 2. Charge admission to such events, permit street vending, the sale of food, beverages,  
14 and merchandise related to and compatible with the objectives of the public celebration arranged  
15 for such events, or to delegate to such organizations the authority to do so;

16 3. Delegate to such organizations the collection of license fees from vendors;

17 4. Require a surety bond adequate to protect the public interest;

18 5. Restrict traffic on designated streets for the duration of the events; and

19 6. Make gifts by ordinance to such organizations from its treasury in furtherance of the  
20 re-creation and portrayal of such important historical or cultural events.

21 **Drafting note: No substantive change in the law.**

22  
23 § ~~15.1-18.1:1~~ 15.2-943. Operation and maintenance of living historical farm museums.

24 (1) A. The General Assembly finds that there is a public interest in encouraging the  
25 development of living historical farm museums to preserve for posterity living examples of  
26 earlier farm operation and farm life in Virginia. Such living historical farm museums lead to  
27 respect for the past, the education of the young and also serve as tourist attractions in the  
28 Commonwealth.

29 (2) B. A "living historical farm museum," for the purposes of this section, shall be a  
30 nonprofit corporation or association dedicating no less than five acres for the sole purpose of  
31 portraying by restoration, preservation or reconstruction of farm operation and farm life,

1 including milling, of a selected period in the agricultural history of Virginia. The requirement  
2 that the museum shall be nonprofit shall not prevent the museum from charging admittance fees  
3 adequate to cover costs of operation and maintenance.

4 (3) ~~C.~~ Any ~~county, city or town~~ locality may provide, by appropriate ordinance, that  
5 whenever a person, ~~corporation, or other association~~ dedicates five or more acres to a nonprofit  
6 corporation or association dedicated solely for the purpose of organizing, operating, and  
7 maintaining a living historical farm museum, such person, ~~corporation or other association~~ may  
8 be authorized to build and maintain such structures for the living historical farm museum as will  
9 be used in the operation, maintenance and support of such museum, subject, however, to any  
10 provisions of any zoning or planning ordinance of such ~~county, city or town~~ locality.

11 **Drafting note: No substantive change in the law.**

12  
13 § ~~15.1-18.1~~ 15.2-944. Authority to acquire and preserve places and things of historical  
14 interest.

15 Any ~~county, city or town~~ locality may acquire ~~by purchase or gift, except by~~  
16 condemnation, sites, landmarks, structures and records of historical interest and value to the  
17 Commonwealth and may restore and preserve ~~the same them~~, or may convey ~~the same them~~ to a  
18 nonstock corporation chartered under Virginia law for the purposes of acquiring and preserving  
19 such places and things; ~~and~~. A locality may appropriate money to any such corporation.

20 **Drafting note: No substantive change in the law.**

21  
22 § ~~15.1-284~~ 15.2-945. Acquisition and housing of relics, paintings, carvings, sculpture and  
23 other works of art.

24 The governing body of ~~each county, city and town in this Commonwealth~~ any locality  
25 may enter into ~~such~~ agreements with appropriate authorities or agencies, acting under legislation  
26 enacted by the Congress of the United States, or with any person, ~~firm, association or~~  
27 ~~corporation, public or private~~, to provide and secure for such ~~county, city or town~~ locality such  
28 relics and such paintings, carvings, sculpture and other works of art as may be specified in such  
29 agreements and may appropriate buildings to house ~~the same them~~. For such purposes the  
30 governing body of ~~such county, city or town~~, notwithstanding any provision of ~~this chapter~~  
31 Chapter 18 (§ 15.2-1800 et seq.) or this chapter to the contrary, may furnish such materials,

1 services and supplies and appropriate and expend from the general funds of such ~~county, city or~~  
2 ~~town~~ locality such moneys as the governing body ~~may deem~~ deems proper.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-28.7~~ 15.2-946. Regulation of tour guides and tourist guides.

6 ~~The governing body of any county, city or town~~ Any locality may, before issuing any  
7 license to do business as a tour guide or tourist guide, require that an applicant for such license  
8 take and pass an examination to determine the fitness of such person as to his knowledge of the  
9 history of the ~~county, city or town~~ locality and of the historical and tourist attractions located  
10 therein.

11 **Drafting note: No substantive change in the law.**

12  
13 Article 4.

14 Public Transportation.

15  
16 § ~~15.1-526.2~~ 15.2-947. Systems of public transportation for certain counties or cities.

17 Notwithstanding any other provision of law, the governing body of any county or city not  
18 a member of a transportation district, upon finding a need for a system of public transportation  
19 and the inability of the governing body to reach a reasonable agreement for membership with an  
20 existing transportation district, may create, operate, maintain or contract for a system of public  
21 transportation to be operated in such county or city for the safety, comfort and convenience of  
22 the public. The governing body of any such county or city providing a system of public  
23 transportation or desiring to provide ~~the same~~ such a system may contract with any authority  
24 providing public transportation in contiguous localities for transportation services or the  
25 interchange of passengers for the purpose of providing continuous service between ~~political~~  
26 ~~subdivisions~~ localities.

27 **Drafting note: No substantive change in the law; applies to counties and cities only.**

28  
29 § ~~15.1-37.3:5~~ 15.2-948. ~~County, city or town~~ Locality may designate continuing source  
30 of revenue for mass transit.

1           The governing body of any ~~county, city or town~~ locality may, within the limits permitted  
2 by the Constitution, designate any of its continuing sources of revenue, or portions thereof, as a  
3 stable and reliable source of revenue to pay its mass transit operating and debt service expenses  
4 to the extent that such designation is required by the United States as a prerequisite pursuant to  
5 Public Law 96-184 to the provision of funds for mass transit construction and debt service which  
6 benefits any such ~~county, city or town~~ locality.

7           **Drafting note: No substantive change in the law.**

8  
9           § ~~15.1-37.3:3~~ 15.2-949. Shared ride taxi systems, etc.

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

14           Notwithstanding any other provision of law to the contrary, any ~~county, or city~~ locality  
15 which is a member of any transportation district may, with the concurrence of the transportation  
16 district commission that there is a need for a shared ride taxi system and the unavailability of  
17 adequate existing public transportation or public transportation proposed to be available within a  
18 reasonable period of time, construct, finance, purchase, operate, maintain or contract for a shared  
19 ride taxi system or a ridesharing arrangement as defined in § 46.2-1188 to be operated in such  
20 ~~county or city~~ locality for the health, safety, welfare, comfort and convenience of the public.  
21 Such system may be financed from general revenues or funds received from the United States  
22 government, from the Commonwealth ~~of Virginia~~ or any other source. Such system or the  
23 equipment and property needed for such system may also be constructed or purchased from  
24 proceeds of bonds which may be issued pursuant to the Public Finance Act (§ ~~15.1-227.1~~ 15.2-  
25 2600 et seq.). Rates may be charged for the use of the system in such amount as the governing  
26 body of the ~~county or city~~ locality deems reasonable, and different rates may be charged to  
27 different reasonable classifications of users.

28           The need for a shared ride taxi system and the unavailability of adequate existing or  
29 proposed public transportation may be based on the lack of such system or on the lack of such  
30 system at such user rates as will promote the health, safety, welfare, comfort and convenience of

1 the public. Contracts may be made with existing or proposed shared ride taxi systems, both  
2 publicly and privately owned, for the subsidy of all users or groups of users.

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

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

12 **Drafting note: No substantive change in the law; the definition of “shared ride taxi  
13 system” is moved to the beginning of the section.**

14 Article 5.

15 Additional Powers.

16

17 § ~~15.1-842~~ 15.2-950. Appropriations.

18 A ~~municipal corporation~~ locality may make appropriations for the purposes for which it  
19 is empowered to levy taxes and make assessments, for the support of the ~~municipal government~~  
20 locality, for the performance of its functions, and the accomplishment of all other lawful  
21 purposes and objectives, subject to such limitations as may be imposed by law.

22 **Drafting note: No substantive change in the law; changes “municipal corporation”  
23 to “locality” since this basic appropriation power applies to all localities.**

24

25 § ~~15.1-29.17~~ 15.2-951. Acquisition, disposition and use of personal property by  
26 ~~municipalities~~ localities generally.

27 ~~Municipalities~~ Localities, for the purposes of exercising any of their powers and duties  
28 and performing any of their functions, may acquire by gift, bequest, purchase, lease, or  
29 installment purchase contract; and may own and make use of and may grant security interests in,  
30 sell and otherwise dispose of, within and ~~without~~ outside the ~~municipalities~~ localities, personal  
31 property, including any interest, right or estate therein. Any debt incurred by a municipality



1 pursuant to the provisions of this section shall be subject to the limitations imposed by Article  
2 VII, Section 10 of the Constitution of Virginia.

3 **Drafting note: No substantive change in the law; counties are added in order to**  
4 **reflect the identical authority found in § 15.1-526.4.**

5  
6 ~~§ 15.1-526.4. Acquisition, disposition and use of personal property generally.~~

7 ~~A county, for the purposes of exercising any of its powers and duties and performing any~~  
8 ~~of its functions, may acquire by gift, bequest, purchase, lease, or installment purchase contract;~~  
9 ~~and may own and make use of and may grant security interests in, sell and otherwise dispose of,~~  
10 ~~within and without the county, personal property, including any interest, right or estate therein.~~  
11 ~~Any debt incurred by a county pursuant to the provisions of this section shall be subject to the~~  
12 ~~limitations imposed by Article VII, Section 10(b) of the Constitution of Virginia.~~

13 **Drafting note: The substance of this section is relocated to § 15.2-951.**

14  
15 ~~§ 15.1-32~~ 15.2-952. Political subdivisions may acquire property from United States.

16 Notwithstanding the provisions of any charter or any ordinance, ~~the governing body of~~  
17 ~~any county, city, town or locality,~~ sanitary district, or any other political subdivision may, by  
18 ordinance or resolution, authorize the acquisition and purchase from the United States of  
19 America, or any agency thereof, whether now existing or hereafter created, of any equipment,  
20 supplies, materials or other property, real or personal, in such manner as such governing body  
21 may determine.

22 It is the purpose of this section to enable any political subdivision of this Commonwealth  
23 to secure from time to time promptly the benefits of acquisition and purchases as authorized by  
24 this section, to aid them in securing advantageous purchases, to prevent unemployment and  
25 thereby to assist in promotion of public welfare and to these ends such political subdivisions may  
26 do all things necessary or convenient to carry out such purpose, in addition to the expressed  
27 power conferred by this section. This section is remedial in nature and the powers hereby granted  
28 shall be liberally construed.

29 **Drafting note: No substantive change in the law.**

30

1           § ~~15.1-24~~ 15.2-953. Donations to ~~the Virginia Indigent Health Care Trust Fund,~~  
2 charitable institutions and associations, volunteer and nonprofit organizations, chambers of  
3 commerce, etc.

4           ~~Counties, cities and towns of this Commonwealth are authorized to~~ A. Any locality may  
5 make appropriations of public funds, of personal property or of any real estate to the Virginia  
6 Indigent Health Care Trust Fund and to any charitable institution or association, located within  
7 their respective limits or outside their limits if such institution or association provides services to  
8 residents of the locality; however, such institution or association shall not be controlled in whole  
9 or in part by any church or sectarian society. The words "sectarian society" shall not be construed  
10 to mean a nondenominational Young Men's Christian Association or a nondenominational  
11 Young Women's Christian Association. Nothing in this section shall be construed to prohibit any  
12 county or city from making contracts with any sectarian institution for the care of indigent, sick  
13 or injured persons.

14           ~~Nothing in this section shall be construed to obligate any local governing body to~~  
15 ~~appropriate funds to any entity, including the Virginia Indigent Health Care Trust Fund. Any~~  
16 ~~such charitable contributions shall be voluntary.~~

17           § ~~15.1-25~~. ~~Same; organizations providing housing for the elderly; hospitals; voluntary~~  
18 ~~fire-fighting organizations; nonprofit lifesaving organizations or rescue squads; nonprofit~~  
19 ~~recreational and historical associations; chambers of commerce; industrial development~~  
20 ~~authorities.~~

21           ~~B. The governing bodies of counties, cities and towns are authorized to~~ Any locality may  
22 make gifts and donations of property, real or personal, or money ~~to be appropriated from their~~  
23 ~~respective treasuries,~~ to (i) any charitable institution or nonprofit or other organization, providing  
24 housing for persons sixty years of age or older, conducting or operating a hospital or nursing  
25 home, ~~and to~~ (ii) any association or other organization furnishing voluntary fire-fighting services,  
26 ~~and to~~ (iii) any nonprofit lifesaving crew or lifesaving organization, or rescue squad, within or  
27 ~~without~~ outside the boundaries of the ~~respective counties, cities and towns~~ locality, ~~and to~~ or (iv)  
28 nonprofit recreational associations or organizations; provided the nonprofit recreational  
29 association or organization is not controlled in whole or in part by any church or sectarian  
30 society. Donations of property or money to any such charitable, nonprofit or other hospital or

1 nursing home, institution or organization or nonprofit recreational associations or organizations  
2 may be made for construction purposes, for operating expenses, or both.

3 A ~~county, city or town~~ locality may make like gifts and donations to chambers of  
4 commerce which are nonprofit and nonsectarian.

5 A ~~county, city or town~~ locality may make like gifts, donations and appropriations of  
6 money to industrial development authorities for the purposes of promoting economic  
7 development.

8 ~~Such governing bodies are authorized to~~ A locality may make like gifts and donations  
9 ~~from their treasuries~~ to any and all public and private nonprofit organizations and agencies  
10 engaged in commemorating historical events.

11 ~~All such gifts and donations made prior to March 5, 1959, are validated hereby.~~

12 ~~As used in this section, "hospital" is defined as means any facility for the care and~~  
13 ~~treatment of sick persons and includes nursing homes.~~

14 ~~§ 15.1-26. Payments to volunteer rescue squads.~~

15 C. ~~The governing body of any county, city or town~~ Any locality may by ordinance  
16 provide for payment, to any volunteer rescue squad that meets the required minimum standards  
17 for such volunteer rescue squads set forth in the ordinance, a sum ~~not to exceed ten dollars~~ for  
18 each rescue call the volunteer rescue squad makes for an automobile accident in which a person  
19 ~~or persons~~ has been injured on any of the highways or streets in the ~~county, city or town~~ locality.  
20 Said payments may be made from any funds available in the treasury of the ~~county, city or town~~.

21 D. Nothing in this section shall be construed to obligate any locality to appropriate funds  
22 to any entity. Such charitable contribution shall be voluntary.

23 **Drafting note: No substantive change in the law; §§ 15.1-24, 15.1-25 and 15.1-26 are**  
24 **combined. In subsection C outdated or unneeded language regarding a maximum payment**  
25 **amount and making payment from the treasury is deleted. The definition of "hospital" is**  
26 **unnecessary.**

27  
28 ~~§ 15.1-24.1 15.2-954.~~ Loans to volunteer firefighting and rescue organizations.

29 ~~The governing body of any county, city or town is authorized to~~ Any locality may make  
30 loans of money appropriated from public funds to any nonprofit organization furnishing

1 firefighting or rescue services for the construction of facilities or the acquisition of equipment  
2 that is to be used for the purpose of providing firefighting or rescue services.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-26.01~~ 15.2-955. Approval by local governing body for the establishment of certain  
6 organizations.

7 No volunteer rescue squad, emergency medical service organization or other organization  
8 providing similar type services, or volunteer fire-fighting organization shall be established in any  
9 ~~county, city or town~~ locality on or after July 1, 1984, without the prior approval by resolution of  
10 the local governing body ~~of the county, city or town expressed by a resolution of the body.~~

11 **Drafting note: No substantive change in the law.**

12  
13 § ~~15.1-29.7~~ 15.2-956. Participation in certain federal development programs.

14 A. Any ~~county, city or town~~ locality may participate in a program under Title I  
15 (Community Development) of the United States Housing and Community Development Act of  
16 1974, as amended, the National Affordable Housing Act of 1990, the Housing and Community  
17 Development Act of 1992 or any other federal legislation or program under which the ~~county,~~  
18 ~~city or town~~ locality may receive and use or administer the use of federal funds for housing,  
19 community development or economic development purposes. Any such ~~county, city or town~~  
20 locality may undertake the community development activities specified in such legislation or  
21 programs unless such activities are prohibited by the Constitution of Virginia. Any ~~county, city~~  
22 ~~or town~~ locality may appropriate its own moneys for the same purposes for which federal funds  
23 may be employed under the provisions of such federal legislation or program unless prohibited  
24 by the Constitution of Virginia. Any federal funds, or portion thereof, received by a ~~county, city~~  
25 ~~or town~~ locality under such legislation or programs may be deposited in a special fund which  
26 shall be established separate and apart from any other funds, general or special; such funds shall  
27 be deemed to be federal funds and shall not be construed to be part of the revenues of such  
28 ~~county, city or town~~ locality.

29 B. Any city with a population over 100,000 which appropriates local funds pursuant to  
30 subsection A may use the income guidelines established by the Virginia Housing Development

1 Authority for its single-family mortgage subsidy program to determine eligibility for home-  
2 ownership assistance from its local funds.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-29.6~~ 15.2-957. Participation by ~~local government~~ localities in certain leasing  
6 programs.

7 Any ~~county, city or town~~ locality may participate in a program under § 8 (Housing  
8 Assistance Payments Program) of the United States Housing Act of 1937, as amended, on behalf  
9 of eligible families or eligible persons leasing privately owned housing directly from owners or  
10 private leaseholders. Any such ~~county, city or town~~ locality may also appropriate its own money  
11 for the same purposes for which federal funds may be employed under the provisions of such  
12 federal legislation as well as for the purpose of increasing the payments to eligible families or  
13 eligible persons beyond federally approved levels when the fair market rent of the rental unit is  
14 greater than that established by the United States Department of Housing and Urban  
15 Development.

16 If any power granted in the foregoing paragraph is held invalid, the other remaining  
17 power shall not be affected thereby. If the application of the power granted in the foregoing  
18 paragraph to any persons or circumstances is held invalid, the application of the power to other  
19 persons shall not be affected thereby. Nothing in the foregoing powers granted ~~local~~  
20 ~~governments shall include~~ localities includes the authority to pledge the full faith and credit of  
21 such ~~local government~~ locality in violation of Article X, Section 10 of the Constitution of  
22 Virginia.

23 **Drafting note: No substantive change in the law.**

24  
25 § ~~15.1-37.3-9~~ 15.2-958. Local funding for repair or production of low and moderate  
26 income rental property or repair of residential property; other housing experiments.

27 ~~A.~~ It is hereby declared that the preservation of existing housing in safe and sanitary  
28 condition and the production of new housing for persons of low and moderate income are public  
29 purposes and uses for which public money may be spent, and that such preservation and  
30 production are governmental functions of concern to the Commonwealth. Therefore, the  
31 governing body of any ~~county, city, or town~~ locality may provide by ordinance that such ~~county,~~

1 ~~city, or town~~ locality may make grants or loans to owners of residential rental property occupied,  
2 or to be occupied, following rehabilitation or after construction if new, by persons of low and  
3 moderate income, for the purpose of rehabilitating or producing such property. Owners assisted  
4 in this manner must provide a minimum of twenty percent of the units for low and moderate  
5 income persons as defined by the locality for a minimum of ten years. Participation by an owner  
6 under this section is voluntary.

7 ~~The governing body of any county, city or town~~ Any locality in the ordinance herein  
8 authorized may:

9 1. Provide for the installation, construction, or reconstruction of streets, utilities, parks,  
10 parking facilities, playgrounds, and other site improvements essential to the development,  
11 preservation or rehabilitation planned;

12 2. Provide encouragement or financial assistance to the owners or occupants for  
13 developing or preserving and upgrading apartment buildings and for improving health and  
14 safety, conserving energy, preventing erosion, enhancing the neighborhood, and reducing the  
15 displacement of low and moderate income residents of the property;

16 3. Require that the owner agree to maintain a portion of the property in residential rental  
17 use for a period longer than ten years and that a portion of the dwelling units in the property be  
18 offered at rents affordable to persons or families of low and moderate income; and

19 4. Provide that the value of assistance given by the ~~county, city or town~~ locality under  
20 subdivisions 1 and 2 above be proportionate to the value of considerations rendered by the owner  
21 in maintaining a portion of the dwelling units at reduced rents for persons or families of low and  
22 moderate income.

23 **Drafting note: No substantive change in the law; subsections B (§ 15.2-1228) and C**  
24 **(§ 15.2-959) are split into separate sections.**

25  
26 § 15.2-959. Housing research.

27 ~~C. In addition, any~~ Any locality which does not have a redevelopment and housing  
28 authority as authorized by Chapter 1 (§ 36-1 et seq.) of Title 36, shall be authorized to engage in  
29 research, studies, and experimentation in housing alternatives, including the rehabilitation of  
30 existing housing stock and the construction of additional housing.

1           **Drafting note: No substantive change in the law. This section comes from**  
2 **subsection C of § 15.1-37.3:9.**

3  
4           § ~~15.1-14.1~~ 15.2-960. Planting of trees destroyed during construction.

5           Any ~~county, city or town~~ locality may establish reasonable rules, regulations, and  
6 schedules for planting trees in and along areas dedicated for public use where trees have been  
7 destroyed in the construction process. This provision shall not affect the validity of any local  
8 ordinance adopted pursuant to any other provision of law.

9           **Drafting note: No substantive change in the law.**

10  
11           § ~~15.1-14.2~~ 15.2-961. Replacement of trees during development process in certain  
12 localities.

13           A. ~~The governing body of any county, city or town~~ Any locality with a population  
14 density of at least seventy-five persons per square mile may adopt an ordinance providing for the  
15 planting and replacement of trees during the development process pursuant to the provisions of  
16 this section. Population density shall be based upon the latest population estimates of the Cooper  
17 Center for Public Service of the University of Virginia.

18           B. The ordinance shall require that the site plan for any subdivision or development  
19 include the planting or replacement of trees on the site to the extent that, at twenty years,  
20 minimum tree canopies or covers will be provided in areas to be designated in the ordinance, as  
21 follows:

- 22           1. Ten percent tree canopy for a site zoned business, commercial, or industrial;  
23           2. Ten percent tree canopy for a residential site zoned twenty or more units per acre;  
24           3. Fifteen percent tree canopy for a residential site zoned more than ten but less than  
25 twenty units per acre; and  
26           4. Twenty percent tree canopy for a residential site zoned ten units or less per acre.

27           However, any city that was established prior to 1780 may require at ten years the  
28 minimum tree canopies or covers set out above.

29           The ordinance shall provide for reasonable exceptions to or deviations from these  
30 requirements to allow for the reasonable development of farm land or other areas devoid of  
31 woody materials; ~~and the,~~ for the preservation of wetlands, or otherwise when the strict

1 application of the requirements would result in unnecessary or unreasonable hardship to the  
2 developer. The following shall be exempt from the requirements of any tree replacement or  
3 planting ordinance promulgated under this section: dedicated school sites, playing fields and  
4 other nonwooded recreation areas, and other facilities and uses of a similar nature; ~~for the~~  
5 ~~preservation of wetlands; or otherwise when the strict application of the requirements would~~  
6 ~~result in unnecessary or unreasonable hardship to the developer.~~

7 For purposes of this section, ~~the following definitions shall apply:~~

8 "Free tree canopy" or "tree cover" ~~shall include~~ includes all areas of coverage by plant  
9 material exceeding five feet in height, and the extent of canopy at maturity shall be based on  
10 published reference texts generally accepted by landscape architects, nurserymen, and arborists  
11 in the community, and the texts shall be specified in the ordinance.

12 The ordinance may designate or provide a system for rating the desirability for planting  
13 of various tree species. All trees to be planted shall meet the specifications of the American  
14 Association of Nurserymen. The planting of trees shall be done in accordance with either the  
15 standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association,  
16 the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society  
17 of Landscape Architects, or the road and bridge specifications of the Virginia Department of  
18 Transportation.

19 Existing trees which are to be preserved may be included to meet all or part of the canopy  
20 requirements, and may include wooded preserves, if the site plan identifies such trees and the  
21 trees meet standards of desirability and life-year expectancy which the locality may establish.

22 C. Penalties for violations of ordinances adopted pursuant to this section shall be the  
23 same as those applicable to violations of zoning ordinances of the ~~county, city or town~~ locality.

24 D. In no event shall any local tree replacement or planting ordinance adopted pursuant to  
25 this section exceed the requirements set forth herein.

26 E. Nothing in this section shall be construed to invalidate any ~~county, city, or town~~ local  
27 ordinance adopted pursuant to the provisions of this section prior to July 1, 1990, which imposes  
28 standards for tree replacement or planting during the development process.

29 **Drafting note: No substantive change in the law.**

30



1           § ~~15.1-11.7~~ 15.2-962. Authority to require a unified geographic information system for a  
2 locality.

3           ~~The governing body of any county, city or town~~ Any locality may ~~require~~ by ordinance  
4 require that any or all of its agencies, departments, authorities, committees, instrumentalities, or  
5 political subdivisions participate in one or more unified or centralized systems for geographic  
6 information, mapping, surveying, or land information. ~~Such governing body in the~~ The  
7 ordinance may establish such conditions as may be necessary to develop, maintain, and operate  
8 any such system ~~or systems~~ for geographic information, mapping, surveying, or land  
9 information. ~~Such governing body may also fund any such system or systems.~~

10           **Drafting note: No substantive change in the law. The last sentence is not needed.**

11  
12           § ~~15.1-23.2~~ 15.2-963. Local offices of consumer affairs; establishment; powers and  
13 duties.

14           ~~The governing body of any~~ Any county or city may, by ordinance, establish a local office  
15 of consumer affairs which shall have only such powers as may be necessary to perform the  
16 following duties:

17           ~~(a)~~ 1. To serve as a central coordinating agency and clearinghouse for receiving and  
18 investigating complaints from citizens of the county or city of illegal, fraudulent, deceptive or  
19 dangerous practices, and referring such complaints to the local departments or agencies charged  
20 with enforcement of consumer laws. The processing of complaints involving statutes or  
21 regulations administered by state agencies shall be coordinated, where applicable, with the  
22 Department of Agriculture and Consumer Services;

23           ~~(b)~~ 2. To attempt to resolve complaints received pursuant to subdivision ~~(a)~~ 1 hereof by  
24 means of voluntary mediation or arbitration which may involve the creation of written  
25 agreements to resolve individual complaints between complainants and respondents to  
26 complaints;

27           ~~(c)~~ 3. To develop programs of community consumer education and information; and

28           ~~(d)~~ 4. To maintain records of consumer complaints and their eventual disposition,  
29 provided that records disclosing that business interests of any person, trade secrets, or the names  
30 of customers shall be held confidential except to the extent that disclosures of such matters may  
31 be necessary for the enforcement of laws. A copy of all periodic reports compiled by any local

1 office of consumer affairs shall be filed with the Department of Agriculture and Consumer  
2 Services.

3 **Drafting note: No substantive change in the law; applies to cities and counties only.**

4  
5 ~~§ 15.1-23.3. Same; expenses.~~

6 ~~The governing body of any county or city may, by ordinance, provide for payment of~~  
7 ~~whatever expenses it deems necessary to enable the local office of consumer affairs to carry out~~  
8 ~~the duties assigned in § 15.1-23.2.~~

9 **Drafting note: Repealed; this section is not needed.**

10

11 § ~~45.1-36.2~~ 15.2-964. Organization of local human services activities; authorization of  
12 reorganization by Governor.

13 A. ~~The governing body of any~~ Any city or county may prepare and submit to the  
14 Governor a plan to reorganize the governmental structures or administrative procedures and  
15 systems of human resources agencies should provisions of law or the rules, regulations and  
16 standards of any state agency prohibit or restrict the implementation of such a reorganization.  
17 The plan shall set forth the proposed reorganization and the provisions of law or the rules,  
18 regulations or standards that prohibit or restrict the implementation of such proposed  
19 reorganization.

20 B. ~~As soon as practicable after July 1, 1978, the~~ The Governor shall prepare, and provide  
21 to those counties and cities which request them, guidelines for the preparation and submission to  
22 him of reorganization plans by a city or county. The Governor may consider only those  
23 reorganization plans adopted by resolution of the governing body of the city or county applying  
24 for approval to reorganize its human services agencies.

25 C. The several state boards and commissions which are empowered to promulgate rules,  
26 regulations and guidelines affecting the organization or administration of local human service  
27 agencies are hereby authorized to modify their respective rules, regulations and guidelines at the  
28 direction of the Governor in furtherance of any reorganization plan approved by him.

29 D. If a provision or provisions of law prohibit or restrict the implementation of all or part  
30 of such reorganization plan the Governor shall transmit such plan or such parts of such plan  
31 affected by such laws to each House of the General Assembly at least forty-five days prior to the

1 commencement of a regular or special session of the General Assembly. Such plan or portions of  
2 such plan so transmitted by the Governor under this section shall not become effective unless it  
3 is introduced by bill and enacted into law.

4 E. The plan or such portions of the plan transmitted by the Governor to the General  
5 Assembly shall set forth: (i) the provision or provisions of law that prohibit or restrict the  
6 implementation of such plan or parts of such plan; (ii) the changes in governmental structure or  
7 administrative procedure system of the human resources agencies affected; and (iii) the  
8 anticipated effects of such changes upon the efficiency and effectiveness of the agencies  
9 affected.

10 F. Any reorganization authorized under the provision of this section shall be  
11 implemented within appropriations or other funds which may be made available to the city or  
12 county requesting such reorganization approval.

13 G. Nothing in this section shall be interpreted to permit a city or county to eliminate the  
14 provision of any service required by law or to reduce the level of service below any level  
15 required by law.

16 H. The localities shall be required to maintain financial and statistical records in  
17 accordance with the guidelines issued by the Governor so as to allow responsible state agencies  
18 to review records and determine costs for programs for which the ~~said~~ agency is responsible.

19 I. For the purposes of this section the term "human resource agencies" means agencies  
20 which deliver social, employment, health, mental health and mental retardation, rehabilitation,  
21 nursing, information and referral service, and such other related services.

22 **Drafting note: No substantive change in the law; applies to cities and counties only.**

23  
24 § ~~15.1-37.3:8~~ 15.2-965. Human rights ordinances and commissions.

25 A. ~~The governing body of any city, town, or county~~ Any locality may enact an  
26 ordinance, not inconsistent with nor more stringent than any applicable state law, prohibiting  
27 discrimination in housing, employment, public accommodations, credit, and education on the  
28 basis of race, color, religion, sex, national origin, age, marital status, or disability.

29 B. The ~~governing body~~ locality may enact an ordinance establishing a local commission  
30 on human rights which shall have the powers and duties granted by the Virginia Human Rights  
31 Act (§ 2.1-714 et seq.).

1           **Drafting note: No substantive change in the law.**

2  
3           § ~~15.1-23~~ 15.2-966. Establishment and operation of educational television stations.

4           ~~The governing body of any county, city or town, or the governing bodies of any counties,~~  
5 ~~cities and towns jointly, Any locality~~ may provide for the establishment, ownership, maintenance  
6 and operation of educational television stations within or ~~without~~ outside the ~~county, city or town~~  
7 ~~or counties, cities and towns~~ locality. The operation of any such station ~~which may be~~  
8 ~~established~~ shall be under the ~~directions~~ direction of the school board of the ~~county, city or town~~  
9 locality establishing such the station; ~~or if the same be established jointly, by members of the~~  
10 ~~school boards of the respective counties, cities or towns as the governing bodies thereof may~~  
11 ~~agree.~~

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

15           **Drafting note: No substantive change in the law; unnecessary language is deleted.**

16  
17           § ~~15.1-23.1~~ 15.2-967. Licensing, etc., and regulation of cable television systems.

18           A. The words "cable television system" as used in this section shall mean any facility  
19 consisting of a set of closed transmission paths and associated signal generation, reception and  
20 control equipment that is designed to provide cable service which includes video programming  
21 and which is provided to multiple subscribers within a community, except that such definition  
22 shall not include (i) a system that serves fewer than twenty subscribers, (ii) a facility that serves  
23 only to retransmit the television signals of one or more television broadcast stations, (iii) a  
24 facility that serves only subscribers in one or more multiple unit dwellings under common  
25 ownership, control, or management, unless such facility or facilities use any public right-of-way,  
26 (iv) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title  
27 II of the Communications Act of 1934, 47 U.S.C. § 201 et seq., except that such facility shall be  
28 considered a cable system to the extent such facility is used in the transmission of video  
29 programming directly to subscribers, (v) any facilities of any electric utility used solely for  
30 operating its electric systems, or (vi) any portion of a system that serves fewer than fifty

1 subscribers in any ~~county, city or town~~ locality, where such portion is a part of a larger system  
2 franchised in an adjacent ~~jurisdiction~~ locality.

3 The words "cable service" as used in this section ~~shall~~ mean the one-way transmission to  
4 subscribers of (i) video programming, or (ii) other programming service, and subscriber  
5 interaction, if any, which is required for the selection of such video programming or other  
6 programming service.

7 B. ~~The governing body of any county, city or town~~ A locality may grant a license or  
8 franchise, or issue a certificate of public convenience and necessity to no more than one cable  
9 television system, and impose a fee thereon. ~~The~~ However, a governing body shall have the  
10 authority to award additional licenses, franchises or certificates of public convenience as it  
11 deems appropriate, if such governing body finds that the public welfare will be enhanced by such  
12 awards after a public hearing at which testimony is heard concerning the economic  
13 consideration, the impact on private property rights, the impact on public convenience, the public  
14 need and potential benefit, and such other factors as are relevant.

15 C. No such governing body shall grant any overlapping licenses, franchise or certificates  
16 of public convenience for cable service within its jurisdiction on terms or conditions more  
17 favorable or less burdensome than those in any existing license, franchise or certificate of public  
18 convenience within such ~~county, city or town~~ locality. The prohibitions of the foregoing sentence  
19 shall not apply when the area in which the overlapping license, franchise or certificate of public  
20 convenience is being sought is not actually being served by any existing cable service provider  
21 holding a license, franchise or certificate of public convenience for such area. As used in this  
22 paragraph, the term "actually being served" means that cable service is actually available to  
23 subscribers to such extent that the only act remaining in order to provide cable service is the  
24 physical connection to the individual subscriber location as of fifteen days prior to any  
25 subsequent application for a franchise.

26 D. The governing body may regulate such systems, including the establishment of fees  
27 and rates, the assignment of channels for public use, the operation of such channels assigned for  
28 public use, and the placement of restrictions or conditions on the scope of the business activities  
29 engaged in by such systems with regard to the sale, lease, rental or repair of television receivers  
30 or repair of video cassette and disc recorders and players, or provide for such regulation and  
31 operation by such agents as the governing body may direct. In exercising the powers granted in

1 this section, the governing body shall conform to minimum standards with respect to the  
2 licensing, franchising or the granting of certificates of convenience and necessity for cable  
3 television systems and to the use of channels set aside for general and educational use which  
4 shall be adopted by the Virginia Public Telecommunications Board, such minimum standards  
5 being for the purpose of assuring the capability of developing a statewide general educational  
6 telecommunications network or networks. The owner or operator of any cable television system  
7 shall not be required to pay the cost of interconnecting such cable television systems between  
8 ~~political subdivisions~~ localities.

9 E. The grant of authority by this section to ~~counties, cities and towns~~ localities to  
10 regulate cable television systems, including regulations that displace or limit competition by or  
11 among persons owning or operating such systems, has been and continues to be based on the  
12 policy of the Commonwealth to provide for the adequate, economical, and efficient delivery of  
13 such systems to the consuming public, to protect the public from excessive prices and unfair  
14 competition, and to prevent the owners and operators of such systems from obtaining an unfair  
15 competitive advantage by reason of the license, franchise or certificate of convenience over  
16 businesses that sell, lease, rent or repair television receivers or repair video cassette and disc  
17 recorders and players. No ~~county, city or town~~ locality may regulate cable television systems by  
18 regulations inconsistent with either laws of the Commonwealth or federal law relating to cable  
19 television operations.

20 F. ~~Counties, cities and towns~~ Localities may by ordinance ~~may~~ exercise all the regulatory  
21 powers over cable television systems granted by the Cable Television Consumer Protection and  
22 Competition Act of 1992 (P.L. 102-385, 1992). These regulatory powers shall include the  
23 authority (i) to enforce customer service standards in accordance with the Act, (ii) to enforce  
24 more stringent standards as agreed upon by the cable television system operator through the  
25 terms of the franchise, and (iii) to regulate the rates for basic cable service in accordance with the  
26 Act.

27 **Drafting note: No substantive change in the law.**

28  
29 § ~~15.1-14~~ 15.2-968. ~~Streets, parking~~ Parking facilities, ~~public grounds and buildings;~~  
30 ~~markets; nuisances; powder and combustibles; cemeteries.~~

31 ~~Every city and town~~ Any locality may:-

1           ~~(1) Lay off streets, walks or alleys, alter, improve and light the same and have them kept~~  
2 ~~in good order;-~~

3           ~~(2) Provide provide off-street automobile parking facilities and open ~~the same~~ them to the~~  
4 ~~public, with or without charge, and when any ~~city or town~~ locality constructs or has constructed~~  
5 ~~any such facility, it may lease space therein for private commercial purposes which are necessary~~  
6 ~~for sound fiscal management of the parking facility or which space is not suitable for parking;-~~

7           ~~(3) Lay off public grounds and provide all buildings proper for the city or town, including~~  
8 ~~a prison house and workhouse, and employ managers, physicians, nurses and servants for the~~  
9 ~~same and prescribe regulations for their government and discipline and for persons therein;-~~

10          ~~(4) Prescribe the time for holding markets and regulate the same;-~~

11          ~~(5) Prevent injury or annoyance from anything dangerous, offensive or unhealthy and~~  
12 ~~cause any nuisance to be abated;-~~

13          ~~(6) Regulate the keeping of gunpowder or other combustibles and provide magazines for~~  
14 ~~the same;-~~

15          ~~(7) Provide places for the interment of the dead in or near the city or town;-~~

16          ~~(8) Regulate the transportation of hay, coal, gasoline, explosives, or other articles through~~  
17 ~~the streets of the city or town; and-~~

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

29           **Drafting note: Provision (2) is retained and expanded to include counties.**  
30 **Provision (8) is relocated to § 15.2-2029. Provision (9) is relocated to § 15.2-2013. The rest**  
31 **of the provisions of this section are outdated or overlap existing authority.**

1  
2 § 15.1-15. Buildings, parks, playgrounds, boulevards, etc.

3 ~~The governing body of every city and town may:-~~

4 ~~1. Promulgate regulations concerning the building of houses in the city or town to include~~  
5 ~~the adoption of off street parking requirements, minimum setbacks and side yards, and the~~  
6 ~~establishment of minimum lot sizes;-~~

7 ~~2. In their discretion, establish and maintain parks, playgrounds and boulevards;-~~

8 ~~3. Cause the same to be laid out, equipped or beautified;-~~

9 ~~4. Promulgate regulations for the purpose of guarding against danger from accidents by~~  
10 ~~fire; and-~~

11 ~~5. On the petition of the owners of not less than two thirds of the ground included in any~~  
12 ~~square, prohibit the erection in such square of any building, or any addition to any building more~~  
13 ~~than ten feet high, unless its outer walls are made of brick and mortar, or stone and mortar, and~~  
14 ~~provide for the removal of any building or addition erected contrary to such prohibition.-~~

15 **Drafting note: Repealed; the substance of provision 1 is relocated to § 15.2-2279 (§**  
16 **15.1-29.2). The remainder of the provisions are outdated or overlap existing authority.**

17  
18 § ~~15.1-516~~ 15.2-969. Regulation of parking of vehicles within boundaries of state-  
19 supported institutions.

20 ~~Every~~ Any county or city may, upon request of the governing body of any state-  
21 supported institution lying wholly or partially within the county or city, regulate the parking of  
22 motor vehicles and all other vehicles on the roads, streets, alleys, grounds and other areas within  
23 such portions of the boundaries of such institution as lie within the county or city.

24 Any city adopting an ordinance pursuant to this section may provide in ~~such~~ the  
25 ordinance that regulations made pursuant to this section shall be enforced by persons appointed  
26 under ~~the provisions of~~ § 19.2-13. No penalty for the violation of any such ordinance ~~carrying~~  
27 ~~into effect the powers hereby granted~~ shall exceed a fine of twenty dollars. Any request from the  
28 governing body of any such institution to the governing body of the county or city shall be in  
29 writing and signed by the presiding officers of the institution's governing body ~~of such~~  
30 ~~institution~~ and shall be accompanied by a certified copy of a resolution of such governing body  
31 authorizing ~~such~~ the request to be made.



1           The ~~county circuit court of the~~ for any county or the municipal court of the city wherein  
2 any which has adopted an ordinance ~~is in effect under the authority of~~ pursuant to this section  
3 shall have jurisdiction to try cases arising ~~thereunder~~ under such ordinance to the same extent as  
4 criminal cases arising in the county or city. ~~All fines paid in such cases shall be disposed of by~~  
5 ~~the court as prescribed by § 14.1-44.~~

6           The provisions of this section shall not ~~be deemed to~~ affect the application of §§ 46.2-  
7 1231 through 46.2-1234.

8           **Drafting note: No substantive change in the law; applies to counties and cities only.**  
9 **Section 14.1-44 has been repealed.**

10  
11           § ~~15.1-29.3~~ 15.2-970. Ordinances prohibiting resale of tickets to certain public events;  
12 penalty.

13           ~~The governing body of any county, city or town~~ Any locality may provide, by ordinance,  
14 that it ~~shall be~~ is unlawful for any person, firm or corporation to resell for profit any ticket for  
15 admission to any sporting event, theatrical production, lecture, motion picture or any other event  
16 open to the public for which tickets are ordinarily sold, except in the case of religious, charitable,  
17 or educational organizations where all or a portion of the admission price reverts to the  
18 sponsoring group and the resale for profit of such ticket is authorized by the sponsor of the event  
19 and the manager or owner of the facility in which the event is being held. Such ordinance may  
20 provide that violators thereof are guilty of a Class 3 misdemeanor.

21           **Drafting note: No substantive change in the law.**

22  
23           § ~~15.1-31~~ 15.2-971. Construction of dams, levees, seawalls, etc.; certain proceedings  
24 prohibited.

25           ~~(a) A. Any county, city or town~~ locality may construct a dam, levee, seawall or other  
26 structure or device, or perform dredging operations hereinafter referred to as "works," the  
27 purpose of which is to prevent the tidal erosion, flooding or inundation of such ~~county, city or~~  
28 ~~town~~ locality, or part thereof. The design, construction, performance, maintenance and operation  
29 of any of such works is hereby declared to be a proper governmental function for a public  
30 purpose.

1           (b) ~~B. The General Assembly hereby withdraws the right of any~~ No person, firm,  
2 ~~corporation, association or political subdivision to shall bring, and prohibits the bringing of,~~ any  
3 action at law or suit in equity against any ~~county, city or town~~ locality because of, or arising out  
4 of, the design, maintenance, performance, operation or existence of such works but nothing  
5 herein shall prevent any such action or suit based upon a written contract, ~~but this.~~ This  
6 provision shall not be construed to authorize the taking of private property without just  
7 compensation therefor and provided further that the tidal erosion, flooding or inundation of any  
8 lands of any other person by the construction of a dam or levee to impound or control fresh water  
9 shall be a taking of such land within the meaning of the foregoing provision.

10           **Drafting note: No substantive change in the law.**

11  
12           ~~§ 15.1-880~~ 15.2-972. Armories and markets; assistance to National Guard.

13           ~~A. A municipal corporation~~ locality may provide and operate armories and markets, or  
14 may contract with others for supplying such facilities.

15           ~~§ 15.1-268. Providing for armories; assistance to National Guard.~~

16           ~~The governing body of any county~~ B. Any locality may appropriate out of the general  
17 levy, except the school fund, and expend annually such sums of money as their judgment may  
18 warrant to aid and assist in the erection and maintenance of suitable armories for companies of  
19 the Virginia National Guard, or otherwise contribute towards the assistance and maintenance of  
20 such companies ~~as may have their company stations and existence within the county limits, or~~  
21 ~~within any incorporated town or city of the second class located within the geographical limits of~~  
22 ~~the county.~~

23           **Drafting note: No substantive change in the law; §§ 15.1-880 and 15.1-268 are**  
24 **combined and made applicable to all localities.**

25  
26           ~~§ 15.1-511~~ 15.2-973. Appropriations for the upkeep of certain cemeteries.

27           Any ~~county~~ locality may make appropriations in such sums and at such times as ~~to~~ the  
28 governing body of the ~~county may seem~~ locality deems proper, for the care and upkeep of any  
29 cemetery ~~or cemeteries~~ in the county ~~wherein~~ locality in which free burial space is provided.

30           **Drafting note: Expanded to include cities and towns.**

1           § ~~15.1-27.1~~ 15.2-974. Ordinances imposing license taxes on owners of certain motor  
2 vehicles.

3           ~~The governing body of any county, city or town in this Commonwealth~~ Any locality may  
4 adopt an ordinance imposing a license tax, in an amount not exceeding \$100 annually, upon the  
5 owners of motor vehicles which do not display current license plates and which are not exempted  
6 from the requirements of displaying such license plates under the provisions of Article 6 (§ 46.2-  
7 662 et seq.) of Chapter 6 of Title 46.2, § 46.2-1554 and § 46.2-1555, are not in a public dump, in  
8 an "automobile graveyard" as defined in § 33.1-348 or in the possession of a licensed junk dealer  
9 or licensed motor vehicle dealer. Such ordinance shall exempt from such tax any vehicles which  
10 are stored on private property for a period not in excess of sixty days, for the purpose of  
11 removing parts for the repair of another vehicle. Nothing in this section shall be applicable to any  
12 vehicle being held or stored by or at the direction of any governmental authority, to any vehicle  
13 owned by a member of the armed forces on active duty or to any vehicle regularly stored within  
14 a structure.

15           **Drafting note: No substantive change in the law.**

16  
17           § ~~15.1-27~~. ~~Donations to Stonewall Jackson Memorial.~~

18           ~~The governing body of any county, city or town may appropriate funds not in excess of~~  
19 ~~one thousand dollars to Stonewall Jackson Memorial, Incorporated, for aid in the purchase and~~  
20 ~~restoration of the Stonewall Jackson home in Lexington, Virginia, as a perpetual shrine to his~~  
21 ~~memory. Any such appropriation may be paid out of the general fund of such county, city or~~  
22 ~~town.~~

23           **Drafting note: Repealed; the authority granted by the section is duplicated by the**  
24 **general authority found in proposed § 15.2-954 (§ 15.1-25).**

25  
26           § ~~15.1-28.5:1~~. ~~Authority of local government concerning animal laws.~~

27           ~~The powers and duties of local governing bodies relating to the control and protection of~~  
28 ~~animals, and the administration and enforcement of local animal laws are contained in Chapter~~  
29 ~~27.4 (§ 3.1-796.66 et seq.) of Title 3.1 and referred to as the Comprehensive Animal Laws.~~

30           **Drafting note: Repealed; this section is unnecessary.**

31

1           ~~§ 15.1-28.5. Requiring rabies inoculation for cats.~~

2           ~~Every county, city and town by ordinance may require that all domestic cats be~~  
3 ~~inoculated against rabies by a currently licensed veterinarian or by an animal technician certified~~  
4 ~~pursuant to § 54.1-3806.~~

5           **Drafting note: Repealed; all cats must be inoculated for rabies under § 3.1-796.97:1.**

6  
7           ~~§ 15.1-29.1:1. Ordinances prohibiting cruelty to animals.~~

8           ~~The governing body of any county, city or town may provide by ordinance that it shall be~~  
9 ~~unlawful to be cruel to animals as set forth in § 3.1-796.122 and may provide penalties for the~~  
10 ~~violation of such ordinance.~~

11           **Drafting note: The substance of this section is relocated to § 3.1-796.94 by adding a**  
12 **citation to § 3.1-796.122 in the first and third paragraphs. See appendix B.**

13  
14           ~~§ 15.1-517.1. Regulation of sale of animals procured from animal shelters.~~

15           ~~Any city, county or town which supports, in whole or in part, an animal shelter may by~~  
16 ~~ordinance provide that no person who acquires an animal from such shelter shall be able to sell~~  
17 ~~such animal within a period of six months from the time the animal is acquired from the shelter.~~  
18 ~~Violation of such an ordinance shall constitute a misdemeanor.~~

19           **Drafting note: Relocated to § 3.1-796.94:2. See appendix B.**

20

1 **PROPOSED**  
2 **CHAPTER ~~18~~ 11.**  
3 **POWERS OF CITIES AND TOWNS.**  
4

5 **Chapter drafting note: Article 1 is made up of what is referred to as the “uniform**  
6 **charter powers.” Many of these sections have been relocated to other chapters as noted in**  
7 **the drafting notes. The powers of the remaining sections in Article 1 are automatically**  
8 **conferred on cities and towns (this is a substantive change) and are available to chartered**  
9 **counties only if specifically conferred on the county (See § 15.2-204). Article 2 contains**  
10 **other powers of cities and towns.**

11  
12 **Article 1.**  
13 **~~General Powers~~ Uniform Charter Powers.**  
14

15 ~~§ 15.1-837. "Municipal corporation" construed and applied; chapter supplemental to~~  
16 ~~charters.~~

17 ~~The words "municipal corporation" as used in this chapter shall be construed to include~~  
18 ~~cities of the first class and cities of the second class and incorporated towns whether organized~~  
19 ~~by act of the General Assembly or by order of a court, or under the provisions of §§ 15.1-1130.1~~  
20 ~~through 15.1-1149, both inclusive, of the Code of Virginia, or §§ 15.1-1150 through 15.1-1228,~~  
21 ~~both inclusive, of the Code of Virginia, and any county which has been granted a charter~~  
22 ~~pursuant to the provisions of this title; and this chapter may be used to supplement or in lieu of~~  
23 ~~the charters referred to in the aforesaid Code sections.~~

24 **Drafting note: Repealed; this section is unnecessary. “Municipal corporation” is**  
25 **defined in Chapter 1. The ability of localities to exercise the powers granted in this article**  
26 **is found in §§ 15.2-204 and 15.2-1100.**  
27

28 ~~§ 15.1-838 15.2-1100. Powers conferred; exercised by council; exercise of powers~~  
29 ~~outside boundaries.~~

30 A municipal corporation shall have and may exercise any or all powers set forth in this  
31 chapter ~~when such powers are specifically conferred upon the municipal corporation article,~~

1 regardless of whether such powers are set out or incorporated by reference in a municipal  
2 charter. All powers vested in a municipal corporation by this chapter shall be exercised by its  
3 ~~council~~ governing body.

4 **Drafting note: SUBSTANTIVE CHANGE; the powers of this chapter are**  
5 **automatically conferred on cities and towns without a specific authorization in the city or**  
6 **town charter. Chartered counties continue to have only those powers specifically conferred**  
7 **upon them as stated in § 15.2-204. The second paragraph is relocated to the following**  
8 **section.**

9  
10 § 15.2-1101. Exercise of powers outside boundaries.

11 ~~When any or all of the powers set forth in this chapter have been conferred upon a~~  
12 ~~municipal corporation, and the~~ If a municipal corporation seeks to exercise such the powers set  
13 forth in this article outside its boundaries, such powers shall, except as to existing  
14 nonconforming use, be subject to the zoning regulations of the ~~political subdivision~~ locality in  
15 which the power is sought to be exercised, provided that, except as to existing nonconforming  
16 uses, such ~~political subdivision~~ locality also observes the zoning regulations of the municipality  
17 as to any of such ~~political subdivision's~~ locality's property located within the corporate limits.

18 **Drafting note: No substantive change in the law; this is relocated from the second**  
19 **paragraph of § 15.1-838 (§ 15.2-1100).**

20  
21 ~~§ 15.1-839~~ 15.2-1102. General grant of power; enumeration of powers not exclusive;  
22 limitations on exercise of power.

23 A municipal corporation shall have and may exercise all powers which it now has or  
24 which may hereafter be conferred upon or delegated to it under the Constitution and laws of the  
25 Commonwealth and all other powers pertinent to the conduct of the affairs and functions of the  
26 municipal government, the exercise of which is not expressly prohibited by the Constitution and  
27 the general laws of the Commonwealth, and which are necessary or desirable to secure and  
28 promote the general welfare of the inhabitants of the municipality and the safety, health, peace,  
29 good order, comfort, convenience, morals, trade, commerce and industry of the municipality and  
30 the inhabitants thereof, and the enumeration of specific powers shall not be construed or held to  
31 be exclusive or as a limitation upon any general grant of power, but shall be construed and held

1 to be in addition to any general grant of power. The exercise of the powers conferred under this  
2 section is specifically limited to the area within the corporate limits of the municipality, unless  
3 otherwise conferred in the applicable sections of the Constitution and general laws, as amended,  
4 of the Commonwealth.

5 **Drafting note: No change.**

6  
7 § ~~15.1-840~~ 15.2-1103. Charter provisions not affected; conflict between chapter and  
8 charter.

9 A municipal corporation, in addition to the powers granted by § ~~15.1-839~~ 15.2-1102,  
10 shall have all the powers granted to it in its charter; and nothing contained in this ~~chapter~~ article  
11 shall be construed to in anywise repeal, amend, impair or affect any provision of any existing  
12 charter or of any charter hereafter granted to a municipal corporation or any provision of any  
13 other applicable law, unless such amendment or repeal so provides. Whenever there appears to  
14 be a conflict between any provision of this ~~chapter~~ article, or any amendment hereof, and that of  
15 any charter of a municipal corporation, the provisions of the charter shall be construed and held  
16 to take precedence over such conflicting or apparently conflicting provisions of this ~~chapter~~  
17 article or of any amendment hereof.

18 **Drafting note: No substantive change in the law.**

19  
20 ~~Article 2.~~

21 ~~Financial Powers of Municipalities and Control and Management of Municipal Affairs~~  
22 ~~and Property.~~

23  
24 § ~~15.1-841~~ 15.2-1104. Taxes and assessments.

25 A municipal corporation may raise annually by taxes and assessments on property,  
26 persons and other subjects of taxation, which are not prohibited by law, such sums of money as  
27 in the judgment of the municipal corporation are necessary to pay the debts, defray the expenses,  
28 accomplish the purposes and perform the functions of the municipal corporation, in such manner  
29 as the municipal corporation deems necessary or expedient.

30 **Drafting note: No change.**

1           ~~§ 15.1-842. Appropriations.~~

2           ~~A municipal corporation may make appropriations for the purposes for which it is~~  
3 ~~empowered to levy taxes and make assessments, for the support of the municipal government,~~  
4 ~~for the performance of its functions, and the accomplishment of all other lawful purposes and~~  
5 ~~objectives, subject to such limitations as may be imposed by law.~~

6           **Drafting note: Relocated to § 15.2-950.**

7  
8           ~~§ 15.1-843~~ 15.2-1105. Borrowing money and issuing evidence of indebtedness.

9           A municipal corporation may, in the name of and for the use of the municipal  
10 corporation, borrow money and issue evidence of indebtedness therefor, subject to such  
11 limitations as may be imposed by law.

12           **Drafting note: No change.**

13  
14           ~~§ 15.1-844~~ 15.2-1106. Control and management of affairs; books, records, accounts, etc.,  
15 of agencies.

16           A municipal corporation shall provide for the control and management of the affairs of  
17 the municipality, and may prescribe and require the adoption and keeping of such books, records,  
18 accounts and systems of accounting by the departments, boards, commissions, courts or other  
19 agencies of the local government as may be necessary to give full and true accounts of the  
20 affairs, resources and revenues of the municipal corporation and the handling, use and disposal  
21 thereof.

22           **Drafting note: No change.**

23  
24           ~~§ 15.1-845~~ 15.2-1107. Departments, offices, boards, etc.

25           A municipal corporation may provide for the organization, conduct and operation of all  
26 departments, offices, boards, commissions and agencies of the municipal corporation, subject to  
27 such limitations as may be imposed by its charter or otherwise by law. A municipal corporation  
28 may establish, consolidate, abolish or change departments, offices, boards, commissions and  
29 agencies of the municipal corporation and prescribe the powers, duties and functions thereof,  
30 except where such departments, offices, boards, commissions and agencies or the powers, duties  
31 and functions thereof are specifically established or prescribed by its charter or otherwise by law.



1           **Drafting note: No change.**

2  
3           ~~§ 15.1-846. Buildings and structures.~~

4           ~~A municipal corporation may construct, maintain and equip all buildings and other~~  
5 ~~structures necessary or useful in executing its powers and duties, the performance of its functions~~  
6 ~~and accomplishment of its purposes and objectives.~~

7           **Drafting note: Repealed; the substance of this section is found in § 15.2-1800.**

8  
9           ~~§ 15.1-847. Use, management and disposal of property.~~

10          ~~A municipal corporation may control and regulate the use and management of all of its~~  
11 ~~property, real and personal, within and without the municipal corporation; and may sell, lease,~~  
12 ~~mortgage, pledge or dispose of such property, which includes the superjacent airspace (except~~  
13 ~~airspace provided for in § 15.1-376.1) which may be subdivided and conveyed or leased separate~~  
14 ~~from the subjacent land surface, subject to such limitations as may be imposed by the~~  
15 ~~Constitution of Virginia or general law.~~

16          **Drafting note: Repealed; the substance of this section is found in § 15.2-1800;**  
17 **personal property is dealt with in proposed Chapter 9.**

18  
19          ~~§ 15.1-848~~ 15.2-1108. Gifts, donations, bequests or grants.

20          A municipal corporation may accept or refuse gifts, donations, bequests or grants from  
21 any source, which are related to the powers, duties and functions of the municipal corporation.

22          **Drafting note: No change.**

23  
24          ~~§ 15.1-849. Retirement systems.~~

25          ~~A municipal corporation may establish a system for the retirement of injured, or~~  
26 ~~superannuated municipal officers and employees; the members of the local police and fire~~  
27 ~~departments; the public school teachers and other employees of the local school board; and the~~  
28 ~~judges, clerks, deputy clerks, bailiffs and other employees of the local municipal courts; or any~~  
29 ~~of them; and may establish a fund or funds for the payment of retirement allowances by making~~  
30 ~~appropriations out of the municipal treasury, by levying a special tax for the benefit of such fund~~  
31 ~~or funds, by requiring contributions payable from time to time from such officers, employees,~~

1 members of police and fire departments, teachers, judges, clerks, deputy clerks and bailiffs, or by  
2 any combination of such methods, or by any other method not prohibited by law; provided that  
3 the total annual payments into such fund or funds shall be sufficient on sound actuarial principles  
4 for the payment of such retirement allowances therefrom. The benefits accrued or accruing to  
5 any person under such system shall not be subject to execution, levy, attachment, garnishment or  
6 any other process whatsoever nor shall any assignment of such benefits be enforceable in any  
7 court.

8 **Drafting note: Relocated to § 15.2-1510.**

9  
10 **Article 3.**

11 **Assessments for Municipal Improvements.**

12  
13 **§ 15.1-850. Imposition and apportionment of assessments; delegation of authority.**

14 A municipal corporation may impose on abutting landowners the assessments for local  
15 improvements provided for in Article 2 (§ 15.1-239 et seq.) of Chapter 7 of this title, subject to  
16 the limitations prescribed by Article X, Section 3 of the Constitution of Virginia; and all of the  
17 provisions of said article with respect to the imposition and apportionment of such assessments,  
18 notices, objections, appeals, and liens and judgments with respect thereto and the enforcement  
19 thereof, and docketing of instruments and documents, pertaining to such assessments shall be  
20 applicable thereto. A municipal corporation may delegate to its chief executive or administrative  
21 or other appropriate officer the authority to perform the powers, duties and functions of the  
22 council, committee, officer or board conferred and imposed by the provisions of said Article 2 of  
23 Chapter 7 of this title.

24 **Drafting note: Repealed; the substance of this section is found in Article 2 of**  
25 **Chapter 24.**

26  
27 **§ 15.1-851. Acquisition of rights of abutting owners in sewers, culverts or drains.**

28 A municipal corporation may acquire in any manner authorized by this chapter or in its  
29 charter any interest or right of any abutting landowner in or to any sewer, culvert or drain or in or  
30 to the use thereof.

1 **Drafting note: Repealed; the substance of this section is found in Chapters 18 and**  
2 **19.**

3  
4 **Article 4.**

5 ~~Powers to Secure and Promote Health, Safety, Welfare, Comfort, Convenience, Trade,~~  
6 ~~Commerce and Industry.~~

7  
8 ~~§ 15.1-852. Purposes for which powers conferred.~~

9 ~~A municipal corporation, in order to secure, preserve and promote health, safety, welfare,~~  
10 ~~comfort, convenience, trade, commerce and industry in the municipality, and among the~~  
11 ~~inhabitants thereof, may exercise the power set forth in this article.~~

12 **Drafting note: Repealed; general police powers are granted in § 15.2-1102 (15.1-**  
13 **839). The article headings within the chapter are being deleted.**

14  
15 ~~§ 15.1-853~~ 15.2-1109. Milk, food and food products.

16 A municipal corporation may regulate and inspect the production, preparation, storage,  
17 distribution and sale of milk and milk products, and other beverages, and food and food products,  
18 and the sanitation of establishments in which the same are produced, prepared, processed,  
19 handled, distributed, sold or offered for sale, and facilities, equipment and vehicles used for such  
20 purposes; provided such regulations are not inconsistent with the provisions of ~~Chapters 17 (§ 3-~~  
21 ~~341 et seq.) and 24 (§ 3-647 et seq.) of Title 3 [Chapters 21 (§ 3.1-420 et seq.) and 30 (§ 3.1-867~~  
22 ~~et seq.) of Title 3.1]; and may condemn, seize and dispose of any adulterated, impure or~~  
23 ~~dangerous milk, milk product, beverage, food or food product, without liability to the owner~~  
24 ~~thereof.~~

25 **Drafting note: No change.**

26  
27 ~~§ 15.1-854. Water supplies.~~

28 ~~A municipal corporation may regulate and inspect public and private water supplies and~~  
29 ~~the production, preparation, transmission and distribution of water, and the sanitation of~~  
30 ~~establishments, systems, facilities and equipment in or by means of which water is produced,~~  
31 ~~prepared, transmitted and distributed; may adopt such regulations as are deemed necessary to~~

1 prevent the pollution of such water supplies; and without liability to the owner thereof may  
2 prevent the transmission or distribution of water when found to be polluted, adulterated, impure  
3 or dangerous.

4 **Drafting note: Relocated to § 15.2-2144.**

5  
6 ~~§ 15.1 855. Sewers, drains and sewerage disposal and treatment facilities.~~

7 ~~A municipal corporation may regulate and inspect public and private sewers, culverts,  
8 drains, sewerage disposal and treatment systems, facilities and equipment; may adopt such  
9 regulations as are deemed necessary to prevent the pollution of public and private water supplies,  
10 and the contraction or spread of infectious, contagious and dangerous diseases through the  
11 discharge, transmission, treatment or disposal of sewage; and without liability to the owner  
12 thereof may prevent the operation of such sewers, culverts, drains, systems, facilities or  
13 equipment when they or any of them contribute or are likely to contribute to the pollution of  
14 public or private water supplies or the contraction or spread of infectious, contagious or  
15 dangerous diseases.~~

16 **Drafting note: Repealed; see Chapter 21 for provisions related to public utilities.**

17  
18 ~~§ 15.1 856. Septic tanks and sewage disposal when sewers not available.~~

19 ~~A municipal corporation may require the installation, maintenance and operation of,  
20 regulate and inspect septic tanks or other means of disposing of sewage when sewers or  
21 sewerage disposal facilities are not available; without liability to the owner thereof may prevent  
22 the maintenance and operation of septic tanks or such other means of disposing of sewage when  
23 they contribute or are likely to contribute to the pollution of public or private water supplies or  
24 the contraction or spread of infectious, contagious and dangerous diseases; and may regulate and  
25 inspect the disposal of human excreta.~~

26 **Drafting note: Relocated to § 15.2-2157.**

27  
28 ~~§ 15.1 857. Garbage and refuse disposal.~~

29 ~~A municipal corporation may collect and dispose of garbage and other refuse; may  
30 regulate and inspect incinerators, dumps and other places and facilities for the disposal of  
31 garbage and other refuse and the manner in which such incinerators, dumps, places and facilities~~

1 are operated or maintained; and without liability to the owner thereof may prevent the use  
2 thereof for such purposes when they contribute or are likely to contribute to the contraction or  
3 spread of infectious, contagious or dangerous diseases.

4 **Drafting note: Relocated to § 15.2-927.**

5  
6 ~~§ 15.1-857.1. Garbage and refuse disposal; fee exemption, etc.~~

7 ~~Persons may be exempted, deferred, or charged a lesser amount by a municipal~~  
8 ~~corporation from paying any charges and fees authorized by this chapter for the collection and~~  
9 ~~disposal of garbage and refuse. Municipal ordinances providing for such exemptions, deferrals~~  
10 ~~or charges of lesser amounts may be conditioned upon only the income criteria as provided by §~~  
11 ~~58.1-3211.~~

12 **Drafting note: Repealed; this authority exists in § 15.2-939 (§ 15.1-11.04).**

13  
14 ~~§ 15.1-858~~ 15.2-1110. Swimming pools, lakes and other waters.

15 A municipal corporation may regulate and inspect the operation, maintenance, and use of  
16 public swimming pools, lakes and other natural or artificial waters and private pools and lakes  
17 operated by clubs and associations; and without liability to the owner thereof, may prevent the  
18 use thereof when such waters are found to be polluted, adulterated, impure or dangerous or  
19 contribute or are likely to contribute to the contraction or spread of infectious, contagious or  
20 dangerous diseases.

21 **Drafting note: No change.**

22  
23 ~~§ 15.1-859. Hospitals, sanatoria, convalescent homes, clinics, etc.~~

24 ~~A municipal corporation may regulate and inspect hospitals, sanatoria, convalescent~~  
25 ~~homes, clinics, and other institutions, homes and facilities for the care, treatment and~~  
26 ~~maintenance of the sick, of children, the aged, insane, destitute or indigent, and without liability~~  
27 ~~to the owner thereof may prevent the use of any premises for such purposes when it is found that~~  
28 ~~the maintenance, operation and use thereof contributes or is likely to contribute to the contraction~~  
29 ~~or spread of infectious, contagious or dangerous diseases, or when the safety of persons housed~~  
30 ~~therein is adversely affected by the manner in which they are maintained and operated.~~

1           **Drafting note: Repealed; the task force and Code Commission believe that the**  
2 **substantive provisions of this section are preempted by state law.**

3  
4           ~~§ 15.1-860~~ 15.2-1111. Regulation of cemeteries ~~Cemeteries~~ and burials.

5           A municipal corporation may regulate and inspect cemeteries and burials therein,  
6 prescribe records to be kept by the owners thereof, and prohibit burials except in public  
7 cemeteries.

8           **Drafting note: No change.**

9  
10          ~~§ 15.1-861. Care, etc., of the sick, of children, the aged, insane, etc.~~

11          ~~A municipal corporation may provide for the care, treatment, support and maintenance of~~  
12 ~~the sick, of children, the aged, insane, destitute and indigent.~~

13           **Drafting note: Repealed; the Code Commission believes that this section is**  
14 **adequately covered by § 15.2-1119 and by the appropriation and charitable contribution**  
15 **provisions of Article 5 of Chapter 9.**

16  
17          ~~§ 15.1-862~~ 15.2-1112. Aid to military units ~~and charitable or benevolent institutions.~~

18          A municipal corporation may grant financial aid to military units organized in the  
19 municipal corporation pursuant to the laws of the Commonwealth, ~~and to charitable or~~  
20 ~~benevolent institutions and corporations, including those established for scientific, literary or~~  
21 ~~musical purposes or the encouragement of agriculture and the mechanical arts, whose functions~~  
22 ~~further the public purposes of the municipal corporation.~~

23           **Drafting note: No substantive change in the law; see Article 5 of proposed Chapter**  
24 **9 for general provisions regarding donations to charitable contributions..**

25  
26          ~~§§ 15.1-863, 15.1-864.~~

27          ~~Repealed by Acts 1983, c. 442.~~

28  
29          ~~§ 15.1-865~~ 15.2-1113. Dangerous, etc., business or employment; transportation of  
30 offensive substances; explosive or inflammable substances; fireworks; ~~compound bows,~~  
31 ~~crossbows; firearms.~~

1 A municipal corporation may regulate or prohibit the conduct of any dangerous,  
2 offensive or unhealthful business, trade or employment; the transportation of any offensive  
3 substance; the manufacture, storage, transportation, possession and use of any explosive or  
4 inflammable substance; and the use and exhibition of fireworks and the discharge of firearms. A  
5 municipal corporation may also require the maintenance of safety devices on storage equipment  
6 for such substances or items.

7 ~~A municipal corporation may prohibit a person from shooting a compound bow or~~  
8 ~~crossbow at or upon the property of another without permission.~~

9 **Drafting note: The substance of the last sentence is contained in § 15.2-916 (15.1-**  
10 **518.2).**

11  
12 § ~~15.1-866~~ 15.2-1114. Auctions; pawnshops; secondhand dealers; peddling; fraud and  
13 deceit in sales; weights and measures.

14 A municipal corporation may regulate the sale of property at auction; may regulate the  
15 conduct of and prescribe the number of pawnshops and dealers in secondhand goods, wares and  
16 merchandise; may regulate or prohibit peddling; may prevent fraud or deceit in the sale of  
17 property; may require weighing, measuring, gauging and inspection of goods, wares and  
18 merchandise offered for sale; and may provide for the sealing of weights and measures and the  
19 inspection and testing thereof.

20 **Drafting note: No change.**

21  
22 § ~~15.1-867~~ 15.2-1115. Abatement or removal of nuisances.

23 A municipal corporation may compel the abatement or removal of all nuisances,  
24 including but not limited to the removal of weeds from private and public property and snow  
25 from sidewalks; the covering or removal of offensive, unwholesome, unsanitary or unhealthy  
26 substances allowed to accumulate in or on any place or premises; the filling in to the street level,  
27 fencing or protection by other means, of the portion of any lot adjacent to a street where the  
28 difference in level between the lot and the street constitutes a danger to life and limb; the raising  
29 or draining of grounds subject to be covered by stagnant water; and the razing or repair of all  
30 unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a  
31 menace to the health and safety of the occupants thereof or the public. If after such reasonable

1 notice as the municipal corporation may prescribe the owner or owners, occupant or occupants of  
2 the property or premises affected by the provisions of this section shall fail to abate or obviate  
3 the condition or nuisance, the municipal corporation may do so and charge and collect the cost  
4 thereof from the owner or owners, occupant or occupants of the property affected in any manner  
5 provided by law for the collection of state or local taxes.

6 **Drafting note: No change; for similar provisions applicable to all localities, see §§**  
7 **15.2-900 and 15.2-901.**

8  
9 ~~§ 15.1-867.1.~~

10 ~~Repealed by Acts 1985, c. 170.~~

11  
12 ~~§ 15.1-867.2.~~

13 ~~Repealed by Acts 1984, c. 216.~~

14  
15 ~~§ 15.1-868~~ 15.2-1116. Smoke; fuel-burning equipment.

16 A municipal corporation may regulate the emission of smoke, the construction,  
17 installation and maintenance of fuel-burning equipment, and the methods of firing and stoking  
18 furnaces and boilers.

19 **Drafting note: No change.**

20  
21 ~~§ 15.1-869~~ 15.2-1117. Light, ventilation, sanitation and use and occupancy of buildings.

22 A municipal corporation may regulate the light, ventilation, sanitation and use and  
23 occupancy of buildings heretofore or hereafter constructed, altered, remodeled or improved, and  
24 the sanitation of premises surrounding the ~~same~~ building.

25 **Drafting note: No substantive change in the law.**

26  
27 ~~§ 15.1-870. Cruelty to animals; running at large and keeping of animals and fowl.~~

28 ~~A municipal corporation may prevent cruelty to and abuse of animals and fowl; and may~~  
29 ~~regulate or prohibit the running at large and the keeping of animals and fowl and provide for the~~  
30 ~~impounding and confiscation of any such animal or fowl found at large or kept in violation of~~  
31 ~~such regulations.~~



1 **Drafting note: Relocated to § 3.1-796.94:1 B. See appendix B.**

2  
3 ~~§ 15.1-871. Use of parks, recreational facilities, public buildings and airports.~~

4 ~~A municipal corporation by ordinance may regulate the use of parks, playgrounds,~~  
5 ~~playfields, recreation facilities, public buildings and facilities, excluding courthouses and court~~  
6 ~~grounds, and airports.~~

7 **Drafting note: Repealed; the substance of this section can be found in §§ 15.2-1800**  
8 **and 15.2-1806.**

9  
10 ~~§ 15.1-872~~ 15.2-1118. Regulating or prohibiting the making of fires.

11 A municipal corporation may regulate or prohibit the making of fires in streets, alleys and  
12 other public places and regulate the making of fires on private property.

13 **Drafting note: No change.**

14  
15 **Article 5.**

16 ~~Powers Relating to Facilities for the Purposes of Municipalities and Performance of Their~~  
17 ~~Functions.~~

18  
19 ~~§ 15.1-873. Purposes for which powers conferred.~~

20 ~~A municipal corporation, in order to secure, preserve and promote health, safety, welfare,~~  
21 ~~comfort, convenience, trade, commerce and industry in the municipality, and among the~~  
22 ~~inhabitants thereof, may exercise the powers and provide and operate the facilities and~~  
23 ~~establishments set forth in this article.~~

24 **Drafting note: Repealed; general police powers are granted in § 15.2-1102 (15.1-**  
25 **839). The article headings within the chapter are being deleted.**

26  
27 ~~§ 15.1-874. Parks and playgrounds.~~

28 ~~A municipal corporation may provide and operate within or without the municipal~~  
29 ~~corporation public parks, parkways, playfields, skateboard facilities, and playgrounds, and lay~~  
30 ~~out, equip, and improve them with all suitable devices, facilities, equipment, buildings, and other~~  
31 ~~structures.~~

1           **Drafting note: Repealed; the substance of this section is found in § 15.2-1806.**

2  
3           ~~§ 15.1-875. Water supplies and facilities.~~

4           ~~A municipal corporation may provide and operate within or without the municipal~~  
5 ~~corporation water supplies and water production, preparation, distribution and transmission~~  
6 ~~systems, facilities and appurtenances for the purpose of furnishing water for the use of the~~  
7 ~~inhabitants of the municipality; may contract with others for such purposes and services; may~~  
8 ~~require the connection of premises with facilities provided for furnishing water; may charge and~~  
9 ~~collect compensation for water thus furnished; and may provide penalties for the unauthorized~~  
10 ~~use thereof.~~

11           ~~No municipal corporation, after July 1, 1976, shall construct, provide or operate without~~  
12 ~~the boundaries of such municipal corporation any water supply system prior to obtaining the~~  
13 ~~consent of the county or municipality in which system is to be located; provided, however, no~~  
14 ~~consent shall be required for the operation of any such water supply system in existence on July~~  
15 ~~1, 1976, or in the process of construction or for which the site has been purchased or for the~~  
16 ~~orderly expansion of such water supply system.~~

17           ~~In any case in which the approval by such political subdivision's governing body is~~  
18 ~~withheld the party seeking such approval may petition for the convening of a special court,~~  
19 ~~pursuant to §§ 15.1-37.1:1 through 15.1-37.1:7.~~

20           **Drafting note: Relocated to § 15.2-2143.**

21  
22           ~~§ 15.1-876. Sewerage disposal services.~~

23           ~~A municipal corporation may provide and operate within or without the municipal~~  
24 ~~corporation sewers, drains, culverts and sewerage transmission, treatment and disposal systems,~~  
25 ~~facilities and appurtenances for the purpose of furnishing sewerage disposal services for the~~  
26 ~~inhabitants of the municipality; may contract with others for supplying such services; may,~~  
27 ~~within the corporate limits of the municipality, require the connection of premises with facilities~~  
28 ~~provided for such purposes; may charge and collect compensation for such services; and provide~~  
29 ~~penalties for the unauthorized use of such facilities.~~

30           **Drafting note: Repealed; the substance of this section is found in § 15.2-2122.**

1           § 15.1-877. Electric energy.

2           ~~A municipal corporation may provide and operate within or without the municipal~~  
3 ~~corporation plants, facilities, and appurtenances for the production, transmission and distribution~~  
4 ~~of electric energy for the use of the municipal corporation and the inhabitants of the~~  
5 ~~municipality; may contract with others for such purposes and services; may charge and collect~~  
6 ~~compensation for electric energy thus furnished; and may provide penalties for the unauthorized~~  
7 ~~use thereof.~~

8           **Drafting note: Repealed; the substance of this section is found in § 15.2-2109.**

9  
10          § 15.1-878. Natural or manufactured gas.

11          ~~A municipal corporation may provide and operate within or without the municipal~~  
12 ~~corporation plants, facilities, equipment and appurtenances for the production, transmission and~~  
13 ~~distribution of natural or manufactured gas for the use of the inhabitants of the municipality; may~~  
14 ~~contract with others for such purposes and services; may charge and collect compensation for gas~~  
15 ~~thus furnished; and may provide penalties for the unauthorized use thereof.~~

16          **Drafting note: Repealed; the substance of this section is found in § 15.2-2109.**

17  
18          ~~§ 15.1-879.~~

19          ~~Repealed by Acts 1991, c. 665.~~

20  
21          § 15.1-880. Armories and markets.

22          ~~A municipal corporation may provide and operate armories and markets, or may contract~~  
23 ~~with others for supplying such facilities.~~

24          **Drafting note: Relocated to § 15.2-972.**

25  
26          ~~§ 15.1-881~~ 15.2-1119. Hospitals, sanatoria, homes, clinics, etc.

27          A municipal corporation may provide and operate, within or ~~without~~ outside the  
28 municipal corporation, hospitals, sanatoria, homes, clinics, institutions and facilities for the care,  
29 treatment and maintenance of the sick, of children, the aged, destitute and indigent; may contract  
30 with others for supplying such services; and may charge and collect compensation for such care,  
31 treatment and maintenance.

1           **Drafting note: No substantive change in the law.**

2  
3           § ~~15.1-882~~ 15.2-1120. Detentive, correctional and penal institutions.

4           A municipal corporation may provide and operate, within or ~~without~~ outside the  
5 municipal corporation, detentive, correctional and penal institutions; or may contract with others  
6 for supplying the services and facilities provided at such institutions.

7           **Drafting note: No substantive change in the law.**

8  
9           § ~~15.1-883~~ 15.2-1121. Cemeteries.

10          A municipal corporation may provide and operate, within or ~~without~~ outside the  
11 municipal corporation, cemeteries; may contract for the perpetual care of lots and burial spaces  
12 therein; and may charge compensation for lots and burial spaces and services in connection with  
13 interments and the maintenance and operation of such cemeteries.

14          **Drafting note: No substantive change in the law.**

15  
16          § ~~15.1-884~~ 15.2-1122. Parking or storage of vehicles.

17          A municipal corporation may provide and operate places for, and limited to, the parking  
18 or storage of vehicles by the public, which shall include but shall not be limited to parking lots,  
19 garages, buildings and other land, structures, equipment and facilities; provide for their  
20 management and operation by an agency of the municipality; contract with others for the  
21 operation and management thereof upon such terms and conditions as shall be prescribed by the  
22 municipal corporation; and charge or authorize the charging of compensation for the parking or  
23 storage of vehicles.

24          **Drafting note: No change. Similar authority for all localities is found in § 15.2-968.**

25  
26          § ~~15.1-885~~ 15.2-1123. Airports and facilities.

27          A municipal corporation may provide and operate within or ~~without~~ outside the  
28 municipal corporation airports and lands, structures, equipment and facilities appurtenant thereto;  
29 provide for their management and operation by an agency of the municipality; contract with  
30 others for the operation and management thereof upon such terms and conditions as shall be

1 prescribed by the municipal corporation; and charge or authorize the charging of compensation  
2 for the use of the airport or any of its appurtenances or facilities.

3 **Drafting note: No substantive change in the law.**

4  
5 ~~§ 15.1-886. Sports facilities.~~

6 ~~A municipal corporation may provide and operate stadia, arenas, swimming pools and  
7 other sports facilities and lands, structures, equipment and facilities appurtenant thereto; provide  
8 for their management and operation by an agency of the municipality; contract with others for  
9 the operation and management thereof upon such terms and conditions as shall be prescribed by  
10 the municipal corporation; and charge or authorize the charging of compensation for the use of  
11 or admission to such stadia, arenas, swimming pools, sports facilities and appurtenances.~~

12 **Drafting note: Relocated to § 15.2-1808.**

13  
14 ~~§ 15.1-887~~ 15.2-1124. Police jurisdiction over lands, buildings and structures; jurisdiction  
15 of offenses; appeals.

16 Lands, buildings or structures ~~used~~ provided and operated by a municipality for any  
17 purpose defined in this article shall be under the police jurisdiction of the municipal corporation  
18 for the enforcement of its regulations respecting the use or occupancy thereof. All regular and  
19 special police officers of the municipal corporation shall have jurisdiction to make arrests on  
20 such land and in such buildings or structures for violations of such regulations. ~~The municipal  
21 court having criminal jurisdiction in the municipal corporation shall have jurisdiction in all cases  
22 arising thereunder within the municipal corporation, and the county court of the county wherein  
23 the offense was committed shall have jurisdiction of such cases arising without the municipal  
24 corporation. Appeals may be taken in such cases to the court of record having jurisdiction. Such  
25 criminal case shall be prosecuted in the locality in which the offense was committed.~~

26 **Drafting note: No substantive change in the law. The first sentence is amended to  
27 reflect the deletion of old article headings (see § 15.1-873). Unnecessary language is  
28 deleted. The venue language tracks existing language from § 19.2-244.**

29  
30 ~~Article 6.~~

31 ~~Streets, Alleys, and Other Public Ways, Places and Property.~~

1  
2       § 15.1-888. Purposes for which powers conferred.

3       ~~A municipal corporation, in order to secure, preserve and promote safety, welfare,~~  
4 ~~comfort, convenience, trade, commerce and industry in the municipality, and among the~~  
5 ~~inhabitants thereof, may exercise the powers set forth in this article.~~

6       **Drafting note: Repealed; general police powers are granted in § 15.2-1102 (15.1-**  
7 **839). The article headings within the chapter are being deleted.**

8  
9       § 15.1-889. Streets, sidewalks and public ways generally.

10       ~~A municipal corporation may lay out, open, extend, widen, narrow, establish or change~~  
11 ~~the grade of, close, construct, pave, curb, gutter, plant and maintain shade trees on, improve,~~  
12 ~~maintain, repair, clean and light streets, including limited access or express highways, roads,~~  
13 ~~alleys, bridges, viaducts, subways and underpasses, and make, improve and convert to bicycle~~  
14 ~~paths, sidewalks and walkways upon streets and improve and pave alleys within the municipal~~  
15 ~~corporation. A municipal corporation shall have the same power and authority over any street,~~  
16 ~~alley or other public way or place dedicated or conveyed to the municipal corporation or~~  
17 ~~dedicated or devoted to public use as over other streets, alleys and other public ways and places.~~

18       **Drafting note: Relocated to § 15.2-2001.**

19  
20       § 15.1-889.1. Temporary closing of streets in certain circumstances.

21       ~~The city manager of any city or if there be none, then the mayor thereof, may temporarily~~  
22 ~~close any street in such city when in his judgment the public safety so requires. Such temporary~~  
23 ~~closing by the city manager or mayor shall not extend past the time of the next meeting of the~~  
24 ~~governing body of such city.~~

25       **Drafting note: Relocated to § 15.2-2014.**

26  
27       § 15.1-890. Streets, highways, etc., without the municipal corporation.

28       ~~A municipal corporation may construct, improve and maintain, or aid in the construction,~~  
29 ~~improvement and maintenance of streets, roads, highways, bridges and underpasses without the~~  
30 ~~municipal corporation in order to facilitate public travel and traffic into and out of the municipal~~

1 ~~corporation or any property owned by the municipal corporation situated without the municipal~~  
2 ~~corporation.~~

3 **Drafting note: Relocated to § 15.2-2004.**

4  
5 ~~§ 15.1-891. Regulation of traffic.~~

6 ~~A municipal corporation may regulate and control the operation of motor and other~~  
7 ~~vehicles and the movement of vehicular and pedestrian travel and traffic on streets, highways,~~  
8 ~~roads, alleys, bridges, viaducts, subways, underpasses and other public ways and places,~~  
9 ~~provided such regulations shall not be inconsistent with the provisions of Chapter 13 of Title~~  
10 ~~46.2, or any amendment or revision thereof or provisions of law which are successor thereto.~~

11 **Drafting note: Relocated to § 15.2-2028.**

12  
13 ~~§ 15.1-892. Use for transportation and utilities; removal and alteration of facilities and~~  
14 ~~equipment; permits and charges.~~

15 ~~A municipal corporation may provide for the issuance of permits, under such terms and~~  
16 ~~conditions as the municipal corporation may impose, for the use of streets, highways, roads,~~  
17 ~~alleys, bridges, viaducts, subways and underpasses and other public ways and places by~~  
18 ~~railroads, buses, taxicabs and other vehicles for hire; may prescribe the location in, under or over~~  
19 ~~and provide for the issuance of permits for the use of such public ways and places for the~~  
20 ~~installation, maintenance and operation of tracks, poles, wires, cables, pipes, conduits, bridges,~~  
21 ~~viaducts, subways, vaults, areas and cellars; may require tracks, poles, wires, cables, pipes,~~  
22 ~~conduits, bridges, viaducts, subways and underpasses to be altered, removed or relocated either~~  
23 ~~permanently or temporarily; may charge and collect compensation for the privileges so granted;~~  
24 ~~and may prohibit such use of said public ways and places except as otherwise provided by law.~~  
25 ~~No such use shall be made of the streets, highways, roads, alleys, bridges, viaducts, subways and~~  
26 ~~underpasses without the consent of the municipal corporation.~~

27 **Drafting note: Relocated to § 15.2-2015.**

28  
29 ~~§ 15.1-893. Obstructions or encroachments.~~

30 ~~A municipal corporation may prevent any unlawful obstruction of or encroachment over,~~  
31 ~~under or in any street, highway, road, alley, bridge, viaduct, subway, underpass or other public~~

1 way or place; may provide penalties for maintaining any such unlawful obstruction or  
2 encroachment; may remove the same and charge the cost thereof to the owner or owners,  
3 occupant or occupants of the property so obstructing or encroaching, and collect the cost in any  
4 manner provided by law for the collection of state or local taxes; may require the owner or  
5 owners, occupant or occupants of the property so obstructing or encroaching to remove the same;  
6 pending such removal, may charge the owner or owners of the property so obstructing or  
7 encroaching compensation for the use of such portion of the street, highway, road, alley, bridge,  
8 viaduct, subway, underpass or other public way or place obstructed or encroached upon the  
9 equivalent of what would be the tax upon the land so occupied if it were owned by the owner or  
10 owners of the property so obstructing or encroaching, and, if such removal shall not be made  
11 within the time ordered impose penalties for each and every day that such obstruction or  
12 encroachment is allowed to continue thereafter; may authorize encroachments upon such public  
13 ways and places subject to such terms and conditions as the municipal corporation may  
14 prescribe, but the owner or owners, occupant or occupants shall be liable for negligence on  
15 account of such encroachment; and may institute and prosecute a suit or action in ejectment or  
16 other appropriate proceedings to recover possession of any such public way or place or any other  
17 property of the municipal corporation unlawfully occupied or encroached upon.

18 **Drafting note: Relocated to § 15.2-2009.**

19  
20 § 15.1-894. Franchises.

21 A municipal corporation may grant franchises to use public property and may exercise  
22 the powers granted in Article 2 (§ 15.1-307 et seq.) of Chapter 9 of this title, to the extent and in  
23 the manner therein prescribed, subject to the provision of Article VII, Section 9 of the  
24 Constitution of Virginia.

25 **Drafting note: Repealed; the substance of this section is found in § 51.2-2100.**

26  
27 § 15.1-895. Regulation of services and rates charged by person using streets, etc.

28 A municipal corporation may regulate the services rendered to the public and rates  
29 charged therefor by any person, firm, association, organization or corporation using the streets,  
30 highways, roads, alleys, bridges, viaducts, subways, underpasses or other public ways or places



1 for the rendition of such services, which are not subject to regulation by the State Corporation  
2 Commission.

3 **Drafting note: Relocated to § 15.2-2016.**

4  
5 ~~§ 15.1-896. State highway systems excepted.~~

6 Nothing contained in this chapter shall have application to any highway, road, street or  
7 other public way which constitutes a part of any of the state highway systems; however, any  
8 highway for which a municipal corporation receives highway maintenance funds pursuant to §  
9 33.1-41.1 shall not, for purposes of this section, be deemed to be a part of any of the state  
10 highway systems.

11 **Drafting note: Relocated to § 15.2-2000.**

12  
13 **Article 7.**

14 **Acquisition of Property for Public Use and Ownership.**

15  
16 ~~§ 15.1-897. Acquisition and use of property generally.~~

17 A municipal corporation, for the purpose of exercising any of its powers and duties and  
18 performing any of its functions, may acquire by gift, bequest, purchase or lease, and may own  
19 and make use of, within and without the municipal corporation, lands, buildings and other  
20 structures and personal property, including any interest, right, easement or estate therein; and  
21 may exercise the power of eminent domain for such purposes as hereinafter provided in this  
22 article.

23 **Drafting note: Repealed; the substance of this section is found in § 15.2-1800;**  
24 **personal property is dealt with in proposed § 15.2-951 (§ 15.1-29.17).**

25  
26 ~~§ 15.1-898. Condemnation proceedings generally.~~

27 A municipal corporation may acquire by condemnation proceedings, in the manner and in  
28 accordance with the procedure provided in Title 25 of the Code or in §§ 33.1-91 through 33.1-  
29 94, 33.1-96 and 33.1-98 through 33.1-132 of this Code, or any amendment or revision thereof or  
30 provisions of law which are successor thereto, lands, buildings and other structures and personal  
31 property, including any interest, right, easement or estate therein of any person or corporation,

1 whenever a public necessity exists therefor which shall be declared in the resolution or ordinance  
2 adopted by the municipal corporation directing such acquisition by condemnation proceedings,  
3 whenever the municipal corporation cannot agree on the compensation to be paid the owner or  
4 owners of such property or other terms of purchase or settlement, or because of the incapacity of  
5 such owner or owners or because such owner or owners are nonresidents of the Commonwealth,  
6 or because such owner or owners are unknown, or because such owner or owners are unable to  
7 convey valid title to such property; provided, however, that the provisions of § 33.1-119 shall not  
8 be used except for the acquisition of lands or easements necessary for streets, water, sewer,  
9 municipally owned gas or utility pipes or lines or related facilities.

10 **Drafting note: Repealed; the substance of this section is found in § 15.2-1902.**

11  
12 § 15.1-899. Jurisdiction of proceedings.

13 Condemnation proceedings for the acquisition of such property shall be instituted in the  
14 circuit or corporation court of or in the municipal corporation having jurisdiction of such  
15 proceedings if the subject to be acquired is located within the municipal corporation. If the  
16 subject to be acquired is located without the municipal corporation, then the proceedings shall be  
17 instituted in the circuit court of the county in which the subject is located. If the subject to be  
18 acquired is located partly within a municipal corporation of the first class and partly within a  
19 county, then the circuit court of the county shall have concurrent jurisdiction of such proceedings  
20 with the circuit or corporation court of the municipal corporation.

21 **Drafting note: Repealed; see proposed Chapter 19.**

22  
23 § 15.1-900. Condemnation of property of corporations possessing power of eminent  
24 domain.

25 A municipal corporation in the exercise of the power of eminent domain, pursuant to the  
26 provisions of this article shall be subject to the provisions of § 25-233 when the interest sought is  
27 held by another corporation having the power of eminent domain.

28 **Drafting note: Repealed; see proposed Chapter 19.**

29  
30 Article 8.

1 Enforcement of Ordinances and Regulations; Licenses and Permits; Bonds Posted by  
2 Municipalities.  
3

4 § 15.1 901. Penalties for violation of ordinances.

5 A municipal corporation may impose penalties for the violation of ordinances. However,  
6 notwithstanding any contrary provisions of a charter of any city or town, no fine or term of  
7 confinement for the violation of an ordinance shall exceed the penalty provided by general law  
8 for the violation of a Class 1 misdemeanor, and such penalties shall not exceed the penalties  
9 prescribed by general law for a like offense.

10 **Drafting note: The subject matter of this section is relocated to § 15.2-1429 and**  
11 **combined with § 15.1-505.**  
12

13 § 15.1 902. Bonds of persons convicted.

14 Upon conviction for the violation of any such ordinance, the court trying the case may  
15 require bond of the person so convicted with proper security in the penalty of not more than  
16 \$2,000, conditioned not to violate the ordinance for the breach of which he has been convicted  
17 for the period of not more than one year.

18 **Drafting note: Relocated to § 15.2-1430.**  
19

20 § 15.1 903. Appeals; nonpayment of fine.

21 From any fine or imprisonment thus imposed an appeal shall lie as in cases of  
22 misdemeanor. Whenever any fine shall be imposed but not paid, the court trying the case shall  
23 proceed in accordance with Article 4 of Chapter 21 (§ 19.2-354 et seq.) of Title 19.2.

24 **Drafting note: Relocated to § 15.2-1431.**  
25

26 § 15.1 904. Requiring prisoners to work.

27 A municipal corporation may require able bodied persons sentenced to confinement in a  
28 penal or correctional institution to work in such institution or elsewhere in the municipal service,  
29 but such persons shall not be deemed to be employees or agents of the municipal corporation  
30 while engaged in such work.

31 **Drafting note: Repealed; subject matter is covered by Chapter 3 of Title 53.1.**

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~~§ 15.1-905. Injunctive relief against continuing violation of ordinance.~~

~~A 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 municipal corporation having jurisdiction to grant injunctive relief.~~

**Drafting note: Relocated to § 15.2-1432.**

~~§ 15.1-906~~ 15.2-1125. Licenses and permits; fees; bonds or insurance.

Whenever in the judgment of the municipal corporation it is advisable in the exercise of any of its powers or in the enforcement of any ordinance or regulation, 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 municipal corporation may determine.

**Drafting note: No change.**

~~§ 15.1-907~~ 15.2-1126. Posting of bond not prerequisite to exercise of right by municipality.

Whenever the law requires the posting of a bond, with or without surety, as a condition precedent to the exercise of any right, a municipal corporation, 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 municipal corporation has not filed or executed the bond that might otherwise be required, and the municipal corporation shall be bound to the same extent that it would have been bound had the bond been given.

**Drafting note: No change.**

~~Article 9.~~

~~Boundaries of Municipal Corporations.~~

~~§ 15.1-908.~~

~~Repealed by Acts 1979, c. 297, effective July 1, 1980.~~

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~~§ 15.1-909.~~

~~Reserved.~~

~~§§ 15.1-910 through 15.1-915.1.~~

~~Repealed by Acts 1979, c. 297, effective July 1, 1980.~~

Article 2.

Additional Powers of Cities and Towns.

~~§ 15.1-29.24~~ 15.2-1127. Vacant building registration; penalty.

Any city, by ordinance, may require the owner or owners of buildings which have been vacant for a continuous period of twelve months or more to register such buildings on an annual basis and may impose an annual registration fee not to exceed twenty-five dollars to defray the cost of processing such registration. The registration of buildings shall be on forms designated by the city and filed with the agency designated by the city. Failure to register shall be a fifty-dollar civil penalty.

**Drafting note: No change.**

~~§ 15.1-29.25~~ 15.2-1128. ~~Counties, Certain~~ cities ~~and towns~~ authorized to exchange information regarding criminal history.

Applicants for employment as paramedics or emergency medical technicians making application to the personnel office of any city having a population of not less than 260,000 nor more than 264,000 according to the 1990 United States Census shall be required to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant; however, such applicants may be required, if required by local ordinance, to pay the cost of the fingerprinting or criminal records check or both.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall make a report to the ~~local government~~ city. If an applicant is denied employment because of information appearing in his criminal history record, the

1 locality shall provide a copy of the information obtained from the Central Criminal Records  
2 Exchange to the applicant. The information shall not be disseminated except as provided in this  
3 section.

4 **Drafting note: No substantive change in the law; should be carried by reference**  
5 **only.**

6  
7 § ~~15.1-37.2~~ 15.2-1129. Encouragement of use of city facilities in certain cities.

8 Any city having a population of more than 75,000 and owning a city auditorium, civic  
9 center, coliseum, convention hall, stadium, theater, exhibition hall or combination thereof or  
10 other place of public assembly, may, in order to further the best interest of the public and lead to  
11 greater use of any such facilities, do all things necessary and proper to encourage the use thereof  
12 by arranging or engaging shows, plays, exhibitions, performances and all other entertainments of  
13 whatsoever nature, except motion pictures produced expressly for commercial exhibition,  
14 exclusively of a motion picture shown as a part of and related to a live program or a show, or a  
15 motion picture which has been generally removed from commercial exhibition in motion picture  
16 theaters, or a motion picture which is not shown or exhibited in such place more than twice and  
17 then only on one day, and exclusive of travelogues, educational or trade show films which are  
18 exhibited by educational, civic, trade, or religious organizations, to view which no admission fee  
19 is charged or the net proceeds of any admission fee charged are fully utilized for educational,  
20 religious or charitable purposes. Such encouragement may, without limitations as to other  
21 permissible activities, include the expenditure of city funds to promote such activities and to  
22 bring notice to the public of entertainments at such public facilities, engaging persons to bring  
23 entertainments thereto from which the city may derive income, and the payment of funds to such  
24 persons in advance or out of proceeds derived therefrom for payment therewith; and may include  
25 entering into agreements with such other persons guaranteeing minimum sums to be payable to  
26 such persons for future performances provided that at no time shall the aggregate amount of all  
27 outstanding guarantees be more than such sums as may be fixed by the governing body of such  
28 city. Notwithstanding any provision of any city charter, the council of any such city may  
29 appropriate funds to a special or revolving account in order to engage, advertise and promote any  
30 such entertainment and to operate any of the foregoing facilities, and when such fund is created  
31 such person or persons as may be designated by ordinance of such governing body, after

1 providing fidelity bond with corporate surety payable to the city in a penalty not less than the  
2 authorized amount of such special or revolving fund, may sign checks against said fund and  
3 expend cash therefrom for any of the foregoing purposes.

4 **Drafting note: No change.**

5  
6 § ~~15.1-132.2~~ 15.2-1130. Liability for failure to provide adequate security or crowd  
7 control.

8 ~~That the governing body of any~~ Any city having a population between 100,000 and  
9 110,000 may provide by ordinance that any person who has negligently failed to provide  
10 adequate security or crowd control at a sporting event, restaurant, night club or other business or  
11 commercial activity that draws large crowds of people may be liable in a separate civil action for  
12 the cost associated with any emergency response by the law-enforcement agency or emergency  
13 medical services personnel of such city caused by the sponsor, owner or tenant of any sporting  
14 event, restaurant, night club or other business or commercial establishment who negligently  
15 failed to provide adequate security or crowd control. Such person shall be liable to the city in an  
16 amount not to exceed \$1,000.

17 **Drafting note: No substantive change in the law. This section should be carried by**  
18 **reference only.**

19  
20 § ~~15.1-37.3:10~~. ~~Urination in public prohibited.~~

21 ~~Any town may adopt an ordinance to prohibit any person from urinating in a public place~~  
22 ~~not specifically designated a public restroom or public bathroom.~~

23 **Drafting note: Repealed; the authority granted by the section is covered by the**  
24 **general police powers granted in proposed § 15.2-1102 (§ 15.1-839). By repealing this**  
25 **section, it is not the Code Commission's intent to lessen the power of local government to**  
26 **prohibit this activity.**

27  
28 § ~~15.1-89.1~~. ~~The sheriff of the city of Richmond, elected prior to July one, nineteen~~  
29 ~~hundred seventy three, shall continue in office until an election is held and his successor duly~~  
30 ~~qualifies for the office. The salary of such sheriff, his deputies and employees, shall not be paid~~

1 ~~under the fee system as heretofore provided but shall be set as provided in § 14.1 73. All fees~~  
2 ~~collected shall be paid into the State treasury as required by law.~~

3 **Drafting note: Repealed; obsolete.-**

4



1 PROPOSED  
2 CHAPTER 12.  
3 GENERAL POWERS AND PROCEDURES OF COUNTIES.  
4

5 Chapter drafting note: This chapter contains county powers; most of which appear  
6 in Article 1. Article 2 relates to county procurement when the governing body employs a  
7 county purchasing agent. Articles 3 and 4 contain sections relating to procedures of  
8 governing bodies and payments of claims by counties. These provisions appear in  
9 proposed Chapter 12 because they are peculiar to counties. Most of the repealed sections  
10 appear at the end of Article 1.  
11

12 Article 1.  
13 Miscellaneous Powers.  
14

15 § ~~15.1-510~~ 15.2-1200. General powers of counties.

16 Any county may adopt such measures as it ~~may deem~~ deems expedient to secure and  
17 promote the health, safety and general welfare of ~~the its inhabitants of such county, which are~~ not  
18 inconsistent with the general laws of ~~this~~ the Commonwealth. Such power shall include, but shall  
19 not be limited to, the adoption of quarantine regulations affecting both persons and animals, the  
20 adoption of necessary regulations to prevent the spread of contagious diseases among persons or  
21 animals and the adoption of regulations for the prevention of the pollution of water ~~in the county~~  
22 ~~whereby it is rendered~~ which is dangerous to the health or lives of persons residing in the county.  
23

24 **Drafting note: No substantive change in the law.**

25 § ~~15.1-522~~ 15.2-1201. County boards of supervisors vested with powers and authority of  
26 councils of cities and towns; exceptions.

27 The boards of supervisors of counties are hereby vested with the same powers and  
28 authority as the councils of cities and towns by virtue of the Constitution of the Commonwealth  
29 of Virginia or the acts of the General Assembly passed in pursuance thereof; ~~provided, however,~~  
30 ~~that.~~ However, with the exception of ~~such~~ ordinances ~~as are~~ expressly authorized under Chapter  
31 13 of Title 46.2, no ordinance shall be enacted under authority of this section regulating the

1 equipment, operation, lighting or speed of motor-propelled vehicles operated on the public  
2 highways of a county; unless ~~the same be~~ it is uniform with the general laws of ~~this the~~  
3 Commonwealth regulating such equipment, operation, lighting or speed and with the regulations  
4 of the Commonwealth Transportation Board adopted pursuant to such ~~general laws, and~~  
5 ~~provided further that nothing.~~ Nothing in this section shall be construed to give the boards of  
6 supervisors any power to control or exercise supervision over signs, signals, marking ~~and or~~  
7 traffic lights on any roads constructed and maintained by the Commonwealth Transportation  
8 Board. No powers or authority conferred upon the boards of supervisors of counties solely by  
9 this section shall be exercised within the corporate limits of any incorporated town except by  
10 agreement with the town council.

11 In the County of Fairfax an ordinance may be adopted by the board of supervisors under  
12 this section after a descriptive notice of intention to propose the same for passage has been  
13 published once a week for two successive weeks in ~~some~~ a newspaper having a general  
14 circulation in the county. After the enactment of such ordinance by the board of supervisors  
15 ~~under the authority hereof~~, no publication of the ~~same~~ ordinance shall be required and such  
16 ordinance shall become effective upon adoption or upon a date fixed by the board of supervisors.

17 **Drafting note: No substantive change in the law.**

18  
19 § ~~15.1-544~~ 15.2-1202. ~~Raising money to defray county charges and expenses;~~  
20 ~~appropriation~~ Appropriation of money to incorporated towns.

21 ~~The boards of supervisors may direct the raising, by levy, of such sums as may be~~  
22 ~~necessary to defray the county charges and expenses and all necessary charges incident to or~~  
23 ~~arising from the execution of their lawful authority; and may~~ governing body of any county may  
24 appropriate such sums as the ~~board may desire~~ it desires to any incorporated town or towns  
25 within the boundaries of the county.

26 **Drafting note: The subject matter of the deleted language is covered in proposed**  
27 **Chapter 25.**

28  
29 § ~~15.1-121~~ 15.2-1203. ~~Governing body to appropriate or set aside funds~~ may require  
30 treasurer to pay claims; ~~warrants~~.

1           ~~The governing body is authorized to appropriate and/or set aside in the hands of the~~  
2 ~~treasurer of the county monthly to the executive secretary from the various funds under their~~  
3 ~~control various sums of money so that the executive secretary may be able to pay, with his~~  
4 ~~warrant, such claims against the county as the governing body may authorize him by general~~  
5 ~~resolution to pay. The executive secretary shall as soon as practicable furnish the treasurer with a~~  
6 ~~certified copy of any such resolution of the governing body appropriating and/or setting aside~~  
7 ~~any such sums of money provided for in this section. The governing body of any county may by~~  
8 ~~resolution require the treasurer of the county to pay all warrants drawn on the various or~~  
9 ~~designated funds in the treasurer's hands drawn by the executive secretary on said various or~~  
10 ~~designated funds in a total monthly amount not to exceed that determined and fixed by the~~  
11 ~~governing body by resolution. The governing body shall designate and adopt the form of warrant~~  
12 ~~authorized by this section and § 15.1-117 claims or other obligations for which the board~~  
13 ~~governing body has appropriated funds. The treasurer of the county shall, before paying any~~  
14 ~~funds upon any warrant as authorized by this section or § 15.1-117 first comply with § 58.1-~~  
15 3132.

16           **Drafting note: Most of this section is deleted because §§ 15.2-2504, 15.2-2505 and**  
17 **15.2-2506 cover the subject matter generally.**

18  
19           ~~§ 15.1-10.1~~ 15.2-1204. Appropriations for advertising resources, etc., by counties.

20           ~~The board of supervisors governing body of any county may appropriate out of the~~  
21 ~~general levy, except the school fund, in their discretion, funds from their annual revenues, from~~  
22 ~~all sources, in for advertising and giving publicity to the resources and advantages of their~~  
23 ~~county, and in securing and promoting economic development of such the county. For the~~  
24 ~~purposes set out in this section the county governing body may make such appropriation to~~  
25 ~~chambers of commerce or similar organizations within such county, or to employ suitable~~  
26 ~~persons to secure and promote economic development of the county.~~

27           **Drafting note: No substantive change in the law. Deleted language is unnecessary**  
28 **and archaic. Similar authority is found in § 15.2-940.**

29  
30           ~~§ 15.1-511.1~~ 15.2-1205. Allocation of county funds or property to authorities created by  
31 county.

1           The governing body of any county ~~in this Commonwealth~~ may give, lend or advance in  
2 any manner that ~~to it may seem~~ deems proper funds or other county property, not otherwise  
3 specifically allocated or obligated, to any authority created by such governing body pursuant to  
4 law.

5           **Drafting note: No substantive change in the law.**

6  
7           § ~~15.1-523~~ 15.2-1206. Pistols and revolvers; license tax on dealers.

8           The governing body of any county may impose a license tax of not more than twenty-five  
9 dollars on persons engaged in the business of selling pistols and revolvers to the public.

10          **Drafting note: No change.**

11  
12          § ~~15.1-524~~ 15.2-1207. Same; reports of sales.

13          The governing body of any county may require sellers of pistols and revolvers to furnish  
14 the clerk of the circuit court of the county, within ten days after sale of any such weapon, with  
15 the name and address of the purchaser, the date of purchase, and the number, make and caliber of  
16 the weapon sold. The clerk shall keep a record of the reports.

17          **Drafting note: No change.**

18  
19          § ~~15.1-525~~ 15.2-1208. Same; in certain counties.

20          Chapter 297 of the Acts of 1944, approved March 29, 1944, requiring permits to sell or  
21 purchase pistols or revolvers in any county having a density of population of more than 1,000 a  
22 square mile, is continued in effect.

23          **Drafting note: No change.**

24  
25          § ~~15.1-518~~ 15.2-1209. Prohibiting shooting of firearms or air-operated or gas-operated  
26 weapons in certain areas.

27          Any county may prohibit the shooting of firearms or air-operated or gas-operated  
28 weapons in any areas of the county which are in the opinion of the ~~board of supervisors~~  
29 governing body so heavily populated as to make such conduct dangerous to the inhabitants  
30 thereof.

31          **Drafting note: No substantive change in the law.**

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§ ~~15.1-518.1~~ 15.2-1210. Prohibiting hunting in certain areas.

~~The governing body of any~~ Any county may by ordinance prohibit all hunting with firearms or other weapons in, or within one-half mile of, any subdivision or other area of such county which, in the opinion of the governing body, is 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 ~~said~~ the boundaries thereof of such area.

**Drafting note: No substantive change in the law.**

§ ~~15.1-571.1~~ 15.2-1211. Boundaries of magisterial and election districts.

A. ~~The several County magisterial districts in the different counties of the Commonwealth, with the~~ district boundary lines and names ~~thereof respectively~~ shall be as the governing ~~body of such counties~~ bodies may establish. Subject to the provisions of § 24.2-304.1, whenever the boundaries of ~~such~~ a county have been altered, the governing body shall, as may be necessary, redistrict the county ~~in~~ into magisterial districts, change the boundaries of existing districts, change the name of any district, or increase or diminish the number of districts.

B. 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.

C. ~~The governing body of a~~ 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, including appointment to a school board as prescribed by §§ 22.1-36 and 22.1-44.

**Drafting note: No substantive change in the law.**

§ ~~15.1-527.1~~ 15.2-1212. Frederick County; resolution of board of supervisors; referendum; election.

1           ~~(a)~~ A. Upon resolution passed by the board of supervisors of Frederick County and filed  
2 with the circuit court, ~~or the judge thereof in vacation~~, asking for a referendum on the question of  
3 Frederick County being governed by a board of supervisors, one or more, elected from each  
4 magisterial district and a chairman elected from the county at large, the court, ~~of the Circuit~~  
5 ~~Court of Frederick County, or judge thereof in vacation~~, shall by order entered of record, require  
6 the regular election officials at the November, nineteen hundred seventy-four regular election to  
7 open a poll and take the sense of the qualified voters of the county on the question submitted as  
8 herein provided. The clerk of the county shall cause a notice of such election to be published in  
9 ~~some~~ a newspaper published in or having a general circulation in the county, once a week for  
10 three consecutive weeks, and shall post a copy of such notice at the door of the courthouse of the  
11 county.

12           ~~(b)~~ B. The regular election officers of the county at the time designated in the order  
13 authorizing the vote shall open the polls at the various voting places in the county and conduct  
14 the election in such manner as is provided by law for other elections, insofar as the same is  
15 applicable. The election shall be by ballot; and the ballots shall be prepared by the electoral  
16 board and distributed to the various election precincts as in other elections. The ballots used  
17 shall be printed to read as follows:

18           Do you approve the adoption of the county's board of supervisors being elected by  
19 magisterial districts and the chairman elected from the county at large?

20            Yes

21            No

22           The squares to be printed in such ballots shall not be less than one-quarter nor more than  
23 one-half inch in size.

24           Any person voting at such election shall place a ( $\surd$ ) or a cross (X) or (+) mark or a line (-)  
25 in the square before the appropriate word indicating how he desires to vote on the question  
26 submitted.

27           The ballots shall be counted, returns made and canvassed as in other elections, and the  
28 results certified by the commissioners of election to the circuit court, or the judge thereof in  
29 vacation, shall enter of record the results of the election. If it shall appear by the report of the  
30 commissioners of election that a majority of the qualified voters of the county voting approve the  
31 adoption of the county's board of supervisors being elected from magisterial districts and the

1 chairman elected from the county at large, the circuit court of the county, or the judge thereof in  
2 vacation, shall enter of record such fact.

3 ~~(c)~~ C. At the next succeeding election, following approval of the plan provided for herein,  
4 at which the county's board of supervisors are to be elected, the form of organization of such  
5 county's board of supervisors shall be in accordance with the form provided for herein.

6 ~~(d)~~ D. All county and district officers of such county, unless otherwise sooner removed,  
7 shall continue to hold office until their successors are elected and have qualified.

8 ~~(e)~~ E. A referendum as described hereinabove to revert to the former method of electing  
9 the chairman and supervisors may be conducted upon a resolution of the board of supervisors as  
10 provided hereinabove. In lieu of such resolution by the board of supervisors, a referendum as  
11 described hereinabove may be conducted upon a petition filed with the circuit court of the county  
12 or the judge thereof in vacation; signed by ten percent (10%) of the qualified voters of such  
13 county requesting such referendum, the court of the judge shall proceed as in the case of a  
14 resolution by the board of supervisors.

15 **Drafting note: The Code Commission recommends that this section continue to not**  
16 **be set out. No substantive change in the law.**

17  
18 § ~~15.1-527.3~~ 15.2-1213. Referendum in ~~certain counties~~ Loudoun County on election of  
19 the county chairman from the county at large.

20 A. ~~The governing body of any county which is contiguous to a county having the urban~~  
21 ~~county executive form of government and to a county having the county executive form of~~  
22 ~~government and in which members of the board of supervisors are elected from districts~~ board of  
23 supervisors of Loudoun County may by resolution petition the circuit court of the county for a  
24 referendum on the question of whether there should be a chairman of the county board of  
25 supervisors elected at large. Alternatively, a like referendum may be requested by a petition to  
26 the circuit court signed by registered voters equal in number at least to ten percent of the  
27 registered voters of the county as of January 1 of the year in which the petition is filed. Upon the  
28 filing of either petition, which shall be filed not less than ninety days before a November general  
29 election, the circuit court shall order the election officials at the next November general election  
30 held in the county to open the polls and take the sense of the voters ~~therein~~ on ~~that~~ the question  
31 set forth in this subsection. The clerk of the court shall ~~cause~~ publish notice of the referendum to

1 be published once a week for four consecutive weeks prior to the referendum in a newspaper  
2 having general circulation in the county, and shall post a copy of such notice during the same  
3 time at the door of the courthouse of the county. The ballot shall be printed as follows:

4 "Shall the chairman of the county board of supervisors, to be known as the county  
5 chairman, be elected by the voters of the county at large?

6  Yes

7  No"

8 The election shall be held and the results certified as provided in § 24.1-165.

9 B. If a majority of the qualified voters voting in such referendum vote in favor of the  
10 election of a county chairman of the board of supervisors from the county at large, beginning at  
11 the next general election for the board of supervisors, the county chairman shall be elected for a  
12 term of the same length and commencing at the same time as that of other members of the county  
13 board of supervisors. The county board of supervisors thereafter shall consist of one member  
14 elected from each district of such county and a county chairman elected by the voters of the  
15 county at large. No person may be a candidate for county chairman at the same time he is a  
16 candidate for membership on the county board from any district of the county.

17 ~~C. Notwithstanding the provisions of §§ 15.1-527 and 15.1-528, the county board of~~  
18 ~~supervisors thereafter shall consist of one member elected from each district of such county and~~  
19 ~~a county chairman elected by the voters of the county at large.~~ The county chairman shall be the  
20 chairman of the county board of supervisors and preside at the meetings thereof. The chairman  
21 shall represent the county at official functions and ceremonial events. The chairman shall have  
22 all voting and other rights, privileges, and duties of other members of the board and additional  
23 rights, privileges, and duties not in conflict with general law as the board may prescribe. At the  
24 first meeting at the beginning of its term and any time thereafter when necessary, the board of  
25 supervisors shall elect a vice chairman from its membership, who shall perform the duties of the  
26 chairman in his absence.

27 **Drafting note: No substantive change in the law. The referenced sections in**  
28 **subsection C are repealed. The Code Commission recommends that this section not be set**  
29 **out.**



1           § ~~15.1-19.1~~ 15.2-1214. County may provide motor vehicle liability insurance to protect  
2 operators of motor vehicles owned or leased by county, school board, etc.

3           The governing body of ~~every~~ any county may provide motor vehicle liability insurance  
4 for the purpose of protecting all operators of motor vehicles owned or leased by the county, the  
5 county school board, or any sanitary district, authority, or other governmental unit established by  
6 the governing body, and may make such appropriations and expenditures from any available  
7 funds for the purpose of paying such insurance. All previous expenditures for any such purpose  
8 by any county are ratified.

9           **Drafting note: No substantive change in the law.**

10  
11           § ~~15.1-11.01~~ 15.2-1215. Authority to cut growth ~~on~~ of grass or lawn area in certain  
12 counties.

13           A. ~~The governing body of any~~ Any county having adopted the urban county executive  
14 form of government, any county having adopted the county executive form of government,  
15 which county borders a county that has adopted the urban county executive form of government,  
16 any county having adopted the county manager form of government, any county having adopted  
17 the county manager plan, any county having a population between 40,000 and 43,000, and any  
18 county having a population between 22,700 and 23,000; may by ordinance, ~~may~~ require that the  
19 owner of occupied residential real property therein cut the grass or lawn area of less than one-  
20 half acre on such property or any part thereof at such time or times as the governing body shall  
21 prescribe when growth on such grass or lawn area exceeds twelve inches in height; or may  
22 whenever the governing body deems it necessary, after reasonable notice, have such grass or  
23 lawn area cut by its agents or employees, in which event, the cost and expenses thereof shall be  
24 chargeable to and paid by the owner of such property and may be collected by the county as  
25 taxes and levies are collected. No such ordinance adopted by the county shall have any force and  
26 effect within the corporate limits of any town. Violation of such ordinance may be punishable by  
27 a civil penalty not to exceed \$100.

28           B. No such ordinance shall be applicable to land zoned for or in active farming  
29 operation.

30           **Drafting note: No substantive change in the law.**

31

1           § ~~15.1-29.10~~ 15.2-1216. Provision of information to prospective buyers in planned  
2 development units.

3           ~~The governing body of any~~ Any county having an urban county executive or county  
4 executive form of government may ~~require~~ by ordinance require that sellers who are the initial  
5 developers of planned development units shall, upon request and prior to execution of an offer to  
6 buy, offer prospective buyers access to the development plan for the purpose of inspection and  
7 copying. Any violation of such an ordinance shall be punishable by a civil fine of not more than  
8 \$100.

9           **Drafting note: No substantive change in the law.**

10  
11           § ~~15.1-268~~. ~~Providing for armories; assistance to National Guard.~~

12           ~~The governing body of any county may appropriate out of the general levy, except the~~  
13 ~~school fund, and expend annually such sums of money as their judgment may warrant to aid and~~  
14 ~~assist in the erection and maintenance of suitable armories for companies of the Virginia~~  
15 ~~National Guard, or otherwise contribute towards the assistance and maintenance of such~~  
16 ~~companies as may have their company stations and existence within the county limits, or within~~  
17 ~~any incorporated town or city of the second class located within the geographical limits of the~~  
18 ~~county.~~

19           **Drafting note: Relocated to § 15.2-972.**

20  
21           § ~~15.1-510.4~~ 15.2-1217. Regulation of emission of smoke from fuel-burning equipment.

22           Any county may regulate the emission of smoke and the methods of firing and stoking  
23 furnaces and boilers and may charge such reasonable fees for the issuance of permits and the  
24 performing of inspections as the governing body may from time to time fix. However, counties  
25 shall not apply or enforce such regulations in incorporated towns which have in force ordinances  
26 prescribing equal or greater standards in regulating the construction, maintenance and repair of  
27 buildings and other structures, the installation, maintenance, operation and repair of plumbing,  
28 electrical, heating, elevator, escalator, boiler, unfired pressure vessel and air conditioning  
29 installations in or appurtenant to buildings and structures, the emission of smoke, the  
30 construction, installation and maintenance of fuel-burning equipment, and the methods of firing

1 and stoking furnaces and boilers, and the light, ventilation, sanitation and use and occupancy of  
2 buildings.

3 **Drafting note: This section combines § 15.1-510.4, 15.1-510.6 and the last clause of §**  
4 **15.1-510.1.**

5  
6 ~~§ 15.1-510.1. County may by ordinance exercise powers set forth in § 15.1-510.4; fees~~  
7 ~~for permits and inspections.~~

8 ~~To further carry out the express and implied purposes of § 15.1-510, unless prohibited by~~  
9 ~~the Constitution or statutes of the United States of America or the Constitution of this~~  
10 ~~Commonwealth, every county may, by ordinance, exercise any of the powers set forth in § 15.1-~~  
11 ~~510.4, and may charge such reasonable fees for the issuance of permits and the performing of~~  
12 ~~inspections as the governing body may from time to time fix.~~

13 **Drafting note: Most of this section is unnecessary; the last part is relocated to §**  
14 **15.2-1217.**

15  
16 ~~§ 15.1-510.6. Section 15.1-510.4 inapplicable in certain incorporated towns.~~

17 ~~The provisions of § 15.1-510.4 shall not apply in incorporated towns which have in force~~  
18 ~~ordinances prescribing equal or greater standards in regulating the construction, maintenance and~~  
19 ~~repair of buildings and other structures, the installation, maintenance, operation and repair of~~  
20 ~~plumbing, electrical, heating, elevator, escalator, boiler, unfired pressure vessel and air~~  
21 ~~conditioning installations in or appurtenant to buildings and structures, the emission of smoke,~~  
22 ~~the construction, installation and maintenance of fuel burning equipment, and the methods of~~  
23 ~~firing and stoking furnaces and boilers, and the light, ventilation, sanitation and use and~~  
24 ~~occupancy of buildings.~~

25 **Drafting note: Language appears as the last sentence of § 15.2-1217.**

26  
27 ~~§ 15.1-512~~ 15.2-1218. Prevention of trespassing; animals running at large on highways.

28 Any county may prevent trespassing by persons; and animals ~~and fowls~~; and prevent  
29 animals from ~~trespassing and~~ running at large upon the public highways, whether such highways  
30 ~~be~~ are enclosed by a fence or not.

31 **Drafting note: No substantive change in the law.**

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§ ~~15.1-513~~ 15.2-1219. 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~~. However, nothing in this section 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~~ enacted pursuant to this section shall ~~exceed the~~ impose a fine of exceeding fifty dollars.

**Drafting note: No substantive change in the law.**

§ ~~15.1-514.2~~ 15.2-1220. Regulation by certain counties of persons and vehicles.

~~The governing body of any~~ Any county having a population between 35,200 and 35,800 as shown in the 1980 census may ~~impose~~ by ordinance impose reasonable regulations to provide for the comfort, safety and health of the general public and persons assembled, or traveling to assemble, for any outdoor occasion.

Such regulations may cover the following: ~~(1)~~ (i) hours of operation, ~~(2)~~ (ii) sanitary facility requirements, ~~(3)~~ (iii) security personnel requirements, and ~~(4)~~ (iv) maximum noise levels.

**Drafting note: No substantive change in the law.**

§ ~~15.1-515~~ 15.2-1221. Requiring trained personnel for ambulances.

Any county may require any ambulance, when responding to any emergency call in the county in which first aid for any person may be required, to be staffed, in addition to any other personnel, with a doctor of medicine or a graduate nurse or an attendant holding a valid first aid card or certificate of the advanced type issued by the American Red Cross or the United States Bureau of Mines.

**Drafting note: No change.**

§ ~~15.1-515.2~~ 15.2-1222. Regulation of certain motion pictures shown at drive-in theaters.

1 Any county may, by ordinance, regulate the screening of motion pictures, classified by  
2 the motion picture industry as being suitable for display to adult audiences only, in drive-in  
3 theaters where such motion pictures are visible to the traveling public from a highway, street or  
4 other public way for the purpose of protecting the health, safety and welfare of the public.

5 **Drafting note: No change.**

6  
7 ~~§ 15.1-517. Regulation of keeping of animals and fowl.~~

8 Any county may, whenever in the judgment of the board of supervisors the same is  
9 necessary for the preservation of public health, regulate by ordinance the keeping of animals or  
10 fowl, other than dogs and cats, within a certain distance of residences or other buildings or wells,  
11 springs, streams, creeks, or brooks, and provide that all or certain of such animals shall not be  
12 kept within certain areas.

13 **Drafting note: Relocated to § 3.1-796.94:1. See appendix B.**

14  
15 ~~§ 15.1-519~~ 15.2-1223. Regulation of horse riding schools.

16 Any county may by ordinance provide for the licensing, ~~inspecting~~ inspection and  
17 regulation of horse riding schools for the purpose of preventing any violation of § 3.1-796.122 or  
18 any local ordinance of similar import.

19 For the purposes of this section, "horse riding school" ~~shall mean~~ means any  
20 establishment operated for profit in connection with which one or more horses are let for hire to  
21 be ridden or driven, either with or without the furnishing of riding or driving instructions.

22 **Drafting note: No substantive change in the law.**

23  
24 ~~§ 15.1-526.1~~ 15.2-1224. Authority to equip and maintain television transmission and  
25 relay facilities.

26 ~~(a)~~ A. Any county may equip and maintain television transmission and relay facilities in  
27 areas which are so remote from regular transmission points of large television stations that  
28 television reception is impossible without special equipment and in which adequate, economical  
29 and proper television is not available by private sources, if, ~~as a result of the referendum~~  
30 ~~provided for in subsection (b)~~, a majority of the voters voting in ~~such election~~ a referendum held  
31 pursuant to subsection B vote in favor thereof.

1           (b) B. If on or before the fifteenth day of July in any year a petition signed by two  
2 hundred or more qualified voters of a county ~~be~~ is filed with the circuit court of such county  
3 asking that a referendum be held on the question ~~hereinafter~~ set forth in this subsection, then  
4 such court shall, on or before the fifteenth day of August of such year, issue ~~and enter of record~~  
5 an order requiring the county election officials to open the polls at the regular election to be held  
6 in November of each year on the following question:

7           Shall the governing body be authorized to equip and maintain television transmission and  
8 relay facilities?

9            Yes

10           No

11          The election shall conform in all respects with the requirements of general law.

12          **Drafting note: No substantive change in the law.**

13  
14          § ~~15.1-526.3~~ 15.2-1225. Authority to establish hospitals; ~~eminent domain~~.

15          The governing body of any county may establish and operate hospitals in such county. ~~If~~  
16 ~~such governing body cannot agree on the terms of purchase with the owner of land needed for~~  
17 ~~such hospital, it shall have the right to acquire title to such land by eminent domain.~~

18          **Drafting note: No substantive change in the law. The second sentence is**  
19 **unnecessary.**

20  
21          § ~~15.1-510.8~~. Regulation of certain institutions and facilities.

22          ~~A county may regulate and inspect institutions, homes and facilities used for the care,~~  
23 ~~treatment and maintenance of physically or mentally infirm or disabled children or adults. A~~  
24 ~~county, without liability to the owner thereof, may prevent the use of any such institution, home~~  
25 ~~or facility for such purposes when it is found that the safety of persons housed therein is~~  
26 ~~adversely affected by the manner in which such institution, home or facility is maintained and~~  
27 ~~operated.~~

28          **Drafting note: Repealed; the Code Commission believes that the substantive**  
29 **provisions of this section are preempted by state law.**

30  
31          § ~~15.1-12.1~~ 15.2-1226. Authority of certain counties over Smith Mountain Lake.

1           A. The governing bodies of Bedford, Franklin and Pittsylvania Counties, may by  
2 ordinance, ~~may~~ regulate the land of their respective counties in and around Smith Mountain Lake  
3 below the 800 foot contour concerning the location, size and length of wharves, piers,  
4 boathouses, docks, bulkheads, and similar structures to provide for safe navigation of ~~such~~ the  
5 lake.

6           Such ordinance shall not conflict with the provisions of the Uniform Statewide Building  
7 Code or with the rights and responsibilities accorded Appalachian Power Company under its  
8 federal license to operate the Smith Mountain Project. ~~Such~~ The ordinance may include:

9           1. ~~Procedure~~ Procedures for approval of construction of such by the governing body or its  
10 designated agent; and

11           2. Penalties for violation of ~~such~~ the ordinance.

12           B. Such governing bodies may act jointly in the enactment, administration and  
13 enforcement of such an ordinance pursuant to § ~~15.1-21~~ 15.2-1300.

14           **Drafting note: No substantive change in the law. The Code Commission**  
15 **recommends that this section not be set out, but be carried by reference only.**

16  
17           § 15.2-1227. Well covers in Caroline County.

18           ~~That~~ Caroline County may by ordinance ~~may~~ provide that owners of property keep  
19 covers on water wells and may after reasonable notice cover uncovered water wells by its own  
20 agents or employees, in which event the cost or expense thereof shall be chargeable to and paid  
21 by the owners of such property and may be collected by the county as taxes ~~and levies~~ are  
22 collected.

23           **Drafting note: No substantive change in the law; formerly a subdivision of § 15.1-**  
24 **11. The Code Commission recommends that this section not be set out, but be carried by**  
25 **reference only.**

26  
27           § 15.2-1228. Repair of foundation damage in certain counties.

28           ~~B. The governing body of any~~ Any county having a county charter with a population  
29 between 200,000 and 215,000 may ~~provide~~ by ordinance provide that ~~such~~ the county may use  
30 public funds to repair existing residential dwellings damaged by foundation failures caused by  
31 high clay content soil subject to moisture-related shrinking and swelling. Such ordinance may

1 place conditions on the use or expenditure of such public funds. The expenditure of such public  
2 funds by ~~a locality~~ the county under this subsection during a fiscal year shall not exceed two  
3 percent of the ~~locality's~~ county's locally derived revenues from that fiscal year.

4 For purposes of this subsection, the term "public funds" shall include only general tax  
5 revenues from real and personal property, and shall not include any special fee, assessment, or  
6 other tax or charge, however denominated.

7 ~~Any locality who adopts such an ordinance~~ The county shall keep funds collected for  
8 building permit fees and any funds received from any other fees collected under any special act  
9 in separate accounts, and separate from other locally derived revenues, and may not use fees  
10 collected for building permits or fees collected under any special act, directly or indirectly, for  
11 purposes authorized under this subsection.

12 **Drafting note: No substantive change in the law; this section, which comes from**  
13 **subsection B of § 15.1-37.3:9, should be carried by reference only.**

14  
15 § ~~15.1-548~~ 15.2-1229. Petty cash funds.

16 Whenever the ~~board of supervisors~~ governing body of any county ~~shall determine~~  
17 determines that more efficient administration would be promoted thereby, ~~the board~~ it may by  
18 resolution establish one or more petty cash funds not exceeding \$5,000 each for the payment of  
19 claims arising from commitments made pursuant to ~~provisions of~~ law. Any person into whose  
20 hands any such fund is placed may pay such claims therefrom, without necessity of prior receipt  
21 and audit of the claims by the ~~board~~ governing body and without approval and issuance of the  
22 warrant of the ~~board of supervisors~~ governing body or the county treasurer. ~~Each such~~ Such  
23 person shall render an account of the same and make a settlement thereof annually in form and  
24 manner prescribed by the Auditor of Public Accounts. ~~Each such~~ Such person shall give bond  
25 with surety in the amount of \$10,000; ~~provided that~~ however, additional bond shall not be  
26 required of any person already bonded in the required amount.

27 **Drafting note: No substantive change in the law.**

28  
29 § ~~15.1-556~~ 15.2-1230. Monthly financial reports of officers and offices.

30 The ~~board of supervisors~~ governing body of any county may require monthly financial  
31 reports from any officer or office of the county or of any district thereof and may investigate bills



1 and receipts of any county or district officer, and for these purposes may subpoena witnesses,  
2 administer oaths and require the production of books, papers and other evidence. ~~In case any~~  
3 Any witness who fails or refuses to obey any such lawful order of the ~~board of supervisors, he~~  
4 governing body shall be ~~deemed~~ guilty of a misdemeanor.

5 **Drafting note: No substantive change in the law.**

6  
7 ~~§ 15.1-128. Establishment of systems of bookkeeping, accounting and controls.~~

8 ~~The governing body is further authorized to establish and maintain such systems of~~  
9 ~~bookkeeping, accounting and controls as are necessary to the proper operation of the system of~~  
10 ~~competitive purchasing above authorized and to establish such storage facilities as are necessary~~  
11 ~~therefor.~~

12 **Drafting note: Appears as subsection B of § 15.2-1231.**

13  
14 ~~§ 15.1-129. Requiring departments to obtain supplies, etc., from executive secretary.~~

15 ~~The governing body is authorized to require all departments to obtain their supplies,~~  
16 ~~equipment, materials and commodities from the executive secretary, on requisitions prescribed~~  
17 ~~by the governing body and to charge such departments therefor.~~

18 **Drafting note: Appears as subsection C of § 15.2-1231.**

19  
20 ~~§ 15.1-127~~ 15.2-1231. Centralized competitive purchasing by ~~executive secretary~~ chief  
21 administrative officer.

22 A. The governing body of any county having ~~an executive secretary is authorized to a~~  
23 chief administrative officer may provide for the centralized competitive purchasing of all  
24 supplies, equipment, materials and commodities for all departments, officers and employees of  
25 the county, ~~including and for~~ the county school board and the board of public welfare or social  
26 services (all of which are in §§ 15.1-129 and 15.1-130 referred to as departments). Such  
27 purchasing shall be done by the ~~executive secretary~~ chief administrative officer under the  
28 supervision of the governing body of the county and shall be accomplished in accordance with  
29 Chapter 7 (§ 11-35 et seq.) of Title 11.

30 ~~The B. Such governing body is further authorized to~~ bodies may establish and maintain  
31 such systems of bookkeeping, accounting and controls as are necessary to the proper operation of

1 ~~the~~ such system of competitive purchasing ~~above authorized~~ and to establish such storage  
2 facilities as are necessary therefor.

3 ~~The C. Such governing body is authorized to~~ bodies may require all departments to  
4 obtain their supplies, equipment, materials and commodities from the ~~executive secretary~~ chief  
5 administrative officer, on requisitions prescribed by the governing body and to charge such  
6 departments therefor.

7 **Drafting note: Subsection B is former § 15.1-128. Subsection C is former § 15.1-**  
8 **129. They are shown as old language so that changes are apparent. “Including” is changed**  
9 **to “and for” in subsection A to clarify that school boards are not officers or employees of**  
10 **counties.**

11  
12 ~~§ 15.1-527. How constituted.~~

13 ~~The supervisors of the several districts in each county shall constitute the board of~~  
14 ~~supervisors for the county.~~

15 **Drafting note: Repealed; unnecessary.**

16  
17 ~~§ 15.1-571. Magisterial districts established.~~

18 ~~The several magisterial districts in the different counties of this Commonwealth, with the~~  
19 ~~boundary lines and names thereof respectively as constituted and known on the day before this~~  
20 ~~Code section takes effect, are declared to be the magisterial districts in such counties respectively~~  
21 ~~and shall so continue unless and until the same shall be changed as provided in this title.~~

22 **Drafting note: Repealed; unnecessary.**

23  
24 ~~§ 15.1-126. Certain sections not applicable to executive secretaries in certain counties.~~

25 ~~The governing body of every county having a population of more than 75,000 which~~  
26 ~~adjoins a city having a population of more than 300,000 is authorized to appoint an executive~~  
27 ~~secretary to such governing body and such appointment shall be evidenced of record by a~~  
28 ~~resolution of such governing body.~~

29 ~~Such person so appointed may be any person the governing body deems proper, the~~  
30 ~~provisions of § 15.1-116 to the contrary notwithstanding.~~

1           ~~Every such governing body which shall appoint an executive secretary shall be~~  
2 ~~authorized, but not required to, empower and require the executive secretary to perform any or~~  
3 ~~all of the acts and duties enumerated or referred to in § 15.1-117. The appointment of an~~  
4 ~~executive secretary shall in no way relieve the county clerk of his duties in connection with the~~  
5 ~~governing body, the provisions of § 15.1-122 notwithstanding.~~

6           **Drafting note: Repealed, applied to Princess Anne County.**

7  
8           ~~§ 15.1-130. Maintenance and care of county property.~~

9           ~~The governing body of any county may further provide for the maintenance and care of~~  
10 ~~all county property held by the several departments under the supervision of the executive~~  
11 ~~secretary and may require all departments thereof to take such action as will facilitate the~~  
12 ~~discharge by the executive secretary of the duties hereby authorized to be imposed upon him.~~  
13 ~~The county governing body is empowered to expend such funds, acquire such property and take~~  
14 ~~such action as will insure proper and adequate maintenance and care of county property.~~

15           **Drafting note: Repealed as § 15.2-1800 allows all localities to operate, maintain and**  
16 **regulate the use of its real property. Express authorization for counties to care for their**  
17 **personal property is unnecessary.**

18  
19           ~~§ 15.1-26.1. Allocation of county funds to sanitary districts.~~

20           ~~The governing body of any county in this Commonwealth may advance funds, not~~  
21 ~~otherwise specifically allocated or obligated, from the general fund to a sanitary district to assist~~  
22 ~~the sanitary district to initiate the project for which it was created.~~

23           **Drafting note: Relocated as § 21-134.01 (see appendix B).**

24  
25           ~~§ 15.1-507. Protection of county property; employment of assistant counsel.~~

26           ~~The governing body of any county may represent the county and have the care of the~~  
27 ~~county property and the management of the<sub>2</sub> business<sub>2</sub> and concerns of the county, in all cases in~~  
28 ~~which no other provisions shall be made and, when necessary, may employ counsel in any suit~~  
29 ~~against the county or in any manner affecting county property when the board is of the opinion~~  
30 ~~that such counsel is needed.~~

1           **Drafting note: Repealed; express authorization for the management of county**  
2 **property and business and the employment of counsel is unnecessary.**

3  
4           ~~§ 15.1 514. Prohibiting loitering; curfew for minors.~~

5           ~~Any county may prohibit loitering in, upon or around any public place whether or not on~~  
6 ~~private property and may prohibit minors who are not attended by their parents from frequenting~~  
7 ~~or being in public places whether or not on private property at such times as the governing body~~  
8 ~~deems proper.~~

9           **Drafting note: This authority is relocated to § 15.2-926.**

10  
11           ~~§ 15.1 90. Sheriff's office in charge of clerk in certain counties.~~

12           ~~Chapter 241 of the Acts of 1942, approved March 18, 1942, codified as § 2838a of~~  
13 ~~Michie Code 1942, and continued in effect by § 15-525 of the Code of 1950, relating to the~~  
14 ~~maintenance by the sheriff of an office with a clerk in charge in any county one fourth of the area~~  
15 ~~of which has been acquired since January 1, 1941, by the federal government for a military~~  
16 ~~reservation, is continued in effect.~~

17           **Drafting note: Repealed; outdated.**

18  
19           ~~§ 15.1 125. Constitutionality of §§ 15.1 115 to 15.1 124.~~

20           ~~If any section, or part of section, of §§ 15.1 115 to 15.1 124 is hereafter held by any court~~  
21 ~~of competent jurisdiction to be unconstitutional, such decision shall in nowise affect or render~~  
22 ~~void the remainder of §§ 15.1 115 to 15.1 124.~~

23           **Drafting note: Repealed; unnecessary. Title 1 contains a severability clause which**  
24 **applies to the entire Code.**

25  
26           ~~§ 15.1 503.4:10. County charter.~~

27           ~~A county is authorized to request the General Assembly to grant it a charter by following~~  
28 ~~the procedure provided for in Chapter 17 (§ 15.1 833 et seq.) of this title.~~

29           **Drafting note: Repealed; unnecessary as proposed Chapter 2 covers charters of all**  
30 **localities.**

1           § ~~15.1-508.1~~ 15.2-1232. Posting of bond not prerequisite to exercise of right by county.

2           Whenever the law requires the posting of a bond, with or without surety, as a condition  
3 precedent to the exercise of any right, a county, without giving such bond, may exercise such  
4 right, provided all other conditions precedent are complied with, and no action shall be delayed  
5 or refused because the county has not filed or executed the bond that might otherwise be  
6 required, and the county shall be bound to the same extent that it would have been bound had the  
7 bond been given.

8           **Drafting note: No change.**

9  
10   Article 2.

11   County Procurement by a County Purchasing Agent.

12  
13           **Article Drafting Note: This was old Article 7 (County Purchasing Agents and**  
14 **County Executives) in old Chapter 2 (County, City and Town Officers Generally).**

15  
16           § ~~15.1-113~~ 15.2-1233. Article not applicable until agent employed.

17           The provisions of this article shall not apply to any county until the ~~board of supervisors~~  
18 ~~thereof shall employ governing body employs~~ a county purchasing agent; or ~~designate~~ designates  
19 someone to perform such duties, as provided in § ~~15.1-103~~ 15.2-1543.

20           **Drafting note: No substantive change in the law.**

21  
22           § ~~15.1-104~~. Joint purchasing agent.

23           ~~The governing body of any two or more adjoining counties shall have power to appoint,~~  
24 ~~in accordance with the provisions § 15.1-103, a joint purchasing agent. Such joint purchasing~~  
25 ~~agent shall carry out the provisions of this article as they apply to each of the counties concerned.~~  
26 ~~He shall be subject to rules and regulations mutually formulated and agreed upon by the county~~  
27 ~~boards which designate him as their joint purchasing agent.~~

28           **Drafting note: Repealed as § 15.2-1513 allows localities to have joint employees.**

29  
30           § ~~15.1-106~~ 15.2-1234. Definitions of terms.

1           ~~The terms "supplies," "materials," and "equipment" as used throughout this article shall~~  
2 ~~be construed to mean~~ As used in this article, "supplies" means any and all articles or things,  
3 including equipment, which ~~shall be~~ are used by or furnished to any department, institution,  
4 office, board or other agency of ~~the~~ county government.

5           ~~The term "contractual~~ Contractual services" ~~shall be construed to mean~~ means any ~~and all~~  
6 telephone, telegraph, postal, electric light and power service and other similar services.

7           **Drafting note: No substantive change in the law.**

8  
9           ~~§ 15.1-107~~ 15.2-1235. Rules and regulations to govern county purchases.

10          A. Except as otherwise provided in this article, any ~~and all~~ supplies, ~~materials,~~ ~~equipment~~  
11 or contractual services needed by one or more departments or agencies of the county government  
12 shall be directly purchased or contracted for by the county purchasing agent, in accordance with  
13 rules and regulations adopted pursuant to this section.

14          B. The county purchasing agent, subject to the approval of the governing body of the  
15 county ~~board,~~ shall ~~adopt,~~ promulgate, ~~and from time to time amend,~~ rules and regulations for  
16 the following purposes:

17           ~~(1)~~ 1. Prescribing the manner in which supplies, ~~materials,~~ ~~and equipment~~ shall be  
18 purchased, delivered, stored, and distributed;

19           ~~(2)~~ 2. Prescribing the dates for making ~~requisition~~ requisitions and estimates, the future  
20 period which they are to cover, the form in which they shall be submitted, the manner of their  
21 authentication, and their revision by the county purchasing agent;

22           ~~(3)~~ 3. Providing for the transfer to or between county departments and agencies of  
23 supplies, ~~materials,~~ ~~and equipment~~ which are surplus with one department or agency but which  
24 may be needed by another ~~or others,~~ and for the disposal by sale, after receipt of competitive  
25 bids, of supplies, ~~materials and equipment~~ which are obsolete and unusable;

26           ~~(4)~~ 4. Prescribing the amount of deposit or bond to be submitted with a bid on a contract  
27 and the amount of deposit or bond to be given for the faithful performance of a contract;

28           ~~(5)~~ 5. Prescribing the manner in which claims for supplies, ~~materials,~~ ~~equipment~~ and  
29 contractual services delivered to ~~any and all~~ the departments and agencies of the county shall be  
30 submitted, examined, approved and paid; and

1           ~~(6)~~ 6. Providing for such other matters as may be necessary to give effect to the foregoing  
2 rules and the provisions of this article.

3           **Drafting note: No substantive change in the law.**

4  
5           § ~~15.1-108~~ 15.2-1236. Purchases and sales to be based on competition.

6           A. All purchases of, and contracts for, supplies, ~~materials, equipment~~ and contractual  
7 services shall be in accordance with Chapter 7 (§ 11-35 et seq.) of Title 11.

8           B. All sales of ~~such~~ any personal property which has become obsolete and unusable shall  
9 be based wherever feasible on competitive bids. If the amount of the sale is estimated by the  
10 county purchasing agent to exceed \$5,000, sealed bids shall, unless the ~~board of supervisors shall~~  
11 ~~provide~~ governing body provides otherwise, be solicited by public notice ~~inserted~~ published at  
12 least once in a newspaper of countywide circulation ~~and~~ at least five calendar days before the  
13 final date of submitting bids.

14           **Drafting note: Language is added to clarify who estimates the amount of sale.**

15  
16           § ~~15.1-109~~ 15.2-1237. Legal review of contracts; filing.

17           All contracts shall be approved as to form by the county attorney or other qualified  
18 attorney and a copy of each long-term contract shall be filed with the treasurer or other chief  
19 financial officer of the county.

20           **Drafting note: No change.**

21  
22           § ~~15.1-110~~ 15.2-1238. Certification of sufficient funds; ~~orders and contracts in violation~~  
23 ~~of article.~~

24           Except in emergency, no order for delivery on a contract or open market order for  
25 supplies, ~~materials, equipment~~ or contractual services for any county department or agency shall  
26 be awarded until the chief financial officer ~~shall have~~ has certified that the unencumbered  
27 balance in the appropriation concerned, in excess of all unpaid obligations, is sufficient to defray  
28 the cost of such order. ~~Whenever any department or agency of the county government shall~~  
29 ~~purchase or contract for any supplies, materials, equipment or contractual services contrary to the~~  
30 ~~provisions of this article or the rules and regulations made thereunder, such order or contract~~  
31 ~~shall be void and of no effect. The head of such department or agency shall be personally liable~~

1 for the costs of such order or contract and, if already paid for out of county funds, the amount  
2 thereof may be recovered in the name of the county in an appropriate action instituted therefor.

3 **Drafting note: Second half of section now appears as § 15.2-1239.**

4  
5 § 15.2-1239. Orders and contracts in violation of article.

6 ~~Whenever~~ If any department or agency of the county government shall ~~purchase~~  
7 purchases or ~~contract~~ contracts for any supplies, ~~materials, equipment~~ or contractual services  
8 contrary to the provisions of this article or the rules and regulations made thereunder, such order  
9 or contract shall be void ~~and of no effect. The~~ and the head of such department or agency shall be  
10 personally liable for the costs of such order or contract ~~and, if already paid for out of county~~  
11 ~~funds, the amount thereof may be recovered in the name of the county in an appropriate action~~  
12 ~~instituted therefor.~~

13 **Drafting note: Unnecessary language is deleted. Formerly second half of § 15.1-**  
14 **110.**

15  
16 ~~§ 15.1-112~~ 15.2-1240. Violation of ~~§§ 15.1-110, 15.1-111~~ 15.2-1238 or 15.2-1239 a  
17 misdemeanor.

18 Any violation of ~~either of the two preceding sections (§§ 15.1-110, 15.1-111)~~ §§ 15.2-  
19 1238 or 15.2-1239 shall be a misdemeanor and shall be punishable as provided by § 18.2-12.

20 **Drafting note: No substantive change in the law.**

21  
22 Article 3.

23 Procedural Requirements

24  
25 ~~§ 15.1-530~~ 15.2-1241. Signing records when chairman has died, ~~removed~~ moved, etc.,  
26 before signing them.

27 When the chairman of any ~~board of supervisors~~ county governing body who should have  
28 signed the records of the proceedings of any meeting of the ~~board~~ governing body has  
29 died, ~~removed~~ moved from the county, completed his term of office or for any other reason  
30 become incapacitated to perform the duties of his office, without having signed such records, the  
31 ~~board~~ governing body shall have such records read at a regular meeting and if no error ~~therein is~~



1 ~~shown~~ appears shall direct its then chairman to sign such record; ~~and it.~~ The governing body  
2 shall thereupon enter on its records the fact of such reading and signing ~~and a reference to such~~  
3 ~~last order shall be noted at the place where such signing is done and such.~~ Such records, when so  
4 signed, shall be as valid as if they had been signed by the chairman who presided at the time  
5 when such order or orders were made.

6 **Drafting note: No substantive change in the law.**

7  
8 § ~~15.1-543~~ 15.2-1242. Minutes of meetings and proceedings.

9 The ~~boards of supervisors~~ governing body of every county shall cause to be recorded, in  
10 well bound books or by a microphotographic process which complies with standards adopted  
11 pursuant to regulations issued under § 42.1-82 for microfilm, microfiche, or such other similar  
12 microphotographic process, complete minutes of all their respective meetings and proceedings.  
13 All bids submitted on any building, materials, supplies, work, or project to be let to contract by  
14 any ~~such board of supervisors~~ governing body may be incorporated by reference in ~~the~~ such  
15 minutes of the meetings of the board of supervisors and record of such bids shall be retained in a  
16 separate file ~~open to public inspection~~. Such ~~books~~ minutes and records of bids shall be kept  
17 open to public inspection ~~of such minutes~~ at all reasonable times for a period of three years after  
18 ~~the recordation thereof~~ they have been recorded.

19 **Drafting note: No substantive change in the law.**

20  
21 Article 4.

22 Payment of Claims

23  
24 § ~~15.1-547~~ 15.2-1243. ~~Board~~ Governing body to receive, audit and approve claims;  
25 warrants.

26 A. ~~The board of supervisors~~ governing body of every county shall receive and audit all  
27 claims against the county, except those required to be received and audited by the county school  
28 board, and shall, by resolution or recorded vote, approve and order warrants issued in settlement  
29 of those claims that are found to be valid; provided that a county administrator, county executive  
30 or county manager may sign and issue orders or warrants under such conditions as the ~~county~~  
31 ~~board~~ governing body may prescribe. Every warrant issued pursuant to the provisions of this

1 section shall bear the date on which the ~~board of supervisors~~ governing body orders it to be  
2 issued and shall be made payable on demand, signed by the clerk of the ~~board of supervisors~~  
3 governing body or his deputy, countersigned by the chairman or acting chairman of the ~~board of~~  
4 ~~supervisors governing body~~, and recorded in the form and manner prescribed by the Auditor of  
5 Public Accounts; ~~and the~~. Such warrant may be converted to a negotiable check by the treasurer,  
6 or appropriately designated deputy treasurer, by affixing his signature thereto in conformity with  
7 the provisions of § 58.1-3162 and by designating thereon the bank by which it is to be paid.

8 B. Notwithstanding the ~~preceding requirement~~ requirements of subsection A, the  
9 governing body of ~~the~~ any county may provide, by resolution, for the drawing of special  
10 warrants on the county treasurer, payable out of county funds, in payment of compensation,  
11 when such compensation has been earned or is due for ~~(1)~~ (i) all employees and officers under  
12 written contract, and all officers elected or appointed for a term of office and their deputies and  
13 employees, ~~and (2)~~ (ii) upon receipt of certified time sheets or other evidence of services  
14 performed, the payment of all other employees whose rates of pay have been established by such  
15 governing body or its properly designated agent, ~~and (3)~~ or (iii) for payment on contracts for  
16 construction projects according to the terms of such contracts. All such special warrants so  
17 authorized shall be signed by the clerk of such governing body and countersigned by the  
18 chairman of such governing body. Any special warrant may be converted into a negotiable check  
19 in the manner ~~herein~~ provided in subsection A. All such payrolls and contracts so paid shall be  
20 reviewed and approved by the governing body at its next regular meeting.

21 C. ~~The board~~ governing body of any county may, in its discretion, destroy the papers  
22 constituting any or all claims allowed and paid, upon the expiration of five years after audit in  
23 accordance with retention regulations established pursuant to the Virginia Public Records Act (§  
24 42.1-76 et seq.).

25 **Drafting note: No substantive change in the law.**

26

27 § ~~15.1-549~~ 15.2-1244. Limitations on issuance of warrants.

28 No ~~board of supervisors~~ county governing body shall order any warrant issued for any  
29 purpose other than the payment of a claim received, audited and approved as required by § ~~15.1-~~  
30 ~~547~~ 15.2-1243. No clerk, deputy clerk, chairman or acting chairman of any ~~board of supervisors~~  
31 county governing body shall sign or countersign any warrant not ordered issued by the ~~board of~~

1 ~~supervisors governing body pursuant to the provisions of such § 15.1-547 15.2-1243.~~ No board  
2 ~~of supervisors county governing body~~ shall expend in any year for any purpose an amount  
3 greater than the amount available for such purpose during the year ~~nor shall any board of~~  
4 ~~supervisors~~ or order issued against any fund at any time any warrant ~~or warrants~~ in excess of the  
5 amount available in such fund and in the treasurer's possession at the time such warrant is issued,  
6 taking into account all previously issued and outstanding warrants payable from such fund. No  
7 interest shall be paid on any county warrant. Any clerk, deputy clerk or member of any ~~board of~~  
8 ~~supervisors county governing body~~ who ~~shall violate or become a party to the violation of~~  
9 violates any of the provisions of this section shall be guilty of a misdemeanor, and in addition  
10 ~~thereto~~ shall be guilty of malfeasance in office.

11 **Drafting note: No substantive change in the law.**

12  
13 § ~~15.1-550~~ 15.2-1245. Procedure for allowance of claims.

14 A. No account shall be allowed by the ~~board of supervisors governing body of the county~~  
15 unless ~~the same shall be~~ made out in separate items and with the nature of each item specifically  
16 stated, ~~and, when.~~ When no specific fees are allowed by law, the time actually and necessarily  
17 devoted to the performance of any service charged in such account shall be verified by affidavit,  
18 ~~to which shall~~ be filed ~~therewith~~ with the account. The attorney for the Commonwealth, or the  
19 county attorney ~~in those counties which have created the office of county attorney if there is one,~~  
20 shall represent the county before the board and shall advise the board of any claim which in his  
21 opinion is illegal or not before the board in proper form, ~~and or~~ or upon proper proof, or which for  
22 any other reason ought not to be allowed.

23 ~~When~~ B. If any claim has been allowed by the ~~board~~ governing body against the county  
24 which, in the opinion of such attorney, ~~or any six freeholders of the county~~ is improper as to  
25 form or proof or illegal, ~~he~~ the attorney shall seek the advice of the Attorney General as to  
26 legality or the State Auditor of Public Accounts as to matters of accounting, ~~or such freeholders~~  
27 ~~may appeal the decision of the board to the circuit court of the county.~~ If any claim has been  
28 allowed by the governing body against the county which, in the opinion of any six owners of  
29 land within the county is improper as to form or proof or illegal, such landowners may appeal the  
30 decision of the governing body to the circuit court for the county. If either the Attorney General  
31 or the State Auditor of Public Accounts is of the opinion the claim is illegal or in improper form,

1 the attorney for the Commonwealth shall appeal from the decision of the ~~board~~ governing body  
2 to the circuit court ~~of~~ for the county. In the event of any such appeal, the moving party shall  
3 ~~cause~~ serve a written notice ~~thereof to be served~~ of the appeal on the clerk of the ~~board~~ governing  
4 body and the party in whose favor the claim is allowed within thirty days after the making of  
5 such decision. If the court finds and states in its order that the claim was improperly allowed but  
6 that the consideration received or to be received by the county for payments made or to be made  
7 was or will be for value, it shall dismiss the appeal. If the court finds otherwise, it shall remand  
8 the claim to the ~~board of supervisors~~ governing body for appropriate action.

9 C. Whenever any claim allowed by ~~the board~~ a county governing body is declared illegal  
10 by a court of competent jurisdiction, the attorney for the Commonwealth, or the county attorney  
11 ~~in those counties which have created the office of county attorney if there is one,~~ in the name of  
12 the county, shall institute proper proceedings in the circuit court of his county within two years  
13 from the entry of the order ~~allowing the same~~ declaring the claim illegal, if such amount has  
14 already been paid. ~~The~~ Such attorney ~~for the Commonwealth, or the county attorney in those~~  
15 ~~counties which have created the office of county attorney,~~ shall be available to the ~~board~~  
16 governing body and give his legal opinion when requested.

17 D. Nothing in ~~§ 15.1-550~~ this section shall ~~be construed to~~ prevent any ~~such board~~ county  
18 governing body from disallowing any account, in whole or in part, when ~~so~~ rendered and verified  
19 consistent with subsection A, ~~nor from~~ or requiring any other or ~~further~~ evidence of the truth and  
20 propriety ~~thereof of any account~~ as they may think it thinks proper.

21 **Drafting note: No substantive change in the law. Subsection D is former § 15.1-551.**

22  
23 ~~§ 15.1-551. Construction of § 15.1-550.~~

24 ~~Nothing in § 15.1-550 shall be construed to prevent any such board from disallowing any~~  
25 ~~account, in whole or in part, when so rendered and verified, nor from requiring any other or~~  
26 ~~further evidence of the truth and propriety thereof as they may think proper.~~

27 **Drafting note: Appears as subsection D of § 15.2-1245.**

28  
29 ~~§ 15.1-552~~ 15.2-1246. Appeal from disallowance of claim.

30 When a claim of any person against a county is disallowed in whole or in part by the  
31 ~~board of supervisors~~ governing body, if such person ~~be~~ is present, he may appeal from the

1 decision of the ~~board to the circuit court of the county~~ governing body within thirty days from  
2 the date of the decision; ~~if he be.~~ If the claimant is not present, the clerk of the ~~board~~ governing  
3 body shall serve a written notice of the disallowance on him or his agent, and ~~in that case~~ he may  
4 appeal to the court from the decision within thirty days after service of such notice; ~~but in.~~ In no  
5 case shall the appeal be taken after the lapse of six months from the date of the decision, ~~nor~~  
6 ~~shall an.~~ No appeal be allowed ~~in any case~~ unless the amount disallowed exceeds ten dollars.  
7 ~~Such appeal~~ The disallowance may be ~~taken~~ appealed by ~~causing a~~ servicing written notice thereof  
8 ~~to be served~~ on the clerk of the ~~board~~ governing body and executing a bond to ~~such~~ the county,  
9 with sufficient surety to be approved by the clerk of the ~~board~~ governing body, with condition  
10 for the faithful prosecution of such appeal, and the payment of all costs ~~that shall be adjudged~~  
11 ~~against~~ imposed on the appellant by the court.

12 **Drafting note: No substantive change in the law. The phrase “to the circuit court of**  
13 **the county” is deleted in the first sentence since the Supreme Court has ruled that an**  
14 **appeal may be made by serving written notice on the clerk, as stated in the final sentence.**

15  
16 § ~~15.1-553~~ 15.2-1247. When disallowance of claim final; exception; when no execution  
17 to be issued.

18 The determination of the ~~board of supervisors~~ governing body of any county disallowing  
19 a claim, in whole or in part, shall be ~~final and conclusive and a perpetual~~ bar to any action in any  
20 court founded on such claim, unless ~~an appeal be taken from the decision and determination of~~  
21 ~~such board or unless such shall consent and agree~~ (i) the decision of the governing body  
22 disallowing the claim is appealed; (ii) the governing body consents to the institution of an action  
23 by ~~such~~ the claimant against the county; ~~but, when or~~ (iii) the board of supervisors shall refuse  
24 governing body refuses or ~~neglect~~ neglects to act upon any claim duly presented to ~~them,~~ this  
25 ~~section shall not be so construed as to prevent the institution of an action by such claimant~~ it. No  
26 execution shall be issued upon any judgment recovered against a county, board of supervisors, or  
27 against any officer of the county, when the judgment should be paid by the county, ~~but the same.~~  
28 Any judgment against the county shall be provided for by the ~~board of supervisors~~ governing  
29 body in the next county levy and paid by the treasurer as other county charges.

30 **Drafting note: No substantive change in the law; the deleted language is**  
31 **unnecessary.**

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§ ~~15.1-554~~ 15.2-1248. No action against county until claim presented to ~~board~~ governing body.

No action shall be maintained by any person against a county upon any claim or demand until such person ~~shall have first~~ has presented his claim to the ~~board of supervisors of such county for allowance~~ governing body of the county, unless the governing body ~~of the county~~ has entered into a binding arbitration agreement or there is a provision in a written contract with the county to submit to arbitration any controversy thereafter arising. When there exists such a provision in a contract or there is a written agreement to arbitrate, the provisions of the Uniform Arbitration Act, Article 2 (§ 8.01-581.01 et seq.) of Chapter 21 of Title 8.01, shall apply.

**Drafting note: No substantive change in the law.**

§ ~~15.1-555~~ 15.2-1249. 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~~ governing body 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~~ governing body; 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.

**Drafting note: No substantive change in the law.**

1 **PROPOSED**  
2 **CHAPTER 26.3 13.**  
3 **REGIONAL COMPETITIVENESS ACT JOINT ACTIONS BY LOCALITIES.**  
4

5 **Chapter drafting note: This chapter brings together various sections related to joint**  
6 **actions by localities.**

7  
8 Article 1.

9 Joint Exercise of Powers.

10  
11 § ~~15.1-21~~ 15.2-1300. Joint exercise of powers by ~~counties, cities or towns~~ political  
12 subdivisions.

13 A. Any power, privilege or authority exercised or capable of exercise by any political  
14 subdivision of this Commonwealth may be exercised and enjoyed jointly with any other political  
15 subdivision of this Commonwealth having a similar power, privilege or authority except where  
16 an express statutory procedure is otherwise provided for the joint exercise.

17 B. Any two or more political subdivisions may enter into agreements with one another  
18 for joint action pursuant to the provisions of this section. ~~Action by ordinance of the governing~~  
19 ~~bodies of the~~ The participating political subdivisions shall approve such agreement before the  
20 agreement may enter into force. Localities shall approve such agreements by ordinance. Other  
21 political subdivisions shall approve such agreements by resolution.

22 C. The agreement shall specify the following:

23 1. Its duration.

24 2. Its purpose or purposes.

25 3. The manner of financing the joint undertaking and of establishing and maintaining a  
26 budget therefor.

27 4. The permissible method or methods to be employed in accomplishing the partial or  
28 complete termination of the agreement and for disposing of property upon such partial or  
29 complete termination.

30 5. All other necessary and proper matters.

1 D. The agreement, in addition to the items enumerated in subsection C hereof, ~~shall~~ may  
2 contain the following:

3 1. Provision for an administrator or a joint board responsible for administering the  
4 undertaking. The precise organization, composition, term, powers and duties of any  
5 administrator or joint board shall be specified.

6 2. The manner of acquiring, holding (including how title to such property shall be held)  
7 and disposing of real and personal property used in the undertaking.

8 3. How issues of liability will be dealt with and the types, amounts and coverages of  
9 insurance.

10 E. No agreement made pursuant to this section shall relieve any political subdivision of  
11 any obligation or responsibility imposed upon it by law except that to the extent of actual and  
12 timely performance thereof by an administrator or joint board created by an agreement made  
13 hereunder, such performance may be offered in satisfaction of the obligation or responsibility.

14 F. Any political subdivision entering into an agreement pursuant to this section may  
15 appropriate funds and may sell, lease, give, or otherwise supply the administrator or joint board  
16 created to operate the undertaking with such property, personnel or services therefor as may be  
17 within its legal power to furnish.

18 G. Any power, privilege or authority exercised or capable of exercise by any political  
19 subdivision of this Commonwealth may be exercised and enjoyed jointly with any political  
20 subdivision of any other state or the District of Columbia subject to the provisions of subsections  
21 A, B, C, D, E and F above, which shall apply mutatis mutandis.

22 **Drafting note: SUBSTANTIVE CHANGE; “shall” is changed to “may” in**  
23 **subsection D so as to avoid imposing burdensome and unnecessary requirements on**  
24 **political subdivisions wishing to exercise powers jointly. The catchline is amended to**  
25 **reflect the substance of the section.**

26  
27 § ~~15.1-21.2~~ 15.2-1301. Voluntary economic growth-sharing agreements.

28 A. Any county, city or town, or combination thereof, may enter voluntarily into an  
29 agreement with any other county, city or town, or combination thereof, whereby the locality may  
30 agree for any purpose otherwise permitted, including the provision on a multi-jurisdictional basis  
31 of one or more public services or facilities or any type of economic development project, to enter



1 into binding fiscal arrangements for fixed time periods, to exceed one year, to share in the  
2 benefits of the economic growth of their localities. However, if any such agreement contains any  
3 provision addressing any issue provided for in ~~Chapter 20.2 § 15.1-965.9 et seq.~~, ~~21 (§ 15.1-966~~  
4 ~~et seq.)~~, ~~21.1 (§ 15.1-977.1 et seq.)~~, ~~21.2 (§ 15.1-977.19:1 et seq.)~~, ~~22 (§ 15.1-982.1 et seq.)~~ or ~~25~~  
5 ~~(§ 15.1-1032 et seq.)~~ Chapters 32, 33, 36, 38, 39 or 41 of this title, the agreement shall be subject  
6 to the review and implementation process established by Chapter ~~26.1:1~~ 34 (~~§ 15.1-1167.1 et~~  
7 ~~seq.~~) of this title.

8 B. The terms and conditions of the revenue, tax base or economic growth-sharing  
9 agreement as provided in subsection A shall be determined by the affected localities and shall be  
10 approved by the governing body of each locality participating in the agreement, provided the  
11 governing body of each such locality first holds a public hearing which shall be advertised once a  
12 week for two successive weeks in a newspaper of general circulation in the locality. However,  
13 the public hearing shall not take place until the Commission on Local Government has issued its  
14 findings in accordance with subsection D. For purposes of this section, "revenue, tax base, and  
15 economic growth-sharing agreements" means any agreement authorized by subsection A which  
16 obligates any ~~county, city or town~~ locality to pay another ~~county, city or town~~ locality all or any  
17 portion of designated taxes or other revenues received by that political subdivision, but shall not  
18 include any interlocal service agreement.

19 C. Any revenue, tax base or economic growth-sharing agreement entered into under the  
20 provisions of this section that creates a debt pursuant to Article VII, Section 10 (b) of the  
21 Constitution of Virginia, shall require the board of supervisors to hold a special election on the  
22 question as provided in § ~~15.1-1167.2~~ 15.2-3401.

23 D. Revenue, tax base and economic growth-sharing agreements drafted under the  
24 provisions of this chapter shall be submitted to the Commission on Local Government for review  
25 as provided in subdivision 4 of § ~~15.1-945.3~~ 15.2-2903.

26 **Drafting note: No substantive change in the law.**

27  
28 § ~~15.1-21.1~~ 15.2-1302. Certain Commonwealth distributions to ~~local governments~~  
29 localities.

30 Any state funds that were distributed to a ~~county, city, town~~ locality, or a local school  
31 board in support of a governmental program or function prior to a consolidation of such program

1 or function or the governmental consolidation of the entities providing such programs or  
2 functions, shall continue to be distributed to the entity or entities carrying out the program or  
3 function after consolidation and shall not be reduced below the amounts that would have been  
4 received by each entity from the Commonwealth for the governmental program or function  
5 computed on the premise that no consolidation occurred for a period of five fiscal years  
6 following the consolidation.

7 This section shall not prohibit the Commonwealth from terminating or modifying any  
8 program or function under which distribution to a ~~county, city, town~~ locality, or local school  
9 board has been made, and if so terminated or modified all obligations hereunder shall cease or be  
10 reduced in proportion with such modifications, as the case may be.

11 If any such consolidations terminate prior to the end of the five-year period, the  
12 Commonwealth's obligation under this section shall cease.

13 For the purposes of this ~~statute section~~, "consolidation" includes the ~~reversion~~ transition  
14 of a city to town status ~~and further includes the consolidation of a city and a county into a~~  
15 ~~consolidated city containing a shire, borough, or such other political subdivision authorized by~~  
16 ~~subdivision 20 of § 15.1-1135, the initial boundaries of which are the same as the existing city~~  
17 ~~which is included in the consolidated city.~~

18 **Drafting note: No substantive change in the law; deletes language enacted during**  
19 **the 1995 Session which was intended to help facilitate the proposed consolidation of**  
20 **Bedford County and Bedford City. The proposed consolidation was defeated by voters in**  
21 **November 1995.**

22  
23 Article 2.

24 Local Government Associations.

25  
26 § ~~15.1-20~~ 15.2-1303. Associations to promote welfare of political subdivisions.

27 The governing bodies of two or more of the political subdivisions of the Commonwealth  
28 may, in their discretion, and in addition to powers prescribed in § ~~15.1-10~~ 15.2-940, form and  
29 maintain associations for the purpose of promoting, through investigation, discussion and  
30 cooperative effort, the interest and welfare of the several political subdivisions of the  
31 Commonwealth ~~of Virginia~~, and to promote a closer relation between the several political

1 subdivisions of the Commonwealth. Any such association so formed shall be an instrumentality  
2 of the political subdivisions which are members thereof.

3 The provisions of this section shall be applicable to any such associations created prior to  
4 and in existence on June 29, 1956.

5 **Drafting note: No substantive change in the law.**

6

7 § ~~15.1-20.1~~ 15.2-1304. Appropriating funds or supplying goods and services to certain  
8 regional organizations.

9 ~~(a)~~ A. The governing body of any ~~county, city or town~~ locality which is a member, or  
10 hereafter becomes a member, of any organization or association including an organization or  
11 association having members outside of the Commonwealth ~~of Virginia~~ which has as its principal  
12 objective one or more of the purposes set forth in subsection ~~(b)~~ B hereof, is authorized to  
13 appropriate funds to such organization or to provide goods and services to such organization, all  
14 for the purpose of advancing the welfare and economic interests of such ~~county, city or town~~  
15 locality and the citizens thereof.

16 ~~(b)~~ B. Funds may be appropriated or goods and services may be provided, only to an  
17 organization which has as its objective one or more of the following purposes: identification of  
18 problems hindering the growth, development and economic functioning of the region in which  
19 such ~~county, city or town~~ locality is located; development of comprehensive plans for the growth  
20 and development of the region as a whole and the promotion of interjurisdictional cooperation;  
21 development of appropriate policies and cooperative mechanisms among the participating  
22 ~~political subdivisions~~ localities for improving the administration of public services; development  
23 of concerted action among participating ~~political subdivisions~~ localities for the benefit thereof  
24 and for the benefit of the region as a whole; defense and strengthening of local government; and  
25 taking of such other action in connection with the foregoing as will advance the best interests of  
26 the entire region and of the participating ~~political subdivisions~~ localities; ~~provided, however, that~~  
27 all funds for the development of plans or planning in Virginia shall be expended through  
28 commissions created under Article ~~4~~ 2 (§ ~~15.1-427~~ 15.2-2210 et seq.) of Chapter ~~11~~ 22 of Title  
29 ~~15.1~~ 15.2, and other related or existing agencies authorized by the Commonwealth ~~of Virginia~~, to  
30 the extent that such commissions or other agencies are authorized by law to develop such plans  
31 or planning. Provided further, that no ~~county, city or town~~ locality shall appropriate funds, unless

1 specifically authorized by the General Assembly, to any organization or association having  
2 members outside of the Commonwealth of Virginia (~~1~~) (i) when such association or organization  
3 possesses the power of taxation or the right of condemnation, and (~~2~~) (ii) unless the ~~county, city~~  
4 ~~or town~~ locality has the right to withdraw from such association or organization at any time.

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-20.2~~ 15.2-1305. Review of appropriations to certain agencies; providing goods  
8 and services to such agencies in lieu of funds.

9 The governing body of any ~~county, city or town~~ locality may from time to time require of  
10 any board, commission or authority, hereinafter referred to as recipient agency, to which it has  
11 power to appropriate public funds and has appropriated such funds in the past or has received a  
12 request for appropriations, such information books and records of the recipient agency as the  
13 governing body deems necessary in order that it may be assured that an appropriation or  
14 proposed appropriation will not result in the dissipation of public funds and in order that it may  
15 determine the use of past and the proposed use of future appropriations, the method of  
16 management, control and organization of the recipient agency and its present and proposed  
17 programs. If the governing body determines that a particular administrative function or activity  
18 of the recipient organization duplicates the services provided by the governing body and that  
19 public funds may be conserved by combining, consolidating or coordinating the activities of the  
20 recipient agency with those of the ~~county~~ locality, it may, in lieu of an appropriation of funds for  
21 that function or activity, provide the recipient agency with the necessary goods and services; ~~and~~  
22 ~~the~~. The governing body may assign officers and employees to coordinate the functions and  
23 activities of the governing body and those of the various recipient agencies.

24 **Drafting note: No substantive change in the law.**

25  
26 Article 3.

27 Regional Competitiveness Act.

28  
29 § ~~15.1-1227.1~~ 15.2-1306. Policy of General Assembly.

1 It shall be the policy of the General Assembly to encourage Virginia's counties, cities and  
2 towns to exercise the options provided by law to work together for their mutual benefit and the  
3 benefit of the Commonwealth.

4 **Drafting note: No change.**

5  
6 § ~~15.1-1227.2~~ 15.2-1307. Definitions.

7 As used in this ~~chapter~~ article, unless a different meaning clearly appears from the  
8 context:

9 "Joint activity" means a governmental function which is carried out by, performed on  
10 behalf of, or contracted for two or more localities within a region and includes present and future  
11 activities.

12 "Locality" means all counties, cities and towns within a regional partnership.

13 "Region" means a planning district; however, by agreement of the localities of the  
14 planning district, localities which are not part of a planning district may be added to the region if  
15 the locality's governing body by vote agrees to become part of the region. In addition, localities  
16 may establish, with the approval of the Department of Housing and Community Development, a  
17 different regional configuration, provided that at least one of the localities is a city, if a city  
18 exists within the planning district, unless the city voluntarily agrees not to participate.

19 "Regional partnership" means an organization composed of government, business,  
20 education and civic leaders approved by the local governing bodies of the region to carry out the  
21 provisions of this chapter. The organization may be an existing or newly established regional  
22 planning or economic development organization serving the region.

23 **Drafting note: No substantive change in the law.**

24  
25 § ~~15.1-1227.3~~ 15.2-1308. Incentives for certain joint activities by local governments.

26 A. The General Assembly may establish a fund to be used to encourage regional  
27 strategic planning and cooperation. Specifically, the incentive fund shall be used to encourage  
28 and reward regional strategic economic development planning and joint activities as described in  
29 § ~~15.1-1227.4~~ 15.2-1309.

30 B. The fund shall be administered by the Department of Housing and Community  
31 Development and distributed to the qualifying ~~counties, cities and towns~~ localities in installments

1 under the terms and conditions of applicable statutes and by procedures adopted by the  
2 Department. The Department shall establish a state-wide advisory committee to develop  
3 recommendations for the distribution of funds to localities pursuant to §§ ~~15.1-1227.4~~ 15.2-1309  
4 and ~~15.1-1227.5~~ 15.2-1310. The advisory committee shall have at least twelve members  
5 appointed by the Governor and shall have equal representation from local government and the  
6 business community. The advisory committee shall be representative of each region of the  
7 Commonwealth.

8 C. All departments, agencies, institutions, and local governments of the Commonwealth  
9 shall make available such information and assistance as the Department may request in the  
10 performance of its responsibilities set forth in this section.

11 **Drafting note: No substantive change in the law.**

12  
13 § ~~15.1-1227.4~~ 15.2-1309. Eligibility criteria for incentive payments.

14 The Department of Housing and Community Development, in setting the criteria for  
15 eligibility for incentive payments under § ~~15.1-1227.3~~ 15.2-1308, shall require that:

16 1. A regional partnership shall exist and effectively function in the applicant region, and  
17 membership shall include as broad a representation as is practical of local government,  
18 elementary and secondary education, higher education, the business community, and civic  
19 groups. The partnership should include as many of the following as is practical: the mayor or  
20 chair and the chief administrative officer of each member locality, president of each institution of  
21 higher education, corporate leaders of the region, and leaders of local civic associations. The  
22 Department shall issue guidelines on the structure and organization of the regional partnership.

23 2. Each regional partnership shall develop a regional strategic economic development  
24 plan which identifies critical issues of economic competitiveness for the region. The plan shall  
25 contain, at a minimum, a comparison of the following criteria for the region, and the primary  
26 competitor regions in the southeast United States:

- 27 a. Median family income;
- 28 b. Job creation; and
- 29 c. Differences in median family income levels among the localities in the region.

30 3. Each regional partnership shall issue an annual report, including, at a minimum, the  
31 region's progress towards improvement according to the criteria identified in subdivision 2 and

1 its progress in addressing the critical issues of economic competitiveness identified in the  
2 regional strategic economic development plan.

3 4. Each regional partnership shall identify the existing and proposed joint activities  
4 within the region, and the joint activities shall have a combined point total of at least twenty  
5 points, based on the values established in § ~~15.1-1227.5~~ 15.2-1310, in order for the region to  
6 qualify for any incentive payments.

7 5. Subject to the provisions of § ~~15.1-1227.3-A~~ 15.2-1308, once a region becomes  
8 eligible for the annual incentive payments, it shall receive such payments for at least five years,  
9 so long as regional partnerships continue to exist and effectively function. The region may  
10 reapply before or at the end of the five-year period for requalification to continue to receive  
11 annual incentive payments.

12 6. Joint activities existing prior to the enactment of this section or prior to requalification  
13 may be considered by the Department of Housing and Community Development for an award up  
14 to the full value established in § ~~15.1-1227.5~~ 15.2-1310. Existing joint activities which are  
15 expanded in scope or number of localities may be considered a new joint activity but shall not  
16 receive the full value of points as established in § ~~15.1-1227.5~~ 15.2-1310. Points for existing  
17 activities (prior to July 1, 1996, or prior to requalification) may not constitute more than fifty  
18 percent of the total points assigned.

19 7. The year for incentive payments shall be the Commonwealth's fiscal year following the  
20 calendar year in which the region qualifies, with payments made annually by the Comptroller  
21 upon certification by the Department of Housing and Community Development. Eligible regions  
22 shall receive incentive funds in an amount equal to the percentage of the funds appropriated for  
23 incentive payments for such fiscal year that represents the region's percentage of the total  
24 population of all eligible regions. Within eligible regions, the incentive funds shall be distributed  
25 to the localities on the basis of a formula mutually agreed to by all of the localities of the region.

26 **Drafting note: No change.**

27

28 § ~~15.1-1227.5~~ 15.2-1310. Assignment of weights for functional activities.

29 In determining the eligibility of the region, the Department of Housing and Community  
30 Development may assign weights for each joint activity up to the number in parentheses below:

- 31 1. Job Creation or Economic Development (10)

1	2. Regional Revenue Sharing or Growth Sharing Agreements	(10)
2	3. Education	(10)
3	4. Human Services	(8)
4	5. Local Land Use	(8)
5	6. Housing	(8)
6	7. Transportation	(5)
7	8. Law Enforcement	(5)
8	9. Solid Waste	(4)
9	10. Water and Sewer Services	(4)
10	11. Corrections	(3)
11	12. Fire Services and Emergency Medical Services	(3)
12	13. Libraries	(2)
13	14. Parks and Recreation	(2)

14           The assignment of values by the Department to any joint activity may be based upon the  
15 significance of the joint activity as measured by the fiscal resources committed to it, the number  
16 of regional localities participating, the significance of the activity as measured by the regional  
17 effort involved in developing joint activities, the complexity of the activity, the general impact  
18 on relations between the affected jurisdictions, or other factors deemed to be appropriate by the  
19 Department. A region may petition the Department to adjust the weights of the above criteria to  
20 reflect the relative importance of that criteria on the economic competitiveness of the region.  
21 Upon receipt of such petition, the Department may adjust the weight of any criteria; however, the  
22 weight of any one criteria shall not exceed ten. In addition to the weights listed in § ~~15.1-1227.5~~  
23 15.2-1310, the Department of Housing and Community Development may add up to a total of  
24 five points for regions that have taken successful actions to make governmental services or  
25 functions more efficient or successful actions in reducing the local property tax burden  
26 throughout the region.

27           **Drafting note: No change.**



1 **PROPOSED**  
2 **CHAPTER 14.**  
3 **GOVERNING BODIES OF LOCALITIES.**  
4

5 **Drafting note: This new chapter brings together various sections scattered in Title**  
6 **15.1 that pertain to local governing bodies and their authority, powers and duties. It**  
7 **combines sections relating to counties with those relating to municipalities to present a**  
8 **basic statutory structure applicable to all localities. New sections are proposed to round off**  
9 **such basic structure. This approach is in accordance with the 1971 Constitution which**  
10 **combines two articles (one for counties, the other for municipalities) into one article on**  
11 **local government.**

12  
13 **Article 1.**  
14 **General Provisions.**  
15

16 ~~§ 15.1-803. Number of wards in city; how changed.~~

17 ~~In each city of this Commonwealth there shall be as many wards as the city council may~~  
18 ~~establish. Whenever it becomes necessary because the corporate limits of the city have been~~  
19 ~~extended or contracted, the city council shall redistrict the city into wards, change the boundaries~~  
20 ~~of existing wards, or increase or diminish the number of wards.~~

21 **Drafting note: Repealed; see § 24.2-311 for provisions regarding local**  
22 **reapportionment.**

23  
24 ~~§ 15.1-805. Council; how composed; number, election and terms of members.~~

25 ~~There shall be in every city a council. In cities of 10,000 or more population it shall~~  
26 ~~consist of two branches, having a different number of members, one of which shall be called the~~  
27 ~~"common council" and be composed of not less than five nor more than forty members, and the~~  
28 ~~other shall be called the "board of aldermen" and be composed of not less than three nor more~~  
29 ~~than twenty-two members. In cities of under 10,000 population the council shall consist of one~~  
30 ~~branch, which shall be called its common council, and be composed of not less than eight, nor~~  
31 ~~more than forty members. The members of the council of each city, and of each branch thereof~~

1 ~~when the council consists of two branches, shall be residents of their respective wards and~~  
2 ~~qualified voters therein and shall be elected by the qualified voters of such wards. So far as~~  
3 ~~practicable each ward in every city shall have equal representation in the council, and in each~~  
4 ~~branch thereof when it consists of two branches, in proportion to the population of such ward.~~  
5 ~~The members of every council, and of each branch thereof when it consists of two branches,~~  
6 ~~shall be elected for a term of four years. But upon the first assembling under this section of every~~  
7 ~~council, and of each branch thereof, when there are two, the members of each branch thereof~~  
8 ~~shall be divided into two equal classes to be determined by lot and the term of the members of~~  
9 ~~the first class shall be two years and that of the members of the second class shall be four years.~~  
10 ~~Thereafter the terms of all the members of each class shall be four years, so that one half of each~~  
11 ~~branch shall be elected every two years. In cases in which the total membership of a branch is~~  
12 ~~uneven, provision may be made in such division into classes for the assignment of the odd~~  
13 ~~number to one of the classes. All elections to fill vacancies in any council shall be for the~~  
14 ~~unexpired term. Nothing in this section in conflict with the charter of any city whose council~~  
15 ~~now consists of two branches shall affect the charter of such city, except insofar as the same is~~  
16 ~~affected by the Constitution.~~

17 **Drafting note: Repealed; this section is obsolete. General election provisions are**  
18 **covered in § 15.2-1400.**

19  
20 ~~§ 15.1-37.4. Election of governing bodies of counties, cities and towns; number of~~  
21 ~~members.~~

22 ~~The governing body of every county, city, and town shall be elected by the qualified~~  
23 ~~voters of such county, city, and town. The governing body of any county, city or town shall be~~  
24 ~~composed of not less than three nor more than eleven members.~~

25 **Drafting note: The substance of this section is relocated to § 15.2-1400.**

26  
27 ~~§ 15.1-830. Council of town may punish or expel members; vacancies.~~

28 ~~The council of a town may fine a member for disorderly behavior and, with the~~  
29 ~~concurrence of two thirds, expel a member. In the event a vacancy occurs on the council or in~~  
30 ~~the office of mayor, whether occurring when an officer elect fails to take office or during the~~  
31 ~~person's term of office, the vacancy shall be filled pursuant to Article 6 (§ 24.2-225 et seq.) of~~

1 Chapter 2 of Title 24.2; however, if the vacancy on council occurs in any town, regardless of  
2 population, because council has expelled a member, the person appointed by council to fill the  
3 vacancy shall serve only until the vacancy can be filled for the remainder of the term in a special  
4 election pursuant to § 24.2-226.

5 **Drafting note: Repealed; see § 15.2-1400 D for provisions regarding punishment of**  
6 **council members.**

7  
8 § 15.2-1400. Governing bodies.

9 A. The qualified voters of every locality shall elect a governing body for such locality.  
10 The date, place, number, term and other details of the election shall be as specified by law,  
11 general or special. Qualification for office is provided in § 15.2-1522 et seq.

12 B. The governing body of every locality shall be composed of not fewer than three nor  
13 more than eleven members.

14 C. Chairmen, mayors, supervisors and councilmen are subject to the prohibitions set  
15 forth in §§ 15.2-1534 and 15.2-1535.

16 D. A governing body may punish or fine a member of the governing body for disorderly  
17 behavior.

18 **Drafting note: This new section restates the current law as found in § 15.1-37.4 and**  
19 **other sections of this title and in Title 24.2. The authority for subsection D comes from §§**  
20 **15.1-522, 15.1-810 and 15.1-830; however, provisions regarding expulsion of governing**  
21 **body members are not carried forward since they are superseded by Article 7 (§ 24.2-230 et**  
22 **seq.) of Chapter 2 of Title 24.2.**

23  
24 ~~§ 15.1-7~~ 15.2-1401. Powers granted ~~cities and towns~~ localities vested in their governing  
25 bodies.

26 Unless otherwise clearly indicated by the context in which the provisions relating thereto  
27 are set forth, all powers granted to ~~counties, cities and towns~~ localities shall be vested in their  
28 respective governing bodies.

29 **Drafting note: No substantive change in the law. The change in the catchline is to**  
30 **accurately reflect the content of the section.**

31

1           § 15.2-1402. Declared to be body politic of Commonwealth; seal.

2           Every locality of this Commonwealth is hereby declared to be a body politic of the  
3 Commonwealth and may have a seal and alter the same at its pleasure.

4           **Drafting note: This new section states basic law and adds the provision for seals**  
5 **that is deleted by the repeal of § 15.1-506.**

6  
7           § 15.2-1403. Governing body to be continuing body.

8           Every governing body of a locality shall be a continuing body, and no measure pending  
9 before such body shall abate or be discontinued by reason of expiration of the term of office or  
10 removal of any or all members of the governing body.

11           **Drafting note: This new section is not intended to change the current state of the**  
12 **law but merely points out that a pending matter will not abate solely due to a change in the**  
13 **governing body membership.**

14  
15           ~~§ 15.1-506. How governing body may sue and be sued; seal.~~

16           ~~The governing body of any county, by the name of "The Board of Supervisors of . . . . .~~  
17 ~~. . . County," may sue and be sued in relation to all matters connected with their duties as such~~  
18 ~~board, and have a seal and alter the same at pleasure.~~

19           **Drafting note: Repealed; “sue and be sued” is covered by § 15.2-1404 and “seal” is**  
20 **found in § 15.2-1402.**

21  
22           ~~§ 15.1-508. How counties may sue and be sued.~~

23           ~~Every county may sue in its own name for forfeitures, fines or penalties given by law to~~  
24 ~~such county, or upon contracts made with it; and, subject to the provisions of §§ 15.1-557 and~~  
25 ~~15.1-558, be sued in its own name in the circuit court of such county, and the process instituting~~  
26 ~~such suit shall be executed by being served on the attorney for the Commonwealth of the county~~  
27 ~~or upon the county attorney in those counties which have created the office of the county~~  
28 ~~attorney.~~

29           ~~The governing body of a county may enter into a written agreement to submit any~~  
30 ~~existing controversy to arbitration and may execute a contract which contains a provision to~~  
31 ~~submit to arbitration any controversy thereafter arising.~~

1           **Drafting note: The substance of this section is relocated to § 15.2-1404.**

2  
3           § 15.2-1404. How localities may sue or be sued; arbitration.

4           Every locality may sue or be sued in its own name in relation to all matters connected  
5 with its duties. The process instituting suit against a locality shall be served as provided in §  
6 8.01-300.

7           The governing body of any locality may enter into a written agreement to submit any  
8 existing controversy to arbitration and may execute a contract which contains a provision to  
9 submit to arbitration any controversy thereafter arising.

10           **Drafting note: This section is a revision of § 15.1-508 and is made applicable to**  
11 **municipalities as well as counties and authorizes, for purposes of instituting legal actions,**  
12 **counties to be treated as if they were corporate entities.**

13  
14           ~~§ 15.1-7.01~~ 15.2-1405. Immunity of members of local governmental entities; exception.

15           The members of the governing bodies of any ~~county, city, town~~ locality or political  
16 subdivision and the members of boards, commissions, agencies and authorities thereof and other  
17 governing bodies of any local governmental entity, whether compensated or not, shall be  
18 immune from suit arising from the exercise or failure to exercise their discretionary or  
19 governmental authority as members of the governing body, board, commission, agency or  
20 authority which does not involve the unauthorized appropriation or misappropriation of funds.  
21 However, the immunity granted by this section shall not apply to conduct constituting intentional  
22 or willful misconduct or gross negligence.

23           **Drafting note: No substantive change in the law.**

24  
25           ~~§ 15.1-827. Presiding officer; salary of mayor.~~

26           ~~The mayor shall preside over the council; and the council may direct the payment to the~~  
27 ~~mayor of a salary in an amount established by council, payable as the council may direct;~~  
28 ~~notwithstanding any provision of a town charter or any other law setting forth the salary of~~  
29 ~~mayor. No increase in salary of a mayor shall take effect during the incumbent mayor's term in~~  
30 ~~office; however, this restriction shall not apply to mayors when the council members are elected~~

1 ~~for staggered terms. In the event of the absence of the mayor, the council may appoint a~~  
2 ~~president pro tempore.~~

3 **Drafting note: Repealed; provisions regarding salaries are transferred to § 14.1-**  
4 **47.3 (see Appendix B). For provisions relating to the mayor, see Article 3 of this chapter.**

5  
6 ~~§ 15.1-827.1. Salaries of town council members.~~

7 ~~Notwithstanding any provision of a charter of a town or any other law, a town council~~  
8 ~~may establish the compensation to be paid to council members. No increase in salary of a council~~  
9 ~~member shall take effect during the incumbent council member's term in office; however, this~~  
10 ~~restriction shall not apply to councils when the council members are elected for staggered terms.~~

11 **Drafting note: Relocated to § 14.1-47.3. See Appendix B.**

12  
13 ~~§ 15.1-809.2. Reimbursement for certain expenses in lieu of compensation.~~

14 ~~A councilman or mayor of any city shall have the option of accepting, in lieu of salary,~~  
15 ~~reimbursement for actual expenses incurred in maintaining an office and secretarial assistance~~  
16 ~~necessary for the proper performance of his duties. Such reimbursement shall be subtracted from~~  
17 ~~the amount of salary due such official and the remaining sum shall be paid to him at his option;~~  
18 ~~provided, however, such expenses shall not exceed such salary.~~

19 **Drafting note: Repealed; salary provisions are found in Title 14.1.**

20  
21 ~~§ 15.2-1406. Compensation of governing bodies.~~

22 ~~The compensation of governing bodies and their chairmen, vice-chairmen, mayors and~~  
23 ~~vice-mayors shall be determined as provided in Title 14.1.~~

24 **Drafting note: This section is for informational purposes. The provisions of §§**  
25 **15.1-827 and 15.1-827.1 pertaining to the compensation of town mayors and town council**  
26 **members will be relocated in Title 14.1 where corresponding statutes for counties and cities**  
27 **are found.**

28  
29 ~~§ 15.1-13 15.2-1407. General powers of governing bodies of cities and towns~~  
30 ~~Administrative leave for certain members of governing bodies.~~

1           ~~The governing bodies of cities and towns, for the purpose of carrying into effect the~~  
2 ~~enumerated powers conferred upon them may make ordinances and prescribe fines or other~~  
3 ~~punishment for violation thereof, keep a city or town guard, appoint a collector of its taxes and~~  
4 ~~levies, and such other officers as they may deem proper, define their powers, prescribe their~~  
5 ~~duties and compensation, and take from any of them a bond, with sureties, in such penalty as to~~  
6 ~~the governing body may seem fit, payable to the city or town by its corporate name and with~~  
7 ~~condition for the faithful discharge of such duties.~~ Any duly elected member of such a governing  
8 body who is an employee of that ~~city or town~~ locality may receive administrative leave each year  
9 in addition to his annual and sick leave.

10           **Drafting note: Except for the last sentence, the provisions of this section are**  
11 **outdated or overlap existing authority.**

12  
13           ~~§ 15.1-29.22~~ 15.2-1408. Restrictions on activities of former officers and employees by  
14 certain counties.

15           The provisions of this section ~~shall~~ apply to any county having a population between  
16 48,000 and 50,000; ~~and~~ or between 60,000 and 62,000. In any such county, the board of  
17 supervisors, by ordinance, may prohibit former officers and employees, for one year after their  
18 terms of office have ended or employment ceased, from providing personal and substantial  
19 assistance for remuneration of any kind to any party, in connection with any proceeding,  
20 application, case, contract, or other particular matter involving the county or an agency thereof, if  
21 that matter is one in which the former officer or employee participated personally and  
22 substantially as a county officer or employee through decision, approval, or recommendation.

23           The term "officer or employee," as used in this section, includes members of the board of  
24 supervisors, county officers and employees, and individuals who receive monetary compensation  
25 for service on or employment by agencies, boards, authorities, sanitary districts, commissions,  
26 committees, and task forces appointed by the board of supervisors.

27           **Drafting note: No substantive change in the law. This section should not be set out,**  
28 **but should be carried by reference only.**

29  
30           ~~§ 15.1-558. Settlement of claims against treasurer or former treasurer of county.~~

1           The boards of supervisors may, with the advice and consent of the county attorney, adjust  
2 and settle upon equitable principles, without regard to strict legal rules, any judgment, the  
3 collection of which is doubtful, which may exist in favor of the county against any treasurer or  
4 ex treasurer of the county and his sureties. But before such adjustment or settlement shall in  
5 anywise affect the rights of the county, it shall be submitted to the judge of the circuit court of  
6 the county, accompanied by a written statement signed by the chairman of the board of  
7 supervisors of the county of the facts and reasons which, in the opinion of the board, render such  
8 adjustment and settlement just and proper. When the court shall approve and endorse the same, it  
9 shall enter an order in its records of such approval, whereupon it shall become valid and binding.

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

20           If the county has no county attorney, the board may employ a qualified attorney at law to  
21 represent it in the settlement of such claims.

22           **Drafting note: Repealed; obsolete. There is no comparable provision for**  
23 **municipalities.**

24  
25           § ~~15.1-801~~ 15.2-1409. Investigations by councils governing bodies.

26           The ~~council of every city and of every town shall have the right to~~ governing body of any  
27 locality may make such investigations relating to its government affairs as it may deem deems  
28 necessary, may employ financial, legal and other personnel it deems necessary to assist in such  
29 investigations, may order the attendance of witnesses and the production of books and papers  
30 and may administer oaths. Such ~~councils shall have the authority to~~ governing bodies may apply  
31 to the ~~judge of the general district circuit~~ court for their ~~jurisdiction~~ locality for a subpoena or



1 subpoena duces tecum against any person refusing to appear and testify or refusing to produce  
2 books, papers or records as ordered by such ~~councils~~ governing bodies and the judge of such  
3 court shall, upon good cause shown, cause the subpoenas to be issued. Any person failing to  
4 comply with any such subpoena shall be subject to punishment for contempt by the court issuing  
5 the subpoena.

6 **Drafting note: No substantive change in the law; counties are also given**  
7 **investigative authority. Section 15.1-557 which is similar in purpose and limited to counties**  
8 **is repealed. Such authority is clarified to include hiring necessary personnel to assist in**  
9 **any investigations. Jurisdiction for issuing a subpoena is changed from the general district**  
10 **to the circuit court.**

11  
12 ~~§ 15.1-811. Power of council and boards to summon witnesses, etc.~~

13 ~~The council, or either branch of the council, or any of its committees, when authorized by~~  
14 ~~the council or branch, the board of police commissioners and the board of fire commissioners, if~~  
15 ~~there be such boards, may each, in any investigation held by them, respectively, within their~~  
16 ~~respective powers and duties, order the attendance of any person as a witness and the production~~  
17 ~~by any person of all proper books and papers. Any person refusing or failing to attend or to~~  
18 ~~testify, or to produce such books and papers, may be summoned by such investigating body~~  
19 ~~before the police justice, or civil and police justice, or in case there is no police justice or civil~~  
20 ~~and police justice, before the mayor, trial justice, or other officer having the powers of a trial~~  
21 ~~justice in the city, and upon failure to give a satisfactory excuse may be fined by him not~~  
22 ~~exceeding the sum of \$100 or imprisoned not exceeding thirty days, such person to have the right~~  
23 ~~of appeal, as in cases of misdemeanor, to the hustings or corporation court of the city. Such~~  
24 ~~witness may be sworn by the officer presiding at such investigation and shall be liable to~~  
25 ~~prosecution for perjury for any false testimony given at such investigation.~~

26 **Drafting note: Repealed; the subject matter of this outdated section is generally**  
27 **covered in § 15.2-1409.**

28  
29 ~~§ 15.1-529~~ 15.2-1410. Chairman and mayor may administer oaths; ~~shall countersign~~  
30 ~~warrants.~~

1 Every chairman and mayor shall have power to administer an oath to any person  
2 concerning any matter submitted to the board or council or connected with their powers or  
3 duties; ~~and he shall countersign all county warrants.~~

4 **Drafting note: No substantive change in the law; places all localities on same footing**  
5 **and eliminates the chairman's duty to countersign all warrants as such function is covered**  
6 **in the powers of counties.**

7  
8 § ~~15.1-33.2~~ 15.2-1411. Appointment of advisory boards, committees and commissions;  
9 compensation and reimbursement of expenses.

10 The governing body of ~~every county, city, or town~~ any locality may appoint such  
11 advisory boards, committees, and commissions as it ~~may deem~~ deems necessary to advise the  
12 governing body with regard to any matter of concern to the ~~county, city, or town~~ locality.  
13 Members shall be appointed to serve at the pleasure of the ~~local~~ governing body.

14 The ~~local~~ governing body may provide for (i) reimbursement of the actual expenses  
15 incurred by members while serving on such advisory boards, committees, and commissions and  
16 (ii) compensation to members for their services not to exceed fifty dollars for attendance per  
17 meeting.

18 **Drafting note: No substantive change in the law.**

19  
20 § ~~15.1-8~~ 15.2-1412. Reproductions of records and documents and legal status thereof;  
21 destruction of originals.

22 ~~The governing body of any county, city or town is authorized to~~ Any locality may  
23 provide for the photographing or microphotographing, or the recording by any other process  
24 which accurately reproduces or forms a durable medium for reproducing the original of all or  
25 any part of the papers, records, documents or other material kept by or in charge of any  
26 department, agency or institution of such ~~county, city or town~~ locality in accordance with such  
27 standards and retention schedules as may be issued in pursuance of § 42.1-82.

28 A reproduction thereof if substantially the same size as the original, when satisfactorily  
29 identified, is as admissible in evidence as the original itself in any judicial or administrative  
30 proceeding whether the original is in existence or not, and an enlargement or facsimile of such  
31 reproduction is likewise admissible in evidence if the original reproduction is in existence and

1 available for inspection under direction of the court. The introduction of a reproduced record,  
2 enlargement or facsimile, does not preclude admission of the original.

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

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

18 **Drafting note: No substantive change in the law; this section expands**  
19 **microphotographing of court records to municipalities as well as counties and makes**  
20 **technical changes.**

21  
22 § ~~45.1-13.1~~ 15.2-1413. Governing bodies of ~~counties, cities and towns~~ localities may  
23 provide for continuity of government in case of ~~atomic~~ enemy attack, etc.

24 Notwithstanding any contrary provision of ~~general law of the provisions of any charter,~~  
25 ~~the governing body of any city or county or town in this Commonwealth,~~ general or special, any  
26 locality may, by ordinance, provide ~~such a~~ such a method to assure continuity in its government ~~as may~~  
27 ~~be reasonable,~~ in the event of ~~atomic~~ an enemy attack or other disaster; ~~provided that such.~~ Such  
28 ordinance shall be limited in its effect to a period not exceeding six months after any such attack  
29 or disaster and shall provide for a method for the resumption of normal governmental authority  
30 by the end of ~~such~~ the six-month period.

1           **Drafting note: No substantive change in the law; this updates language with no**  
2 **change in intent.**

3  
4           § ~~15.1-17~~ 15.2-1414. ~~Cities~~ Governing bodies may have a legal enumeration of ~~their~~ the  
5 population.

6           ~~The governing body of any city, Any locality~~ wishing to have a legal enumeration of the  
7 population of the ~~city, or of any ward~~ locality, or part thereof, may make application therefor to  
8 the ~~judge of the corporation circuit court of~~ for the ~~city, if there be such court; and if not, to the~~  
9 ~~judge of the circuit court thereof~~ locality. When the application is made, the judge shall forthwith  
10 divide ~~such city, ward~~ the locality, or part thereof, into such districts, with well-defined  
11 boundaries, as may appear advisable and shall appoint for each of the districts one enumerator.  
12 Before entering on their duties, such appointees shall take an oath before ~~some~~ a notary public or  
13 other officer qualified to administer oaths under the laws of this Commonwealth, for the faithful  
14 discharge of their duties. The enumerators shall at once proceed to enumerate the actual bona  
15 fide inhabitants of their respective districts. They shall report to the judge the result of their  
16 enumeration and a list of the persons enumerated by them within a reasonable time after their  
17 appointment, and a copy of the list of persons so enumerated by them shall be furnished by the  
18 enumerators to the clerk of the court, who shall receive the ~~same~~ list and keep it open to public  
19 inspection. Upon evidence produced before him, the judge may add to the list the name of any  
20 person improperly omitted and may strike from the list the name of any person improperly listed.  
21 If it ~~shall appear~~ appears advisable to the judge, he may order that the enumeration for any or all  
22 of the districts be retaken under all the provisions of this section by other enumerators, who shall  
23 be forthwith appointed by him. The judge shall cause to be tabulated and consolidated the lists  
24 and return to the governing body the ~~result or~~ results thereof, in accordance with the application  
25 of the governing body. The judge shall allow each enumerator ~~three dollars per day~~ a reasonable  
26 fee for each day actually employed by him in making the enumeration. He shall certify the  
27 allowance ~~to the enumerators~~ and costs to the governing body ~~of the city~~ for payment out of the  
28 ~~city~~ local treasury, and the ~~same~~ allowance shall be a legal charge upon the ~~city~~ governmental  
29 unit requesting the enumeration.

1           **Drafting note:**    **SUBSTANTIVE CHANGE;** these amendments expand the  
2 enumeration authority to counties and towns in addition to cities. An amendment allows  
3 reasonable compensation for enumerators in place of the out-of-date fixed fee.

4  
5           ~~§ 15.1-792. Definition of "incorporated communities"; what are cities and towns.~~

6           As used in this chapter the words "incorporated communities" shall be construed to relate  
7 only to cities and towns; all incorporated communities having within defined boundaries a  
8 population of 5,000 or more and which have been chartered as such by the General Assembly or  
9 have been declared to be such in the manner provided by law shall be known as cities, and any  
10 existing town on July 1, 1971, and all other incorporated communities within one or more  
11 counties which have within defined boundaries a population of 1,000 or more and which have  
12 become towns as provided by law shall be known as towns.

13           **Drafting note:**    **Repealed;** cities and towns are defined in § 15.2-101.

14  
15    Article 2.

16   Meetings of Governing Bodies.

17  
18           ~~§ 15.1-810. Rules and officers of council; journal; open meetings.~~

19           The council, or each branch as the case may be, may adopt such rules and appoint such  
20 officers and clerks as it may deem proper for the regulation of its proceedings and for the  
21 convenient transactions of business and may compel the attendance of absent members, punish  
22 its members for disorderly behavior and, by a vote of two thirds of its members, expel a member  
23 for malfeasance or misfeasance in office. The council, or each branch, shall keep a journal of its  
24 proceedings and its meetings shall be open, except when by a recorded vote of two thirds of  
25 those members present, the council shall declare that the public welfare requires secrecy.

26           **Drafting note:**    **Repealed; outdated.** See § 15.2-1400 D for provisions regarding  
27 **punishment of council members.**

28  
29           ~~§ 15.1-812. Rules as to quorum and the passage of certain ordinances.~~

30 A majority of the members of the council shall constitute a quorum for the transaction of  
31 business. No vote shall be reconsidered or rescinded at any special meeting, unless at such

1 special meeting there be present as large a number of members as were present when such vote  
2 was taken. No ordinance or resolution appropriating money exceeding the sum of \$500,  
3 imposing taxes or authorizing the borrowing of money shall be passed except by a recorded  
4 affirmative vote of a majority of all members elected to the governing body.

5 **Drafting note: Repealed; the subject matter is covered by §§ 15.2-1415, 15.2-1427**  
6 **and 15.2-1428.**

7  
8 ~~§ 15.1-539. Board to sit with open doors.~~

9 ~~The board of supervisors shall sit with open doors and all persons conducting themselves~~  
10 ~~in an orderly manner may attend its meetings. It may require the sheriff of the county or, at his~~  
11 ~~option, one of his deputies, to attend its meetings and preserve order, or discharge such other~~  
12 ~~duties as may be necessary to the proper dispatch of the business before it.~~

13 **Drafting note: Repealed; the general subject matter is covered by § 2.1-340 et seq.**

14  
15 ~~§ 15.1-542~~ 15.2-1415. At what meetings ~~board~~ governing body may act.

16 Unless otherwise specially provided, ~~the board of supervisors of any county~~ a governing  
17 body may exercise any of the powers conferred upon it at any lawful meeting of the ~~board~~  
18 governing body, regular, special or adjourned at which a quorum is present. A majority of the  
19 governing body shall constitute a quorum. Meetings of governing bodies shall be subject to the  
20 applicable provisions of the Virginia Freedom of Information Act (§ 2.1-340 et seq.).

21 **Drafting note: No substantive change in the law; section is expanded to include**  
22 **municipalities as well as counties. Quorum is defined, and the Virginia Freedom of**  
23 **Information Act is referenced.**

24  
25 ~~§ 15.1-536~~ 15.2-1416. Regular meetings.

26 ~~Except as otherwise provided by law, the~~ The governing body of each county shall  
27 assemble at the courthouse of the county or at an office building owned by the county in an  
28 adjacent city, or at such other a public place in the county as the governing body may prescribe,  
29 in regular session not less often than once each month upon such day or days as may be  
30 prescribed by order of the governing body in January for counties and in July for cities and

1 towns. Future meetings shall be held on such days as may be prescribed by resolution of the  
2 governing body but in no event shall less than six meetings be held in each fiscal year.

3 ~~The first meeting held after the newly elected members of the governing body shall have~~  
4 ~~qualified and the first meeting held in the corresponding month of each succeeding year shall be~~  
5 ~~known as the annual meeting, and the first meeting held in the sixth month thereafter shall be~~  
6 ~~known as the semiannual meeting.~~

7 The days, times and places of regular meetings to be held during the ensuing ~~twelve~~  
8 months shall be established at the ~~annual~~ first meeting .~~Provided, however, that~~ which meeting  
9 may be referred to as the annual or organizational meeting; ~~however,~~ if the governing body  
10 subsequently ~~shall prescribe~~ prescribes any public place other than the ~~courthouse,~~ initial public  
11 meeting place, or any day or time other than that initially established, as a meeting day, place or  
12 time, the governing body shall pass a resolution as to such future meeting day, place or time,  
13 The governing body ~~and~~ shall cause a copy of such resolution to be posted on the door of the  
14 courthouse or the initial public meeting place and inserted in a newspaper having a general  
15 circulation in the county or municipality ~~once a week for two successive weeks~~ at least seven  
16 days prior to the first such meeting at such other day, place or time. ~~Provided further that should~~  
17 Should the day established by the governing body as the regular meeting day fall on any legal  
18 holiday, the meeting shall be held on the next following regular business day, without action of  
19 any kind by the governing body.

20 At its annual meeting the ~~board~~ governing body may fix the day or days to which a  
21 regular meeting shall be continued if the chairman or mayor, or vice chairman or vice mayor if  
22 the chairman or mayor is unable to act, finds and declares that weather or other conditions are  
23 such that it is hazardous for ~~board~~ members to attend the regular meeting. Such finding shall be  
24 communicated to the members ~~of the board~~ and the press as promptly as possible. All hearings  
25 and other matters previously advertised shall be conducted at the continued meeting and no  
26 further advertisement is required.

27 ~~Notwithstanding any other provision of law, a majority of the members of the governing~~  
28 ~~body present at the prescribed day, time and place to attend any meeting held or to have been~~  
29 ~~held pursuant to the provisions of this section shall constitute a quorum for the purpose of~~  
30 ~~adjourning such meeting~~ Regular meetings, without further public notice, may be adjourned from

1 day to day or from time to time or from place to place, not beyond the time fixed for the next  
2 regular meeting, until the business before the governing body is completed.

3 **Drafting note: SUBSTANTIVE CHANGE; this section is expanded to include**  
4 **municipalities as well as counties, and the presumption that the initial meeting will be held**  
5 **at the courthouse is deleted so as to reflect the current practice. Also, county boards will be**  
6 **required to meet at least six times per year rather than at least once monthly. Although**  
7 **municipalities are added to this section, this will have minimal impact since this subject**  
8 **matter is often addressed in municipal charters.**

9  
10 § ~~15.1-537~~ 15.2-1417. Special meetings; ~~quorum~~.

11 The ~~board of supervisors of each county~~ governing body may also hold such special  
12 meetings, as it ~~may deem~~ deems necessary, at such times and places as it ~~may find~~ finds  
13 convenient; ~~and it .~~ It may adjourn such special meetings from time to time as it ~~may find~~ finds  
14 convenient; and ~~it may adjourn from time to time as it may deem~~ necessary. ~~At any meeting a~~  
15 ~~majority of the supervisors shall constitute a quorum.~~

16 **Drafting note: The section is expanded to include municipalities as well as counties.**  
17 **The quorum definition is transferred to § 15.2-1415. Technical changes are also made.**

18  
19 § ~~15.1-832~~. How council convened.

20 The ~~council of a town may be convened at any time upon the call in writing of the mayor~~  
21 ~~or any three members thereof.~~

22 **Drafting note: Repealed; subject matter is covered in § 15.2-1418.**

23  
24 § ~~15.1-538~~ 15.2-1418. Same; how called.

25 A. A special meeting of the ~~board of supervisors~~ governing body shall be held when  
26 called by the chairman or mayor or requested by two or more of the members thereof of the  
27 board of supervisors or council. Such The call or request shall be in writing, addressed made to  
28 the clerk of the board, and shall specify the time and place of meeting and the matters to be  
29 considered at the meeting. Upon receipt of such call or request, the clerk of the governing body,  
30 after consultation with the chairman or mayor, shall immediately notify each member of the  
31 board governing body and the attorney for the Commonwealth or the county or municipal



1 attorney, as appropriate if one be employed, in writing delivered in person or to his place of  
2 residence or business to attend ~~upon~~ such meeting at the time and place ~~mentioned in the request~~  
3 stated in the notice. Such notice shall specify the matters to be considered at the meeting. ~~The~~  
4 ~~clerk shall send a copy of such notice to each member of the board and the attorney for the~~  
5 ~~Commonwealth or the county attorney, if one be employed, by certified mail not less than five~~  
6 ~~days before the day of the special meeting. The clerk may have such notice served on the~~  
7 ~~members of the board and the attorney for the Commonwealth or the county attorney, if one be~~  
8 ~~employed, by the sheriff of the county, if he deems the same necessary to secure their~~  
9 ~~attendance.~~ No matter not specified in the notice ~~may~~ shall be considered at such meeting,  
10 unless all the members of the board are present. ~~The sheriff shall be allowed fifty cents for the~~  
11 ~~service of each such notice, payable out of the county levy. The five days' notice may be waived~~  
12 ~~if each member~~ all members of the board of supervisors and the attorney for the Commonwealth  
13 ~~or the county attorney, if one be employed, attends~~ governing body attend the special meeting  
14 ~~and or signs~~ sign a waiver.

15 ~~B. Notwithstanding the provisions of subsection A, emergency meetings of the board of~~  
16 ~~supervisors may be held with fewer than five days' notice to declare or to confirm the declaration~~  
17 ~~of a local emergency, as defined in § 44-146.16 (6), pursuant to § 44-146.21, when requested by~~  
18 ~~the chairman or two or more of the members thereof. In the case of any emergency meeting to~~  
19 ~~consider action on such a local emergency, a reasonable effort must be made to provide each~~  
20 ~~member of the board of supervisors with notice of the emergency meeting, and no matter not~~  
21 ~~related to the local emergency shall be considered at such emergency meeting.~~

22 **Drafting note: The section is expanded to include municipalities as well as counties,**  
23 **and outdated language is eliminated. Subsection B, regarding emergency meetings, is**  
24 **deleted; however, with the deletion of the 5-day notice requirement in Subsection A, this**  
25 **will have no substantive effect.**

26  
27 § ~~15.1-37.3:14~~ 15.2-1419. Meeting times of certain authorities, boards and commissions.

28 Notwithstanding any contrary provision of law, general or special, the governing body of  
29 any locality may establish the regular meeting times (day and hour) of its authorities, boards and  
30 commissions so as to prevent conflict with other meetings.

31 **Drafting note: No change.**

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§ ~~15.1-540~~ 15.2-1420. How questions determined; tie breaker.

All questions submitted to the ~~board~~ governing body for decision shall be determined by a majority of the ~~supervisors~~ members voting on any such question ~~either by voice vote or by roll call or by any other method of voting which shall identify the matter to be voted upon, and shall record the individual votes of the members unless another method of determination is required by the Constitution of Virginia or general law; but,~~

In counties which have designated a tie breaker pursuant to § 15.2-1421, in any case in which there ~~shall be~~ is a tie vote of the board upon any question when all the members are not present, the question shall be passed by till the next meeting when it shall again be voted upon even though all members are not present; in any case in which there ~~shall be~~ is a tie vote on any question after complying with the hereinabove procedure, the clerk shall record the vote and immediately notify the tie breaker, appointed by the court or elected by the voters as provided in § ~~15.1-535~~ 15.2-1421, to give the casting vote in case of a tie, if that ~~be~~ is practicable, and request his presence at the present meeting of the board; but if that ~~be~~ is not practicable then the board may adjourn to a day fixed in the minutes of the board, or in case of a failure to agree on a day, to a day fixed by the clerk and entered by him on the minutes. At the present meeting or on the day named in the minutes the tie breaker shall attend. He shall be entitled to be fully advised as to the matter upon which he is to vote, and if not prepared to cast his vote at the time he may require the clerk to enter an order adjourning the meeting to some future day to be named in the minutes not to exceed thirty days and from time to time he shall have continuances entered until he is ready to vote, not to exceed thirty days. When he casts his vote the clerk shall record his vote and the tie shall be broken, and the question shall be decided as he casts his vote. If a meeting for any reason ~~shall~~ is not ~~be~~ held on the day named in the minutes, the clerk shall enter on the minute book a day within ten days as a substitute day and duly notify all the members, and this shall continue until a meeting is held. After a tie has occurred, the tie breaker shall be considered a member of the board for the purpose of counting a quorum for the sole purpose of breaking the tie.

~~If the board has not provided for the appointment or election of a tie breaker, as authorized by § 15.1-535, any tie vote shall defeat the motion, resolution or issue voted upon.~~

1 Final votes on any ordinance or resolution shall be in accordance with the procedure provided for  
2 in Article VII, Sections 7 and 9 of the Constitution of Virginia.

3 **Drafting note: No substantive change in the law; the section is expanded to include**  
4 **municipalities as well as counties; however, the tie breaker will continue to be available**  
5 **only to counties. Attention is called to the constitutional requirements for votes on certain**  
6 **questions.**

7  
8 § ~~15.1-535~~ 15.2-1421. Tie breakers.

9 The governing body of each county may designate a tie breaker, whose duty it shall be to  
10 cast the deciding vote in case of tie, as set forth in § ~~15.1-540~~ 15.2-1420. The designation of the  
11 tie breaker shall be, in the discretion of the governing body, by: ~~(1)~~ (i) election by the voters of  
12 the county from the county at large or ~~(2)~~ (ii) appointment by the governing body at its  
13 organizational meeting. Every tie breaker so appointed shall serve for a period of four years from  
14 the date of his appointment or election and every tie breaker so elected shall serve the same term  
15 as a member of the governing body. No person shall be appointed or elected or serve as tie  
16 breaker who is not a resident of the county; who is not qualified to hold office as supervisor or  
17 who is an employee or officer of the county. Tie breakers heretofore appointed or elected shall  
18 continue in office until the expiration of the respective terms. ~~First appointments or elections~~  
19 ~~pursuant to the provisions of this section, as amended, shall be made to fill vacancies existing on~~  
20 ~~or occurring subsequent to July 1, 1974.~~ Every appointment made pursuant to the provision of  
21 this section to fill a vacancy, whether occasioned by the expiration of a term or otherwise, shall  
22 be for a period of four years and in the case of election in the same manner as vacancies in the  
23 governing body.

24 **Drafting note: No substantive change in the law; the stricken language is no longer**  
25 **necessary.**

26  
27 Article 3.

28 Presiding Officers and Vacancies in Certain Offices.

29  
30 § ~~15.1-40.3~~. Council to elect mayor and vice mayor.

1           ~~Unless otherwise provided by charter the council of every city and town shall, at its first~~  
2 ~~meeting after election, elect one of its number as mayor, who shall preside at such meeting and~~  
3 ~~all other meetings during the term for which so elected, if present. The council also may elect a~~  
4 ~~vice mayor who shall, if so elected, preside at meetings in the absence of the mayor and may~~  
5 ~~discharge any other duty of the mayor during his absence or disability. Mayor and vice mayor~~  
6 ~~may be so elected to serve for terms corresponding with their terms as members of council or~~  
7 ~~may be elected for any term, not exceeding the term for which elected as a member of council, as~~  
8 ~~may be established by ordinance.~~

9           **Drafting note: Repealed; subject matter is covered by § 15.2-1422.**

10  
11           ~~§ 15.1-793. The mayor; how elected; term of office.~~

12           ~~In every city having a population of less than 50,000 there shall be a mayor, who shall be~~  
13 ~~elected at the time and in the manner and for the same term as now provided by law. This section~~  
14 ~~shall not apply in the case of cities adopting the provisions of §§ 15.1-921 and 15.1-925; in such~~  
15 ~~cases the provisions of such sections shall apply. In every town there shall be a mayor elected for~~  
16 ~~a term of two years, at the time and in the manner provided by law.~~

17           **Drafting note: Repealed; the subject matter is covered in § 15.2-1422.**

18  
19           ~~§ 15.1-809. Presiding officers of council; their duties.~~

20           ~~The council of a city having one branch, and each branch of the council of a city having~~  
21 ~~two branches, shall elect one of its members to act as president, who shall preside at its meetings~~  
22 ~~and continue in office two years, unless elected to fill a vacancy, when the election shall be for~~  
23 ~~the unexpired term. The council, or each branch, as the case may be, shall also elect one of its~~  
24 ~~members to be a vice president, who shall preside at such meetings in the absence of the~~  
25 ~~president and who, when the president shall be absent from the city or unable to perform the~~  
26 ~~duties of his office by reason of sickness or other cause, shall perform any and all duties required~~  
27 ~~of or entrusted to such president under any provision of this chapter. When, for any cause, both~~  
28 ~~the president and the vice president shall be absent from any meeting, a president pro tempore~~  
29 ~~shall be elected by the council or by that branch in which such absence may occur, who shall~~  
30 ~~preside during the absence of the president and vice president. The president, vice president or~~  
31 ~~president pro tempore who shall preside when the proceedings of a previous meeting are read~~

1 shall sign the same. The president of the council or of either branch, or the vice president when  
2 authorized as above stated to act for the president, shall have power at any time to call a meeting  
3 of the council, or his branch of the council, as the case may be; and, in case of absence, sickness,  
4 disability or refusal to act of both the president and the vice president of the council, or branch of  
5 the council, it may be convened by the order in writing of any three members of the council or  
6 branch.

7 **Drafting note: Repealed; outdated.**

8  
9 ~~§ 15.1-528. Chairman and vice chairman.~~

10 ~~The board shall, at its first meeting after election, elect one of its number as chairman,~~  
11 ~~who shall preside at such meeting and all other meetings during the term for which so elected, if~~  
12 ~~present. The board also may elect a vice chairman who shall, if so elected, preside at meetings in~~  
13 ~~the absence of the chairman and may discharge any other duty of the chairman during his~~  
14 ~~absence or disability. Chairmen and vice chairmen may be so elected to serve for terms~~  
15 ~~corresponding with their terms as supervisors or may be elected annually. Whenever any board,~~  
16 ~~at the time of such election, shall fail to designate the specific term of office for which a~~  
17 ~~chairman or vice chairman is elected, it shall be presumed that such chairman or vice chairman~~  
18 ~~was so elected for a term of one year or until his successor as chairman or vice chairman shall~~  
19 ~~have been elected. Provided, however, that if any board of supervisors has been enlarged by the~~  
20 ~~election or appointment of additional members, as provided by law, during the year immediately~~  
21 ~~preceding April 1, 1966, the board may, within ninety days after April 1, 1966, elect a new~~  
22 ~~chairman and vice chairman. In the case of boards enlarged hereafter, the board may within~~  
23 ~~ninety days after the appointment or election of such additional members, elect a new chairman~~  
24 ~~and vice chairman. Chairmen and vice chairmen may succeed themselves in office. In the case~~  
25 ~~of the absence from any meeting of the chairman and vice chairman, if any, the members present~~  
26 ~~shall choose one of their number as temporary chairman.~~

27 **Drafting note: Repealed; subject matter is covered by § 15.2-1422.**

28  
29 § 15.2-1422. Electing a chairman and vice-chairman; mayor and vice-mayor.

30 Unless the chairman or mayor is elected by popular vote, every governing body, at its  
31 first meeting after taking office, shall elect one of its number as presiding officer. Such officer

1 shall be called "chairman" if a member of a board of supervisors and "mayor" if a member of a  
2 city or town council. Such member, if present, shall preside at the first meeting and all other  
3 meetings during the term for which so elected. The governing body also shall elect a vice-  
4 chairman or vice-mayor, as the case may be, who shall preside at meetings in the absence of the  
5 chairman or mayor and may discharge any duty of the chairman or mayor during his absence or  
6 disability. Chairmen and vice-chairmen, mayors and vice-mayors, may be so elected to serve for  
7 terms corresponding with their terms as supervisors or councilmen or may be elected for such  
8 other period as determined by the governing body. Whenever any board or council at the time of  
9 such election, fails to designate the specific term of office for which a chairman or vice-  
10 chairman, a mayor or vice-mayor, is elected, it shall be presumed that such officers were elected  
11 for a term of one year and shall serve until their successors have been elected and qualify.  
12 Chairmen and vice-chairmen, mayors and vice-mayors, may succeed themselves in office. In the  
13 case of the absence from any meeting of the chairman and vice-chairman, mayor and vice-  
14 mayor, the members present shall choose one of their number as temporary presiding officer.

15 **Drafting note: No substantive change in the law; the provisions of §§ 15.1-40.3**  
16 **(cities and towns) and 15.1-528 (counties) are combined in this section.**

17  
18 ~~§ 15.1-817. Veto power of mayor generally.~~

19 ~~Every ordinance or resolution having the effect of an ordinance passed by the council of a~~  
20 ~~city shall, before it becomes operative, be presented to the mayor of such city. If approved he~~  
21 ~~shall sign it, but if not, if the council consist of two branches, he may return it, with his~~  
22 ~~objections in writing, to the clerk, or other recording officer, of that branch in which it~~  
23 ~~originated, which shall enter the objection at length on its journal and proceed to reconsider it. If,~~  
24 ~~after such consideration, two thirds of all the members elected thereto shall agree to pass the~~  
25 ~~ordinance or resolution, it shall be sent, together with the objection, to the other branch, by which~~  
26 ~~it shall likewise be considered, and if approved by two thirds of all the members elected thereto,~~  
27 ~~it shall become operative, notwithstanding the objections of the mayor. But in all such cases the~~  
28 ~~votes of both branches of the council shall be determined by yeas and nays and the names of the~~  
29 ~~members voting for and against the ordinance or resolution shall be entered on the journal of~~  
30 ~~each branch. If the council consist of a single branch, the mayor's objection in writing to any~~  
31 ~~ordinance or resolution having the effect of an ordinance shall be returned to the clerk or other~~

1 ~~recording officer of the council, and be entered at length on its journal, whereupon the council~~  
2 ~~shall proceed to reconsider the same. Upon such consideration the vote shall be taken in the same~~  
3 ~~manner as when the council consists of two branches and if the ordinance or resolution be~~  
4 ~~approved by two thirds of all the members elected to the council it shall become operative,~~  
5 ~~notwithstanding the objections of the mayor. If any ordinance or resolution shall not be returned~~  
6 ~~by the mayor within five days, Sundays excepted, after it shall have been presented to him, it~~  
7 ~~shall become operative in like manner as if he had signed it, unless his term of office or that of~~  
8 ~~the council shall expire within such five days.~~

9 **Drafting note: Repealed; this section is largely outdated. Cities may continue to**  
10 **provide for mayoral veto power in their charters.**

11  
12 ~~§ 15.1-818. Veto of items in appropriation.~~

13 ~~The mayor of a city shall have the power to veto any particular item or items of an~~  
14 ~~appropriation ordinance or resolution; but the veto shall not affect any item or items to which he~~  
15 ~~does not object. The item or items objected to shall not take effect except in the manner provided~~  
16 ~~in § 15.1-817 as to ordinances or resolutions not approved by the mayor.~~

17 **Drafting note: Repealed; the veto power may be provided by charter.**

18  
19 ~~§ 15.1-814. General powers and duties of mayor; suspension or removal of certain~~  
20 ~~officers and employees.~~

21 ~~In every city the mayor shall take care that the bylaws and ordinances thereof are fully~~  
22 ~~executed. The mayor shall see that the duties of the various city officers, members of the police~~  
23 ~~and fire departments, whether elected or appointed, in and for such city, are faithfully performed.~~  
24 ~~He may investigate their acts, have access to all books and documents in their offices and~~  
25 ~~examine them and their subordinates on oath. The evidence given by persons so examined shall~~  
26 ~~not be used against them in any criminal proceedings. He may also suspend such officers and the~~  
27 ~~members of the police and fire departments, and remove such officers for misconduct in office or~~  
28 ~~neglect of duty, to be specified in the order of suspension or removal; but no such removal shall~~  
29 ~~be made without reasonable notice to the officer complained of, and an opportunity afforded him~~  
30 ~~to be heard in person or by counsel, and to present testimony in his defense. From such order of~~  
31 ~~suspension or removal the city officer so suspended or removed, or the member of the police or~~

1 ~~fire department so suspended, unless the charter of the city provides for an appeal to the board of~~  
2 ~~police commissioners or to the board of fire commissioners, shall have an appeal of right to the~~  
3 ~~corporation court; or, if there be no such court, to the circuit court of such city, in which court the~~  
4 ~~case shall be heard de novo by the judge thereof, in term time or in vacation, and his decision~~  
5 ~~shall be final. The mayor shall have all other powers and duties which may be conferred and~~  
6 ~~imposed upon him by general laws. The mayor of any city may be removed as provided by §§~~  
7 ~~24.1-79.1 through 24.1-79.10.~~

8 **Drafting note: Repealed; covered generally by § 15.2-1423.**

9  
10 § 15.2-1423. Powers of chairman or mayor.

11 In addition to being presiding officer, the chairman or mayor, as the case may be, shall be  
12 the head of the local government for all official functions and ceremonial purposes. He shall  
13 have a vote but no veto.

14 In the event that there is no chief administrative officer, it shall be the duty of the  
15 chairman or mayor, as the case may be, to see that the functions set forth in § 15.2-1541 are  
16 carried out if the governing body has not acted otherwise.

17 **Drafting note: Sets a statewide standard by eliminating the veto; the veto authority**  
18 **may continue to be provided by charter. The term "chief administrative officer" also**  
19 **means "chief executive officer" as used in the Virginia Freedom of Information Act.**

20  
21 § 15.1-808. Vacancies in council.

22 ~~When any vacancy occurs in the council of a city for any reason, whether when a~~  
23 ~~member elect fails to take office or during a member's term, the vacancy shall be filled pursuant~~  
24 ~~to Article 6 (§ 24.2-225 et seq.) of Chapter 2 of Title 24.2.~~

25 **Drafting note: Repealed; subject matter is covered in § 15.2-1424.**

26  
27 § 15.1-815. Who acts in case of death, etc., of mayor.

28 ~~In the event of the death, resignation or removal of the mayor, or his inability to~~  
29 ~~discharge his duties from some other cause, his place shall be filled and his duties shall be~~  
30 ~~discharged by the president of the board of aldermen or by the president of the council,~~



1 according as the city council has or has not two branches, until another mayor is elected and  
2 qualified or until such inability shall cease.

3 **Drafting note: Repealed; generally covered in § 15.2-1424.**

4  
5 ~~§ 15.1-816. Filling vacancy in office of mayor.~~

6 ~~When a vacancy occurs in the office of mayor for any reason, whether when the mayor-~~  
7 ~~elect fails to take office or during the mayor's term, the vacancy shall be filled pursuant to Article~~  
8 ~~6 (§ 24.2-225 et seq.) of Chapter 2 of Title 24.2.~~

9 **Drafting note: Repealed; subject matter is covered in § 15.2-1424.**

10  
11 § 15.2-1424. Vacancies in office.

12 Vacancies in the office of board of supervisors or of council or an elected chairman or  
13 mayor, for whatever reason, shall be filled as provided for in Title 24.2. A member of the board  
14 or council may be elected or appointed to fill a vacancy in the office of chairman or mayor.

15 The person appointed or elected to fill the vacancy shall possess the same legal  
16 qualifications for the office as did the person whose position he is filling.

17 In the event of a vacancy in the office of chairman or mayor, the duties of the office of  
18 chairman or mayor shall be performed by the vice-chairman or vice-mayor until a chairman or  
19 mayor is appointed or elected and qualifies.

20 Vacancies in the office of vice-chairman or vice-mayor shall be filled by appointment by  
21 the remaining members of the appropriate governing body from its membership.

22 **Drafting note: No substantive change in the law; provides for continuity of**  
23 **government by appointed officials, as provided in (§ 24.2-225 et seq.), until appointed**  
24 **officials are replaced by elected ones.**

25  
26 Article 4.

27 Ordinances and Other Actions by the Local Governing Body.

28  
29 § 15.2-1425. Actions by localities.

30 The governing body of every locality in the performance of its duties, obligations and  
31 functions may adopt, as appropriate, ordinances, resolutions and motions.

1           **Drafting note: New; lists the ways by which localities may take action.**

2  
3           § 15.2-1426. Form of ordinances.

4           The object of every ordinance, except an ordinance approving a budget, an annual  
5 appropriation ordinance or an ordinance which codifies ordinances, shall be clearly expressed in  
6 its title. All ordinances which repeal or amend existing ordinances shall identify by title the  
7 section to be repealed or amended.

8           **Drafting note: New; based in part on the second paragraph of § 15.1-504.**

9  
10          ~~§ 15.1-504. Adoption of ordinances.~~

11          ~~Except as otherwise provided by law, ordinances shall be adopted by the governing body~~  
12 ~~of any county only in the manner prescribed by this section.~~

13          ~~The object of each such ordinance shall be expressed in its title.~~

14          ~~Except as otherwise authorized by law, no such ordinance shall be passed until after~~  
15 ~~descriptive notice of an intention to propose the same for passage shall have been published once~~  
16 ~~a week for two successive weeks prior to its passage in some newspaper published and having a~~  
17 ~~general circulation in the county, and if there be none such, or if the local governing body whose~~  
18 ~~decision in the matter shall be conclusive deems it necessary, in some newspaper published in an~~  
19 ~~adjoining county or a nearby city and having a general circulation in the county. The second~~  
20 ~~publication shall not be sooner than one calendar week after the first publication. The publication~~  
21 ~~shall include a statement either that the publication contains the full text of the ordinance or that~~  
22 ~~a copy of the full text of the ordinance is on file in the clerk's office of the circuit court of the~~  
23 ~~county or in the office of the county administrator; or in the case of any county organized under~~  
24 ~~the form of government set out in Article 2 (§ 15.1-588 et seq.) of Chapter 13 or in Article 3 (§~~  
25 ~~15.1-674 et seq.) of Chapter 14 or in Article 2 (§ 15.1-728 et seq.) of Chapter 15 of this title, a~~  
26 ~~statement that a copy of the full text of the ordinance is on file in the office of the clerk of the~~  
27 ~~county board. Even though the publication contains the full text of the ordinance a complete~~  
28 ~~copy shall be available for public inspection in the offices named herein.~~

29          ~~After the enactment of such ordinance by the governing body, such ordinance shall~~  
30 ~~become effective upon adoption or upon a date fixed by the governing body.~~

1           ~~Except as hereinafter provided, emergency ordinances under authority of this section may~~  
2 ~~be adopted without notice of intention, but no emergency ordinance shall be enforced for more~~  
3 ~~than sixty days unless readopted in conformity with the provisions of this section.~~

4           ~~No ordinance which imposes or increases any tax or levy shall be adopted unless fourteen~~  
5 ~~days shall have elapsed following the last required publication of intention to propose the same~~  
6 ~~for passage.~~

7           ~~All laws or ordinances heretofore enacted by a governing body under authority of this~~  
8 ~~section shall be deemed to have been validly enacted, unless some provision of the Constitution~~  
9 ~~of Virginia or the United States has been violated in such enactment.~~

10           **Drafting note: The subject matter of this section is relocated to §§ 15.2-1426 and**  
11 **15.2-1427. The sixth paragraph is not carried forward; however, such ordinances must**  
12 **meet the general notice requirements of § 15.2-1427.**

13  
14           ~~§ 15.1-819. Appropriation ordinances.~~

15           ~~No ordinance or resolution appropriating money exceeding the sum of \$500, imposing~~  
16 ~~taxes or authorizing the borrowing of money shall be passed, except by a recorded affirmative~~  
17 ~~vote of a majority of all the members elected to the council; and in case of the veto by the mayor~~  
18 ~~of such ordinance or resolution, it shall require a recorded affirmative vote of two thirds of all the~~  
19 ~~members elected to the council, to pass the same over such veto in the manner provided in §~~  
20 ~~15.1-817. Nothing contained in this section shall operate to repeal or amend any provision in any~~  
21 ~~existing city charter requiring a two thirds vote for the passage of any ordinance as to the~~  
22 ~~appropriation of money, imposing taxes, or authorizing the borrowing of money.~~

23           **Drafting note: The subject matter of this section is relocated to § 15.2-1428. The**  
24 **last sentence is not carried forward since it is adequately covered in § 15.2-100.**

25  
26           ~~§ 15.1-826. Procedure of town councils; levy of taxes.~~

27           ~~The council of a town may adopt rules for the regulation of its proceedings but no tax~~  
28 ~~shall be levied unless by a vote of two thirds of the members elected to such council, which vote~~  
29 ~~shall be by yeas and nays and recorded in the journal.~~

1           **Drafting note: Repealed; SUBSTANTIVE CHANGE.** The subject matter is  
2 covered by §§ 15.2-1427 and 15.2-1428; however, the two-thirds vote requirement for  
3 towns is not carried forward. See § 15.2-1427.

4  
5           § 15.2-1427. Adoption of ordinances generally; amending or repealing ordinances.

6           A. Unless otherwise specifically provided for by the Constitution or by other general or  
7 special law, an ordinance may be adopted by majority vote of those present and voting at any  
8 lawful meeting.

9           B. On final vote on any such ordinance, the name of each member of the governing body  
10 voting and how he voted shall be recorded. Such ordinance shall become effective upon  
11 adoption or upon a date fixed by the governing body.

12           C. All ordinances heretofore adopted by a governing body shall be deemed to have been  
13 validly adopted, unless some provision of the Constitution of Virginia or the Constitution of the  
14 United States has been violated in such adoption.

15           D. An ordinance may be amended or repealed in the same manner, or by the same  
16 procedure, in which, or by which, ordinances are adopted.

17           E. An amendment or repeal of an ordinance shall be in the form of an ordinance which  
18 shall become effective upon adoption or upon a date fixed by the governing body, but, if no  
19 effective date is specified, then such ordinance shall become effective upon adoption.

20           F. In counties, except as otherwise authorized by law, no ordinance shall be passed until  
21 after descriptive notice of an intention to propose the ordinance for passage has been published  
22 once a week for two successive weeks prior to its passage in a newspaper having a general  
23 circulation in the county. The second publication shall not be sooner than one calendar week  
24 after the first publication. The publication shall include a statement either that the publication  
25 contains the full text of the ordinance or that a copy of the full text of the ordinance is on file in  
26 the clerk's office of the circuit court of the county or in the office of the county administrator; or  
27 in the case of any county organized under the form of government set out in Chapters 5, 7 or 8 of  
28 this title, a statement that a copy of the full text of the ordinance is on file in the office of the  
29 clerk of the county board. Even if the publication contains the full text of the ordinance, a  
30 complete copy shall be available for public inspection in the offices named herein.

1 In counties, emergency ordinances may be adopted without prior notice; however, no  
2 such ordinance shall be enforced for more than sixty days unless readopted in conformity with  
3 the provisions of this Code.

4 **Drafting note: SUBSTANTIVE CHANGE; § 15.1-826, which is applicable only to**  
5 **towns, requiring an affirmative 2/3 vote of council to levy taxes is repealed to achieve**  
6 **uniformity among counties, cities and towns. Also, a provision from § 15.1-504 requiring**  
7 **counties to allow an extra fourteen days to elapse before adopting certain tax ordinances is**  
8 **not carried forward. The notice and publication requirements of § 15.1-504, which applied**  
9 **only to counties, are retained in subsection F. The remaining provisions are relocated from**  
10 **§ 15.1-504 and made applicable to municipalities as well as counties.**

11  
12 § 15.2-1428. Procedures for certain acts.

13 No ordinance or resolution appropriating money exceeding the sum of \$500, imposing  
14 taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative  
15 vote of a majority of all members elected to the governing body. In case of the veto of such an  
16 ordinance or resolution, where the power of veto exists, it shall require for passage thereafter a  
17 recorded affirmative vote of two-thirds of all members elected to the governing body.

18 **Drafting note: No substantive change in the law; this section states the provisions of**  
19 **Article VII, Section 7 of the Constitution and is relocated from § 15.1-819.**

20  
21 ~~§ 15.1-901. Penalties for violation of ordinances.~~

22 ~~A municipal corporation may impose penalties for the violation of ordinances. However,~~  
23 ~~notwithstanding any contrary provisions of a charter of any city or town, no fine or term of~~  
24 ~~confinement for the violation of an ordinance shall exceed the penalty provided by general law~~  
25 ~~for the violation of a Class 1 misdemeanor, and such penalties shall not exceed the penalties~~  
26 ~~prescribed by general law for a like offense.~~

27 **Drafting note: This section is combined with § 15.1-505 to form § 15.2-1429.**

28  
29 ~~§ 15.1-505~~ 15.2-1429. Penalties for violation of ordinances.

30 ~~The governing body of any county~~ Any locality may prescribe fines and other  
31 punishments for violations of ordinances, which shall be enforced by proceedings before a judge

1 of the district court for the county in the manner and with the same right of appeal as if such  
2 violations were misdemeanors. However, no fine or term of confinement for the violation of a  
3 ~~county ordinance~~ ordinances shall exceed the ~~penalty~~ penalties provided by general law for the  
4 violation of a Class 1 misdemeanor, and such penalties shall not exceed those penalties  
5 prescribed by general law for like offenses.

6 **Drafting note: No substantive change in the law; this section combines §§ 15.1-505**  
7 **and 15.1-901.**

8  
9 § ~~15.1-902~~ 15.2-1430. Bonds of persons convicted.

10 Upon conviction for the violation of any ~~such~~ ordinance, the court trying the case may  
11 require bond of the person so convicted with proper security in the penalty of not more than  
12 ~~\$2,000~~\$5,000, conditioned not to violate the ordinance for the breach of which he has been  
13 convicted for the period of not more than one year.

14 **Drafting note: SUBSTANTIVE CHANGE; increases penalties of bonds in**  
15 **accordance with the authorized increase of penalties for Class 1 misdemeanors. The**  
16 **section is transferred from the Uniform Charter Powers Act (see Chapter 11) thereby**  
17 **making its provisions available for use by all municipalities as well as counties.**

18  
19 § ~~15.1-903~~ 15.2-1431. Appeals; nonpayment of fine.

20 ~~From An appeal from~~ any fine or imprisonment ~~thus imposed an appeal shall lie be~~ as in  
21 ~~cases of misdemeanor cases.~~ Whenever any fine ~~shall be~~ is imposed but not paid, the court trying  
22 the case shall proceed in accordance with Article 4 (§ 19.2-354 et seq.) of Chapter 21 (~~§ 19.2-~~  
23 ~~354 et seq.~~) of Title 19.2.

24 **Drafting note: No substantive change in the law; by relocating the section from the**  
25 **Uniform Charter Powers Act (see Chapter 11), its provisions are made available for use by**  
26 **all municipalities as well as counties.**

27  
28 § ~~15.1-904~~. ~~Requiring prisoners to work.~~

29 ~~A municipal corporation may require able-bodied persons sentenced to confinement in a~~  
30 ~~penal or correctional institution to work in such institution or elsewhere in the municipal service,~~

1 but such persons shall not be deemed to be employees or agents of the municipal corporation  
2 while engaged in such work.—

3 **Drafting note: Repealed; subject matter is covered by Chapter 3 of Title 53.1.**

4  
5 § ~~15.1-905~~ 15.2-1432. Injunctive relief against continuing violation of ordinance.

6 ~~A county or municipal corporation~~ A court of competent jurisdiction, in addition to the  
7 penalty imposed for the violation of any ordinance, may enjoin the continuing violation thereof  
8 by proceedings for an injunction brought in any court ~~in~~ for the county or municipal corporation  
9 having jurisdiction to grant injunctive relief.

10 **Drafting note: No substantive change in the law; section is relocated from The**  
11 **Uniform Charter Powers Act making its provisions available for use by all municipalities**  
12 **as well as counties.**

13  
14 § ~~15.1-37.3~~ 15.2-1433. Codification and recodification of ordinances.

15 ~~Any county, city or town~~ Any locality may codify or recodify any or all of its ordinances,  
16 in permanently bound or loose-leaf form. Such ordinances may be changed, altered or amended  
17 by the governing body ~~of the county, city or town~~, and ordinances or portions thereof may be  
18 deleted and new material may be added by the governing body. Such changes, alterations,  
19 amendments or deletions and such new material shall become effective on the effective date of  
20 the codification or recodification.

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

1 Any such codification or recodification may be adopted by reference by a single  
2 ordinance, without further publication of such codification or recodification or any portions  
3 thereof. The ordinance adopting such codification or recodification shall comply with all laws of  
4 the Commonwealth and any provision of any city or town charter requiring posting or  
5 publication of ordinances or notice of intent to adopt ordinances. At least one copy of such  
6 codification or recodification or a complete set of printer's proofs of the text thereof shall be  
7 made available for public inspection in the office of the clerk of the ~~county, city or town or the~~  
8 ~~clerk of the~~ governing body at in which such codification or recodification is proposed to be  
9 adopted.

10 No ordinance ~~imposing a county capitation tax, county motor vehicle license tax, county~~  
11 ~~license tax on professions or businesses, including wholesale merchants, or county tax on~~  
12 ~~amusements shall be enacted as new material in any such codification or recodification or~~  
13 ~~amended in substance therein unless the procedure set forth in § 15.1-504 has first complied with~~  
14 levying or increasing taxes shall be enacted as new material in any such codification or  
15 recodification or amended in substance therein unless advertised in accordance with general law.

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

27 At least three copies of any codification or recodification adopted hereunder and at least  
28 three copies of every supplement thereto shall be kept in the office of the clerk of the ~~county, city~~  
29 ~~or town or the clerk of the~~ governing body ~~thereof~~, and shall there be available for public  
30 inspection during normal business hours.



1           ~~If any charter or any city or town or special law shall contain any provision authorizing~~  
2 ~~the codification or recodification of the ordinances of such city or town, the city or town thereby~~  
3 ~~affected may elect to proceed either under such charter provisions, special law or under the~~  
4 ~~provisions of this section.~~

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

7           **Drafting note: No substantive change in the law; amendments delete the language**  
8 **stating city or town charter provisions for codification or recodification shall prevail. This**  
9 **point is covered by § 15.2-100.**

1 **PROPOSED**  
2 **CHAPTER 15.**  
3 **LOCAL GOVERNMENT PERSONNEL, QUALIFICATION FOR OFFICE,**  
4 **BONDS, DUAL OFFICE HOLDING AND CERTAIN LOCAL GOVERNMENT**  
5 **OFFICERS.**  
6

7 **Chapter drafting note: Collects sections scattered throughout Title 15.1 and**  
8 **organizes them into seven articles relating generally to personnel, local offices and local**  
9 **officers.**

10  
11 Article 1.  
12 General Provisions for Certain Officers and Employees.  
13

14 ~~§ 15.1-794. Election or appointment of certain officers of cities and towns.~~

15 ~~The officers of all cities and towns whose election or appointment is not otherwise~~  
16 ~~provided for in this chapter or under the general statutes of the Commonwealth or charters of the~~  
17 ~~several cities and towns shall be elected or appointed by the councils of the several cities and~~  
18 ~~towns. When provisions are made in the charter of any city or town for the office of register,~~  
19 ~~chamberlain or assessor, no such officers shall be elected, but the duties heretofore devolving on~~  
20 ~~such register or chamberlain shall be performed by the city or town treasurer and the duties~~  
21 ~~heretofore devolving on such assessors shall be performed by the commissioner of revenue.~~  
22 ~~Wherever the council consists of more than one branch, the election or appointment by the city~~  
23 ~~council shall be made by the two branches in joint meeting. The president of the board of~~  
24 ~~aldermen shall preside at such joint meeting, and each member of the two branches shall be~~  
25 ~~entitled to one vote in all such elections or appointments, as well as in all other joint meetings of~~  
26 ~~the two branches of the council.~~

27 **Drafting note: Repealed; the substance of this section is found in § 15.2-1500.**

28  
29 ~~§ 15.1-797. Appointment, compensation and bonds of other officers and employees.~~

30 ~~The council of every city or town of this Commonwealth having in its charter the power~~  
31 ~~to appoint certain municipal officers shall, in addition to such power, have power to appoint such~~

1 ~~other officers and employees as the council may deem proper. Or any committee of such council,~~  
2 ~~any municipal board, the mayor of the city or town, or any head of a department of such city or~~  
3 ~~town government may also appoint such officers and employees as the council may determine.~~  
4 ~~The duties and compensation of such officers and employees shall be fixed by the council of the~~  
5 ~~city or town, except so far as the council may authorize such duties to be fixed by such~~  
6 ~~committee or other appointing power. The council may require of any of the officers and~~  
7 ~~employees so appointed bonds, with sureties in proper penalties, payable to the city or town in its~~  
8 ~~corporate name, with condition for the faithful performance of such duties.~~

9 **Drafting note: Repealed; substance of this section is found in §§ 15.2-1500 and 15.2-**  
10 **1501.**

11  
12 ~~§ 15.1-798. Removal of such officers.~~

13 ~~All officers so appointed may be removed from office by joint resolution of the two~~  
14 ~~branches at their pleasure and, when the appointment is by a committee or board, by a vote of~~  
15 ~~such committee or board. Or when such appointment is by the mayor or head of a department~~  
16 ~~such removal may be by order of the mayor or head of a department.~~

17 **Drafting note: Repealed; see § 15.2-1503.**

18  
19 ~~§ 15.1-799. Vacancies.~~

20 ~~In case of vacancies occurring in any municipal position so authorized to be filled, a~~  
21 ~~qualified person may be appointed to fill such position for the unexpired term by the proper~~  
22 ~~appointing power. In case of vacancy in any municipal office which is elective by the people, if~~  
23 ~~there be no general election during the unexpired term at which such vacancy can be legally~~  
24 ~~filled, the city or town council may elect a qualified person to fill such vacancy until a qualified~~  
25 ~~person can be elected by the people and shall have qualified for the next succeeding term; or~~  
26 ~~when such general election does occur during the unexpired term at which such vacancy can be~~  
27 ~~filled, such city or town council shall elect a qualified person to fill such vacancy until a~~  
28 ~~qualified person is elected to fill such vacancy at such general election and shall have qualified.~~

29 **Drafting note: Repealed; unnecessary.**

30  
31 ~~§ 15.1-831. Suspension and removal of other town officers.~~

1           ~~The council of a town shall have power to suspend and concurrent jurisdiction with the~~  
2 ~~circuit courts to remove all town officers other than the mayor, whether they be elected or~~  
3 ~~appointed, for misconduct in office or neglect of duty, to be specified in the order of suspension~~  
4 ~~or removal; but no such removal shall be made without reasonable notice to the officer~~  
5 ~~complained of and an opportunity afforded him to be heard in his defense.~~

6           **Drafting note: Repealed; see § 15.2-1503.**

7  
8           § 15.2-1500. Organization of local government.

9           Every locality shall provide for all the governmental functions of the locality, including,  
10 without limitation, the organization of all departments of government which are necessary and  
11 the employment of the officers and other employees needed to carry out the functions of  
12 government.

13           **Drafting note: New; states a basic function of local government.**

14  
15           § 15.2-1501. Designation of officers to perform certain duties.

16           Whenever it is not designated by general law or special act which officer or employee of  
17 the locality shall exercise any power or perform any duty conferred upon or required of the  
18 locality, then any such power shall be exercised or duty performed by the officer or employee of  
19 the locality so designated by the governing body. The governing body also may authorize the  
20 chief administrative officer to designate officers and employees to perform administrative duties  
21 and to exercise administrative powers.

22           **Drafting note: New; based on § 15.1-797.**

23  
24           ~~§ 15.1-19.4~~ 15.2-1502. Employment of certain deputies and assistants; delegation of  
25 powers and duties.

26           A. ~~Officers of governments for counties, cities and towns~~ Local government officers  
27 may employ, when duly authorized by the governing body, deputies and assistants to aid them in  
28 carrying out their powers and duties. The provisions of this section and § 15.1-19.5 § 15.2-1503  
29 shall not be applicable to the constitutional offices of treasurer, commissioner of the revenue,  
30 sheriff, attorney for the Commonwealth and clerk of the circuit court in the office of which deeds  
31 are recorded.

1           B. ~~A deputy shall mean~~ "Deputy" means a person who is appointed to act as a substitute  
2 for his principal, in the name of the principal and in his behalf, in matters in which the principal  
3 himself may act; such person shall be a public officer. Members of governing bodies ~~of counties,~~  
4 ~~cities and towns~~ may not have or appoint deputies for themselves.

5           C. ~~An assistant shall mean~~ "Assistant" means a person who is not a public officer or  
6 deputy but who aids or helps a public officer ~~by carrying out ministerial, administrative or~~  
7 ~~clerical duties which do not require the exercise of discretion.~~

8           ~~§ 15.1-19.5. Delegation of powers and duties by certain officers of local government.~~

9           D. Subject to the limitations and requirements of the preceding ~~section~~ subsections, an  
10 officer of a ~~county, city or town~~ locality may delegate, to a person reporting to him, his powers  
11 and duties unless it ~~be~~ is some power or duty the exercise of which by another person is  
12 expressly forbidden by law or requires the exercise of judgment for the public welfare. However,  
13 such delegation shall not act to relieve the officer making such delegation of his legal obligations  
14 ~~attached to~~ for the exercise of powers and performance of duties of his office.

15           Persons employed by virtue of this ~~section~~ subsection shall be designated either deputy or  
16 assistant and shall take such oath and post such bond as may be required by ordinance ~~by the~~  
17 ~~local governing body.~~

18           **Drafting note: No substantive change in the law; the task force and Code**  
19 **Commission deemed the deleted language in subsection C inaccurate. Sections 15.1-19.4**  
20 **and 15.1-19.5 are combined.**

21  
22           ~~§ 15.1-124. Rescission of appointment of executive secretary.~~

23           ~~The governing body may at any time rescind its action in appointing an executive~~  
24 ~~secretary. When, and if, the governing body so rescinds its action, the executive secretary shall~~  
25 ~~be forthwith divested of all power and authority as such, and the county clerk shall be restored to~~  
26 ~~the powers and duties imposed upon him by general law. In case the governing body should~~  
27 ~~rescind its action appointing an executive secretary, the person theretofore appointed such~~  
28 ~~executive secretary shall forthwith deliver to the governing body of his county all books,~~  
29 ~~accounts, records and other papers or matter of whatever nature used in connection with the~~  
30 ~~county's business by whomever provided.~~

31           **Drafting note: Repealed; § 15.2-1504 covers the subject matter generally.**

1  
2       § 15.2-1503. Tenure of officers and employees; suspension or removal.

3       A. All appointments of officers and hiring of other employees by a locality shall be  
4 without definite term, unless for temporary services not to exceed one year or except as  
5 otherwise provided by general law or special act.

6       B. Any officer or employee of a locality employed pursuant to subsection A of this  
7 section may be suspended or removed from office or employment in accordance with the  
8 provisions of §§ 24.2-230 through 24.2-238, if such sections are applicable. Otherwise, any such  
9 employee may be suspended or removed in accordance with procedure established by special act  
10 or by the governing body, if any.

11       C. In case of the absence or disability of any officer or employee, the governing body or  
12 other appointing power may designate some responsible person to temporarily perform the duties  
13 of the office.

14       **Drafting note: New; based on provisions found in optional forms of county**  
15 **government, i.e., §§ 15.1-599, 15.1-635, etc.**

16  
17       ~~§ 15.1-29.18~~ 15.2-1504. Use of tobacco products by government employees.

18       No employee of or applicant for employment with a locality or any political subdivision  
19 of the Commonwealth ~~or any of its political subdivisions~~ shall be required, as a condition of  
20 employment, to smoke or use tobacco products on the job, or to abstain from smoking or using  
21 tobacco products outside the course of his employment, provided that this section shall not apply  
22 to those classes of employees to which § 27-40.1 or § ~~51-422~~ 51.1-813 are applicable.

23       **Drafting note: No substantive change in the law; provisions related to employees of**  
24 **political subdivisions are retained here, while provisions related to state employees are**  
25 **relocated to § 2.1-111.1. See Appendix B.**

26  
27       ~~§ 15.1-29.23~~ 15.2-1505. Employment based on residency prohibited for certain  
28 employees.

29       Notwithstanding any contrary provision of general or special law, no ~~county, city or town~~  
30 locality, or any agency thereof, including school boards, or any local housing or redevelopment  
31 authority created pursuant to § 36-4, that receives any funds from the Commonwealth, shall

1 condition employment or any feature of employment, including promotion, on the basis of  
2 residency in a particular ~~county, city or town~~ locality.

3 This section shall not apply to (i) appointees of elected groups or individuals, (ii) officials  
4 and employees who by charter or other law serve at the will or pleasure of an appointing  
5 authority, (iii) deputies and executive assistants to the chief administrative officer of a locality, or  
6 (iv) agency heads, department heads or their equivalents or chief executive officers of  
7 government operations.

8 **Drafting note: No substantive change in the law.**

9  
10 § ~~15.1-7.1~~ 15.2-1506. Establishment of grievance procedure, personnel system and  
11 uniform pay plan for employees.

12 Notwithstanding any other provision of law to the contrary, ~~the governing body of~~  
13 general or special, every ~~county, city and town~~ locality which has more than fifteen employees  
14 shall have a grievance procedure for its employees that affords an immediate and fair method for  
15 the resolution of disputes which may arise between the public employer and its employees and a  
16 personnel system including a classification plan for service and a uniform pay plan for all  
17 employees excluding employees and deputies of division superintendents of schools.

18 **Drafting note: No substantive change in the law.**

19  
20 § ~~15.1-7.2~~ 15.2-1507. Provision of grievance procedure; training programs.

21 A. If a local governing body fails to adopt a grievance procedure required by § ~~15.1-7.1~~  
22 15.2-1506 or fails to certify it as provided in this section, the state grievance procedure shall be  
23 applicable for so long as the locality remains in noncompliance. The locality shall provide its  
24 employees with copies of the applicable grievance procedure upon request. The term "grievance"  
25 as used herein shall not be interpreted to mean negotiations of wages, salaries, or fringe benefits.

26 Each grievance procedure, and each amendment thereto, in order to comply with this  
27 section, shall be certified in writing to be in compliance by the city, town or county attorney, and  
28 the chief administrative officer of the locality, and such certification filed with the clerk of the  
29 circuit court having jurisdiction in the locality in which the procedure is to apply. Local  
30 government grievance procedures in effect as of July 1, 1991, shall remain in full force and

1 effect for ninety days thereafter, unless certified and filed as provided above within a shorter  
2 time period.

3 Each grievance procedure shall include the following components and features:

4 1. Definition of grievance. A grievance shall be a complaint or dispute by an employee  
5 relating to his employment, including but not necessarily limited to (i) disciplinary actions,  
6 including dismissals, disciplinary demotions, and suspensions, provided that dismissals shall be  
7 grievable whenever resulting from formal discipline or unsatisfactory job performance; (ii) the  
8 application of personnel policies, procedures, rules and regulations, including the application of  
9 policies involving matters referred to in subdivision 2 (iii) below; (iii) discrimination on the basis  
10 of race, color, creed, religion, political affiliation, age, disability, national origin or sex; and (iv)  
11 acts of retaliation as the result of the use of or participation in the grievance procedure or because  
12 the employee has complied with any law of the United States or of the Commonwealth, has  
13 reported any violation of such law to a governmental authority, has sought any change in law  
14 before the Congress of the United States or the General Assembly, or has reported an incidence  
15 of fraud, abuse, or gross mismanagement.

16 2. Local government responsibilities. - Local governments shall retain the exclusive right  
17 to manage the affairs and operations of government. Accordingly, the following complaints are  
18 nongrievable: (i) establishment and revision of wages or salaries, position classification or  
19 general benefits; (ii) work activity accepted by the employee as a condition of employment or  
20 work activity which may reasonably be expected to be a part of the job content; (iii) the contents  
21 of ordinances, statutes or established personnel policies, procedures, rules and regulations; (iv)  
22 failure to promote except where the employee can show that established promotional policies or  
23 procedures were not followed or applied fairly; (v) the methods, means and personnel by which  
24 work activities are to be carried on; (vi) except where such action affects an employee who has  
25 been reinstated within the previous six months as the result of the final determination of a  
26 grievance, termination, layoff, demotion or suspension from duties because of lack of work,  
27 reduction in work force, or job abolition; (vii) the hiring, promotion, transfer, assignment and  
28 retention of employees within the local government; and (viii) the relief of employees from  
29 duties of the local government in emergencies. In any grievance brought under the exception to  
30 provision (vi) of this subdivision, the action shall be upheld upon a showing by the local



1 government that: (i) there was a valid business reason for the action, and (ii) the employee was  
2 notified of the reason in writing prior to the effective date of the action.

3 3. Coverage of personnel.

4 a. Unless otherwise provided by law, all nonprobationary local government permanent  
5 full-time and part-time employees are eligible to file grievances with the following exceptions:

6 (1) Appointees of elected groups or individuals;

7 (2) Officials and employees who by charter or other law serve at the will or pleasure of  
8 an appointing authority;

9 (3) Deputies and executive assistants to the chief administrative officer of a locality;

10 (4) Agency heads or chief executive officers of government operations;

11 (5) Employees whose terms of employment are limited by law;

12 (6) Temporary, limited term and seasonal employees;

13 (7) Law-enforcement officers as defined in Chapter 10.1 (§ 2.1-116.1 et seq.) of Title 2.1  
14 whose grievance is subject to the provisions of Chapter 10.1 and who have elected to proceed  
15 pursuant to those provisions in the resolution of their grievance, or any other employee electing  
16 to proceed pursuant to any other existing procedure in the resolution of his grievance.

17 b. Notwithstanding the exceptions set forth in subdivision 3a above, local governments,  
18 at their sole discretion, may voluntarily include employees in any of the excepted categories  
19 within the coverage of their grievance procedures.

20 c. The chief administrative officer of each local government, or his designee, shall  
21 determine the officers and employees excluded from the grievance procedure, and shall be  
22 responsible for maintaining an up-to-date list of the affected positions.

23 4. Grievance procedure availability and coverage for employees of local social service  
24 departments and boards, community services boards, redevelopment and housing authorities, and  
25 regional housing authorities. Employees of local social service departments and boards,  
26 community services boards, redevelopment and housing authorities created pursuant to § 36-4,  
27 and regional housing authorities created pursuant to § 36-40 shall be included in (i) a local  
28 governing body's grievance procedure or personnel system, if agreed to by the department,  
29 board, or authority and the locality or (ii) a grievance procedure established and administered by  
30 the department, board or authority which is consistent with the provisions of Chapter 10.01 (§  
31 2.1-116.01 et seq.) of Title 2.1 and any regulations promulgated pursuant thereto.

1           5. General requirements for procedures.

2           a. Each grievance procedure shall include not more than four steps for airing complaints  
3 at successively higher levels of local government management, and a final step providing for a  
4 panel hearing.

5           b. Grievance procedures shall prescribe reasonable and specific time limitations for the  
6 grievant to submit an initial complaint and to appeal each decision through the steps of the  
7 grievance procedure.

8           c. Nothing contained in this section shall prohibit a local government from granting its  
9 employees rights greater than those contained herein, provided such grant does not exceed or  
10 violate the general law or public policy of the Commonwealth.

11           6. Time periods.

12           a. It is intended that speedy attention to employee grievances be promoted, consistent  
13 with the ability of the parties to prepare for a fair consideration of the issues of concern.

14           b. The time for submitting an initial complaint shall not be less than twenty calendar days  
15 after the event giving rise to the grievance, but local governments may, at their option, allow a  
16 longer time period.

17           c. Limits for steps after initial presentation of grievance shall be the same or greater for  
18 the grievant than the time which is allowed for local government response in each comparable  
19 situation.

20           d. Time frames may be extended by mutual agreement of the local government and the  
21 grievant.

22           7. Compliance.

23           a. After the initial filing of a written grievance, failure of either party to comply with all  
24 substantial procedural requirements of the grievance procedure, including the panel hearing,  
25 without just cause shall result in a decision in favor of the other party on any grievable issue,  
26 provided the party not in compliance fails to correct the noncompliance within five workdays of  
27 receipt of written notification by the other party of the compliance violation. Such written  
28 notification by the grievant shall be made to the chief administrative officer, or his designee.

29           b. The chief administrative officer, or his designee, at his option, may require a clear  
30 written explanation of the basis for just cause extensions or exceptions. The chief administrative  
31 officer, or his designee, shall determine compliance issues. Compliance determinations made by

1 the chief administrative officer shall be subject to judicial review by filing petition with the  
2 circuit court within thirty days of the compliance determination.

3 8. Management steps.

4 a. The first step shall provide for an informal, initial processing of employee complaints  
5 by the immediate supervisor through a nonwritten, discussion format.

6 b. Management steps shall provide for a review with higher levels of local government  
7 authority following the employee's reduction to writing of the grievance and the relief requested  
8 on forms supplied by the local government. Personal face-to-face meetings are required at all of  
9 these steps.

10 c. With the exception of the final management step, the only persons who may normally  
11 be present in the management step meetings are the grievant, the appropriate local government  
12 official at the level at which the grievance is being heard, and appropriate witnesses for each  
13 side. Witnesses shall be present only while actually providing testimony. At the final  
14 management step, the grievant, at his option, may have present a representative of his choice. If  
15 the grievant is represented by legal counsel, local government likewise has the option of being  
16 represented by counsel.

17 9. Qualification for panel hearing.

18 a. Decisions regarding grievability and access to the procedure shall be made by the chief  
19 administrative officer of the local government, or his designee, at any time prior to the panel  
20 hearing, at the request of the local government or grievant, within ten calendar days of the  
21 request. No city, town, or county attorney, or attorney for the Commonwealth, shall be  
22 authorized to decide the question of grievability. A copy of the ruling shall be sent to the  
23 grievant. Decisions of the chief administrative officer of the local government, or his designee,  
24 may be appealed to the circuit court having jurisdiction in the locality in which the grievant is  
25 employed for a hearing on the issue of whether the grievance qualifies for a panel hearing.  
26 Proceedings for review of the decision of the chief administrative officer or his designee shall be  
27 instituted by the grievant by filing a notice of appeal with the chief administrative officer within  
28 ten calendar days from the date of receipt of the decision and giving a copy thereof to all other  
29 parties. Within ten calendar days thereafter, the chief administrative officer or his designee shall  
30 transmit to the clerk of the court to which the appeal is taken: a copy of the decision of the chief  
31 administrative officer, a copy of the notice of appeal, and the exhibits. A list of the evidence

1 furnished to the court shall also be furnished to the grievant. The failure of the chief  
2 administrative officer or his designee to transmit the record shall not prejudice the rights of the  
3 grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the chief  
4 administrative officer to transmit the record on or before a certain date.

5 b. Within thirty days of receipt of such records by the clerk, the court, sitting without a  
6 jury, shall hear the appeal on the record transmitted by the chief administrative officer or his  
7 designee and such additional evidence as may be necessary to resolve any controversy as to the  
8 correctness of the record. The court, in its discretion, may receive such other evidence as the  
9 ends of justice require. The court may affirm the decision of the chief administrative officer or  
10 his designee, or may reverse or modify the decision. The decision of the court shall be rendered  
11 no later than the fifteenth day from the date of the conclusion of the hearing. The decision of the  
12 court is final and is not appealable.

13 10. Panel hearings.

14 a. Qualifying grievances shall advance to the final step as described below:

15 (1) With the exception of those local governments covered by subdivision a (2) of this  
16 subsection, the final step shall provide for a hearing before an impartial panel, consisting of one  
17 member appointed by the grievant, one member appointed by the agency head and a third  
18 member selected by the first two. In the event that agreement cannot be reached as to the final  
19 panel member, the chief judge of the circuit court of the jurisdiction wherein the dispute arose  
20 shall select the third panel member. The panel shall not be composed of any persons having  
21 direct involvement with the grievance being heard by the panel, or with the complaint or dispute  
22 giving rise to the grievance. Managers who are in a direct line of supervision of a grievant,  
23 persons residing in the same household as the grievant and the following relatives of a  
24 participant in the grievance process or a participant's spouse are prohibited from serving as panel  
25 members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin.  
26 No attorney having direct involvement with the subject matter of the grievance, nor a partner,  
27 associate, employee or co-employee of the attorney shall serve as a panel member.

28 (2) Local governments may retain the panel composition method previously approved by  
29 the Department of Employee Relations Counselors and in effect as of the enactment of this  
30 statute. Modifications to the panel composition method shall be permitted with regard to the size  
31 of the panel and the terms of office for panel members, so long as the basic integrity and

1 independence of panels are maintained. As used in this section, the term "panel" shall include all  
2 bodies designated and authorized to make final and binding decisions.

3 (3) Local governments shall not be required to have an administrative hearing officer in  
4 any case, but may do so in employee termination or retaliation cases at their option. When a local  
5 government elects to use an administrative hearing officer as the third panel member in an  
6 employee termination or retaliation case, the administrative hearing officer shall be appointed by  
7 the Executive Secretary of the Supreme Court. The appointment shall be made from the list of  
8 administrative hearing officers maintained by the Executive Secretary pursuant to § 9-6.14:14.1  
9 and shall be made from the appropriate geographical region on a rotating basis. If a local  
10 government elects to use an administrative hearing officer, it shall bear the expense of such  
11 officer's services.

12 (4) In all cases there shall be a chairperson of the panel and, when panels are composed  
13 of three persons (one each selected by the respective parties and the third from an impartial  
14 source), the third member shall be the chairperson.

15 (5) Both the grievant and the respondent may call upon appropriate witnesses and be  
16 represented by legal counsel or other representatives at the panel hearing. Such representatives  
17 may examine, cross-examine, question and present evidence on behalf of the grievant or  
18 respondent before the panel without being in violation of the provisions of § 54.1-3904.

19 (6) The decision of the panel shall be final and binding and shall be consistent with  
20 provisions of law and written policy.

21 (7) The question of whether the relief granted by a panel is consistent with written policy  
22 shall be determined by the chief administrative officer of the local government, or his designee,  
23 unless such person has a direct personal involvement with the event or events giving rise to the  
24 grievance, in which case the decision shall be made by the attorney for the Commonwealth of the  
25 jurisdiction in which the grievance is pending.

26 b. Rules for panel hearings.

27 Unless otherwise provided by law, local governments shall adopt rules for the conduct of  
28 panel hearings as a part of their grievance procedures, or shall adopt separate rules for such  
29 hearings. Rules which are promulgated shall include, but need not be limited to the following  
30 provisions:

1 (1) That panels do not have authority to formulate policies or procedures or to alter  
2 existing policies or procedures;

3 (2) That panels have the discretion to determine the propriety of attendance at the hearing  
4 of persons not having a direct interest in the hearing, and, at the request of either party, the  
5 hearing shall be private;

6 (3) That the local government provide the panel with copies of the grievance record prior  
7 to the hearing, and provide the grievant with a list of the documents furnished to the panel and  
8 the grievant and his attorney, at least ten days prior to the scheduled panel hearing, shall be  
9 allowed access to and copies of all relevant files intended to be used in the grievance proceeding;

10 (4) That panels have the authority to determine the admissibility of evidence without  
11 regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal  
12 opportunity is afforded to all parties for the presentation of their evidence;

13 (5) That all evidence be presented in the presence of the panel and the parties, except by  
14 mutual consent of the parties;

15 (6) That documents, exhibits and lists of witnesses be exchanged between the parties in  
16 advance of the hearing;

17 (7) That the majority decision of the panel, acting within the scope of its authority, be  
18 final, subject to existing policies, procedures and law;

19 (8) That the panel decision be provided within a specified time to all parties; and

20 (9) Such other provisions as may facilitate fair and expeditious hearings, with the  
21 understanding that the hearings are not intended to be conducted like proceedings in courts, and  
22 that rules of evidence do not necessarily apply.

23 11. Implementation of panel decisions.

24 Either party may petition the circuit court having jurisdiction in the locality in which the  
25 grievant is employed for an order requiring implementation of the panel decision.

26 B. Notwithstanding the contrary provisions of this section, a final panel decision rendered  
27 under the provisions of this section which would result in the reinstatement of any employee of a  
28 sheriff's office, who has been terminated for cause may be reviewed by the circuit court for the  
29 locality upon the petition of the locality. The review of the circuit court shall be limited to the  
30 question of whether the panel's decision was consistent with provisions of law and written  
31 policy.

1           **Drafting note: No change.**

2  
3           § ~~15.1-7.4~~ 15.2-1508. Bonuses for employees of local governments.

4           Notwithstanding any contrary provision of law, general or special, the governing body of  
5 any ~~county, city or town~~ locality may ~~pay a~~ provide for payment of monetary ~~bonus~~ bonuses to  
6 ~~any of the local governments'~~ its officers and employees for exceptional services rendered. The  
7 payment of a bonus shall be authorized by ordinance.

8           **Drafting note: No substantive change in the law.**

9  
10          § ~~15.1-7.5~~ 15.2-1509. Preferences for veterans in local government employment.

11          Consistent with the requirements and obligations to protected classes under federal or  
12 state law, any ~~county, city, or town~~ locality may take into consideration or give preference to an  
13 individual's status as an honorably discharged veteran of the armed forces of the United States in  
14 its employment policies and practices. Additional consideration may also be given to veterans  
15 who have a service connected disability rating fixed by the United States Veterans  
16 Administration. "Veterans" as used in this section refers to the same class as included in § 2.1-  
17 112 with regard to the state service.

18          **Drafting note: No substantive change in the law.**

19  
20          § ~~15.1-849~~ 15.2-1510. Retirement systems.

21          ~~A municipal corporation~~ Any locality may establish a system for the retirement of  
22 injured; or superannuated ~~municipal~~ officers and employees; the members of the local police and  
23 fire departments; the public school teachers and other employees of the local school board; and  
24 the judges, clerks, deputy clerks, ~~bailiffs~~ and other employees of the ~~local municipal courts~~  
25 judicial system; or any of them; and may establish a fund or funds for the payment of retirement  
26 allowances by making appropriations out of the ~~municipal~~ local treasury, by levying a special tax  
27 for the benefit of such fund or funds, by requiring contributions payable from time to time from  
28 such officers, employees, members of police and fire departments, teachers, judges, clerks,  
29 deputy clerks ~~and bailiffs~~ and other employees of the judicial system, or by any combination of  
30 such methods, or by any other method not prohibited by law; provided that the total annual  
31 payments into such fund or funds shall be sufficient on sound actuarial principles for the

1 payment of such retirement allowances therefrom. The benefits accrued or accruing to any  
2 person under such system shall not be subject to execution, levy, attachment, garnishment or any  
3 other process whatsoever nor shall any assignment of such benefits be enforceable in any court.

4 **Drafting note: Expands section to include counties as well as municipalities. This**  
5 **section is of limited application since most local governments are in the Virginia**  
6 **Retirement System.**

7  
8 § ~~15.1-134~~ 15.2-1511. Allowances to injured officials and employees and their  
9 dependents.

10 The governing body of any ~~county, city or town~~ locality is authorized in its discretion to  
11 make allowances by appropriation of funds, payable in monthly or semimonthly installments, for  
12 the relief of any of its officials, employees, ~~policemen~~ police officers, ~~fire fighters~~ firefighters,  
13 sheriffs or deputy sheriffs, town sergeants and town deputy sergeants, or their dependents, who  
14 suffer injury or death as defined in Title 65.2, whether such injury was suffered or death occurs  
15 before or after June 29, 1948 (which date is the effective date of the section). The allowance  
16 shall not exceed the salary or wage being paid such official, employee, ~~policeman~~ police officer,  
17 ~~fire fighter~~ firefighter, sheriff or deputy sheriff, town sergeants and town deputy sergeants, at the  
18 time of such injury or death, and the payment of the allowance shall not extend beyond the  
19 period of disability resulting from such injury; ~~provided, that the governing body of a county~~  
20 ~~having a population of more than 99,000 but less than 100,000 and being contiguous to three~~  
21 ~~cities of the first class may provide that the allowance being paid any such person who dies while~~  
22 ~~entitled to receive the same may be continued to be paid the widow of such person.~~ In case death  
23 results from the injury, the allowance may be made for the dependents as defined in Title 65.2. In  
24 ~~counties, cities and towns~~ localities which have established retirement or pension systems for  
25 injured, retired or superannuated officials, employees, members of police or fire departments,  
26 sheriffs, deputy sheriffs, town sergeants and deputy sergeants, or for the dependents of those  
27 killed in line of duty, the agencies provided for the administration of such systems shall  
28 determine the existence of such injury or cause of death before any appropriation to pay such  
29 allowance is made and shall determine the extent of and period of disability resulting from such  
30 injury and the cause in case of death. All sums paid to any such official, employee, ~~policeman~~  
31 police officer, ~~fire fighter~~ firefighter, sheriff or deputy sheriff, town sergeants and deputy



1 sergeants, as compensation under Title 65.2 and all sums paid to the dependents of such official,  
2 employee, ~~policeman~~ police officer, ~~fire-fighter~~ firefighter, sheriff or deputy sheriff, town  
3 sergeant and deputy sergeant, if he is killed, and all sums paid under any retirement or pension  
4 system shall be deducted from the allowance made under this section in such installments as the  
5 agency determines. If the agency determines that any official, employee, ~~policeman~~ police  
6 officer, ~~fire-fighter~~ firefighter, sheriff or deputy sheriff, town sergeant and deputy sergeant, who  
7 suffered injury in the line of duty is engaged or is able to engage in a gainful occupation, then the  
8 allowance shall be reduced by the agency to an amount which, together with the amount earnable  
9 by him, equals the allowance. Should the earning capacity of the official, employee, ~~policeman~~  
10 police officer, ~~fire-fighter~~ firefighter, sheriff or deputy sheriff, town sergeant and deputy  
11 sergeant, be later changed, such allowance may be further modified, up or down, provided the  
12 new allowance shall not exceed the amount of the allowance originally made nor an amount  
13 which, when added to the amount earnable by him, exceeds such allowance.

14 The death of, or any condition or impairment of health of, any member of a ~~county, city~~  
15 ~~or town~~ local police department, or of a sheriff or deputy sheriff, ~~city sergeant or deputy city~~  
16 ~~sergeant of the City of Richmond~~, caused by hypertension or heart disease resulting in total or  
17 partial disability shall be presumed to have been suffered in the line of duty unless the contrary  
18 be shown by competent evidence; provided that prior to making any claim based upon such  
19 presumption for retirement, sickness or other benefits on account of such death or total or partial  
20 disability, such member, sheriff, or deputy sheriff, ~~city sergeant or deputy city sergeant of the~~  
21 ~~City of Richmond~~, shall have been found free from hypertension or heart disease, as the case  
22 may be, by a physical examination which shall include such appropriate laboratory and other  
23 diagnostic studies as such governing body shall prescribe and which shall have been conducted  
24 by physicians whose qualifications shall have been prescribed by such governing body; ~~and~~  
25 ~~provided, further, in~~ . In the case of a claim for disability, that any such member, sheriff, or  
26 deputy sheriff, ~~city sergeant or deputy city sergeant of the City of Richmond~~ shall, if requested  
27 by such governing body or its authorized representative, submit himself to physical examination  
28 by any physician designated by such governing body, such examination to include such tests or  
29 studies as may reasonably be prescribed by the physician so designated ~~or, in~~ . Such member,  
30 sheriff or deputy sheriff, or claimant shall have the right to have present at such examination, at  
31 his own expense, any qualified physician he may designate. In the case of a claim for death

1 benefits, any person entitled to make a claim for such benefits, claiming that ~~his~~ such person's  
2 death was suffered in the line of duty, shall submit the body of the deceased to a postmortem  
3 examination to be performed by the medical examiner for the county, city or town appointed  
4 under § 32.1-282. ~~Such member, sheriff, or deputy sheriff, city sergeant or deputy city sergeant~~  
5 ~~of the City of Richmond, or claimant shall have the right to have present at such examination, at~~  
6 ~~his own expense, any qualified physician he may designate.~~

7 **Drafting note: No substantive change in the law; eliminates reference to Norfolk**  
8 **County which in 1962 consolidated with the City of South Norfolk to form the City of**  
9 **Chesapeake. Also eliminates reference to city sergeant of Richmond, etc., as such positions**  
10 **are abolished by § 15.1-796.1. Other changes are made to improve readability.**

11  
12 ~~§ 15.1-118. Oath and bond.~~

13 ~~Before entering upon the duties of his office the person so appointed executive secretary~~  
14 ~~to the governing body shall take the oath of office required of other officers and shall give bond~~  
15 ~~before the clerk of the circuit court of the county with surety to be approved by such clerk in an~~  
16 ~~amount to be fixed by the governing body but in any case not less than \$2,000, the premium for~~  
17 ~~which bond shall be paid by the governing body out of the general county fund.~~

18 **Drafting note: Repealed; substance of section found in § 15.2-1512.**

19  
20 ~~§ 15.1-813.1. Bonds of officers and employees.~~

21 ~~Notwithstanding any provision of any charter or law to the contrary, the council of any~~  
22 ~~city may require all or any officers and employees of the city to give bond for the faithful and~~  
23 ~~proper discharge of their duties; as used herein the words officers and employees shall include~~  
24 ~~officers and employees paid solely or partly by the city. The city may pay the premium on such~~  
25 ~~bonds from the city funds and may provide for individual surety bonds or for a bond covering all~~  
26 ~~officers and employees or any group thereof. The bond shall be payable to the city as its interest~~  
27 ~~may appear in event of breach of the conditions thereof.~~

28 **Drafting note: Repealed; substance of section found in § 15.2-1512.**

29  
30 § 15.2-1512. Oath and bond.

1 Before entering upon the duties of his office, the person appointed or employed by the  
2 governing body, or its delegated representative, (i) shall take the oath of office if required by  
3 general law, special act or the governing body, (ii) shall give a bond before the clerk of the  
4 circuit court serving such governing body, if required by general law, special act or the  
5 governing body, (iii) shall furnish surety to be approved by such clerk in an amount to be fixed  
6 by the governing body, if required by general law, special act or the governing body. The  
7 premium for such bond shall be paid by the governing body out of its general fund. The form of  
8 oath of office is that prescribed by § 49-1.

9 **Drafting note: New; authorizes all governing bodies, in their discretion, to require**  
10 **employees to take an oath of office, post bonds, furnish surety.**

11  
12 Article 2.

13 Joint Officers and Other Employees.

14  
15 § ~~15.1-20.3~~ 15.2-1513. Joint local government employees permitted.

16 ~~Every county, city and town~~ Localities may jointly employ or share the services of any  
17 person ~~in the conduct of their governmental affairs~~. Persons so employed may include officers  
18 as well as other employees.

19 **Drafting note: No substantive change in the law. Language is deleted to clarify that**  
20 **localities can share employees involved in proprietary functions.**

21  
22 § ~~15.1-20.5~~ 15.2-1514. Exercise of powers and duties.

23 Every person ~~so employed under § 15.2-1513~~ shall exercise in each of such ~~governmental~~  
24 ~~units~~ localities all the powers conferred and duties imposed upon such person by law or by  
25 contract.

26 **Drafting note: No substantive change in the law.**

27  
28 § ~~15.1-20.4~~ 15.2-1515. Compensation, benefits and liability insurance of such persons.

29 ~~Such jointly employed~~ Every person employed under § 15.2-1513, for purposes of salary,  
30 retirement, and other employee benefits, public liability insurance and bonds, when required,  
31 shall be considered the employee of one ~~governmental unit~~ locality. The share of the costs of

1 salary, retirement, and other employee benefits and expenses for the jointly employed person  
2 shall be paid to the primary employing ~~governmental unit~~ locality by the other ~~governmental~~  
3 ~~units~~ localities using the services of such person in the manner and amount agreed upon.

4 Such employment may be pursuant to written or unwritten agreement between or among  
5 the employing ~~units of local government~~ localities containing such other terms and conditions as  
6 agreed upon.

7 **Drafting note: No substantive change in the law.**

8  
9 § ~~15.1-20.6~~ 15.2-1516. Exceptions.

10 The provisions of §§ ~~15.1-20.3~~ 15.2-1513 through ~~15.1-20.5~~ 15.2-1515 shall not be  
11 applicable to constitutional officers or their employees or other officers elected by the voters.

12 **Drafting note: No change.**

13  
14 Article 3.

15 Insurance and Legal Defense.

16  
17 § ~~15.1-7.3~~ 15.2-1517. Insurance for employees and retired employees of ~~local~~  
18 ~~governments~~ localities and other local governmental entities.

19 ~~The governing body of every county, city, or town~~ Any locality may provide group life,  
20 accident, and health insurance programs for their officers and employees, and employees of  
21 boards, commissions, agencies and authorities created by or controlled by such ~~county, city or~~  
22 ~~town,~~ group life, accident, and health insurance programs locality. Such programs may be  
23 through a program of self-insurance, purchased insurance, or partial self-insurance and  
24 purchased insurance, whichever is determined to be the most cost effective. The total cost of  
25 such policies or protection may be paid entirely by the ~~local government~~ locality or shared with  
26 the employee. The governing body of ~~every county, city, and town~~ any locality may provide for  
27 its retired officers and retired employees to be eligible for such group life, accident, and health  
28 insurance programs. The cost of such insurance for retired officers and retired employees may  
29 be paid in whole or in part by the locality.

30 In the event a county or city elects to provide one or more of such programs for its  
31 officers and employees, it shall provide such programs to the constitutional officers and their

1 employees on the same basis as provided to other officers and employees, unless the  
2 constitutional officers and employees are covered under a state program, and the cost of such  
3 local program shall be borne entirely by the locality or shared with the employee.

4 Except as otherwise provided herein, in the event the governing body of any ~~county, city~~  
5 ~~or town~~ locality elects to provide group accident and health insurance for its officers and  
6 employees, including constitutional officers and their employees, such programs shall require  
7 that upon retirement, or upon the effective date of this provision for those who have previously  
8 retired, any such individual with (i) at least fifteen years of continuous employment with the  
9 ~~county, city, or town~~ locality, or (ii) less than fifteen years of continuous employment who has  
10 retired due to line-of-duty injuries may choose to continue his coverage with the insurer at the  
11 retiree's expense until such individual attains sixty-five years of age at the insurer's customary  
12 premium rate applicable: (i) to such policies, (ii) to the class of risk to which the person then  
13 belongs, and (iii) to his age.

14 The governing body, when providing this coverage, may further provide that the retiree  
15 be rated separately from the active employees covered under the group plan offered by such  
16 governing body. The provisions of the preceding paragraph shall not apply in any ~~jurisdiction~~  
17 locality with a population of less than 30,000 which has made a written determination, following  
18 bona fide attempts to obtain such coverage for retirees, that (i) such coverage is not  
19 commercially available for retirees as a separately rated group or class and (ii) inclusion of  
20 retirees in the group or class of active employees would have the effect of materially increasing  
21 premium rates applicable to the group or class of active employees.

22 Nothing herein shall prohibit a ~~local governing body~~ locality from providing group  
23 accident and health coverage or benefits for its retirees in addition to that which is required under  
24 this section.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-7.3-1~~ 15.2-1518. Liability insurance for officers, employees and volunteers of  
28 local government and members of its boards and commissions and constitutional officers.

29 ~~The governing body of any county, city and town or~~ Any locality and any political  
30 subdivision thereof may provide liability insurance or self-insurance for its officers, employees  
31 and volunteers, including any commission or board of any authority created or controlled by the

1 local governing body, or any local agency or public service corporation owned, operated or  
2 controlled by such local governing body and constitutional officers and their employees.

3 The insurance or self-insurance may cover the costs and expenses incident to liability,  
4 including those for settlement, suit, or satisfaction of judgment arising from the conduct of such  
5 officers, employees or volunteers in the discharge of their official duties.

6 **Drafting note: No substantive change in the law.**

7

8 § ~~15.1-506.2~~ 15.2-1519. Liability insurance for employees of local departments and  
9 boards of welfare and social services; legal representation.

10 Notwithstanding the provisions of § ~~15.1-7.3:1~~ 15.2-1518, the state Department of Social  
11 Services is authorized to obtain liability insurance for officers and employees of local  
12 departments and boards of welfare or social services. The attorney for the Commonwealth, city  
13 attorney, or county attorney, as appropriate, shall provide whatever legal services are required for  
14 any such ~~officer or employee~~ officers or employees sued as a result of ~~his~~ their conduct in the  
15 discharge of ~~his~~ their official duties.

16 **Drafting note: No substantive change in the law.**

17

18 § ~~15.1-19.2~~ 15.2-1520. Employment of counsel to defend ~~county, city, town~~ localities and  
19 political ~~subdivision~~ subdivisions, governing bodies, officers or employees in certain  
20 proceedings; costs and expenses of such proceedings.

21 Notwithstanding any ~~other~~ provision of law to the contrary, general or special, ~~the~~  
22 ~~governing body of any county, city, town~~ a locality, or political subdivision of such locality may  
23 employ the ~~city attorney, the town~~ county, city or town attorney, or the attorney for the  
24 Commonwealth, if there be no county, city attorney or town attorney, or other counsel approved  
25 by ~~such~~ the governing body to defend it, or any member thereof, or any officer of ~~such county,~~  
26 ~~city, town~~ the locality, or political subdivision or employee thereof, or any trustee or member of  
27 any board or commission appointed by the governing body in any legal proceeding to which  
28 ~~such~~ the governing body, or any member thereof, or any of the foregoing named persons may be  
29 a defendant, when such proceeding is instituted against it, or them by virtue of any actions in  
30 furtherance of their duties in serving ~~such county, city, town~~ locality or political subdivision as  
31 its governing body or as members thereof or the duties or service of any officer or employee of

1 ~~such county, city, town~~ locality or political subdivision or any trustee or any member of any  
2 board or commission appointed by ~~such~~ the governing body.

3 All costs and expenses of such proceedings so defended shall be charged against the  
4 treasury of the ~~county, city, town~~ locality, or political subdivision and shall be paid out of funds  
5 provided therefor by the governing body thereof. Further, in the event any settlement is agreed  
6 upon or judgment is rendered against any of the foregoing persons or governing body, the  
7 governing body may, in its discretion, pay such settlement or judgment from public funds or  
8 other funds or in connection with all of the foregoing may expend public or other funds for  
9 insurance or to establish and maintain a self-insurance program to cover such risks or liability.

10 **Drafting note: No substantive change in the law.**

11  
12 § ~~15.1-19.2:1~~ 15.2-1521. Providing legal fees and expenses for officer or employee of  
13 county, city or town in certain proceedings.

14 If any officer or employee of any ~~county, city or town~~ locality is investigated,  
15 arrested or indicted or otherwise prosecuted on any criminal charge arising out of any act  
16 committed in the discharge of his official duties, and no charges are brought, or the charge is  
17 subsequently dismissed, or upon trial he is found not guilty, the governing body of the ~~county,~~  
18 ~~city or town~~ locality may reimburse the officer or employee for reasonable legal fees and  
19 expenses incurred by him in defense of the investigation or charge, the reimbursement to be paid  
20 from the treasury of the ~~county, city or town~~ locality.

21 **Drafting note: No substantive change in the law.**

22  
23 Article 4.

24 Qualifications; Eligibility, etc., of Local Elected Officers.

25  
26 § ~~15.1-38~~ 15.2-1522. When and how officers qualify.

27 Every elected county ~~and district officer elected by the people,~~ every city ~~and~~ town ~~and~~  
28 district officer, unless otherwise provided by law, ~~shall~~, on or before the day on which his term  
29 of office begins, shall qualify by taking the oath prescribed by § 49-1 and give the bond, if any,  
30 required by law, before the circuit court ~~of~~ for the county or city, having jurisdiction in the  
31 county, ~~district, town, or city,~~ town or district for which he is elected or appointed, ~~or before the~~

1 ~~judge of the circuit court of such county or city~~ or before the clerk of the circuit court ~~of~~ for such  
2 county ~~or~~, city, town or district. However, members of governing bodies and elected school  
3 boards may qualify up to and including the day of the initial meeting of the new governing body  
4 or elected school board. Whenever an officer required to give bond is included in a blanket  
5 surety bond authorized by § 2.1-526.9 B ~~or § 15.1-44.2~~, such officer shall furnish an extract of  
6 the master blanket surety bond on file in the Comptroller's office, reflecting the name or position  
7 of the officer and the amount of the coverage, which shall be the equivalent of giving the bond  
8 for purposes of qualification.

9 An appointed officer as used in this article means a person appointed to temporarily fill  
10 an elected position. District officer as used in this article means a person elected by the people  
11 other than national and statewide officers and members of the General Assembly.

12 **Drafting note: The word "district" in the section as originally enacted is thought to**  
13 **refer to magisterial districts of counties; current usage is to cover election districts which**  
14 **would include constitutional officers, joint constitutional officers and regional government**  
15 **elected officers as well as all other locally elected officers. Section 15.1-44.2 is deleted as**  
16 **blanket surety bonds provided by the state makes the section reference incorrect; § 15.1-**  
17 **44.2 is repealed.**

18  
19 ~~§ 15.1-829. Oaths of councilmen and mayor.~~

20 ~~Every person elected a councilman of a town shall, on or before the day on which his~~  
21 ~~term of office begins, qualify by taking and subscribing an oath faithfully to execute the duties of~~  
22 ~~his office to the best of his judgment; and any person elected mayor shall take and subscribe the~~  
23 ~~oath prescribed by law for state officers.~~

24 ~~Any such oath of councilmen and mayors may be taken before any officer authorized by~~  
25 ~~law to administer oaths and shall, when so taken and subscribed, be forthwith returned to the~~  
26 ~~clerk of the council of the town, who shall enter the same record on the minute book of the~~  
27 ~~council.~~

28 **Drafting note: Repealed; covered generally by § 15.2-1522.**

29  
30 ~~§ 15.1-39~~ §15.2-1523. Record of qualification.



1           When ~~the~~ an officer qualifies and gives ~~the bond before a judge in vacation,~~ the judge  
2 shall certify the fact and the bond and certificate shall be returned to the clerk of the circuit or  
3 ~~corporation~~ court, and the certificate shall be entered ~~by him~~ in the order book of the court on the  
4 law side thereof and such bond, ~~and also any bond given before the court,~~ shall be recorded by  
5 the clerk. When the officer qualifies and gives bond before the clerk, the clerk shall enter the fact  
6 of such qualification in the order book of the court, on the law side thereof, and record the bond.  
7 ~~But the clerk of the Chancery Court of the City of Richmond, the clerk of the Law and Equity~~  
8 ~~Court of such city, and the clerk of the Court of Law and Chancery of the City of Norfolk may~~  
9 ~~qualify and give bond before the court of which he is clerk, or if he qualify and give bond before~~  
10 ~~the judge in vacation, as hereinabove provided, his bond and certificate of qualification shall be~~  
11 ~~returned to and recorded in such court.~~

12           **Drafting note: No substantive change in the law; eliminates obsolete language.**

13  
14           § ~~15.1-40~~ 15.2-1524. Failure to qualify vacates office.

15           If any such officer fails to qualify and give bond, as required by § ~~15.1-39~~ 15.2-1523, on  
16 or before the day on which his term begins, his office shall be deemed vacant; ~~provided that if~~  
17 ~~such officer at the time of his election is a member of the armed forces of the United States, in~~  
18 ~~active service in the present war, he may qualify and give bond within sixty days after the end of~~  
19 ~~the war in which he may be serving, or within sixty days after his discharge and return to civil~~  
20 ~~life, whichever may last occur.~~ However, members of local governing bodies and elected school  
21 boards may qualify up to and including the day of the initial meeting of the new governing body  
22 or elected school board.

23           **Drafting note: No substantive change in the law; eliminates obsolete language.**

24  
25           § ~~15.1-54~~ 15.2-1525. Where officers shall reside.

26           A. ~~Every district officer shall, at the time of his election or appointment, have resided in~~  
27 ~~the district for which he is elected or appointed thirty days next preceding his election or~~  
28 ~~appointment, and residence in any incorporated town within the district shall be regarded as~~  
29 ~~residence in the district.~~ Every county officer shall, at the time of his election or appointment,  
30 have resided thirty days next preceding his election or appointment, either in the county for  
31 which he is elected or appointed, or in the city wherein the courthouse of the county is or in a

1 city wholly within the boundaries of such county. If no practicing lawyer who has resided in the  
2 county or in such city for the period aforesaid offers for election or appointment or if there is not  
3 more than one practicing lawyer residing in the jurisdiction who would be qualified to offer for  
4 election, it shall be lawful to elect or appoint as attorney for the Commonwealth for such county  
5 a nonresident, or one who has not resided in the county, or in such city, for the period above  
6 mentioned. Every city and town officer except the town attorney shall, at the time of his election  
7 or appointment, have resided thirty days next preceding his election or appointment in such city  
8 or town unless otherwise specifically provided by charter. Every district officer shall, at the time  
9 of his election or appointment, have resided in the district for which he is elected or appointed  
10 thirty days next preceding his election or appointment, and residence in any incorporated town  
11 within the district shall be regarded as residence in the district.

12 B. Notwithstanding the foregoing provisions, and except as other provisions of law may  
13 require otherwise, nonelected officers of any ~~county, city or town~~ locality, and nonelected  
14 deputies of constitutional officers, shall not be required to reside in the jurisdiction in which they  
15 are appointed. However, the sheriff of any county or city may for law-enforcement purposes  
16 require that deputy sheriffs live within a reasonable distance of the administrative office of the  
17 sheriff's department.

18 **Drafting note: No substantive change in the law; reference to district officer is**  
19 **placed at the end of subsection A rather than the beginning.**

20

21 § ~~15.1-52~~ 15.2-1526. Removal vacates office.

22 If any officer, required by § ~~15.1-51~~ 15.2-1525 to be a resident at the time of his election  
23 or appointment of the county, city, ~~district or town~~ or district for which he is elected or  
24 appointed, or of the city wherein the courthouse of such county is or in a city wholly within the  
25 boundaries of such county, remove therefrom, except from the county to such city or from such  
26 city to the county, or in case a nonresident who has been elected attorney for the Commonwealth  
27 remove from the county or county seat of the county in which he resided when elected, except to  
28 the county in which he is elected, his office shall be deemed vacant.

29 **Drafting note: No substantive change in the law.**

30

31

Article 5.

1 Bonds.

2  
3 § ~~15.1-41~~ 15.2-1527. Bonds of officers.

4 Every ~~county~~ treasurer or director of finance, sheriff ~~of a county or a city~~, county clerk,  
5 ~~clerk of a city court~~, clerk of a circuit court, commissioner of the revenue, ~~superintendent of the~~  
6 ~~poor, and supervisor~~ and other persons in the offices of constitutional officers required to give  
7 bond shall, at the time he qualifies, give such bond as is required by § 49-12. Bonds for a  
8 treasurer or director of finance, sheriff, clerk of the circuit court and commissioner of the  
9 revenue shall be provided through the state Department of General Services, Division of Risk  
10 Management pursuant to § 2.1-526.9.B. The penalty of the bond of each officer shall be  
11 determined by the court, ~~judge~~ or clerk before whom he qualifies, within the limits prescribed in  
12 §§ ~~15.1-42~~ 15.2-1528, 15.2-1529 and 15.2-1530. ~~Subject to the provisions of §§ 15.1-43 and~~  
13 ~~15.1-45, the board of supervisors of any county or the council of any city or town in this~~  
14 ~~Commonwealth may pay the costs of the premium of the surety on such bond when the surety is~~  
15 ~~a surety or guaranty company. Notwithstanding the foregoing provisions of this section, no bond~~  
16 ~~shall be required of a member of the governing body of a county in which such members do not~~  
17 ~~handle county funds if the judge of the circuit court of the county, or if there be more than one,~~  
18 ~~the senior judge, so provides by order entered of record.~~

19 **Drafting note: No substantive change in the law; recognizes that the state now**  
20 **provides bonds for constitutional officers and not local governments; deletes any bond**  
21 **requirements for county supervisors as obsolete.**

22  
23 § ~~15.1-41.1~~. ~~Bonds of certain officers and employees of county governments.~~

24 ~~Notwithstanding any contrary provision of general law, excluding general law applicable~~  
25 ~~to constitutional officers, their deputies, assistants and employees, those general laws applicable~~  
26 ~~to members of the board of supervisors, and those general laws applicable to counties having~~  
27 ~~adopted an optional form of organization and government, the board of supervisors shall have~~  
28 ~~the power to fix and require bonds in such amounts as they deem necessary for the officers and~~  
29 ~~employees of such county.~~

30 **Drafting note: Repealed; § 15.2-1512 allows all local governments to require bonds**  
31 **of local government officers and employees as deemed advisable.**

1  
2       § ~~15.1-42~~ 15.2-1528. Penalties of bonds of sheriffs, clerks of the circuit court and  
3 commissioners of the revenue.

4       The penalty of the bond of a sheriff ~~of a county, when he gives personal security,~~ shall  
5 ~~not be less than \$10,000 nor more than \$60,000, but if the sheriff shall elect to give as surety on~~  
6 ~~his bond a guaranty or surety company, the penalty of such bond shall not be less than \$5,000~~  
7 ~~nor more than \$30,000.~~ The bond of the ~~county clerk or~~ clerk of a ~~city or~~ circuit court shall not  
8 be less than \$3,000 and the bond of such clerk shall bind him and his sureties, not only for the  
9 faithful discharge of his duties as clerk of the court, but also for the faithful discharge of such  
10 other duties as may be imposed upon him by law in like manner or by order of the court and with  
11 the same effect as if it were so expressed in the conditions of his bond. The bond of the  
12 commissioner of the revenue shall not be less than \$1,000 nor more than \$3,000. ~~The bond of the~~  
13 ~~superintendent of the poor shall not be less than \$1,000 nor more than \$4,000. The bond of the~~  
14 ~~supervisor shall not be less than \$1,000 nor more than \$2,500.~~

15       **Drafting note: Sets one limit for all sheriffs; deletes superintendent of the poor as**  
16 **the position no longer exists; deletes supervisor requirement as obsolete and places all**  
17 **governing bodies on same basis.**

18  
19       § ~~15.1-42.1~~. Bonds of sheriffs.

20       ~~The sheriff of any county or city is authorized to procure as surety on his bond any~~  
21 ~~guaranty or surety company licensed to do business in the Commonwealth, which bond may be~~  
22 ~~in such amount, and on such terms as will guarantee the performance of any deputy or employee~~  
23 ~~that the sheriff may employ, without such deputy or employee entering into an individual bond~~  
24 ~~for the faithful performance of his duties as such deputy or employee.~~

25       **Drafting note: Repealed; the state provides such bonds.**

26  
27       § ~~15.1-43~~. County treasurer may give corporate or personal security; penalty; premium.

28       ~~The county treasurer may give as surety on his bond some guaranty or security company~~  
29 ~~doing business in the Commonwealth and deemed sufficient by the court, judge or clerk before~~  
30 ~~whom he qualified and he may execute such bond on a form prescribed by the Attorney General,~~  
31 ~~to be furnished by the Comptroller to the clerks of the several courts, or he may give such~~

1 personal surety or security as may be deemed sufficient by the court or judge before whom he  
2 qualifies; provided that upon information, or upon motion of any taxpayer, after ten days' notice  
3 to such treasurer, the court, or the judge of such court in vacation may at any time require  
4 additional surety or sureties or security, for good cause shown.

5 The penalty of the bond shall be such as the court or judge may require but not less than  
6 fifteen per centum of the amount to be received annually by the treasurer; provided, that in any  
7 county having a population of more than 35,000 and adjoining two cities lying wholly within this  
8 Commonwealth each of which has a population of more than 50,000, the bond of the treasurer  
9 may be in such penalty as the court or judge prescribes below thirty per centum but not less than  
10 fifteen per centum of the amount to be received annually by him.

11 The premium on such bond, if the surety be a corporate surety, shall be paid in the  
12 proportion of one half by the Commonwealth and the remaining one half by the county of which  
13 the principal is a treasurer.

14 After June 27, 1958, the counties shall be reimbursed from the state treasury all amounts  
15 paid by such counties in excess of the requirements of this section for premiums coming due  
16 during the year 1958.

17 **Drafting note: Repealed; covered by § 15.2-1529.**

18  
19 § ~~15.1-43.1~~ 15.2-1529. Amount of bond of county treasurer or director of finance of  
20 counties.

21 Notwithstanding the provisions of §§ ~~15.1-43, 15.1-621, 15.1-660, 15.1-678, 15.1-715~~  
22 ~~and 15.1-783~~ 15.2-416, 15.2-541, 15.2-642, 15.2-707 and 15.2-852 requiring the surety bond  
23 given by a county treasurer or director of finance to be in an amount of not less than fifteen per  
24 ~~centum~~ percent of the amounts to be received annually by such officers, the ~~judge~~ court or the  
25 governing body responsible for fixing the penalty of the bond may in ~~their~~ its discretion exclude  
26 the amounts to be received for the county from temporary and long-term loans and federal  
27 revenue sharing funds when fixing the required minimum bond, and ~~shall limit~~ the amount of the  
28 bonds to be given to shall not ~~exceeding~~ exceed the following maximums based on the  
29 population of the respective counties unless, for good cause shown, a greater bond is deemed  
30 advisable:

1           (a) 1. In counties having a population of not more than 10,000, the bond shall be limited  
2 to \$300,000.

3           (b) 2. In counties having a population of more than 10,000 but not more than 30,000, the  
4 bond shall be limited to \$400,000.

5           (c) 3. In counties having a population of more than 30,000 but not more than 50,000, the  
6 bond shall be limited to \$500,000.

7           (d) 4. In counties having a population of more than 50,000 but not more than 100,000, the  
8 bond shall be limited to \$750,000.

9           (e) 5. In counties having a population of more than 100,000, the bond shall be limited to  
10 one million dollars.

11           **Drafting note: No substantive change in the law.**

12  
13           § ~~15.1-44~~ 15.2-1530. Bonds required of ~~city~~ treasurers or directors of finance of cities.

14           ~~Every city treasurer, at the time he qualifies, shall in addition to any bond required of him~~  
15 ~~by his city under its charter and ordinance, give a bond with sufficient surety, in a penalty of not~~  
16 ~~less than fifteen per centum of the amount of state revenue to be received annually by him,~~  
17 ~~payable to the Commonwealth, but not more than \$200,000 for treasurers of cities under 100,000~~  
18 ~~population nor more than \$300,000 for treasurers of cities of over 100,000 population, and with~~  
19 ~~condition for the faithful discharge of his official duties in relation to the state revenue, and of~~  
20 ~~such other official duties as are, or may be, imposed upon him by law otherwise than by the~~  
21 ~~charter and ordinances of his city. Every such treasurer shall give as surety on his bond some~~  
22 ~~guaranty or security company doing business in this Commonwealth and deemed sufficient by~~  
23 ~~the court or judge before whom he qualifies. The form of the bond shall be prescribed by the~~  
24 ~~Attorney General, and such blank forms shall be furnished by the Comptroller to the clerks of the~~  
25 ~~several courts.~~

26           ~~The bond of any city treasurer in office on March 10, 1973, shall not be required to be~~  
27 ~~reduced during the term for which such treasurer was elected or appointed by virtue of any~~  
28 ~~amendment to the preceding paragraph taking effect during such term.~~

29           Notwithstanding any contrary provision of law, general or special, the penalty of the  
30 bond for treasurers or directors of finance of cities shall be not less than fifteen percent of the  
31 amount of revenue to be received annually by him but not more than \$500,000 for treasurers or

1 directors of finance of cities under 100,000 population nor more than \$1,500,000 for treasurers  
2 or directors of finance of cities over 100,000.

3 **Drafting note: Changed to reflect state blanket bond provision.**

4  
5 § ~~15.1-44.1~~ 15.2-1531. When certain city and county treasurers not required to give  
6 additional bond.

7 Whenever the treasurer for any city or county is ~~elected or~~ appointed finance officer  
8 under any regulation of the State Board of Education relating to the operation of jointly owned  
9 schools for cities and counties, and such duties do not substantially increase the amount of the  
10 revenue to be received annually by him, then no additional bond shall be required of him.

11 **Drafting note: No substantive change in the law; eliminates reference to election as**  
12 **the treasurer is not elected by voters to such position.**

13  
14 § ~~15.1-44.2~~. ~~Blanket bonds.~~

15 Notwithstanding the provisions of §§ ~~15.1-43, 15.1-43.1, and 15.1-44~~, the State  
16 Comptroller may obtain a scheduled position blanket surety bond conditioned for the faithful  
17 performance of duty for those city and county treasurers or directors of finance which agree to be  
18 included thereunder. Such bond shall provide the same amount of surety for each such treasurer  
19 or director of finance as required by the aforementioned sections, and the premium thereon shall  
20 be paid by the Commonwealth and the respective political subdivisions in the same proportion as  
21 now provided by §§ ~~15.1-43 and 15.1-44~~.

22 **Drafting note: Repealed; the state blanket bond covers this matter.**

23  
24 § ~~15.1-45~~. ~~Premiums on such bonds.~~

25 The premium on the additional bond required by § ~~15.1-44~~ shall be paid by the  
26 Commonwealth. The premium on the bond other than such additional bond shall be paid by the  
27 city. No guaranty company doing business in this Commonwealth shall charge a greater rate of  
28 premium on the bonds given under § ~~15.1-44~~ than it does on bonds of like character of  
29 employees and officials generally. If no guaranty company doing business in this  
30 Commonwealth will agree to furnish such bond for such rate of premium, then such treasurer

1 shall give such security as may be approved by the corporation court of his city in a penalty of  
2 not less than double the amount to be annually received by him.

3 ~~This section shall apply to the payment of the premiums on the bonds of city treasurers~~  
4 ~~for the term beginning January 1, 1958, and for the succeeding terms; and as to premiums paid~~  
5 ~~on such bonds for such term or any part thereof prior to March 8, 1958, proper adjustment shall~~  
6 ~~be made as between the Commonwealth and particular city involved.~~

7 **Drafting note: Repealed; obsolete since state pays all premiums.**

8  
9 § ~~15.1-46~~ 15.2-1532. Payment of premiums on bonds for more than one year in advance.

10 ~~The governing~~ Governing bodies of ~~counties, cities and towns~~ are authorized to pay out  
11 of ~~the~~ their respective treasuries, the premiums on the surety bonds of all ~~county, city and town~~  
12 local officials who are required to be bonded, for a period of more than one year when a discount  
13 for advanced payment of such premiums may be obtained under the rates, rules and regulations  
14 promulgated by the State Corporation Commission according to law.

15 If any such surety bond be cancelled prior to its expiration, the portion of the premiums  
16 to be returned shall be calculated on the basis of the regular annual rate of premiums for the  
17 duration of the bond as such refunds are prescribed by the rates, rules and regulations  
18 promulgated by the State Corporation Commission according to law.

19 **Drafting note: No substantive change in the law.**

20  
21 § ~~15.1-47~~ 15.2-1533. ~~Clerks to transmit to Comptroller copies of bonds of certain~~  
22 ~~officers~~ Bond plan to be forwarded to clerk and Comptroller.

23 ~~The clerk of the court wherein or in whose clerk's office any official bond, except the~~  
24 ~~bond of a city treasurer taken by his city, of any county or city treasurer, sheriff, clerk or~~  
25 ~~commissioner of the revenue is required to be filed and recorded shall, within ten days after it is~~  
26 ~~filed, transmit to the Comptroller a certified copy thereof and of the order of the court or judge~~  
27 ~~made on taking the bond. The order of the court need not be accompanied by a copy of the~~  
28 ~~extract of a master blanket surety bond already on file in the Comptroller's office. If any clerk~~  
29 ~~fail to perform this duty, he shall be fined not less than \$50 nor more than \$100 and be fined the~~  
30 ~~like sum for every ten consecutive days that he fails to make such return.~~



1 The state Department of General Services, Division of Risk Management shall forward to  
2 the clerk of the circuit court for each county and city and the Comptroller of the Commonwealth  
3 a copy of the plan promulgated pursuant to § 2.1-526.9.B.

4 **Drafting note: Changed to acknowledge state blanket bond.**

5  
6 Article 6.

7 Prohibition on Dual Office Holding.

8  
9 § ~~15.1-50.4~~ 15.2-1534. Certain officers not to hold more than one office.

10 A. Pursuant to Article VII, Section 6 of the Constitution of Virginia, no person holding  
11 the office of treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court ~~in the~~  
12 ~~office of which deeds are recorded~~, commissioner of the revenue, supervisor, councilman,  
13 mayor, board chairman, or other member of the governing body of any ~~county, city or town~~  
14 locality shall hold more than one such office at the same time.

15 B. Subsection A shall not be construed to prohibit:

16 1. A commissioner of the revenue of a county from serving as appointed commissioner of  
17 the revenue of a town located in the county;

18 2. A treasurer of a county from serving as appointed treasurer of a town located in the  
19 county;

20 3. A deputy sheriff of a county from serving as appointed town sergeant of a town located  
21 in the county;

22 4. A person from serving simultaneously as an assistant attorney for the Commonwealth  
23 in the City of Winchester and Frederick County;

24 5. A person from serving as attorney for the Commonwealth for Bland County and  
25 assistant attorney for the Commonwealth of Wythe County; or

26 6. The election of deputies of constitutional officers to school board membership,  
27 consistent with federal law and regulation.

28 **Drafting note: No substantive change in the law.**

29  
30 § ~~15.1-800~~. ~~Members of councils ineligible to certain offices.~~

1           ~~No member of any council shall be eligible during his term of office as such member to~~  
2 ~~hold any office to be filled by the council, by election or by appointment, except that a member~~  
3 ~~of a governing body may be named a member of such other boards, commissions, and bodies as~~  
4 ~~may be permitted by general law; however, notwithstanding any charter provision to the~~  
5 ~~contrary, a member of the council may be elected or appointed to fill a vacancy in the office of~~  
6 ~~mayor.~~

7           **Drafting note: Repealed; substance of this section is found in § 15.2-1535.**  
8 **Authorization for a council member to be appointed to fill a vacancy in the office of mayor**  
9 **is found in § 15.2-1423.**

10  
11           ~~§ 45.1-50.5~~ 15.2-1535. Members of governing body not to be elected or appointed by  
12 governing body to certain offices.

13           A. Pursuant to Article VII, Section 6 of the Constitution of Virginia, no member of a  
14 governing body of a ~~county, city or town~~ locality shall be eligible, during the term of office for  
15 which he was elected or appointed, to hold any office filled by the governing body by election or  
16 appointment, except that a member of a governing body may be named a member of such other  
17 boards, commissions, and bodies as may be permitted by general law and except that a member  
18 of a governing body may be named to fill a vacancy in the office of mayor or board chairman if  
19 permitted by general or special law.

20           B. Pursuant to Article VII, Section 6 of the Constitution of Virginia, and without limiting  
21 any other provision of general law, a governing body member may be named by the governing  
22 body to one or more of the following positions:

- 23           1. Director of emergency services pursuant to § 44-146.19;
- 24           2. Member of a planning district commission pursuant to § ~~45.1-1403~~ 15.2-4203.  
25 Member of a transportation district commission pursuant to § ~~45.1-1348~~ 15.2-4507;
- 26           4. Member of a district home board pursuant to Article 2 (§ 63.1-183 et seq.) of Chapter 9  
27 of Title 63.1;
- 28           5. Member of a hospital or health center commission pursuant to Chapter ~~37~~ 51 (§ ~~45.1-~~  
29 ~~4514~~ 15.2-5100 et seq.) of Title ~~45.1~~ 15.2;
- 30           6. Member of a community services board pursuant to Chapter 10 (§ 37.1-194 et seq.) of  
31 Title 37.1;

1           7. Member of a park authority pursuant to Chapter ~~27~~ 57 (§ ~~15.1-1228~~ 15.2-5700 et seq.)  
2 of Title ~~15.1~~ 15.2;

3           8. Member of a detention or other residential care facilities commission pursuant to  
4 Article 12.1 (§ 16.1-309.2 et seq.) of Chapter 11 in Title 16.1;

5           9. Member of a board of directors, governing board or advisory council of an area agency  
6 on aging pursuant to § 2.1-373;

7           10. Member of a regional jail or jail farm board, pursuant to § 53.1-106 or of a regional  
8 jail authority or jail authority pursuant to Article 3.1 (§ 53.1-95.2 et seq.) of Chapter 3 of Title  
9 53.1;

10          11. With respect to members of the governing body of a town under 3,500 population,  
11 member of an industrial development authority's board of directors pursuant to Chapter ~~33~~ 49 (§  
12 ~~15.1-1373~~ 15.2-4900 et seq.) of Title ~~15.1~~ 15.2;

13          12. Member of a disability services board pursuant to Chapter 10 (§ 51.5-47 et seq.) of  
14 Title 51.5; and

15          13. Member of the board of directors, governing board, or advisory council or committee  
16 of an airport commission or authority.

17          C. If any governing body member is appointed or elected by the governing body to any  
18 office, his qualification in that office shall be void except as provided in subsection B or by other  
19 general law.

20          D. Except as specifically provided in general or special law, no appointed body listed in  
21 subsection B shall be comprised of a majority of elected officials as members, nor shall any  
22 ~~county, city, or town~~ locality be represented on such appointed body by more than one elected  
23 official.

24          E. For the purposes of this section, "governing body" includes the mayor of a  
25 municipality and the county board chairman.

26           **Drafting note: No substantive change in the law.**

27  
28   Article 7.

29   Other Officers of Local Governments.

30  
31   § 15.2-1536. Required and Discretionary Officers.

1 Every locality shall appoint or designate a clerk for the governing body and in its  
2 discretion, a chief administrative officer and an attorney.

3 **Drafting note: New.**

4  
5 § 15.2-1537. Financial Officer.

6 Every locality, unless otherwise provided for by general law or special act or unless such  
7 functions are performed by the constitutional offices of treasurer and commissioner of the  
8 revenue, shall appoint an officer to be responsible for its financial affairs. Such person shall  
9 work with the above-mentioned constitutional offices in performing his duties and shall perform  
10 such other related duties as may be assigned to him by the governing body.

11 **Drafting note: New.**

12  
13 ~~§ 15.1-828. Journal of council.~~

14 ~~A journal shall be kept of the council's proceedings and at the request of any member~~  
15 ~~present the yeas and nays shall be recorded on any question. At the next meeting the proceedings~~  
16 ~~shall be read and signed by the person who was presiding when the previous meeting adjourned~~  
17 ~~or, if he be not then present, by the person presiding when they were read.~~

18 **Drafting note: Repealed; covered generally in § 15.2-1539.**

19  
20 ~~§ 15.1-531. Clerk to keep books, etc., of board.~~

21 ~~The books, records and accounts of the board of supervisors shall be deposited with their~~  
22 ~~clerk and shall be open, without any charge, to the examination of all persons.~~

23 **Drafting note: Repealed; the subject matter of this section is found in § 15.2-1539.**

24  
25 ~~§ 15.1-532. General duties of clerk.~~

26 ~~Except as otherwise specifically authorized by law, the county clerk shall be ex officio~~  
27 ~~clerk of the board of supervisors. It shall be his general duty:-~~

28 ~~(1) To record in a book to be provided for that purpose the proceedings of the board.~~

29 ~~(2) To make regular entries of all their resolutions and decisions on all questions~~  
30 ~~concerning the raising of money; and within five days after any order for a levy is made, to~~  
31 ~~deliver a copy thereof to each commissioner of the revenue of his county.~~

1           ~~(3) To record the vote of each supervisor on any question submitted to the board, if~~  
2 ~~required by any member present.~~

3           ~~(4) To sign all warrants issued by the board for the payment of money, and to record, in a~~  
4 ~~book provided for the purpose, the reports of the county treasurer of his receipts and~~  
5 ~~disbursements.~~

6           ~~(5) To preserve and file all accounts acted upon by the board, with their actions thereon,~~  
7 ~~for a period of five years after audit and thereafter the governing body shall authorize their~~  
8 ~~destruction in accordance with retention regulations for records established pursuant to the~~  
9 ~~Virginia Public Records Act (§ 42.1-76 et seq.), and he shall perform such special duties as are~~  
10 ~~required of him by law.~~

11           ~~The board shall by proper resolution prescribe the duties of such clerk which shall be in~~  
12 ~~addition to his duties as prescribed by law.~~

13           **Drafting note: The substance of this section is found in § 15.2-1539.**

14  
15           ~~§ 15.1-533. Salary of clerk.~~

16           ~~Such clerk may receive as compensation for his services as clerk of the board a salary in~~  
17 ~~an amount determined by the board, and such salary shall be in lieu of and in satisfaction of any~~  
18 ~~compensation allowable under § 33.1-245. Such salaries shall not be considered in determining~~  
19 ~~the maximum total annual compensation of officers as set forth in §§ 14.1-136 and 14.1-143.2.~~

20           **Drafting note: The substance of this section is found in § 15.2-1539.**

21  
22           ~~§ 15.2-1538. Clerk for the governing body.~~

23           ~~The governing body of every locality in this Commonwealth shall appoint a qualified~~  
24 ~~person, who shall not be a member of the governing body, to record the official actions of such~~  
25 ~~governing body. The person so appointed shall be called clerk for the board of supervisors or~~  
26 ~~council, as the case may be.~~

27           ~~In localities where the clerk of court also serves as clerk of the governing body such~~  
28 ~~person may receive as compensation for his services as clerk of the governing body a salary in an~~  
29 ~~amount determined by the governing body. Such compensation shall be in lieu of, and in~~  
30 ~~satisfaction of, any compensation allowable under § 33.1-245. Such compensation shall not be~~

1 considered in determining the maximum total annual compensation of officers as set forth in §§  
2 14.1-136 and 14.1-143.2.

3 **Drafting note: Includes the provisions of § 15.1-533.**

4  
5 § 15.2-1539. General duties of clerk.

6 It shall be the clerk's general duty to:

7 1. Record in a book the proceedings of the governing body;

8 2. Make regular entries of all its ordinances, resolutions and decisions on all questions  
9 concerning the raising of money, and within five days after any order for a levy is made, to  
10 deliver a copy thereof to the commissioner of revenue of his locality or the person performing  
11 such commissioner's duties, as the case may be;

12 3. Record the vote of each supervisor or council member on any question submitted to  
13 the board or council, as required by law or his governing body; and

14 4. Preserve and file all accounts acted upon by the governing body, with its actions  
15 thereon, for a period of five years after audit and thereafter until the governing body shall  
16 authorize their destruction in accordance with retention regulations for records established  
17 pursuant to the Virginia Public Records Act.

18 **Drafting note: Includes the substance of § 15.1-532.**

19  
20 ~~§ 15.1-115. Appointment authorized; resolution.~~

21 ~~The governing body of any county in this Commonwealth is authorized to appoint an~~  
22 ~~executive secretary to such governing body, who after July 1, 1972, shall be designated county~~  
23 ~~administrator; and such appointment shall be evidenced of record by a resolution of such~~  
24 ~~governing body. Whenever the words "executive secretary" appear hereinafter in this article,~~  
25 ~~they shall be deemed to mean "county administrator."~~

26 **Drafting note: Repealed; subject matter covered by § 15.2-1540.**

27  
28 ~~§ 15.1-116. Qualifications; tenure; absence or disability; compensation.~~

29 ~~A. Any county administrator so appointed shall devote his full time to the work and~~  
30 ~~service of the county under the direction of the governing body, to whom he shall be~~  
31 ~~accountable. He shall be appointed with regard to merit only, and need not be a resident of the~~

1 county at the time of his appointment, but must become an actual resident of the county and in  
2 due course a bona fide resident; provided that any person so qualified at the time of his  
3 appointment whose residence shall have been annexed by a city during his tenure of office shall  
4 not thereafter be disqualified to serve under the provisions of this section by reason of such  
5 annexation. Further provided that in counties having a population between 9,000 and 9,800, the  
6 board of supervisors by ordinance shall establish the residency requirement for its county  
7 administrator. No member of such governing body shall, during the term for which elected and  
8 for one year following the expiration of such term, be appointed county administrator. Any  
9 person, other than a member of the governing body holding an elective office, may be appointed  
10 county administrator, but his qualifications shall not be valid unless and until he shall resign his  
11 elective office.

12 B. The county administrator shall not be appointed for a definite tenure, but shall be  
13 removable at the pleasure of the governing body.

14 C. In case of the absence or disability of the county administrator or vacancy in the  
15 office the governing body may designate some responsible person without regard to his  
16 residence on an interim basis to perform the duties of the office and fix the compensation, if any,  
17 for the person so designated. An elective officer may be designated to perform such duties.

18 D. The governing body shall fix the compensation of such county administrator which  
19 shall be paid in monthly or semimonthly installments by warrants of the governing body.

20 **Drafting note: Repealed; provisions of section generally covered by personnel**  
21 **statutes of this chapter.**

22

23 § 15.1-117. Powers and duties.

24 The executive secretary shall be clerk to the governing body. It shall be his general duty:

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

27 (2) To make regular entries of all the governing body's resolutions and decisions on all  
28 questions concerning the raising of money; and within five days after any order for a levy is  
29 made, to deliver a copy thereof to the commissioner of the revenue of his county.

30 (3) To record the vote of each supervisor on any question submitted to the governing  
31 body, if required by any member present.

1           ~~(4) To sign all warrants issued by the governing body for the payment of money, and to~~  
2 ~~record, in a book provided for that purpose, the reports of the county treasurer of his receipts and~~  
3 ~~disbursements.~~

4           ~~(5) To preserve and file all accounts and papers acted upon by the governing body with~~  
5 ~~its action thereon for a period of five years after audit and thereafter the governing body shall~~  
6 ~~authorize their destruction in accordance with retention regulations for records established~~  
7 ~~pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.).~~

8           ~~(6) To make recommendations to the governing body concerning any officer or~~  
9 ~~department of the county government or employee under the control and supervision of the~~  
10 ~~governing body.~~

11           ~~(7) To attend to the execution of and enforce all lawful resolutions and orders of the~~  
12 ~~governing body concerning any department, office or employee in the county government, and~~  
13 ~~shall see that all laws of the Commonwealth required to be enforced through the governing body~~  
14 ~~are faithfully executed, and to report to the governing body how such orders, resolutions and~~  
15 ~~laws have been executed.~~

16           ~~(8) To confer with any person concerning the affairs of the county government and to~~  
17 ~~make report to the governing body of all such matters whereon it should take action.~~

18           ~~(9) To make monthly reports to the governing body in regard to matters of~~  
19 ~~administration, and keep it fully advised as to the financial condition of the county.~~

20           ~~(10) For informative and fiscal planning purposes only, to prepare and submit to the~~  
21 ~~governing body, in accordance with general law, a budget.~~

22           ~~(11) To audit all claims of every character or nature against the county, except those~~  
23 ~~required to be received and audited by the county school board, to ascertain that such claims are~~  
24 ~~in accordance with purchase orders or contracts of employment or in accordance with the law~~  
25 ~~from which same arise; to issue all warrants in settlement of all such claims when such~~  
26 ~~expenditures are authorized and approved by the officer and/or employee authorized to procure~~  
27 ~~the services, supplies, materials or equipment accountable for such claims. Every warrant issued~~  
28 ~~pursuant to the provisions of this section shall bear the date on which the executive secretary~~  
29 ~~orders it to be issued and shall be made payable on demand, signed by the executive secretary, or~~  
30 ~~by his designated assistant when authorized by the board of supervisors, and recorded in the form~~  
31 ~~and manner prescribed by the Auditor of Public Accounts; and the warrant shall be converted to~~



1 a negotiable check by the treasurer, or appropriately designated deputy treasurer, by affixing his  
2 signature thereto in conformity with the provisions of § 58.1-3162 and by designating thereon  
3 the bank by which it is to be paid. The executive secretary shall not approve expenditures in any  
4 year for any purpose in an amount greater than the amount available for such purpose during the  
5 year nor shall he order issued against any funds at any time any warrant or warrants in excess of  
6 the amount available in such fund and in the treasurer's possession at the time such warrant is  
7 issued, taking into account all previously issued and outstanding warrants payable from such  
8 funds; nor shall he approve, draw or permit to be paid any warrant drawn for any purpose unless  
9 there has been an appropriation of funds by the board of supervisors for that purpose, any other  
10 provisions of this article to the contrary notwithstanding.

11 (12) To act as purchasing agent for the county; to make all purchases for the county  
12 subject to such exception as may be allowed by the governing body. He shall have authority to  
13 transfer supplies, materials and equipment between departments and officers, and employees; to  
14 sell any surplus supplies, materials and equipment and to make such other sales as may be  
15 authorized by the governing body. He shall have power, with consent of the governing body, to  
16 establish suitable specifications or standards for all supplies, materials and equipment to be  
17 purchased for the county, and to inspect all deliveries to determine their compliance with such  
18 specifications and standards, and if such deliveries are not in accordance with such specifications  
19 and standards it shall be his duty and he is empowered to reject the same. He shall have charge of  
20 such storerooms and warehouses of the county as the governing body may provide. He shall  
21 have the care and charge of all public buildings and the furnishings and fixtures therein under the  
22 control of the governing body.

23 All purchases and sales shall be made under such rules and regulations as the governing  
24 body may by ordinance or resolution establish. Subject to such exception as the governing body  
25 may provide, he shall before making any purchase or sale invite competitive bidding under such  
26 rules and regulations as the governing body may by ordinance or resolution establish. He shall  
27 not furnish any supplies, materials, equipment or contractual services to any department or office  
28 or employee, except upon receipt of a properly approved requisition and unless there be an  
29 unencumbered balance sufficient to pay the same.

30 (13) To keep a record of the revenues and expenditures of the county; to keep such  
31 accounts and records of the affairs of the county as shall be prescribed by the governing body;

1 and monthly to prepare and submit to the governing body statements showing the progress and  
2 status of the affairs of the county in such form as shall be specified by the governing body.

3 ~~(14) To perform such other duties as may be imposed upon him by the governing body.~~

4 ~~(15) To perform all such duties as may be required of him by the governing body within~~  
5 ~~the terms of subdivisions (1) through (14) of this section as may be evidenced by a resolution of~~  
6 ~~the governing body made of record.~~

7 ~~(16) To perform all duties imposed by law upon the county clerk as clerk of the~~  
8 ~~governing body; all duties imposed upon the county purchasing agent, and all duties imposed~~  
9 ~~upon the "local delinquent tax collector" provided for in §§ 58.1 3928, 58.1 3933 and 58.1 3934,~~  
10 ~~if such governing body so require of him, in which event he shall have all the powers and duties~~  
11 ~~imposed by that section.~~

12 ~~(17) To maintain a centralized system of accounting for the county, including the county~~  
13 ~~school board and the local board of public welfare or social services, when such centralized~~  
14 ~~system of accounting is authorized by the governing body under the provisions of § 2.1 167;~~  
15 ~~provided that when a centralized system of accounting is installed under the provisions of § 2.1~~  
16 ~~167 of the Code, the authorization and approval of expenditures, audit of claims and the issuance~~  
17 ~~of warrants in settlement thereof for all agencies of the county, including the county school board~~  
18 ~~and the board of public welfare or social services, shall be in conformity with the procedure set~~  
19 ~~forth in subdivision (11) of this section when such procedures are directed by resolution of the~~  
20 ~~board of supervisors, and other provisions of any section of the Code to the contrary~~  
21 ~~notwithstanding.~~

22 ~~Notwithstanding the foregoing provisions nor the provisions of § 15.1 122, in any county~~  
23 ~~having a population according to the 1980 United States census of not less than 70,000 nor more~~  
24 ~~than 143,000, the governing body may appoint a separate individual to hold the position of clerk~~  
25 ~~to the governing body and to perform the duties specified in subdivisions (1) through (3) of this~~  
26 ~~section and such other duties as the governing body by resolution may prescribe.~~

27 **Drafting note: Repealed; subject matter generally covered by § 15.2-1541.**

28  
29 ~~§ 15.1 119. General powers of governing body in relation to executive secretary.~~

30 ~~The governing body is empowered to require of the executive secretary to it the~~  
31 ~~performance of all or any of the duties within the spirit or reason of §§ 15.1 115 to 15.1 125 and~~

1 especially those contained in the seventeen subsections to § 15.1-117, the general statutes and  
2 precedents to the contrary notwithstanding.

3 **Drafting note: Repealed; subject matter is covered by § 15.2-1541.**

4  
5 ~~§ 15.1-120. Office space, equipment, supplies and assistance.~~

6 ~~The governing body shall provide for the executive secretary such office space,~~  
7 ~~equipment, supplies and assistance, including stenographic help, as it may deem necessary.~~

8 **Drafting note: Repealed; unnecessary.**

9  
10 ~~§ 15.1-122. Duties of county clerk imposed on executive secretary.~~

11 ~~Upon the appointment and qualification of the executive secretary authorized by § 15.1-~~  
12 ~~115 the county clerk of such county shall be relieved of his duties in connection with the~~  
13 ~~governing body and all of his duties shall be imposed upon and performed by the executive~~  
14 ~~secretary.~~

15 **Drafting note: Repealed; outdated and unnecessary.**

16  
17 ~~§ 15.1-795. City or town manager; his duties; compensation.~~

18 ~~The council of any city having a population of less than 50,000 or of any town, whether~~  
19 ~~now or hereafter organized as such under special charter or general law, which does not desire to~~  
20 ~~adopt any of the alternative forms of government provided by Chapter 19 (§ 15.1-916 et seq.) of~~  
21 ~~this title, may nevertheless employ a person, who may or may not be a resident or qualified voter~~  
22 ~~of such city or town, or of this Commonwealth, to be known as the "city manager" or the "town~~  
23 ~~manager," as the case may be, who shall, under the control of the council, have general charge~~  
24 ~~and management of the administrative affairs and work of such city or town and shall perform~~  
25 ~~such other duties as may be required of him. He shall receive such salary as shall be allowed him~~  
26 ~~by such council and may be dismissed at any time by the council.~~

27 **Drafting note: Repealed; substance of section found in § 15.2-1541 and personnel**  
28 **statutes of this chapter.**

29  
30 § 15.2-1540. Chief administrative officer.

1           The governing body of any locality may appoint a chief administrative officer, who shall  
2 be designated county, city or town administrator or manager or executive, as the case may be.

3           **Drafting note: New; based on §§ 15.1-115 and 15.1-795. This section is not intended**  
4 **to conflict with provisions of any optional county form of government, which may give a**  
5 **different title to its chief administrative officer.**

6  
7           § 15.2-1541. Administrative head of government.

8           Every chief administrative officer shall be the administrative head of the local  
9 government in which he is employed. He shall be responsible to the governing body for the  
10 proper management of all the affairs of the locality which the governing body has authority to  
11 control.

12           He shall, unless it is otherwise provided by general law, charter or by ordinance or  
13 resolution of the governing body:

14           1. See that all ordinances, resolutions, directives and orders of the governing body and  
15 all laws of the Commonwealth required to be enforced through the governing body or officers  
16 subject to the control of the governing body are faithfully executed;

17           2. Make reports to the governing body from time to time as required or deemed  
18 advisable upon the affairs of the locality under his control and supervision;

19           3. Receive reports from, and give directions to, all heads of offices, departments and  
20 boards of the locality under his control and supervision;

21           4. Submit to the governing body a proposed annual budget, in accordance with general  
22 law, with his recommendations;

23           5. Execute the budget as finally adopted by the governing body;

24           6. Keep the governing body fully advised on the locality's financial condition and its  
25 future financial needs;

26           7. Appoint all officers and employees of the locality, except as he may authorize the  
27 head of an office, department and board responsible to him to appoint subordinates in such  
28 office, department and board;

29           8. Perform such other duties as may be prescribed by the governing body.

30           **Drafting note: New; based on §§ 15.1-117 and 15.1-795.**

31

1           § ~~15.1-9.1:1~~ 15.2-1542. Creation of office of county, city or town attorney authorized;  
2 appointment, salary and duties.

3           ~~Except as provided in § 15.1-9.1, the governing body of any~~ A. Every county, city or  
4 town, not otherwise authorized to create the office, may create the office of county, city or town  
5 attorney. Such ~~county~~ attorney shall be appointed by the governing body to serve at the pleasure  
6 of the governing body. He shall serve at a salary to be fixed by the governing body. In the event  
7 of the appointment of such ~~county~~ attorney, the attorney for the Commonwealth ~~of any~~ for such  
8 ~~county~~ locality shall be relieved of any duty imposed upon him by law in civil matters of  
9 advising the governing body and all boards, departments, agencies, officials and employees, of  
10 the ~~county~~ locality, of drafting or preparing ~~county~~ ordinances, of defending or bringing actions  
11 in which the ~~county~~ local government or any of its boards, departments or agencies, or officials  
12 or employees, thereof, shall be a party, and in any other manner advising or representing the  
13 ~~county~~ local government, its boards, departments, agencies, officials and employees, and all such  
14 duties shall be performed by the ~~county~~ local government attorney. Nothing herein, however,  
15 shall relieve such attorney for the Commonwealth from any of the other duties imposed on him  
16 by law including those imposed by § 2.1-639.23.

17           B. The county attorney may prosecute violations of the Uniform Statewide Building  
18 Code, the Statewide Fire Prevention Code and ~~such county~~ all other ordinances as may be agreed  
19 upon with the attorney for the Commonwealth. ~~The county~~ Such attorney shall be accountable to  
20 the governing body in the performance of his duties.

21           ~~§ 15.1-9.1:01. Additional duties of certain county attorneys.~~

22           C. The county attorney of Montgomery, Fairfax ~~and~~ or Prince William Counties may  
23 prosecute violations of county ordinances, except those ordinances which regulate, in a manner  
24 similar to State statute, the operation of motor vehicles on the highway.

25           ~~§ 15.1-9.1:3. Authority of city and town attorneys to prosecute certain criminal matters.~~

26           D. City and town attorneys, if so authorized by their local governing bodies, and with the  
27 concurrence of the attorney for the Commonwealth for the locality, may prosecute criminal cases  
28 charging either the violation of city or town ordinances, or the commission of misdemeanors  
29 within the city or town, notwithstanding the provisions of § ~~15.1-8.1~~ 15.2-1627.

30           **Drafting note: No substantive change in the law; §§ 15.1-9.1:1, 15.1-9.1:01 and 15.1-**  
31 **9.1:3 are combined. Subsection A is made applicable to municipalities as well as counties;**

1 **however, municipal charters frequently address the appointment and duties of city or town**  
2 **attorneys.**

3  
4 § ~~15.1-103~~ 15.2-1543. Employment of purchasing agent; ~~compensation; tenure; bond~~  
5 duties.

6 A. ~~The governing body of every~~ Any county may employ a county purchasing agent or  
7 designate some official or employee of the county to perform the duties herein provided, and  
8 provide compensation for such service. The person so employed or designated shall serve at the  
9 pleasure of the board and shall give bond in such amount as shall be prescribed by the board.

10 § ~~15.1-105~~. ~~Duties of purchasing agent.~~

11 B. The county purchasing agent shall, under the supervision of the board of supervisors,  
12 purchase or contract for all supplies, materials, equipment and contractual services required by  
13 any department or agency of the county ~~government~~, subject to the provisions set forth in ~~this~~  
14 ~~and §§ 15.1-106 to 15.1-113~~ Article 2 (§ 15.2-1233 et seq.) of Chapter 12; shall draw up, subject  
15 to the approval of the county board, and enforce standard specifications which shall apply to all  
16 supplies, materials and equipment purchased for the use of the county government; shall have  
17 ~~charge of supervision over~~ all central storerooms now operated or hereafter established by the  
18 county ~~government~~; and shall transfer to or between county departments and agencies or sell  
19 supplies, materials and equipment which are surplus, obsolete, or unused.

20 **Drafting note: No substantive change in the law; combines §§ 15.1-103 and 15.1-**  
21 **105.**

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**PROPOSED**  
**CHAPTER 16.**  
**LOCAL CONSTITUTIONAL OFFICERS, COURTHOUSES AND SUPPLIES.**

**Chapter drafting note: Combines sections related to constitutional officers.**

Article 1.  
Local Constitutional Officers Generally.

§ ~~15.1-40.1~~ 15.2-1600. Counties and cities required to elect certain officers; qualifications of attorney for the Commonwealth; duties and compensation of officers; vacancies, certain counties and cities excepted; officer’s powers not to be diminished.

~~There shall be elected by the qualified~~ A. The voters of each county and city shall elect 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. To qualify to be elected or hold office, an attorney for the Commonwealth shall be a member of the bar of this Commonwealth. The duties and compensation of such officers shall be prescribed by general law or special act and any vacancy in such office shall be filled, notwithstanding any charter provision to the contrary, by a majority of the circuit judges of the judicial circuit for the county or city pursuant to the provisions of §§ ~~24.1-76~~ 24.2-226 and 24.2-227. Any county or city not required to have or to elect such officers prior to July 1, 1971, 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.

B. Nothing in this title shall be construed to authorize the governing body or the chief administrative officer of a locality to designate an elected constitutional officer to exercise a power or perform a duty which the officer is not required to perform under applicable state law without the consent of such officer, nor by designation to diminish any such officer’s powers or duties as provided by applicable state law including the power to organize their officers and to employ such deputies, assistants and other employees as are authorized by law upon the terms and conditions specified by such officers.

1           **Drafting note: No substantive change in the law.**

2  
3           § 15.2-1601. Requirements for officers.

4           The officers required by § 15.2-1600 are subject to the residency, qualification for office,  
5 bonding, dual-office-holding requirements and prohibitions provided for in Chapter 15 of this  
6 title.

7           **Drafting note: New; ties above section to items listed in this section; no change from**  
8 **present law.**

9  
10           ~~§ 15.1-40.2~~ 15.2-1602. Sharing of such officers by two or more units of government.

11           Two or more units of government may share the officer or officers, or any combination of  
12 them, required by § ~~15.1-40.1~~ 15.2-1600 if ~~(a)~~ (i) a petition, signed by a number of qualified  
13 voters equal to fifteen ~~per centum~~ percent of the number of votes cast in such units of  
14 government by ~~qualified~~ voters thereof and counted for candidates in the last gubernatorial  
15 election in such units of government, and in no event signed by less than 100 ~~qualified~~ voters of  
16 such units of government, is filed with a circuit court having jurisdiction in one or more of such  
17 units of government, asking that a referendum be held on the question "May the (names of the  
18 units of government) share the (officer or officers), as the case may be, (naming such officers if  
19 less than all) required by Article VII, Section 4 of the Constitution of Virginia?"; ~~(b)~~ (ii)  
20 following the filing of such petition, the court shall by order entered of record, issued in  
21 accordance with ~~§ 24.1-165~~ Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, require the  
22 regular election officials of the units of government to open the polls and take the sense of the  
23 ~~qualified~~ voters on such question and ~~(c)~~ (iii) at the election held on the day designated by order  
24 of such court, a majority of the voters voting in such election in each such unit of government  
25 shall have voted "Yes." The clerk of the circuit court which entered ~~such~~ the order shall publish  
26 notice of ~~such~~ the election in a newspaper of general circulation in such units of government  
27 once a week for three consecutive weeks prior to ~~such~~ the election.

28           The regular election officials of ~~such~~ the units of government shall open the polls at the  
29 various voting places in such units of government on the date specified in ~~such~~ the order and  
30 conduct ~~such~~ the election in the manner provided by law. The election shall be by ballot which



1 shall be prepared by the electoral boards of the units of government and on which shall be  
2 printed the following:

3 "May . . . . . share the officer or officers, as the case may be, (naming such  
4 officers if less than all) required by Article VII, Section 4 of the Constitution of Virginia?"

5  Yes

6  No”

7 In the blank shall be inserted the names of the units of government in which such election  
8 is held. The question required by this section may be modified to accommodate the naming of  
9 the officer or officers. Any voter desiring to vote "Yes" shall mark a check (√) mark or a cross  
10 (X or +) mark or a line ( - ) in the square provided for such purpose immediately preceding the  
11 word "Yes," leaving the square immediately preceding the word "No," unchanged. Any voter  
12 desiring to vote "No" shall mark a check (√) mark or cross (X or +) mark or a line ( - ) in the  
13 square provided for such purpose immediately preceding the word "No," leaving the square  
14 immediately preceding the word "Yes," unmarked.

15 The ballots shall be counted, returns made and canvassed as in other elections, and the  
16 results certified by the electoral boards to the court ordering such election. Thereupon, ~~such~~ the  
17 court shall enter an order proclaiming the results of ~~such~~ the election, and a duly certified copy of  
18 ~~such~~ the order shall be transmitted to the State Board of Elections and to the governing bodies of  
19 the units of government affected.

20 Thereafter, ~~such~~ the officer or officers shall be elected by the voters of the units of  
21 government desiring to share such officer or officers; ~~provided~~, however, ~~that~~ the provisions of  
22 this section shall not reduce the term of any person holding an office at the time the election  
23 provided for in this section is held.

24 **Drafting note: No substantive change in the law. The phrase “unit of government”**  
25 **is retained since it tracks language from the Constitution.**

26  
27 § ~~15.1-48~~ 15.2-1603. Appointment of deputies; their powers; how removed.

28 The treasurer ~~of any county or city~~, the sheriff ~~of any county or city~~, any the  
29 commissioner of the revenue, ~~any county clerk~~ and the clerk of any circuit ~~or city~~ court may at  
30 the time he qualifies as provided in § ~~15.1-38~~ 15.2-1522 or thereafter appoint one or more  
31 deputies, who may discharge any of the official duties of their principal during his continuance in

1 office, unless it ~~be~~ is some duty the performance of which by a deputy is expressly forbidden by  
2 law. The sheriff ~~of any county or city~~ making an appointment of a deputy under the provisions of  
3 this section may review the record of ~~such~~ the deputy as furnished by the Federal Bureau of  
4 Investigation prior to certification to the appropriate court as provided hereunder.

5 The sheriff may appoint as deputies ~~such treatment~~ medical and rehabilitation employees  
6 as are authorized ~~and approved by the State Board of Corrections pursuant to § 53-184 without~~  
7 ~~approval~~ by the State Compensation Board. Deputies appointed pursuant to this paragraph shall  
8 not be considered by the State Compensation Board in fixing the number of full-time or part-  
9 time deputies which may be appointed by the sheriff pursuant to § 14.1-70.

10 The officer making any such appointment shall certify the ~~same~~ appointment to the court  
11 in the clerk's office of which the oath of the principal of such deputy is filed, and a record thereof  
12 shall be entered in the order book of such court. Any such deputy at the time his principal  
13 qualifies as provided in § ~~15.1-38~~ 15.2-1522 or thereafter, and before entering upon the duties of  
14 his office, shall take and prescribe the oath now provided for ~~county officers~~ in § 49-1. The oath  
15 shall be filed with the clerk of the court in whose office the oath of his principal is filed, and such  
16 clerk shall properly label and file all such oaths in his office for preservation. Any such deputy  
17 may be removed from office by his principal. ~~Such~~ The deputy may also be removed by the court  
18 as provided by § ~~24.1-79.1~~ 24.2-230.

19 **Drafting note: No substantive change in the law.**

20  
21 § ~~15.1-48.1~~ 15.2-1604. Appointment of deputies and employment of employees;  
22 discriminatory practices by certain officers; civil penalty.

23 A. It shall be an unlawful employment practice for a constitutional officer:

24 1. To fail or refuse to appoint or hire or to discharge any individual, or otherwise to  
25 discriminate against any individual with respect to his compensation, terms, conditions or  
26 privileges of appointment or employment, because of such individual's race, color, religion, sex  
27 or national origin; or

28 2. To limit, segregate, or classify his appointees, employees or applicants for appointment  
29 or employment in any way which would deprive or tend to deprive any individual of  
30 employment opportunities or otherwise adversely affect his status as an employee, because of  
31 ~~such~~ the individual's race, color, religion, sex or national origin.

1           B. Nothing in this section shall be construed to make it an unlawful employment practice  
2 for a constitutional officer to hire or appoint an individual on the basis of his sex or national  
3 origin in those instances where sex or national origin is a bona fide occupational qualification  
4 reasonably necessary to the normal operation of that particular office. The provisions of this  
5 section shall not apply to policy-making positions, confidential or personal staff positions, or  
6 undercover positions.

7           C. With regard to notices and advertisements:

8           1. Every constitutional officer shall, prior to hiring any employee, advertise such  
9 employment position in a newspaper having general circulation or a state or local government  
10 job placement service in such constitutional officer's ~~political subdivision~~ locality except where  
11 the vacancy is to be used (i) as a placement opportunity for appointees or employees affected by  
12 layoff, (ii) as a transfer opportunity or demotion for an incumbent, (iii) to fill positions that have  
13 been advertised within the past sixty days, (iv) to fill positions to be filled by appointees or  
14 employees returning from leave with or without pay, (v) to fill temporary positions, temporary  
15 employees being those employees hired to work on special projects that have durations of three  
16 months or less, or (vi) to fill policy-making positions, confidential or personal staff positions, or  
17 special, sensitive law-enforcement positions normally regarded as undercover work.

18           2. No constitutional officer shall print or publish or cause to be printed or published any  
19 notice or advertisement relating to employment by such constitutional officer indicating any  
20 preference, limitation, specification, or discrimination, based on sex or national origin, except  
21 that such notice or advertisement may indicate a preference, limitation, specification, or  
22 discrimination based on sex or national origin when sex or national origin is a bona fide  
23 occupational qualification for employment.

24           D. Complaints regarding violations of subsection A of this section may be made to the  
25 Virginia Council on Human Rights. The Council shall have the authority to exercise its powers  
26 as outlined in § 2.1-720.

27           E. Any constitutional officer who willfully violates the provisions of subsection C shall  
28 be subject to a civil penalty not to exceed ~~two thousand dollars~~ \$2,000.

29           **Drafting note: No substantive change in the law.**

30

1           § ~~15.1-19.3~~ 15.2-1605. Vacations; sick leave and compensatory time for certain officers  
2 and employees.

3           (4) A. "Employee," as used in this section, means an employee or deputy of the attorney  
4 for the Commonwealth, the ~~county or city~~ treasurer, the ~~county or city~~ commissioner of the  
5 revenue, the clerk of the circuit court, and a the sheriff ~~of a county or city in each case whose~~  
6 ~~salary is partly paid from state funds or whose salary is paid from fees, the excess of which is~~  
7 ~~shared jointly by the Commonwealth and the county or city in which the person is employed; it~~  
8 and shall also include the employee of a county court officers and employees of all courts whose  
9 salary is salaries are paid by the Commonwealth.

10           (2) B. Every county and city for which such employees work shall annually provide for  
11 each ~~such~~ employee at least two weeks vacation with pay, at least seven days sick leave with  
12 pay, and such legal holidays as are provided for in § 2.1-21. If any ~~such~~ employee or deputy is  
13 required to work on any ~~such~~ legal holiday, he shall receive, in lieu of the holiday, an equal  
14 amount of compensatory time with pay in the same calendar year in which such holiday occurs.  
15 ~~Such~~ The county or city may provide that ~~such~~ vacation or sick leave may be accumulated or  
16 shall terminate within a given period of time; however, such vacation may not be accumulated in  
17 excess of six weeks. The cost of providing such benefits shall be borne in the same manner and  
18 on the same basis as the costs of the office are shared or as the excess fees therefrom may be  
19 shared.

20           (3) C. For the purpose of computing the Commonwealth's financial obligations for  
21 accumulated vacation time of an employee under this section, the Commonwealth shall pay the  
22 lesser, and in any event only its proportional share, of the amount due to an employee for such  
23 time when computed (i) under the applicable counties' or cities' personnel policies, regulations  
24 and rules, or (ii) by treating ~~such~~ the employee as a Commonwealth employee, under its  
25 applicable personnel policies, regulations and rules.

26           **Drafting note: No substantive change in the law.**

27  
28           § ~~15.1-66.4~~ 15.2-1606. Defense of constitutional officers; appointment of counsel.

29           In the event that any treasurer, sheriff, attorney for the Commonwealth, clerk of the  
30 circuit court or commissioner of the revenue, or any deputy or assistant of any of such officers, is  
31 made defendant in any civil action arising out of the performance of his official duties and does

1 not have legal defense provided under the insurance coverage of his office, such officer, or  
2 deputy or assistant thereto, may make application to the circuit court ~~of~~ for the county or city in  
3 which he serves to assign counsel for his defense in such action. The court may, upon good cause  
4 shown, make such orders respecting the employment of an attorney or attorneys, including the  
5 attorney for the Commonwealth, as may be appropriate, and fix his compensation.  
6 Reimbursement of any expenses incurred in the defense of such charge may also be allowed by  
7 the court. Such legal fees and expenses shall be paid from the treasury of the county or city, and  
8 reimbursement shall be made from the Compensation Board in the proportions set out in § 14.1-  
9 64.

10 **Drafting note: No substantive change in the law.**

11  
12 § ~~15.1-66.3~~ 15.2-1607. Providing legal fees and expenses for sheriffs and deputies.

13 If any sheriff or deputy sheriff ~~shall be~~ is arrested or indicted or otherwise prosecuted on  
14 any charge arising out of any act committed in the discharge of his official duties, and such  
15 charge is subsequently dismissed or there is rendered a verdict of not guilty, such sheriff or  
16 deputy sheriff may submit to the governing body of the ~~jurisdiction wherein~~ locality in which he  
17 was elected or appointed a statement of legal fees and expenses incurred in his defense of such  
18 charge. The governing body may authorize that such legal fees and expenses, or any portion  
19 thereof, be paid from the treasury of such ~~governing body~~ locality. If the affected sheriff or  
20 deputy sheriff disagrees with the action of the governing body, ~~said~~ the officer may petition the  
21 circuit court ~~of said~~ for the county or city to award ~~said~~ the fees and cost. The circuit court,  
22 sitting without a jury, shall hold a ~~judicial~~ hearing on ~~said~~ the matter. The court for good cause  
23 shown may order the governing body to pay all or any appropriate portion of ~~said~~ the fees and  
24 cost.

25 **Drafting note: No substantive change in the law.**

26  
27 Article 2.

28 Treasurer.

29  
30 § 15.2-1608. Treasurer.

1           The voters in every county and city shall elect a treasurer unless otherwise provided by  
2 general law or special act. The treasurer shall exercise all the powers conferred and perform all  
3 the duties imposed upon treasurers by law. He may perform such other duties, not inconsistent  
4 with his office, as the governing body may request. The treasurer shall pay from the funds of the  
5 local government all properly authorized accounts submitted to him for payment. He shall be  
6 elected as provided by general law for a term of four years.

7           **Drafting note: New. This section states the basic duties of the treasurer and**  
8 **provides a location in the Code for future statutes regarding the treasurer. The first**  
9 **sentence states that a treasurer shall be elected “unless otherwise provided for by general**  
10 **law or special act.” This is a reference to the fact that the General Assembly may provide**  
11 **for constitutional offices to be filled in a different manner, consolidated or abolished. See**  
12 **Article VII, § 4 of the Constitution of Virginia and §§ 24.2-217, 24.2-685 and 24.2-686.**

13  
14                                 Article 3.

15                                 Sheriff.

16  
17                 § 15.2-1609. Sheriff.

18           The voters in every county and city shall elect a sheriff unless otherwise provided by  
19 general law or special act. The sheriff shall exercise all the powers conferred and perform all  
20 the duties imposed upon sheriffs by general law. He shall enforce the law or see that it is  
21 enforced in the locality from which he is elected; assist in the judicial process as provided by  
22 general law; and be charged with the custody, feeding and care of all prisoners confined in the  
23 county or city jail. He may perform such other duties, not inconsistent with his office, as may  
24 be requested of him by the governing body. The sheriff shall be elected as provided by general  
25 law for a term of four years.

26           **Drafting note: New. This section states the basic duties of the sheriff. The first**  
27 **sentence states that a sheriff shall be elected “unless otherwise provided for by general law**  
28 **or special act.” This is a reference to the fact that the General Assembly may provide for**  
29 **constitutional offices to be filled in a different manner, consolidated or abolished. See**  
30 **Article VII, § 4 of the Constitution of Virginia and §§ 24.2-217, 24.2-685 and 24.2-686.**

1 § ~~15.1-90.3~~ 15.2-1610. Standard uniforms and motor vehicle markings to be adopted by  
2 sheriffs.

3 A. All uniforms used by sheriffs and their deputies and police officers under the direct  
4 control of a sheriff while in the performance of their duties shall meet the standards designated in  
5 subsection B, except as provided in § ~~15.1-90.2~~ 15.2-1611.

6 B. The specifications for a standard uniform are as follows:

7 1. Shirts - Shirts shall be dark brown. White shirts may be worn by supervisors at all  
8 times and by other personnel during the months of April through September. An American flag  
9 patch is optional.

10 2. Shoulder patches - Each sheriff may designate shoulder patches which need not be  
11 uniform.

12 3. Badges - Each sheriff shall designate badges which need not be uniform.

13 4. Trousers - Trousers shall be taupe with a dark brown stripe.

14 5. Hats - If used, hats shall be brown sheriff's style with a crease in the center of the  
15 crown.

16 6. Shoes - A black or brown military style shoe or boot shall be worn.

17 7. Leather accessories - All leather accessories shall be black or dark brown.

18 8. Ties - Ties shall be dark brown or taupe.

19 9. Blouses, jackets and coats - These items shall be dark brown with optional taupe trim  
20 as designated by the sheriff.

21 C. All marked motor vehicles used by sheriff's offices shall be solid dark brown with a  
22 reflectorized gold, five-point star on each front side door. The lettering on such stars shall say  
23 "Sheriff's Office" in a half-circle above the Seal of the Commonwealth or the seal of the  
24 jurisdiction. The name of the county or city shall be placed in a half-circle below the Seal. The  
25 words "Sheriff's Office" shall be placed on the rear of the trunk.

26 D. All sheriff's offices shall be in full compliance with specifications for uniforms and  
27 motor vehicle markings ~~by July 1, 1993~~, if the sheriff prescribes that uniforms be worn and  
28 marked motor vehicles be utilized.

29 **Drafting note: No substantive change in the law.**

30  
31 § ~~15.1-90.2~~ 15.2-1611. Alternate clothing for sheriff and deputies.

1           When the duties of a sheriff or deputy sheriff are such that the wearing of the standard  
2 sheriff's uniform would adversely limit the effectiveness of the sheriff's or deputy sheriff's ability  
3 to perform his prescribed duties, then clothing appropriate for the duties to be performed may be  
4 required by the sheriff.

5           **Drafting note: No change.**

6  
7           § ~~15.1-90.4~~ 15.2-1612. Wearing of same or similar uniforms by unauthorized persons.

8           Any unauthorized person who wears a uniform identical to or substantially similar to the  
9 standard uniform prescribed in § ~~15.1-90.3~~ 15.2-1610 with the intent to deceive a casual observer  
10 or with the intent to impersonate the office of sheriff, shall be guilty of a Class 3 misdemeanor.  
11 For purposes of this section, "substantially similar" ~~shall mean~~ means so similar in appearance as  
12 to be likely to deceive the casual observer.

13           **Drafting note: No substantive change in the law.**

14  
15           § ~~15.1-50.01~~. ~~Certain sheriff may hold more than one office.~~

16           ~~Notwithstanding the provisions of § 15.1-50 to the contrary the sheriff of Montgomery~~  
17 ~~County may be appointed and may serve as coordinator of emergency services activities in such~~  
18 ~~county.~~

19           **Drafting note: Repealed; this section is not necessary as the only prohibition in**  
20 **holding another office is set out in § 15.2-1534; they are basically voter-elected offices.**

21  
22           § ~~15.1-137.3~~ 15.2-1613. Operation of sheriff's department office.

23           ~~The governing body of any~~ Any county or city may appropriate funds for the operation of  
24 the sheriff's department office.

25           In addition to those items listed in § 14.1-80, counties and cities shall provide at their  
26 expense in accordance with standards set forth in § ~~15.1-90.3~~ 15.2-1610 a reasonable number of  
27 uniforms and items of personal equipment required by the sheriff to carry out his official duties.

28           **Drafting note: No substantive change in the law.**

29  
30           § ~~15.1-84.1~~ 15.2-1614. Destruction of receipts.



1 Every sheriff shall maintain in his office all official receipt books showing receipt of any  
2 funds in his custody or that of the court, all cancelled checks showing payments from any such  
3 funds, and all statements of bank accounts in which funds of the sheriff's office are deposited.  
4 Such books, checks, receipt books and statements shall be maintained for a period of three years  
5 after they are audited by any individual or entity authorized by § ~~15.1-83.1~~ 15.2-1615 to inspect  
6 them and thereafter may be destroyed in accordance with retention regulations established  
7 pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.).

8 **Drafting note: No change.**

9  
10 § ~~15.1-83.1~~ 15.2-1615. Sheriff to deposit funds, keep account of receipts and  
11 disbursements, keep books open for inspection.

12 A. All money received by the sheriff shall be deposited intact and promptly with the  
13 county or city treasurer or Director of Finance, except that the sheriff shall maintain an official  
14 account for (i) funds collected for or on account of the Commonwealth or any ~~county, city, town~~  
15 locality or person pursuant to an order of the court and fees as provided by law and (ii) funds  
16 held in trust for prisoners held in local correctional facilities, in accordance with procedures  
17 established by the Board of Corrections pursuant to § 53.1-68.

18 The sheriff's official accounts shall be secured in accordance with the Virginia Security  
19 for Public Deposits Act (§ 2.1-359 et seq.).

20 B. The sheriff shall keep the books, papers, receipt books and statements pertaining to  
21 the receipts and disbursements of his office at all times ready for inspection by the Auditor of  
22 Public Accounts or any other certified public accountant authorized by the governing body.  
23 Furthermore, the accounts and books of the sheriff shall be included in the audit of the local  
24 government conducted pursuant to § ~~15.1-167~~ 15.2-2511.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-74~~ 15.2-1616. When deputy may act in place of sheriff.

28 When for any cause it is improper for the sheriff of any county or city to serve any  
29 process or notice or to summon a jury, such process may be directed to any deputy of ~~such~~ the  
30 sheriff, and ~~such~~ the process or notice may be served and ~~such~~ the jury summoned by any such  
31 deputy.

1           **Drafting note: No substantive change in the law.**

2  
3           § ~~15.1-75~~ 15.2-1617. Deputies of deceased sheriffs.

4           If any sheriff ~~die~~ dies during his term of office, his ~~personal representative~~ chief deputy  
5 shall have the same right to remove any deputy from office and to appoint another, that the  
6 sheriff himself, if alive, would have had; or any such deputy may be removed by order of the  
7 circuit court ~~of~~ for the county or ~~corporation court of~~ the city of which his principal was ~~such~~  
8 sheriff; but unless so removed, the deputies of such sheriff, in office at the time of his death,  
9 shall continue in office until the qualification of any new sheriff, and execute the office in the  
10 name of the deceased, in like manner as if the sheriff had continued alive until such qualification.  
11 ~~And any~~ Any default or misfeasance in office of any such deputy shall be as much a breach of  
12 the condition of the bond of the sheriff, and of the bond of such deputy, as if the sheriff had  
13 continued alive and in the exercise of his office.

14           **Drafting note: The outdated provision regarding "personal representative" is**  
15 **replaced with "chief deputy."**

16  
17           § ~~15.1-75.1~~ 15.2-1618. Compensating certain law-enforcement officers disabled in  
18 performance of duty.

19           ~~On or before July one, nineteen hundred seventy seven, all~~ All counties and cities shall  
20 provide for the relief of any sheriff or deputy sheriff, ~~or city sergeant or deputy city sergeant of~~  
21 ~~the City of Richmond,~~ who is disabled, totally or partially, by injury or illness as the direct or  
22 proximate result of the performance of his duty, including the presumption under § 51.1-813.  
23 Such total disability retirement benefits shall be not less than those provided under the ~~in-line-of-~~  
24 ~~duty~~ disability retirement provisions of § ~~51-111.57 (d)~~ 51.1-404 of the Virginia ~~Supplemental~~  
25 Retirement ~~Act~~ System.

26           **Drafting note: No substantive change in the law; deletes obsolete language.**

27  
28           § ~~15.1-76~~. ~~Compensating dependents of sheriff or deputy killed in performance of duty.~~

29           ~~The board of supervisors of any county in this Commonwealth may, in its discretion,~~  
30 ~~appropriate out of the general county levy such funds as it may deem proper for the purpose of~~

1 ~~compensating the dependents of any sheriff or deputy sheriff of such county who has been, or~~  
2 ~~may hereafter be, killed while engaged in the performance of his official duties.~~

3 **Drafting note: Repealed; the subject matter is covered by the current Line of Duty**  
4 **Act (§ 2.1-133.5 et seq.) and § 15.2-1511.**

5  
6 ~~§ 15.1-77. Appointment of criers and persons to serve process or summon jury; their~~  
7 ~~bonds.~~

8 ~~When there is no person acting in a county or city as sheriff or deputy sheriff thereof, the~~  
9 ~~circuit court of the county or the circuit or any corporation court of the city may appoint a crier~~  
10 ~~for such court, who shall also be crier of any other court in the city served by such sheriff, and~~  
11 ~~such crier shall perform all the duties pertaining to the office of sheriff therein, except such as~~  
12 ~~relate to the collection of militia fines and officers' fees. And though persons be acting as sheriff~~  
13 ~~or deputy sheriff, yet when it is unfit from any cause for the sheriff to serve any process or to~~  
14 ~~summon a jury, the court in which the case is pending may appoint some other person to perform~~  
15 ~~the same. Such court shall take from any person so appointed, or from any person who has been~~  
16 ~~appointed and is still acting as crier, a bond, with condition for the faithful discharge of his~~  
17 ~~duties, in such penalty as it may deem sufficient; and the same proceedings may be had thereon~~  
18 ~~as upon a bond given by a sheriff.~~

19 **Drafting note: Repealed; provisions are now obsolete.**

20  
21 ~~§ 15.1-78~~ 15.2-1619. When officers not to take obligations.

22 No officer shall, by color of his office, take any obligation of or for any person in his  
23 custody, otherwise than is directed by law.

24 **Drafting note: No change.**

25  
26 ~~§ 15.1-79. Execution of process by officer.~~

27 ~~Every officer to whom any order, warrant, or process (including, but not limited to, any~~  
28 ~~distress warrant, tax lien or administrative summons issued by a city or county treasurer) may be~~  
29 ~~lawfully directed, shall execute the same within the boundaries of the political subdivision in~~  
30 ~~which he serves and may execute the same in any contiguous county or city in accordance with~~  
31 ~~the provisions of § 19.2-76.~~

1           **Drafting note: Repealed; the substance of this section is found in §§ 8.01-295 and**  
2 **19.2-76.**

3  
4           ~~§ 15.1 80. Return of process; bond; account of sales; failure of officer.~~

5           ~~Every officer to whom any order, warrant or process may be lawfully directed, shall~~  
6 ~~make true return thereon of the day and manner of executing the same, and subscribe his name to~~  
7 ~~such return. When the service is by a deputy, such deputy shall subscribe to the return his own~~  
8 ~~name as well as that of his principal. With such order, warrant or process there shall be returned~~  
9 ~~any bond taken and an account of sales made under the same, specifying therein the several~~  
10 ~~articles sold, the persons to whom sold, and the prices thereof. Such return shall be to the court~~  
11 ~~from which such order, warrant or process emanates, or to which it is returnable, and in other~~  
12 ~~cases, not specifically provided for, shall be to the circuit court of the county or the city in or for~~  
13 ~~which the officer was elected or appointed. When a sale is made under any such order, warrant~~  
14 ~~or process and no particular time for such return is prescribed therein, or by statute, the return~~  
15 ~~shall be made forthwith after the sale. Any officer failing to comply with this section shall forfeit~~  
16 ~~\$20 and if he make a false return shall forfeit therefor \$100. And if upon the return day of any~~  
17 ~~process issued by a clerk of a court of record, the process shall not have been returned, the clerk~~  
18 ~~shall issue a rule against the officer to whom the process was directed, returnable to the first day~~  
19 ~~of the next succeeding term of the court, to appear and show cause why he shall not be fined for~~  
20 ~~such default.~~

21           **Drafting note: Repealed; the substance of this section is found in §§ 8.01-325, 8.01-**  
22 **483 and 8.01-499. Although the forfeiture provisions are being repealed, an officer may**  
23 **still be held accountable under contempt provisions.**

24  
25           ~~§ 15.1 81. Where failure continued; further penalties.~~

26           ~~A judgment in a prosecution for a failure to make such return, or to subscribe the same as~~  
27 ~~above said, shall be no bar to further proceedings, if the failure be continued; but there shall be a~~  
28 ~~further forfeiture of twenty dollars by the officer for each month subsequent to the judgment that~~  
29 ~~the failure may continue, until it appear that the return cannot be made, or, if it be the case of an~~  
30 ~~execution or warrant of distress, until it appear that the amount thereof is paid to the party~~  
31 ~~entitled. Moreover, the court to which, or to the clerk's office of which, such return ought to be~~

1 made, upon the motion of any party injured, may fine such officer, his sureties, and his and their  
2 personal representatives, or any deputy in default, a reasonable sum; and from time to time  
3 impose on him other reasonable fines, not exceeding, altogether, in the case of an execution or  
4 warrant of distress, the rate of five dollars for every hundred dollars therein mentioned for each  
5 month that the failure to make such return may have continued. Whenever any such forfeiture is  
6 incurred, or such fine imposed, as herein provided, upon the sureties of any such officer, and  
7 such sureties shall pay the same, the amount so paid, by such sureties shall, as between the  
8 sureties and the creditor, but not as between such officer and the creditor, in any subsequent  
9 proceeding against such sureties to enforce the payment of the judgment, decree or order upon  
10 which the execution or other process issued, for failing to return which the fine was imposed, be  
11 allowed as a credit upon such judgment, decree or order.

12 **Drafting note: Repealed; see note for § 15.1-80.**

13  
14 ~~§ 15.1-82. Relief of officer in service of process, etc., sent to him from outside his~~  
15 ~~county.~~

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

23 **Drafting note: Repealed; the substance of this section is found in § 8.01-295.**

24  
25 ~~§ 15.1-83~~ 15.2-1620. Process, etc., sent to officer by mail.

26 Any sheriff or other officer may transmit by mail to the proper officer, with his return  
27 thereon, any order, warrant or process which came to his hands from beyond his ~~county or~~  
28 ~~corporation~~ locality and proof that any order, warrant or process was put into the post office,  
29 duly addressed to any officer, and that the postage thereon was paid, shall be prima facie  
30 evidence of the receipt thereof by the officer to whom the same is addressed, by due course of  
31 mail, and this prima facie evidence may be furnished by the receipt taken, at the time the order,

1 warrant or process is put into the post office, from the postmaster, or his deputy, and the  
2 certificate of a ~~justice of the peace~~ magistrate of the acknowledgment of the receipt before him.  
3 ~~But~~ However, an officer may protect himself from a forfeiture or fine upon such proof, by  
4 making oath that he did not himself receive the order, warrant or process, so addressed to him,  
5 and that he verily believes it was not received by any of his deputies.

6 **Drafting note: No substantive change in the law.**

7  
8 § ~~15.1-84~~ 15.2-1621. Receipts to be given by officers.

9 Every officer shall deliver to each person who pays him, or from whose property he  
10 makes taxes, levies, militia fines or officers' fees, a receipt for all that is so paid or made, with a  
11 statement showing how much thereof is for taxes, how much for levies, how much for militia  
12 fines and how much for officers' fees, and also the bills for such fees. Any officer failing herein  
13 shall forfeit to such person four dollars.

14 **Drafting note: No change.**

15  
16 § ~~15.1-85~~ 15.2-1622. Judgment against officer for money due from him.

17 If any officer or his deputy ~~shall make~~ makes a return upon any order, warrant or process  
18 by which it appears that he has received any sum of money by virtue of such order, warrant or  
19 process or, having received any sum of money by virtue of any warrant, order or process, he  
20 ~~shall fail~~ fails to make proper return thereof, the person entitled to such sum of money may, by  
21 motion to the court to which, or to the clerk's office of which, such order, warrant or process was  
22 returnable, recover against such officer and his sureties and against his and their personal  
23 representatives the amount so received, with interest thereon at the annual rate of fifteen ~~per~~  
24 ~~centum per annum~~ percent from the time such order, warrant or process was returnable till  
25 payment; and, upon such motion, the fact that such order, warrant or process has not been  
26 returned, as herein required, shall be prima facie proof that the whole amount required thereby to  
27 be made, principal, interest and costs, has been collected. When such collection or return is made  
28 by a deputy, there may also be a like motion and judgment against such deputy and his sureties  
29 and against his and their personal representatives.

30 **Drafting note: No substantive change in the law.**

1           § ~~15.1-86~~ 15.2-1623. Judgment for officer or sureties against deputy, etc., ~~where~~ when  
2 officer liable for misconduct of deputy.

3           If any deputy of a sheriff or other officer ~~commit~~ commits any default or misconduct in  
4 office for which his principal or the personal representative of such principal is liable, or for  
5 which a judgment or decree shall be recovered against either, ~~such~~ the principal or his personal  
6 representative may, on motion, obtain a judgment against such deputy and his sureties, and their  
7 personal representatives, for the full amount for which such principal or his personal  
8 representative may also be so liable or for which such judgment or decree may have been  
9 rendered. ~~But~~ However, no judgment shall be rendered by virtue of this section for money for  
10 which any other judgment or decree has been previously rendered against such deputy or his  
11 sureties or their personal representatives.

12           **Drafting note: No substantive change in the law.**

13  
14           § ~~15.1-87~~ 15.2-1624. ~~Same; Where~~ When judgment against officer or sureties has been  
15 obtained and paid.

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

22           **Drafting note: No substantive change in the law.**

23  
24           § ~~15.1-88~~ 15.2-1625. ~~Same~~; In what court motions may be made.

25           Any motion under either § ~~15.1-86~~ 15.2-1623 or § ~~15.1-87~~ 15.2-1624 may be made in the  
26 ~~corporation court of the city or in the~~ circuit court ~~of~~ for the county or city in which the default or  
27 misconduct of the deputy occurred or was committed.

28           **Drafting note: No substantive change in the law.**

29  
30           § ~~15.1-796~~. ~~Sheriffs of cities and sergeants of towns.~~

1           ~~In every city, unless otherwise provided in § 15.1 40.1, there shall be elected a sheriff.~~  
2   ~~Every town council may provide by ordinance for the appointment by council of a town sergeant~~  
3   ~~to serve for a fixed term or at the pleasure of council unless its charter requires the election of the~~  
4   ~~sergeant or prohibits creation of the office of sergeant. The term of office of a city sheriff shall~~  
5   ~~be four years and that of an elected town sergeant shall be two years. The duties of city sheriff~~  
6   ~~and town sergeant, whether appointed or elected, shall be as prescribed by law. Sergeants of~~  
7   ~~towns shall have the same powers and discharge the same duties as sheriffs within the corporate~~  
8   ~~limits of the town and to a distance of one mile beyond the same. Except as provided in § 15.1-~~  
9   ~~796.1, city sheriffs shall have the same powers and discharge the same duties as were conferred~~  
10 ~~by law upon city sergeants prior to July 1, 1971.~~

11           **Drafting note: Repealed; the subject matter is covered by §§ 15.2-1600, 15.2-1701**  
12 **and 15.2-1704.**

13  
14           ~~§ 15.1 796.1. Office of city sergeant abolished; distribution of funds appropriated for~~  
15 ~~city jails not affected.~~

16           ~~Notwithstanding any charter provision or special act, on and after July 1, 1971, the office~~  
17 ~~of city sergeant is abolished. Any person holding office as city sergeant on July 1, 1971, shall~~  
18 ~~continue in office as city sheriff until the expiration of the term for which he was elected, and his~~  
19 ~~successor is elected and qualified, except that in any city having a city sheriff on or before July 1,~~  
20 ~~1971, the person holding the office of city sheriff shall continue in office until his successor is~~  
21 ~~elected and qualified and the person in office as city sergeant in any such city shall continue in~~  
22 ~~office as city sergeant until the expiration of the term for which he was elected or appointed. In~~  
23 ~~any such city, the city sheriff shall have the same powers and discharge the same duties as were~~  
24 ~~conferred upon him by law prior to July 1, 1971, and in any such city the city sergeant shall have~~  
25 ~~the same powers and discharge the same duties as were conferred upon him by law prior to July~~  
26 ~~1, 1971. Nothing in this section shall affect the distribution of state funds appropriated for the~~  
27 ~~support or maintenance of city jails.~~

28           **Drafting note: Repealed; the provisions are obsolete.**

29  
30           ~~§ 15.1 824. City sheriff.~~



1 ~~The sheriff of the city shall perform the duties, receive the compensation and be subject~~  
2 ~~to the liabilities prescribed in the charter of his city or by law and shall also, within the~~  
3 ~~jurisdiction of the court of his city, exercise the same powers, perform the same duties, and be~~  
4 ~~subject to the same liabilities touching all process issued by the court of such city or by the clerk~~  
5 ~~of such court, or otherwise lawfully directed to him, that the sheriff of a county exercises,~~  
6 ~~performs and is subject to in his county.~~

7 **Drafting note: Repealed; the subject matter is covered by § 15.2-1609.**

8  
9 ~~§ 15.1 825. Allowances to sheriff by city court.~~

10 ~~There shall be chargeable to each city such sum as the court thereof may allow to the~~  
11 ~~sheriff attending it for services rendered to the city; provided, that no such allowance shall be~~  
12 ~~made under this section for services rendered by such officer in criminal prosecutions on behalf~~  
13 ~~of the Commonwealth; but the judge of the corporation court of any city may, with the consent~~  
14 ~~of the city council, make allowance to the sheriff of the city for services in criminal cases,~~  
15 ~~payable out of the city treasury.~~

16 **Drafting note: Repealed; obsolete.**

17  
18 Article 4.

19 Attorney for the Commonwealth.

20  
21 §15.2-1626. Attorney for the Commonwealth.

22 The voters in every county and city shall elect an attorney for the Commonwealth unless  
23 otherwise provided by general law or special act. The attorney for the Commonwealth shall  
24 exercise all the powers conferred and perform all the duties imposed upon such officer by  
25 general law. He may perform such other duties, not inconsistent with his office, as the governing  
26 body may request. He shall be elected as provided by general law for a term of four years.

27 **Drafting note: New. This section states the basic duties of the attorney for the**  
28 **Commonwealth. The first sentence states that he attorney for the Commonwealth shall be**  
29 **elected “unless otherwise provided by general law or special act.” This is a reference to the**  
30 **fact that the General Assembly may provide for constitutional offices to be filled in a**

1 **different manner, consolidated or abolished. See Article VII, § 4 of the Constitution of**  
2 **Virginia and §§ 24.2-217, 24.2-685 and 24.2-686.**

3  
4 § ~~15.1-8.1~~ 15.2-1627. Duties of attorneys for the Commonwealth and their assistants.

5 A. No attorney for the Commonwealth, or assistant attorney for the Commonwealth,  
6 shall be required to carry out any duties as a part of his office in civil matters of advising the  
7 governing body and all boards, departments, agencies, officials and employees of his county or  
8 city; of drafting or preparing county or city ordinances; of defending or bringing actions in  
9 which the county or city, or any of its boards, departments or agencies, or officials and  
10 employees thereof, shall be a party; or in any other manner of advising or representing the  
11 county or city, its boards, departments, agencies, officials and employees, except in matters  
12 involving the enforcement of the criminal law within the county or city.

13 B. The attorney for the Commonwealth and assistant attorney for the Commonwealth  
14 shall be a part of the department of law enforcement of the county or city in which he is elected  
15 or appointed, and shall have the ~~duty~~ duties and powers imposed upon him by general law,  
16 including the duty of prosecuting all warrants, indictments or informations charging a felony,  
17 and he may in his discretion, prosecute Class 1, 2 and 3 misdemeanors, or any other violation,  
18 the conviction of which carries a penalty of confinement in jail, or a fine of \$500 or more, or  
19 both such confinement and fine. He shall enforce all forfeitures, and carry out all duties imposed  
20 upon him by § 2.1-639.23.

21 **Drafting note: No substantive change in the law.**

22  
23 § ~~15.1-50.1~~ 15.2-1628. Attorneys for the Commonwealth and assistants in certain  
24 counties to devote full time to duties; no additional compensation for substituting for or assisting  
25 any other attorney for the Commonwealth or assistant.

26 A. In counties having a population of more than 35,000, attorneys for the  
27 Commonwealth and all assistant attorneys for the Commonwealth, except volunteer assistant  
28 attorneys for the Commonwealth appointed by the attorney for the Commonwealth, shall devote  
29 full time to their duties, and shall not engage in the private practice of law.

30 Any attorney for the Commonwealth or assistant attorney for the Commonwealth shall,  
31 however, have a reasonable time, not to exceed thirty days, after assuming such office to provide

1 for his disassociation from the private practice of law, if such attorney for the Commonwealth or  
2 assistant attorney for the Commonwealth was previously engaged in the private practice of law.

3 B. The provisions of this section requiring all compensated attorneys for the  
4 Commonwealth to devote full time to their duties shall not apply in counties reaching a  
5 population of more than 35,000, which had a population of 35,000 or less immediately prior to  
6 the commencement of the term for which the attorney for the Commonwealth sought office.

7 C. Notwithstanding any other provisions of law, no attorney for the Commonwealth or  
8 assistant required to devote full time to his duties shall receive any additional compensation from  
9 the Commonwealth or any county or city for substituting for or assisting any other attorney for  
10 the Commonwealth or his assistant in any criminal prosecution or investigation.

11 D. In any county where, on January 1, 1993, attorneys for the Commonwealth were  
12 required to devote full time to their duties in accordance with subsection A of this section, they  
13 and all assistant attorneys for the Commonwealth and their successors shall continue to devote  
14 full time to their duties and shall not engage in the private practice of law.

15 **Drafting note: No substantive change in the law.**

16  
17 § ~~15.1-50.3~~ 15.2-1629. Part-time attorneys for the Commonwealth in certain counties  
18 may seek full-time status.

19 A. Notwithstanding §§ 14.1-53 and ~~15.1-50.1~~ 15.2-1628, any attorney for the  
20 Commonwealth for a county may, with the consent of the Compensation Board, elect to devote  
21 full time to the duties of attorney for the Commonwealth at a salary equal to that for an attorney  
22 for the Commonwealth in a county with a population of more than 35,000. Such an election and  
23 consent by the Compensation Board shall be binding on the attorney for the Commonwealth and  
24 on successors in the office.

25 B. The Compensation Board shall prepare a list of localities eligible to have a full-time  
26 attorney for the Commonwealth and shall prioritize the list according to the following factors:  
27 three-year average arrest figures; three-year average weighted arrest figures; caseload figures for  
28 the circuit court and all lower courts of the jurisdiction as compiled by the Supreme Court; the  
29 presence in the locality of penal institutions, mental health institutions, and colleges and  
30 universities; the transient population figures; the proximity of the jurisdiction to a large urban  
31 area; and any other factors deemed pertinent by the Compensation Board.

1 C. As used in this section, "arrests" means the total number of criminal arrests reported  
2 by the Department of State Police from data compiled for the Uniform Crime Report, and  
3 "weighted arrests" means the average for the immediately preceding three years of the sum  
4 derived from a formula which assigns values to the actual number of arrests as follows: murder,  
5 thirty; manslaughter, forcible rape, robbery and aggravated assault, fifteen; felonious possession,  
6 sale or manufacture of Schedule I or II controlled substances, burglary, forgery and motor  
7 vehicle theft, five; embezzlement, four and six-tenths; purchase or receipt of stolen property,  
8 three and one-half; larceny, two and six-tenths; fraud, two; and all other felonies and all  
9 misdemeanors other than traffic offenses, one and two-tenths.

10 D. Upon electing to become a full-time attorney for the Commonwealth and upon  
11 receiving additional funding of such office by the Compensation Board, the attorney for the  
12 Commonwealth shall not thereafter engage in the private practice of law. No such election shall  
13 become effective until the July 1 immediately following the date of election, or until another date  
14 as agreed upon by the attorney for the Commonwealth and the Compensation Board.

15 E. The Compensation Board shall fund such additional full-time offices of the attorney  
16 for the Commonwealth according to the priority list established in subsection B of this section,  
17 subject to appropriations by the General Assembly.

18 **Drafting note: No change.**

19  
20 § ~~15.1-821~~ 15.2-1630. Attorneys for the Commonwealth for cities; no additional  
21 compensation for substituting for or assisting any other attorney for the Commonwealth or  
22 assistant.

23 ~~In~~ The voters in every city ~~there~~ shall ~~be elected~~ elect, for a term of four years, ~~by the~~  
24 ~~qualified voters of such city~~, an attorney for the Commonwealth. Any city not required to have  
25 or to elect such officer prior to July 1, 1971, shall not be so required by this section. Assistant  
26 attorneys for the Commonwealth for cities may be appointed by the attorney for the  
27 Commonwealth for such city after having first received approval of the governing body of such  
28 city and of the Compensation Board for a term of office coterminous with his own, ~~who~~. Such  
29 assistants shall receive such compensation as shall be fixed in the manner provided by law.  
30 However, volunteer assistant attorneys for the Commonwealth serving without compensation  
31 may be appointed by the attorney for the Commonwealth without approval of the governing

1 body or the Compensation Board. All assistant attorneys for the Commonwealth shall perform  
2 such duties as are prescribed by their respective attorney for the Commonwealth. In cities having  
3 a population of more than 35,000, attorneys for the Commonwealth and all assistant attorneys for  
4 the Commonwealth, shall devote full time to their duties, and shall not engage in the private  
5 practice of law; however, this provision shall not apply in cities reaching a population of more  
6 than 35,000, which had a population of 35,000 or less immediately prior to the commencement  
7 of the term for which the attorney for the Commonwealth sought office. In cities having a  
8 population of more than 17,000 and less than 35,000, attorneys for the Commonwealth and all  
9 assistant attorneys for the Commonwealth, except volunteer assistants serving without  
10 compensation, shall devote full time to their duties, and shall not engage in the private practice of  
11 law, if the council of the city and the Compensation Board all concur that he shall so serve. The  
12 office of assistant attorney for the Commonwealth heretofore created and provided for in the  
13 charters of such cities is hereby abolished.

14 Notwithstanding any other provisions of law, no attorney for the Commonwealth or  
15 assistant required to devote full time to his duties shall receive any additional compensation from  
16 the Commonwealth or any city or county for substituting for or assisting any other attorney for  
17 the Commonwealth or his assistant in any criminal prosecution or investigation.

18 Any attorney for the Commonwealth who is serving full time when the population for his  
19 city declines to 35,000 or less, according to a new United States census, may elect to continue  
20 serving on a full-time basis for the remainder of his current term and any subsequent successive  
21 terms. So long as he continues to serve on a full-time basis, he shall be compensated for full-  
22 time service on the same basis as an attorney for the Commonwealth in a city having a  
23 population of 35,001.

24 Any city served by a full-time attorney for the Commonwealth on January 1, 1993, under  
25 the provisions hereof shall continue to be served by a full-time attorney for the Commonwealth  
26 in the event the population of such city shall have fallen below the 17,000 population threshold  
27 in the most recent U.S. census and shall be administered in the same manner as cities with  
28 populations in excess of 17,000 but of 35,000 or less. In such jurisdictions, the attorney for the  
29 Commonwealth and his assistant attorneys and their successors in office shall be subject to the  
30 requirements regarding full-time service and part-time private practice as in effect for such

1 positions on January 1, 1993. No further action by the council of the city or the Compensation  
2 Board shall be necessary.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-821.1~~ 15.2-1631. Part-time attorneys for the Commonwealth in certain cities may  
6 seek full-time status.

7 A. Notwithstanding §§ 14.1-53 and ~~15.1-821~~ 15.2-1630, any attorney for the  
8 Commonwealth for a city may, with the consent of the Compensation Board, elect to devote full  
9 time to the duties of attorney for the Commonwealth at a salary equal to that for an attorney for  
10 the Commonwealth in a city with a population of more than 35,000. Such an election and  
11 consent by the Compensation Board shall be binding on the attorney for the Commonwealth and  
12 on successors in the office.

13 B. The Compensation Board shall prepare a list of localities eligible to have a full-time  
14 attorney for the Commonwealth and shall prioritize the list according to the following factors:  
15 three-year average arrest figures; three-year average weighted arrest figures; caseload figures for  
16 the circuit court and all lower courts of the jurisdiction as compiled by the Supreme Court; the  
17 presence in the locality of penal institutions, mental health institutions, and colleges and  
18 universities; the transient population figures; the proximity of the jurisdiction to a large urban  
19 area; and any other factors deemed pertinent by the Compensation Board.

20 C. As used in this section, "arrests" means the total number of criminal arrests reported  
21 by the Department of State Police from data compiled for the Uniform Crime Report, and  
22 "weighted arrests" means the average for the immediately preceding three years of the sum  
23 derived from a formula which assigns values to the actual number of arrests as follows: murder,  
24 thirty; manslaughter, forcible rape, robbery and aggravated assault, fifteen; felonious possession,  
25 sale or manufacture of Schedule I or II controlled substances, burglary, forgery and motor  
26 vehicle theft, five; embezzlement, four and six-tenths; purchase or receipt of stolen property,  
27 three and one-half; larceny, two and six-tenths; fraud, two; and all other felonies and all  
28 misdemeanors other than traffic offenses, one and two-tenths.

29 D. Upon electing to become a full-time attorney for the Commonwealth and upon  
30 receiving additional funding of such office by the Compensation Board, the attorney for the  
31 Commonwealth shall not thereafter engage in the private practice of law. No such election shall

1 become effective until the July 1 immediately following the date of election, or until another date  
2 as agreed upon by the attorney for the Commonwealth and the Compensation Board.

3 E. The Compensation Board shall fund such additional full-time offices of the attorney  
4 for the Commonwealth according to the priority list established in subsection B of this section,  
5 subject to appropriations by the General Assembly.

6 **Drafting note: No change.**

7  
8 § ~~15.1-9~~ 15.2-1632. Employment of assistants to attorneys for the Commonwealth,  
9 subject to approval of Compensation Board.

10 Every county and city may, with the approval of the Compensation Board, provide for  
11 employing such compensated assistant or assistants to the attorney for the Commonwealth as in  
12 the opinion of the governing body may be required. Such assistant or assistants shall be  
13 appointed by the attorney for the Commonwealth. The compensation for such assistants to the  
14 attorneys for the Commonwealth shall be as provided for assistants to attorneys for the  
15 Commonwealth under § 14.1-53.

16 **Drafting note: No change.**

17  
18 § ~~15.1-50.2~~ 15.2-1633. Part-time assistants to attorneys for the Commonwealth.

19 Notwithstanding any contrary provisions of §§ 14.1-53, ~~15.1-50.1~~ 15.2-1628 and ~~15.1-~~  
20 ~~824~~ 15.2-1630, the Compensation Board at the request of the attorney for the Commonwealth  
21 may provide for one compensated part-time assistant to a full-time attorney for the  
22 Commonwealth.

23 **Drafting note: No change.**

24  
25 Article 5.

26 Clerks of circuit courts.

27  
28 ~~§ 15.1-820. Clerks of courts of cities.~~

29 In each city which has a court in whose office deeds are admitted to record, there shall be  
30 elected for a term of eight years, by the qualified voters of such city, a clerk of such court, who  
31 shall perform such other duties as may be required by law. There shall be elected, in like manner

1 and for a like term, all such additional clerks of courts for cities as may be authorized by law, so  
2 long as such courts shall continue in existence. But in no city of less than 30,000 inhabitants  
3 shall there be more than one clerk of the court, who shall be clerk of all the courts of record in  
4 such city.

5 **Drafting note: Repealed; the subject matter is covered by § 15.2-1600.**

6  
7 ~~§ 15.1-822. Duties, etc., of city clerks of courts and attorneys for the Commonwealth.~~

8 ~~The clerk of the circuit court of a city and the attorney for the Commonwealth of a city~~  
9 ~~shall perform like duties, receive the same fees and be subject to the same liabilities as the clerks~~  
10 ~~of the circuit courts and attorneys for the Commonwealth of counties; and such clerk shall, in~~  
11 ~~addition, perform such other duties, receive such compensation therefor and be subject to such~~  
12 ~~liabilities in respect thereto as may be prescribed in the charter of the city or by law or shall be~~  
13 ~~lawfully imposed by its council.~~

14 **Drafting note: Repealed; obsolete.**

15  
16 ~~§ 15.1-823. Councils may allow additional compensation to clerks of corporation courts.~~

17 ~~The councils of the various cities in which there are corporation courts may pay to the~~  
18 ~~clerks of such courts, in addition to the fees, emoluments and perquisites of such office, such~~  
19 ~~salary as they may from time to time deem just and reasonable.~~

20 **Drafting note: Repealed; such courts no longer exist.**

21  
22 § 15.2-1634. Clerks of circuit courts.

23 The voters in every county and in each city which has a circuit court, shall elect for a  
24 term of eight years, a clerk of such court unless otherwise provided by general law or special act.  
25 He shall be clerk of the circuit court and may also be the clerk of the governing body if the  
26 governing body so designates. He shall exercise all the powers conferred and perform all the  
27 duties imposed upon such officers by general law and may perform such other duties, not  
28 inconsistent with his office, as may be requested of him by the governing body.

29 **Drafting note: New. This section states the basic duties of the clerk. The first**  
30 **sentence states that the clerk shall be elected “unless otherwise provided for by general law**  
31 **or special act.” This is a reference to the fact that the General Assembly may provide for**



1 constitutional offices to be filled in a different manner, consolidated or abolished. See  
2 Article VII, § 4 of the Constitution of Virginia and §§ 24.2-217, 24.2-685 and 24.2-686.

3  
4 § ~~15.1-49~~ 15.2-1635. Appointment of deputy when clerk of circuit court ~~of record~~ unable  
5 to perform duties.

6 Whenever it is found by the judge of a circuit court ~~of record~~ that a clerk of such court is,  
7 by reason of mental or physical disability, temporarily unable to perform his duties, the judge of  
8 the court may, by order entered of record, designate some other person as deputy clerk to  
9 perform the duties of such clerk. The person so designated may be the clerk or deputy clerk of  
10 another county or city or any other qualified person, and in the event that he ~~be~~ is from another  
11 county or city, the provisions of §§ ~~15.1-50.3 and 15.1-51~~ 15.2-1525 and 15.2-1534 shall not  
12 apply.

13 The person so designated shall thereby become a deputy of the regular clerk and shall be  
14 vested with all the authority of a regular clerk and may perform all acts which are required by  
15 law to be performed by such clerk with the same effect as if performed by the clerk for whom he  
16 serves as deputy, and shall before entering upon his duties take the oath ~~now~~ prescribed ~~for~~  
17 ~~county officers in §49-1~~, and furnish bond in the same amount as is required of the clerk.

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

20 No compensation out of the state or local treasury shall be paid such person designated  
21 under this section for his services while acting in such capacity but any expense incurred shall be  
22 paid by the county or city in which such service is performed upon the order of the judge of ~~said~~  
23 such court.

24 **Drafting note: No substantive change in the law; the reference to § 15.1-50.3 was**  
25 **incorrect (see § 15.1-50.4).**

26  
27 Article 6.

28 Commissioner of the Revenue.

29  
30 § 15.2-1636. Commissioner of the revenue.



1 adjoining county. In cases where the city has ~~a locally~~ an elected ~~city~~ city sheriff, ~~the city~~ such sheriff  
2 shall be the only sheriff for the city. The city may contract with the county to which it was  
3 transferred for jail facilities.

4 In any case where the effective date of the transfer is to take place within 120 days after  
5 an election for any of these ~~two~~ officers in the county to which the city is transferred, the voters  
6 of the city shall be entitled to vote in that election for each officer. The voting wards or precincts  
7 of the city shall be treated as precincts of the adjoining county, and no candidate for these offices  
8 shall be required to qualify separately in the city. The ~~qualified~~ voters of the city shall thereafter  
9 be entitled to vote for these officers.

10 C. In order to complete the transfer of the jurisdiction of the respective circuit courts  
11 when the situation in ~~either subdivision (i) or (ii) of subsection A of this section~~ occurs, the  
12 following shall control:

13 ~~(1)~~ 1. As to any crime occurring or civil cause of action arising in the city before the  
14 effective date of the transfer, the circuit court of the former judicial circuit shall have  
15 jurisdiction.

16 ~~(2)~~ 2. As to any crime occurring or civil cause of action arising in the city on or after the  
17 effective date of the transfer involving a matter required by general law to be located in a circuit  
18 court, the circuit court of the judicial circuit to which the city was transferred shall have  
19 jurisdiction.

20 D. All writings authorized by law to be recorded in the circuit court for the city  
21 transferred pursuant to ~~subdivision~~ subsection A (ii) of this section shall be recorded in the  
22 circuit court to which the city was transferred beginning on the effective date of the transfer.

23 **Drafting note: No substantive change in the law; provides for certain cities to**  
24 **continue to share the three named constitutional officers and to share such officers when**  
25 **placed in another judicial circuit.**

26

27

Article 8.

28

Courthouses.

29

30 § ~~15.1-257~~ 15.2-1638. County or city governing body to provide courthouse, clerk's  
31 office, jail and suitable facilities for attorney for the Commonwealth; acquisition of land.

1           The governing body of every county and city shall provide courthouses with suitable  
2 space and facilities to accommodate the various courts and officials thereof serving the county or  
3 city, ~~and;~~ within or ~~without~~ outside such courthouses, a clerk's office, the record room of which  
4 shall be fireproof; a jail; and, upon request therefor, suitable space and facilities for the attorney  
5 for the Commonwealth to discharge the duties of his office. The costs thereof and of the land on  
6 which they may be, and of keeping the same in good order, shall be chargeable to the county or  
7 city. The fee simple of the lands and of the buildings and improvements thereon utilized for such  
8 courthouses shall be in the county or city, and the governing body of the county or city may  
9 purchase so much of such property, as, with what it has, may be necessary for the purposes  
10 enumerated or for any other proper purpose of the county or city. However, any portion of ~~such~~  
11 the property owned by a county and located within a city or town and not actually occupied by  
12 the courthouse, clerk's office, or jail, may be sold or exchanged and conveyed to ~~the said~~ such  
13 city or town to be used for street or other public purposes. Any such sale or exchange by the  
14 governing body of a county shall be made in accordance with the provisions of § ~~15.1-262~~ 15.2-  
15 1800.

16           ~~This Act~~ The amendments contained in {Chapter 90 of the 1986 Acts of Assembly} shall  
17 not apply to any city with a population according to the 1980 census of not less than 240,000 nor  
18 more than 265,000.

19           **Drafting note: No substantive change in the law.**

20

21           § ~~15.1-258~~ 15.2-1639. Providing offices for various officers, judges, etc.

22           The governing body of each county and city shall, if there are offices in the courthouses  
23 of the respective counties and cities available for such purposes, provide offices for the treasurer,  
24 attorney for the Commonwealth, sheriff, commissioner of the revenue, commissioner of accounts  
25 and division superintendent of schools for such county or city. Any such governing body may, if  
26 there are offices in their respective courthouses available for such purposes, provide offices for  
27 the judge of any court sitting in the county or city, and any judge of the Court of Appeals or  
28 justice of the Supreme Court who may reside in the county or city, and if such offices are not  
29 available in the courthouse, ~~they~~ offices may be provided by the governing body, if they deem it  
30 proper, elsewhere than in the courthouse of the county or city.

31           **Drafting note: No substantive change in the law.**

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§ ~~15.1-259~~ 15.2-1640. Renting rooms in courthouse.

With the approval of the judge of the circuit court ~~of~~ for the county or ~~of~~ for the ~~corporation court of the~~ city, any vacant rooms in the courthouse, after furnishing offices to ~~such~~ the officers listed in § 15.2-1639, may be rented 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. All moneys received by the counties or cities under this section, shall constitute a fund to maintain and care for such building.

**Drafting note: No substantive change in the law.**

§ ~~15.1-260~~ 15.2-1641. Leasing or other use of other buildings.

When the governing body of any county or city, pursuant to § ~~15.1-257~~ 15.2-1638, ~~shall~~ have has 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 the 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 § ~~15.1-258~~ 15.2-1639, such governing body, if deemed proper by it, may either lease such building or buildings for private or other purposes, or remodel and use the same for a ~~market house or for~~ other public purposes, ~~or both~~. ~~But such~~ However, the lease or use shall be first approved by the judge of the circuit court ~~of~~ for the county; ~~or the corporation court of~~ for the city, as the case may be, and such lease or use shall be terminated when, in the opinion of such judge, ~~such~~ the building or buildings or the land occupied by the same, is needed for any of the purposes enumerated in § ~~15.1-257~~ 15.2-1638.

**Drafting note: No substantive change in the law.**

§ ~~15.1-263~~ 15.2-1642. Certain conveyances of courthouse grounds validated.

Any other provision of law to the contrary, notwithstanding, any conveyance made prior to January 1, 1954, 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.

**Drafting note: No change.**

1           § ~~15.1-267~~ 15.2-1643. Circuit courts to order court facilities to be repaired.

2           A. When it ~~shall appear~~ appears to the circuit court ~~of~~ for any county or city, from the  
3 report of persons appointed to examine the court facilities, or otherwise, that the court facilities  
4 of such county or city are insecure or out of repair, or otherwise insufficient, ~~such~~ the court shall  
5 enter an order, in the name and on behalf of the Commonwealth against the supervisors of the  
6 county, or the members of the council of the city, as the case may be, to show cause why a  
7 mandamus should not issue, commanding them to cause the court facilities of such county or city  
8 to be made secure, or put in good repair, or rendered otherwise sufficient, as the case may be,  
9 and to proceed as in other cases of mandamus, to cause the necessary work to be done. The court  
10 shall cause a copy of such order to be served upon each supervisor or member of the council, as  
11 the case may be.

12           B. Upon the entry of such order, as provided in subsection A hereof, the chief judge of  
13 the circuit shall forthwith notify the Chief Justice of the Supreme Court of the entry thereof.  
14 Upon receipt of ~~such~~ the notice, the Chief Justice shall assign a judge of a circuit remote from  
15 the circuit wherein the repairs are alleged to be necessary to hear and determine whether the  
16 court facilities are in fact insecure or out of repair or otherwise insufficient, and the extent to  
17 which repairs, if any, are necessary.

18           Before a mandamus ~~be~~ is issued, if the concerned governing body requests, the circuit  
19 court judge hearing the matter shall appoint a ~~five-member~~ five-member panel, qualified by  
20 training and experience, to review the court facilities in question and make recommendations to  
21 the circuit court judge concerning the construction or repairs deemed necessary.

22           In making their recommendations, the panel shall consider matters such as, but not  
23 limited to, the following:

24           ~~(a)~~ 1. Security provisions to safeguard court personnel, participants and the public;

25           ~~(b)~~ 2. Efficient layout and circulation patterns to maximize public access, promote  
26 efficient operations, and accommodate the diverse users;

27           ~~(c)~~ 3. ~~The provision~~ Provision of administrative and service areas, judges' chambers,  
28 hearing rooms, conference rooms, prison holding areas, and public information areas; and

29           ~~(d)~~ 4. ~~The comfort~~ Comfort, safety and obsolescence of the existing facility or any part  
30 thereof.

1 The existing facilities shall be considered in relationship to their location and the extent  
2 of their use, and their failure to meet any of these general considerations shall not necessarily be  
3 deemed a cause for determining them inadequate.

4 In making their recommendations, the panel may consult recognized national standard  
5 works in the field.

6 All costs, fees and expenses of the ~~five-member~~ five-member panel, after approval by the  
7 appointing judge, shall be paid by the county or city requesting ~~their~~ its appointment.

8 C. If, after hearing, the court ~~shall find~~ finds that the court facilities are not insecure or  
9 out of repair or otherwise insufficient, or having been in such condition, that the necessary  
10 repairs have been made, the court shall vacate the order. If the court ~~shall find~~ finds that the court  
11 facilities are insecure or out of repair or otherwise insufficient, it shall issue its mandamus as  
12 provided in subsection A hereof.

13 D. Appeals shall be allowed to the Supreme Court of Virginia as appeals from courts of  
14 equity are allowed.

15 **Drafting note: No substantive change in the law.**

16  
17 § ~~15.1-559~~ 15.2-1644. Petition for removal of county courthouse; writ of election.

18 A. Whenever a number of voters equal to at least one third of the registered voters of any  
19 a county registered in the county on the January 1 preceding filing of the petition shall petition  
20 the circuit court of such county, or whenever the governing body of any county by resolution  
21 duly adopted ~~request~~ requests the circuit court ~~of~~ for such county, for an election in such county  
22 on the question of the removal of the courthouse to one or more places specified in the petition or  
23 resolution ~~which shall also state the amount to be appropriated by the board of supervisors for~~  
24 ~~the purchase of land, unless the same shall be donated, and for the erection of the necessary~~  
25 ~~buildings and improvements at the new location,~~ such court shall issue a writ of election in  
26 accordance with Article 5 (§ 24.1-165 24.2-681 et seq.) of Chapter 6 of Title 24.2, which shall  
27 fix the day of holding such election ~~directed to the sheriff of the county whose duty it shall be~~  
28 ~~forthwith to post a notice of the election at each voting precinct in the county. He shall also give~~  
29 ~~notice to the officers charged with the duty of conducting other elections in the county. Such~~  
30 petition shall also state the amount to be appropriated by the board of supervisors for the

1 purchase of land, unless the land is to be donated, and for the erection of necessary buildings and  
2 improvements at the new location.

3 B. If the courthouse is used before and after removal for any city ~~of under thirty~~  
4 ~~thousand population~~ as well as for the county, then the petition shall be signed by a number of  
5 ~~registered~~ voters equal to at least one-third one-third of the total number of voters ~~for such~~  
6 ~~county and city and the~~ registered in the locality on the January 1 preceding filing of the petition.  
7 The registered voters of such city shall be eligible to sign the petition. The petition shall state the  
8 amounts to be appropriated by both the county and city. The ~~qualified~~ voters of such city shall be  
9 eligible to vote in any election on the question of relocating the courthouse. The court shall issue  
10 a writ of election to such city the same as issued to and for the county.

11 The votes of ~~the qualified voters of~~ such city voters shall be treated as if they were cast  
12 by qualified voters of the county for the purposes of ~~this article~~ these sections (§§ 15.2-1644  
13 through 15.2-1654).

14 **Drafting note: No substantive change in the law. This section is conformed to**  
15 **current law; the first paragraph is reorganized and outdated language is deleted; the**  
16 **population limitation for cities in the second paragraph is deleted as the limitation serves**  
17 **no logical purpose.**

18  
19 § ~~15.1-560~~ 15.2-1645. How election held and conducted.

20 ~~Such~~ The election specified in § 15.2-1644 shall be held and conducted as other special  
21 elections are held and conducted.

22 **Drafting note: No substantive change in the law.**

23  
24 § ~~15.1-561~~ 15.2-1646. Certification of result to ~~supervisor~~ board of supervisors;  
25 procuring land and buildings; relocation to contiguous land.

26 If it ~~shall appear~~ appears from the ~~abstracts and~~ returns that a majority of the votes cast at  
27 ~~such~~ the election specified in § 15.2-1644 are for the removal of the courthouse to one of the  
28 places specified in the petition or resolution, the results shall be certified to the board of  
29 supervisors of the county, with the amount authorized to be expended for land, if not donated,  
30 and for necessary buildings and improvements. If the vote ~~shall be~~ is for removal, the board of



1 supervisors shall at once proceed to acquire the necessary land at the new location, if the same  
2 has not been donated, and to erect the necessary buildings and improvements.

3 The relocation of a courthouse to land contiguous with its present location and within the  
4 same county is not such a removal as to require authorization by the electorate.

5 The provisions of ~~this article~~ these sections requiring authorization by the electorate shall  
6 not apply, in the case of a joint court system between a county with a population between 34,500  
7 and 39,500 and a city, with a population between 11,100 and 11,900 or between a county with a  
8 population between 39,600 and 45,600 and a city with a population between 10,000 and 11,500  
9 or between a county with a population between 8,800 and 9,100 and a city with a population  
10 between 5,000 and 6,000, to the relocation of the courthouse to other land within the localities  
11 which it serves, from its present location, if the governing bodies ~~shall~~ find by concurrent  
12 resolutions that the existing courthouse is inadequate and that renovation or expansion of the  
13 existing courthouse is not feasible.

14 **Drafting note: No substantive change in the law.**

15  
16 ~~§ 15.1-561.1.~~

17 ~~Expired.~~

18  
19 ~~§ 15.1-562~~ 15.2-1647. Removal of court.

20 ~~And as~~ As soon as the ~~same shall be~~ courthouse is completed, the board of supervisors  
21 shall certify the fact to the judge of the circuit court ~~of~~ for the county, who shall, after sixty days'  
22 notice, to be published in a newspaper in the county if any, and if none, then in a newspaper  
23 ~~published in an adjoining or neighboring county or city which has the largest~~ having general  
24 ~~circulation in the county, and to be posted up by the sheriff at all of the public places,~~ order his  
25 court to be held in the new location.

26 **Drafting note: No substantive change in the law; this conforms the section to**  
27 **current law.**

28  
29 ~~§ 15.1-563~~ 15.2-1648. Donation of land and money.

30 Any town or individual may donate to the county the land necessary for its uses at any of  
31 the locations named in the petition, which shall not be less than one acre, and may offer as an

1 inducement for such removal such sum ~~or sums~~ of money as may be desired. Any offer to donate  
2 the land shall be accompanied by a deed for the ~~same land~~, to ~~the~~ be regularly executed and  
3 placed in the hands of the clerk of the county, ~~and any.~~ Any offer of money shall be  
4 accompanied by a certified check or other satisfactory security to be likewise placed in the hands  
5 of the clerk to be delivered by him to the treasurer of the county. If the location stated in the deed  
6 or offer of money ~~shall be~~ is selected by the voters, the treasurer shall record the deed and collect  
7 and place the fund to the credit of the county to be drawn on by the board of supervisors as  
8 hereinafter directed.

9 **Drafting note: No substantive change in the law.**

10  
11 § ~~15.1-564~~ 15.2-1649. Town may issue bonds to finance donation; election on bonds.

12 When any town ~~shall desire~~ desires to donate to the county any land or sums of money as  
13 an inducement for such removal and ~~such~~ the town has not sufficient funds in its treasury as it  
14 may desire to offer, ~~such~~ the town may borrow ~~such~~ the money and issue its bonds therefor,  
15 ~~bearing not more than six per centum interest. And whenever~~ Whenever a number of voters  
16 equal to at least twenty-five per centum percent of the qualified voters of such town, registered in  
17 the town on the January 1 preceding the filing of the petition, shall petition the circuit court of  
18 for the county wherein such town is located for an election to be held on such bond issue, in  
19 ~~which petition shall be stated the purposes for which the proceeds of such bond issue shall be~~  
20 ~~used, and the amount of such issue,~~ the circuit court shall, in accordance with Article 5 (§ 24.1-  
21 165 24.2-681 et seq.) of Chapter 6 of Title 24.2, issue a writ of election, ordering a special  
22 election upon such bond issue, in which ~~shall be fixed~~ the date of holding such election in the  
23 town, ~~and deliver the same to the sheriff of the county, whose duty it shall be to post at least~~  
24 ~~three notices of the time of holding such election in the town shall be fixed.~~ Such petition shall  
25 state the purposes for which the proceeds of such bond issue shall be used, and the amount of  
26 such issue. The election shall be held ~~and conducted~~ and the vote canvassed and returns made in  
27 accordance with the requirements of the general election law, except that the certificate of the  
28 electoral board shall be as follows:

29 "We hereby certify that at the election held in the town of . . . . . on the . . . . .  
30 day of . . . . ., 19. . . . ., upon the question of a bond issue of . . . . . dollars, to be  
31 used as a donation to . . . . . county as an inducement for removal of the courthouse of ~~said~~

1 the county to ~~said~~ the town, . . . . . votes were cast for the bond issue and . . . . .  
2 votes were cast against the bond issue."

3 The ballots used in the election shall be as follows:

4 "Shall the Town of . . . . . issue bonds to the amount of . . . . . dollars to be used  
5 as a donation to . . . . . County, as an inducement for the removal of the courthouse?

6  Yes

7  No."

8 The electoral board shall certify in duplicate the vote cast in such elections, for and  
9 against the bond issue, one of such certificates to be filed with the clerk of the county and the  
10 other with the judge of the circuit court.

11 Such election shall be subject to inquiry in the manner provided by § ~~45.1-569~~ 15.2-1654.

12 **Drafting note: No substantive change in the law. The interest rate limitation is**  
13 **deleted to conform to current law.**

14  
15 § ~~45.1-565~~ 15.2-1650. When and how council to issue bonds; payment of interest;  
16 sinking fund.

17 ~~In case~~ If a majority of the voters in the town taking part in such election ~~shall~~ vote in  
18 favor of ~~such~~ the bond issue, the council of ~~such~~ the town may issue its bonds to the amount set  
19 out in the petition, either coupon or registered, signed by its mayor ~~or the president of its council,~~  
20 and attested by the town ~~recorder or~~ clerk, and deliver the same to the clerk of the county as  
21 satisfactory security for the obligations imposed by this section. The council of the town ~~shall~~  
22 ~~have power to~~ may make annual appropriations out of the revenues of the ~~corporation~~ town to  
23 pay the interest on the bonds and to provide a sinking fund for the redemption of the bonds by  
24 special levy or otherwise.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~45.1-566~~ 15.2-1651. When supervisors may issue bonds of county.

28 If the land ~~shall~~ is not ~~be~~ donated, and the fund offered ~~be~~ is not sufficient to acquire the  
29 land and erect the necessary buildings, or if the land ~~shall be~~ is donated and the fund offered ~~be~~ is  
30 not sufficient for the purposes aforesaid, the board of supervisors ~~shall have authority to~~ may  
31 issue the bonds of the county, ~~bearing not more than six per centum interest,~~ to an amount which

1 with the fund offered shall be equal to the amount set out in the petition, and the proceeds of the  
2 bonds with the amount donated shall constitute the fund out of which the land shall be acquired,  
3 if not donated, and the buildings erected and improvements made. If the financial condition of  
4 the county ~~shall be~~ is such as to render the issue of bonds unnecessary, the supervisors may  
5 decline to issue them. ~~But~~ However, the amount expended shall not exceed the amount named in  
6 the petition and authorized by the voters.

7 **Drafting note: No substantive change in the law; this conforms the section to**  
8 **current law.**

9  
10 § ~~15.1-567~~ 15.2-1652. Form of ballots for county election on removal and appropriation;  
11 certificate of ~~judges~~ electoral board.

12 The ballots used in the election required by § ~~15.1-559~~ 15.2-1644 shall be ~~respectively~~ as  
13 follows:

14 “Shall the courthouse be removed to . . . . . , and shall the Board of Supervisors be  
15 permitted to spend \$. . . . . therefor?

- 16  Yes  
17  No.”

18 The manner of ~~receiving and canvassing the ballots~~ ascertaining the vote and making  
19 returns ~~and abstracts~~ thereof shall conform in all respects to the requirements of the general  
20 election law, except that the certificate of the ~~judges~~ electoral board shall be as follows:

21 "We hereby certify, that at the election held on the . . . . . day of . . . . , 19. . . , upon the  
22 question of removing the courthouse to . . . . . and permitting the expenditure of \$. . . . .  
23 . therefor, . . . . . votes were cast Yes; and . . . . . votes were cast No."

24 **Drafting note: No substantive change in the law; this conforms the section to**  
25 **current law.**

26  
27 § ~~15.1-568~~ 15.2-1653. ~~Canvassing returns~~ Ascertaining results.

28 The ~~proper official canvassers of general election returns~~ electoral board shall ~~canvass~~  
29 ~~these returns in like manner and at like time as other county election returns~~ ascertain the vote  
30 from the returns, and shall certify in duplicate the votes cast for removal ~~voting~~ and authorizing

1 the expenditure of the amount stated in the petition and against removal, ~~one.~~ One of the  
2 certificates ~~to~~ shall be filed with the county clerk and the other with the judge of the circuit court.

3 **Drafting note: No substantive change in the law; conforms section to current law.**

4  
5 § ~~15.1-569~~ 15.2-1654. Contest of election.

6 Returns in such election shall be subject to the inquiry, determination and judgment of  
7 the circuit court ~~of~~ for the county in which ~~such~~ the election is held, upon complaint of fifteen or  
8 more ~~qualified~~ voters of ~~such~~ the county of an undue election or false return. The complaint shall  
9 fully set out the grounds of contest and, if any votes were improperly received or rejected, shall  
10 give a list of such votes, with objections to the action of the ~~judges~~ of election officials in  
11 receiving or rejecting the same. Two of the persons making the complaint shall take and  
12 subscribe an oath that the facts therein stated are true to the best of their knowledge and belief.  
13 The complaint shall be filed in the office of the clerk of the circuit court ~~of~~ for the county in  
14 which such election is held. Notice of contest, stating that the complaint has been filed in the  
15 clerk's office, shall be given by posting the same at the courthouse door and at two or more  
16 public places in the county, and by publishing it once a week for two successive weeks in some  
17 newspaper published in the county or, if there ~~be~~ is none so published, then in some newspaper  
18 having general circulation in the county. ~~If it is desired to take depositions, the~~ The time and  
19 place of taking ~~the same~~ depositions, if any, shall be stated in the notice, which shall entitle the  
20 parties giving the ~~same~~ notice to take the depositions to be read as evidence in the contest. The  
21 complaint shall be filed and notice given within ten days after the election, otherwise the  
22 complaint shall not be valid. Any one or more persons who voted at such removal election may,  
23 within thirty days from the election, file in the circuit court clerk's office an answer to the  
24 complaint, in which any of the allegations of the ~~same~~ complaint may be denied, and any  
25 statement made going to show the regularity of the old election, and the propriety of the action of  
26 the ~~judges~~ of the election officials in receiving or rejecting the votes set out in the complaint, and  
27 a list of the votes he or they will dispute. ~~And if~~ If the respondents desire to take depositions,  
28 notice thereof shall be given to any one or more of the persons signing the complaint. If no  
29 answer is filed to the complaint within thirty days from the election, no one shall be heard to  
30 deny the allegations of the complaint, but the persons making the same shall prove the  
31 allegations thereof to the satisfaction of the court. The circuit court ~~of~~ for the county in which the

1 election is held, ~~at the next term~~ after the expiration of thirty days from the election, shall  
2 proceed to pass upon the complaint without a jury, on such depositions as may have been taken  
3 under the notices aforesaid, and upon such other legal testimony as may be adduced by either  
4 party at the hearing of the case. In judging ~~of~~ such election and return, the court shall proceed on  
5 the merits thereof and decide the same on the Constitution and laws and according to the right of  
6 the case and shall enter such order as will carry its decision into full and complete effect. ~~And~~  
7 ~~the~~ The judgment of the court shall be final.

8 **Drafting note: No substantive change in the law.**

9  
10 § ~~15.1-570~~ 15.2-1655. No other election held for ten years.

11 After an election has been held in any county upon the question of the removal of its  
12 courthouse, no other such election shall be held within ten years.

13 **Drafting note: No change.**

14  
15 Article 9.

16 Supplies and Equipment.

17  
18 § ~~15.1-19~~ 15.2-1656. Supplies and equipment to be furnished to clerks of courts of  
19 record.

20 The governing body of each county and city shall, at the expense of the county or city,  
21 provide (i) suitable books and stationery, in addition to supplies furnished by the  
22 Commonwealth, for the use of clerks of all courts of record, together with appropriate cases and  
23 other furniture, for the safe and convenient keeping of all the books, documents and papers, in  
24 the custody of such officers ~~and also~~ (ii) official seals for such officers, ~~when the same are~~  
25 ~~required by law~~; and also (iii) such other office equipment and appliances, ~~including typewriters~~  
26 ~~and adding machines~~, as in their judgment may be reasonably necessary for the proper conduct  
27 of such offices.

28 **Drafting note: No substantive change in the law.**

1 PROPOSED  
2 CHAPTER 3 17.  
3 POLICE AND PUBLIC ORDER.  
4

5 Chapter drafting note: This chapter is reorganized with little significant change.  
6

7 Article 1.  
8 General Provisions.  
9

10 § ~~15.1-137~~ 15.2-1700. Preservation of peace, ~~etc.~~ and good order.

11 ~~The governing body of any city or town may protect the property of the city or town and~~  
12 ~~its inhabitants~~ Any locality may provide for the protection of its inhabitants and property and  
13 ~~preserve~~ for the preservation of peace and good order therein.

14 **Drafting note: Counties are added to the section with no intent to change the law.**  
15

16 § ~~15.1-131.7~~ 15.2-1701. Organization of police forces.

17 ~~The governing body of any county, city or town~~ Any locality may, by ordinance, provide  
18 for the organization of ~~their~~ its authorized police forces. Such forces shall include a ~~Chief~~ chief  
19 of ~~Police~~ police, and such officers ~~and privates~~ and other personnel as ~~may be provided for in~~  
20 ~~such ordinance~~ appropriate.

21 When a locality provides for a police department, the chief of police shall be the chief  
22 law enforcement officer of that locality. However, in towns, the chief law-enforcement officer  
23 may be called the town sergeant.

24 **Drafting note: No substantive change in the law.**  
25

26 § ~~15.1-131.6:1~~ 15.2-1702. Referendum required prior to establishment of county police  
27 force.

28 ~~Any county which does not presently have a police force shall not establish one until the~~  
29 ~~voters of such county have approved establishment of a police force by majority vote in a~~  
30 ~~referendum held for such purpose and the General Assembly enacts appropriate authorizing~~  
31 ~~legislation. Also, any county which was previously authorized by the General Assembly to have~~

1 a police force but has not as yet established one will be required to have its operation approved in  
2 a referendum conducted as provided for in subdivisions 1, 2, and 3 below.

3 A. A county shall not establish a police force unless (i) such action is first approved by  
4 the voters of the county in accordance with the provisions of this section and (ii) the General  
5 Assembly enacts appropriate authorizing legislation.

6 4 B. The governing body of any county shall petition the court, by resolution, asking that  
7 a referendum be held on the question, "Shall a police force be established in the county and the  
8 sheriff's office be relieved of primary law-enforcement responsibilities?" The court, by order  
9 entered of record in accordance with Article 5 (§ 24.1-165 24.2-681 et seq.) of Chapter 6 of Title  
10 24.2, shall require the regular election officials of the county to open the polls and take the sense  
11 of the ~~qualified~~ voters on the question as herein provided.

12 The clerk of the circuit court ~~of such~~ for the county shall publish notice of ~~such~~ the  
13 election in a newspaper of general circulation in ~~such~~ the county once a week for three  
14 consecutive weeks prior to ~~such~~ the election.

15 2 C. The regular election officers of ~~such~~ the county shall open the polls ~~at the various~~  
16 ~~voting places in such county~~ on the date specified in such order and conduct ~~such~~ the election in  
17 the manner provided by law. The election shall be by ballot which shall be prepared by the  
18 electoral board of the county and on which shall be printed the following:

19 "Shall a police force be established in the county and the sheriff's office be relieved of  
20 primary law-enforcement responsibilities?"

21  Yes

22  No

23 The ballots shall be counted, returns made and canvassed as in other elections, and the  
24 results certified by the electoral board to the court ordering ~~such~~ the election. If a majority of the  
25 voters voting in ~~such~~ the election ~~shall have voted~~ vote "Yes," ~~thereupon, such~~ the court shall  
26 enter an order proclaiming the results of ~~such~~ the election and a duly certified copy of such order  
27 shall be transmitted to the governing body of ~~such~~ the county ~~who~~. The governing body shall  
28 proceed to establish ~~such~~ a police force following the enactment of authorizing legislation by the  
29 General Assembly.



1           3 D. After a referendum has been conducted pursuant to this section, ~~either before or after~~  
2 ~~July 1, 1993,~~ no subsequent referendum shall be conducted pursuant to this section in the same  
3 county for a period of four years from the date of the prior referendum.

4           **Drafting note: No substantive change in the law; updates and simplifies language.**

5  
6           § ~~15.1-131.6:2~~ 15.2-1703. Referendum to abolish county police force.

7           The police force in any county which ~~has~~ established ~~such a~~ the force subsequent to July  
8 1, 1983, may be abolished and its responsibilities assumed by the sheriff's office after a  
9 referendum held pursuant to this section.

10           Either (i) the ~~registered~~ voters of the county by petition signed by not less than ten  
11 percent of the registered voters therein on the January 1 preceding the filing of the petition or (ii)  
12 the governing body of the county, by resolution, may petition the circuit court for the county that  
13 a referendum be held on the question, "Shall the county police force be abolished and its  
14 responsibilities assumed by the sheriff's office?" The court, by order entered of record in  
15 accordance with Article 5 (§ ~~24.1-165~~ 24.2-681 et seq.) of Chapter 6 of Title 24.2, shall require  
16 the regular election officials of the county at the next general election held in the county to open  
17 the polls and take the sense of the ~~qualified~~ voters on the question as herein provided. The clerk  
18 of the circuit court ~~of such~~ for the county shall publish notice of ~~such the~~ the election in a newspaper  
19 of general circulation in ~~such the~~ the county once a week for three consecutive weeks prior to ~~such~~  
20 the election.

21           The ballot shall be printed as follows:

22           "Shall the county police force be abolished and its responsibilities assumed by the county  
23 sheriff's office?"

24            Yes

25            No"

26           The election shall be held and the results certified as provided in § ~~24.1-165~~ 24.2-684. If  
27 a majority of the ~~qualified~~ voters voting in ~~such the~~ the election vote in favor of the question, the  
28 court shall enter an order proclaiming the results of ~~such the~~ the election, and a duly certified copy of  
29 such order shall be transmitted to the governing body of ~~such the~~ the county. The governing body  
30 shall proceed with the necessary action to abolish the police force and transfer its responsibilities  
31 to the sheriff's office, to become effective on July 1 following the referendum.

1           Once a referendum has been held pursuant to this section, no further referendum shall be  
2 held pursuant to this section within four years thereafter.

3           **Drafting note: No substantive change in the law; makes clarifying changes.**

4  
5           § ~~15.1-138~~ 15.2-1704. Powers and duties of police force; ~~compensation; rewards~~.

6           ~~A. The officers and privates constituting the police force of a counties, cities and towns~~  
7 ~~of the Commonwealth are~~ locality is hereby invested with all the power and authority which  
8 formerly belonged to the office of constable at common law ~~in taking cognizance of, and in~~  
9 ~~enforcing the criminal laws of the Commonwealth and the ordinances and regulations of the~~  
10 ~~county, city or town, respectively, for which they are appointed or elected. Each policeman shall~~  
11 ~~endeavor to prevent the commission within the county, city or town of offenses against the law~~  
12 ~~of the Commonwealth and against the ordinances and regulations of the county, city or town;~~  
13 ~~shall observe and enforce all such laws, ordinances and regulations; shall detect and arrest~~  
14 ~~offenders against the same; shall preserve the good order of the county, city or town; and shall~~  
15 ~~secure the inhabitants thereof from violence and the property therein from injury and is~~  
16 responsible for the prevention and detection of crime, the apprehension of criminals, the  
17 safeguard of life and property, the preservation of peace and the enforcement of state and local  
18 laws, regulations, and ordinances.

19           ~~B. Such policeman shall have no power or~~ A police officer has no authority in civil  
20 matters, except that a policeman of a county, city or town may (i) to execute and serve an order  
21 of temporary detention and an emergency custody order orders and ~~may exercise such~~ any other  
22 powers as ~~may be specified for~~ granted to law-enforcement officers ~~pursuant to~~ in § 37.1-67.01  
23 or §37.1-67.1 ~~or may~~ (ii) to serve an order of protection pursuant to §§ 16.1-253.1, 16.1-253.4  
24 and 16.1-279.1. ~~However, a policeman of a city or town shall in all other cases~~ or (iii) to execute  
25 ~~such~~ all warrants or summons as may be placed in his hands by any magistrate for the ~~county,~~  
26 ~~city or town~~ locality and ~~shall~~ to make due return thereof.

27           ~~Except as otherwise specifically provided in the charter of any city or town, such~~  
28 ~~policeman shall not receive any fee or other compensation out of the state treasury or the treasury~~  
29 ~~of the city or town for any service rendered under the provisions of this chapter other than the~~  
30 ~~salary paid him by the city or town and a fee as a witness in cases arising under the criminal laws~~  
31 ~~of the Commonwealth. And except as otherwise specifically provided in the charter of any city~~

1 or town, such policeman shall not receive any fee as a witness in any case arising under the  
2 ordinances of his city or town; nor for attendance as a witness before any magistrate in his city or  
3 town. If, however, it shall become necessary or expedient for him to travel beyond the limits of  
4 the county, city or town in his capacity as a policeman, he shall be entitled to his actual expenses,  
5 to be allowed and paid as is now provided by law for other expenses in criminal cases.

6 Nothing in this section shall be construed as prohibiting a policeman of a county, city or  
7 town from claiming and receiving any reward which may be offered for the arrest and detention  
8 of any offender against the criminal laws of this or any other state or nation.

9 **Drafting note: No substantive change in the law; updates language by replacing the**  
10 **old description of police duties with one which is similar to that found in numerous other**  
11 **statutes (See §§ 9-169, 14.1-84.2, 16.1-253.4, 18.2-51.1 and 18.2-57.1). The last two**  
12 **paragraphs are moved to § 15.2-1710.**

13  
14 § ~~15.1-131.8~~ 15.2-1705. Minimum qualifications; waiver.

15 A. The chief of police and all police officers of any ~~county, city or town~~ locality, all  
16 deputy sheriffs and jail officers in this Commonwealth, and all law-enforcement officers as  
17 defined in § 9-169 who enter upon the duties of such office after July 1, 1994, are required to  
18 meet the following minimum qualifications for office. Such person shall (i) be a citizen of the  
19 United States, (ii) be required to undergo a background investigation including fingerprint-based  
20 criminal history records inquiries to both the Central Criminal Records Exchange and the Federal  
21 Bureau of Investigation, (iii) have a high school education or have passed the General  
22 Educational Development exam, (iv) possess a valid driver's license if required by the duties of  
23 office to operate a motor vehicle, (v) undergo a physical examination, subsequent to a  
24 conditional offer of employment, conducted under the supervision of a licensed physician, (vi)  
25 be at least eighteen years of age, (vii) not have been convicted of or pleaded guilty or no contest  
26 to a felony or any offense that would be a felony if committed in Virginia, and (viii) not have  
27 produced a positive result on a pre-employment drug screening, if such screening is required by  
28 the hiring law-enforcement agency or jail, where the positive result cannot be explained to the  
29 law-enforcement agency or jail administrator's satisfaction.

30 B. Upon request of a sheriff or chief of police, or the director or chief executive of any  
31 agency or department employing law-enforcement officers as defined in § 9-169, or jail officers

1 as defined in § 53.1-1, the Department of Criminal Justice Services is hereby authorized to waive  
2 the requirements for qualification as set out in subsection A of this section for good cause shown.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-131.8:1~~ 15.2-1706. Certification through training required for all law-enforcement  
6 officers.

7 All law-enforcement officers as defined in § 9-169 and all jail officers as defined in §  
8 53.1-1, must be certified through the successful completion of training at an approved criminal  
9 justice training academy in order to remain eligible for appointment or employment. The  
10 appointee's or employee's hiring agency must provide the Department of Criminal Justice  
11 Services with verification that law-enforcement or jail officers first hired after July 1, 1994, have  
12 met the minimum standards set forth in § ~~15.1-131.8~~ 15.2-1705.

13 **Drafting note: No change.**

14  
15 § ~~15.1-131.8:2~~ 15.2-1707. Decertification of law-enforcement officers.

16 Upon written notification from the sheriff, chief of police or agency administrator that  
17 any certified law-enforcement or jail officer has (i) been convicted of or pled guilty or no contest  
18 to a felony or any offense that would be a felony if committed in Virginia, (ii) failed to comply  
19 with or maintain compliance with mandated training requirements, or (iii) refused to submit to a  
20 drug screening or has produced a positive result on a drug screening reported to the employing  
21 agency, where the positive result cannot be explained to the agency administrator's satisfaction,  
22 which notification, where appropriate, shall be accompanied by a copy of the judgment of  
23 conviction, the Criminal Justice Services Board shall decertify such law-enforcement or jail  
24 officer. Such officer shall not have the right to serve as a law-enforcement officer within this  
25 Commonwealth until his certification has been reinstated by the Board.

26 The clerk of any court in which a conviction of a felony is made who has knowledge that  
27 a law-enforcement or jail officer has been convicted shall have a duty to report these findings  
28 promptly to the employing agency.

29 When a conviction has not become final, the Board may decline to decertify the officer  
30 until the conviction becomes final, after considering the likelihood of irreparable damage to the  
31 officer if such officer is decertified during the pendency of an ultimately successful appeal, the

1 likelihood of injury or damage to the public if the officer is not decertified, and the seriousness of  
2 the offense.

3 **Drafting note: No change.**

4  
5 § ~~15.1-131.8:3~~ 15.2-1708. Notice of decertification.

6 A. Service of notice. The Board shall, within ten days of decertification, serve notice  
7 upon an affected officer, in person or by certified mail, and upon the law-enforcement or jail  
8 agency employing said officer, by certified mail, specifying the action taken and remedies  
9 available. The Board shall stay final action until the period for requesting a hearing expires.

10 B. Decertification hearing. Any law-enforcement or jail officer who has been decertified  
11 may, within thirty days of receipt of notice served by the Board, request, by certified mail, a  
12 hearing which shall be granted by the Board. Upon receipt of such request, the Board shall set a  
13 date, time, and place for the hearing within sixty days and serve notice by certified mail upon the  
14 affected officer. The Board, or a committee thereof, shall conduct such hearing. The affected  
15 officer may be represented by counsel. In the absence of a request for hearing, decertification  
16 shall, without further proceedings, become final thirty days after the initial notice.

17 C. Standard of review. The decertification of a law-enforcement or jail officer under §  
18 ~~15.1-131.8:2~~ 15.2-1707 shall be sustained by the Board unless such law-enforcement or jail  
19 officer shows, by a preponderance of the evidence, good cause for his certification to be  
20 reinstated.

21 D. Final decision after request for hearing. The Board shall render a final decision  
22 within thirty days.

23 E. Notice of final action. The Board shall notify the officer and the law-enforcement or  
24 jail agency involved, by certified mail, of the final action regarding decertification.

25 F. Reinstatement after decertification. Any officer who is decertified may, after a period  
26 of not less than five years, petition the Board to be considered for reinstatement of certification.

27 **Drafting note: No change.**

28  
29 § ~~15.1-131.8:4~~ 15.2-1709. Employer immunity from liability; disclosure of information  
30 regarding former deputy sheriffs and law-enforcement officers.

1 Any sheriff or chief of police, the director or chief executive of any agency or department  
2 employing deputy sheriffs or law-enforcement officers as defined § 9-169, or jail officers as  
3 defined in § 53.1-1, and the Director of the Department of Criminal Justice Services or his  
4 designee who discloses information about a former deputy sheriff's or law-enforcement officer's  
5 or jail officer's job performance to a prospective law- enforcement or jail employer of the former  
6 appointee or employee is presumed to be acting in good faith and, unless lack of good faith is  
7 shown by clear and convincing evidence, is immune from civil liability for such disclosure or its  
8 consequences. For purposes of this section, the presumption of good faith is rebutted upon a  
9 showing that the information disclosed by the former employer was knowingly false or  
10 deliberately misleading, was rendered with malicious purpose, or violated any civil right of the  
11 former employee or appointee.

12 **Drafting note: No change.**

13

14 ~~§ 15.1-138.1. Review of records of persons to be hired as police officers.~~

15 ~~The chief of police or other chief law enforcement officer of any county, city or town in~~  
16 ~~this Commonwealth may review the record as furnished by the Federal Bureau of Investigation~~  
17 ~~for each person he proposes to hire as a police officer or private in his locality.~~

18 **Drafting note: Repealed; its provisions are covered by § 15.2-1705.**

19

20 § 15.2-1710. Fees and other compensation.

21 ~~Except as otherwise specifically provided in the charter of any city or town, such a~~  
22 ~~policeman police officer shall not receive any fee or other compensation out of the state treasury~~  
23 ~~or the treasury of the a city or town locality for any service rendered under the provisions of this~~  
24 ~~chapter other than the salary paid him by the city or town locality and a fee as a witness in cases~~  
25 ~~arising under the criminal laws of the Commonwealth. And except as otherwise specifically~~  
26 ~~provided in the charter of any county, city or town, a policeman A police officer shall not receive~~  
27 ~~any fee as a witness in any case arising under the ordinances of his city or town locality, nor for~~  
28 ~~attendance as a witness before any magistrate in his city or town locality. If, however, However,~~  
29 ~~if it is shall become necessary or expedient for him to travel beyond the limits of the county, city~~  
30 ~~or town locality in his capacity as a policeman police officer, he shall be entitled to his actual~~  
31 ~~expenses, to be allowed and paid as is now provided by law for other expenses in criminal cases.~~

1 Nothing in this section shall be construed as prohibiting a ~~policeman~~ police officer of a  
2 ~~county, city or town~~ locality from claiming and receiving any reward which may be offered for  
3 the arrest and detention of any offender against the criminal laws of this or any other state or  
4 nation.

5 **Drafting note: No substantive change in the law; these two paragraphs are moved**  
6 **from § 15.1-138 (15.2-1704). The references to charters are removed since they merely**  
7 **state the provisions of § 15.2-100.**

8  
9 § ~~15.1-131.6~~ 15.2-1711. Providing legal fees and expenses for law-enforcement officers;  
10 repayment to ~~local governing body~~ locality of two-thirds of amount by Compensation Board.

11 If any law-enforcement officer ~~shall be~~ is investigated, arrested or indicted or otherwise  
12 prosecuted on any criminal charge arising out of any act committed in the discharge of his  
13 official duties, and no charges are brought, the charge is subsequently dismissed or upon trial he  
14 is found not guilty, the governing body of the ~~jurisdiction~~ locality wherein he is appointed may  
15 reimburse such officer for reasonable legal fees and expenses incurred by him in defense of such  
16 investigation or charge; ~~such reimbursement to~~ shall be paid from the treasury of ~~such governing~~  
17 body the locality.

18 When a governing body reimburses its sheriff or a law-enforcement officer in ~~such~~ the  
19 sheriff's employment for reasonable legal fees and expenses as provided for in this section, then,  
20 upon certification of ~~such~~ the reimbursement to the Chairman of the Compensation Board by the  
21 presiding officer of the governing body, the Compensation Board shall pay to the applicable  
22 ~~political jurisdiction~~ locality two-thirds of the amount so certified.

23 **Drafting note: No substantive change in the law.**

24  
25 ~~§ 15.1-143. Support of dependent children of deceased policemen.~~

26 ~~The governing bodies of cities of the first class may, by ordinance adopted by a recorded~~  
27 ~~vote of a majority of the members elected to each branch, if there be more than one branch,~~  
28 ~~appropriate money out of the public funds to aid in the support of dependent children of~~  
29 ~~members of the police departments of such cities who may have lost their lives through injuries~~  
30 ~~received or illness incurred while in the performance of their duties as members of such~~  
31 ~~departments. Such aid shall continue in the case of each such child until he or she shall have~~

1 attained the age of sixteen years, and the payment of the same shall be made monthly to the  
2 lawful guardian of such dependent child and in such amounts as the governing body may deem  
3 wise and just.

4 **Drafting note: Repealed. The task force and Code Commission are unaware of any**  
5 **localities which use this statute. Its provisions seem to be adequately covered by more**  
6 **recently enacted laws such as workers' compensation and the Line of Duty Act.**

7  
8 § ~~15.1-143.1~~. Auxiliary police force in certain cities.

9 Chapter 173 of the Acts of 1964, relating to the establishment of an auxiliary police force  
10 in cities having a population of not less than 114,000 and not more than 200,000, is incorporated  
11 in this Code by this reference.

12 **Drafting note: Repealed; the repeal of this section, which references certain**  
13 **uncodified acts, will not repeal the referenced Acts.**

14  
15 § ~~15.1-133.1~~ 15.2-1712. Employment of off-duty officers.

16 Notwithstanding the provisions of §§ 2.1-639.1 through 2.1-639.24, any ~~county, city or~~  
17 ~~town~~ locality may adopt an ordinance which permits law-enforcement officers and deputy  
18 sheriffs in such locality to engage in off-duty employment which may occasionally require the  
19 use of their police powers in the performance of such employment. Such ordinance may ~~provide~~  
20 ~~for~~ include reasonable rules ~~and regulations~~ to apply to such off-duty employment, or it may  
21 delegate the promulgation of such reasonable rules ~~and regulations~~ to the chief of the respective  
22 police departments or the sheriff of the county or city.

23 **Drafting note: No substantive change in the law.**

24  
25 § ~~15.1-137.2~~ 15.2-1713. ~~Counties, cities and towns~~ Localities authorized to offer and pay  
26 rewards in felony and misdemeanor cases.

27 When any felony or misdemeanor has been committed, or there has been any attempt to  
28 commit a felony in any ~~county, city or town of the Commonwealth~~ locality, the governing body  
29 of ~~such county, city or town~~ the locality or its duly authorized agent may offer and pay a reward  
30 for the arrest and final conviction of the person or persons who committed the felony or



1 misdemeanor or attempted to commit the felony. The reward may be paid out of the general fund  
2 of such ~~counties, cities and towns~~ locality.

3 **Drafting note: No substantive change in the law.**

4  
5 ~~§ 15.1-137.1. Certain cities authorized to offer and pay rewards in felony cases.~~

6 ~~When any felony has been committed or there has been any attempt to commit a felony in  
7 the Cities of Lynchburg and Suffolk, the governing body of such city or its duly authorized  
8 agency may offer and pay a reward, not to exceed \$1,000, for the arrest and final conviction of  
9 the person or persons who committed or attempted to commit such felony.~~

10 ~~Such sum shall be paid out of the general fund of such cities. All offers of rewards in  
11 such cases heretofore made subsequent to January 1, 1962, for the City of Lynchburg and  
12 January 1, 1982, for the City of Suffolk shall constitute legal and binding obligations upon such  
13 cities.~~

14 **Drafting note: Repealed; this section is repealed since its provisions are covered in §**  
15 **15.2-1713. It applied to Lynchburg and Suffolk only.**

16  
17 ~~§ 15.1-155. Expenditures by counties in felony or misdemeanor cases.~~

18 ~~The governing body of any county, in its discretion, when any felony or misdemeanor has  
19 been committed or attempted to be committed therein, may employ necessary agencies to aid in  
20 the arrest and conviction of the criminal and expend sums of money for such purpose not to  
21 exceed \$500. Such sums shall be paid out of the county levy. However, any county whose  
22 government is organized pursuant to the provisions of Article 2 (§ 15.1-728 et seq.) of Chapter  
23 15 of this title may expend such sums not to exceed \$5,000.~~

24 **Drafting note: Repealed; this section is repealed since its provisions are covered by**  
25 **§ 15.2-1713.**

26  
27 ~~§ 15.1-140.1~~ 15.2-1714. Establishing police lines, perimeters, or barricades.

28 Whenever fires, accidents, wrecks, explosions, crimes, riots or other emergency  
29 situations where life, limb or property may be endangered may cause persons to collect on the  
30 public streets, alleys, highways, parking lots or other public area, the chief law-enforcement  
31 officer of any ~~county, city or town~~ locality or that officer's authorized representative who is

1 responsible for the security of the scene may establish such areas, zones or perimeters by the  
2 placement of police lines or barricades as are reasonably necessary to (i) preserve the integrity of  
3 evidence at such scenes, (ii) notwithstanding the provisions of §§ 46.2-888 through 46.2-891,  
4 facilitate the movement of vehicular and pedestrian traffic into, out of and around the scene, (iii)  
5 permit firefighters, police officers and emergency services personnel to perform necessary  
6 operations unimpeded, and (iv) protect persons and property.

7 Any police line or barricade erected for these purposes shall be clearly identified by  
8 wording such as "Police Line - DO NOT CROSS" or other similar wording. If material or  
9 equipment is not available for identifying the prohibited area, then a verbal warning by  
10 identifiable law-enforcement officials positioned to indicate a location of a police line or  
11 barricade shall be given to any person or persons attempting to cross police lines or barricades  
12 without proper authorization.

13 Such scene may be secured no longer than is reasonably necessary to effect the above-  
14 described purposes. Nothing in this section shall limit or otherwise affect the authority of, or be  
15 construed to deny access to such scene by, any person charged by law with the responsibility of  
16 rendering assistance at or investigating any such fires, accidents, wrecks, explosions, crimes or  
17 riots.

18 Personnel from information services such as press, radio and television, when gathering  
19 news, shall be exempt from the provisions of this section except that it shall be unlawful for such  
20 persons to obstruct the police, firemen and rescue workers in the performance of their duties at  
21 such scene. Such personnel shall proceed at their own risk.

22 **Drafting note: No substantive change in the law.**

23  
24 § ~~45.1-131.12~~ 15.2-1715. Authority to declare Intensified Drug Enforcement  
25 Jurisdictions; expenditure of funds.

26 Whenever, in the judgment of the Governor or his designee, a ~~county, city, locality~~ or  
27 multi-jurisdictional area is confronted with a drug trafficking problem of such a magnitude as to  
28 warrant additional resources to supplement the efforts of local officials responsible for the  
29 apprehension and prosecution of persons engaged in drug trafficking activities, he may declare  
30 such areas Intensified Drug Enforcement Jurisdictions. Upon such declaration, the Governor, or

1 his designee, may make available funds from the Intensified Drug Enforcement Jurisdictions  
2 Fund provided for in § 14.1-133.3.

3 **Drafting note: Adds towns to existing provisions.**

4  
5 ~~§ 15.1-132. Prohibiting driving while under influence of intoxicating liquor.~~

6 ~~The governing bodies of cities, towns and counties may make ordinances prohibiting the~~  
7 ~~driving of motor vehicles, engines and trains in such cities, towns and counties by any person~~  
8 ~~while under the influence of alcohol, brandy, rum, whiskey, gin, wine, beer, lager beer, ale,~~  
9 ~~porter, stout or any other liquid beverage or article containing alcohol or wine or under the~~  
10 ~~influence of any other self administered intoxicant or drug of whatsoever nature, and may~~  
11 ~~prescribe fines and other punishment for violations of such ordinances. All fines imposed for~~  
12 ~~violations of such ordinances shall be paid to, and retained by, such cities, towns and counties.~~  
13 ~~The Commonwealth shall not be chargeable with any costs in connection with any prosecution~~  
14 ~~for any such violation, nor shall any such costs be paid out of the state treasury. No such~~  
15 ~~ordinance shall provide for a lesser punishment than that prescribed by general law for a similar~~  
16 ~~offense. Such ordinances may provide the same penalties for violations thereof as are provided~~  
17 ~~by general law for similar offenses, anything in the charter of such cities or towns to the contrary~~  
18 ~~notwithstanding, and the judgment of conviction for a violation of any such ordinance shall~~  
19 ~~operate to deprive the person convicted of the right to drive or operate any motor vehicle, engine~~  
20 ~~or train in this Commonwealth to the same extent as if such conviction had been under the~~  
21 ~~general law of the Commonwealth for a similar offense, or to a greater extent if so provided in~~  
22 ~~such ordinance.~~

23 **Drafting note: Repealed; substance is covered in § 46.2-1313.**

24  
25 ~~§ 15.1-132.1~~ 15.2-1716. Reimbursement of expenses incurred in responding to DUI  
26 incident.

27 Any ~~county, city or town~~ locality may provide by ordinance that any person who is  
28 convicted of a violation of § 18.2-266 or § 29.1-738, or a similar ordinance, when his operation  
29 of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of any  
30 accident or incident resulting in an appropriate emergency response, shall be liable in a separate  
31 civil action to the ~~county, city or town~~ locality or to any volunteer rescue squad, or both, which

1 may provide such emergency response for the reasonable expense thereof, in an amount not to  
2 exceed \$1,000 in the aggregate for a particular accident or incident occurring in such ~~county, city~~  
3 ~~or town~~ locality. As used in this section, "appropriate emergency response" includes all costs of  
4 providing law-enforcement, fire-fighting, rescue, and emergency medical services. The  
5 provisions of this section shall not preempt or limit any remedy available to the Commonwealth,  
6 to the ~~county, city or town~~ locality or to any volunteer rescue squad to recover the reasonable  
7 expenses of an emergency response to an accident or incident not involving impaired driving or  
8 operation of a vehicle as set forth herein.

9 **Drafting note: No substantive change in the law.**

10  
11 § ~~15.1-139~~ 15.2-1717. Preventing interference with pupils at schools.

12 ~~The governing body of any county, city or town~~ Localities may adopt any reasonable  
13 ordinance necessary to prevent any improper interference with or annoyance of the pupils  
14 attending or boarding at any schools situated in such ~~county, city or town~~ locality.

15 **Drafting note: No substantive change in the law.**

16  
17 § ~~15.1-131.9~~ 15.2-1718. Receipt of missing child reports.

18 No police or sheriff's department shall establish or maintain any policy which requires the  
19 observance of any waiting period before accepting a missing child report as defined in § 52-32.  
20 Upon receipt of a missing child report by any police or sheriff's department, the department shall  
21 immediately enter identifying and descriptive data about the child into the National Crime  
22 Information Center Computer, forward the report to the Missing Children Information  
23 Clearinghouse within the Department of State Police, notify all other law-enforcement agencies  
24 in the area, and initiate an investigation of the case.

25 **Drafting note: No change.**

26  
27 § ~~15.1-133.01~~ 15.2-1719. Disposal of unclaimed property in possession of sheriff or  
28 police.

29 ~~The governing body of any county, city or town~~ Any locality may provide by ordinance  
30 ~~adopted as prescribed by law~~ for (i) the public sale in accordance with the provisions of this  
31 section or (ii) the retention for use by the law-enforcement agency of any unclaimed personal

1 property which has been in the possession of its law-enforcement agencies and unclaimed for a  
2 period of more than sixty days. As used herein, "unclaimed personal property" shall be any  
3 personal property belonging to another which has been acquired by a law-enforcement officer  
4 pursuant to his duties, which is not needed in any criminal prosecution, which has not been  
5 claimed by its rightful owner and which the State Treasurer has indicated will be declined if  
6 remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.).  
7 Unclaimed bicycles and mopeds may also be disposed of in accordance with § 15.2-1720.  
8 Unclaimed firearms may also be disposed of in accordance with § 15.2-1721.

9         Prior to the sale or retention for use by the law-enforcement agency of any unclaimed  
10 item, the chief of police, sheriff or their duly authorized agents shall make reasonable attempts to  
11 notify the rightful owner of the property, obtain from the attorney for the Commonwealth in  
12 writing a statement advising that the item is not needed in any criminal prosecution, and cause to  
13 be published in a newspaper of general circulation in the locality once a week for two successive  
14 weeks, notice that there will be a public display and sale of unclaimed personal property. Such  
15 property, including property selected for retention by the law-enforcement agency, shall be  
16 described generally in the notice, together with the date, time and place of the sale and shall be  
17 made available for public viewing at the sale. The chief of police, sheriff or their duly authorized  
18 agents shall pay from the proceeds of sale the costs of advertisement, removal, storage,  
19 investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held  
20 by such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any  
21 unclaimed item retained for use by the law-enforcement agency shall become the property of the  
22 ~~county, city or town~~ locality served by the agency and shall be retained only if, in the opinion of  
23 the chief law-enforcement officer, there is a legitimate use for the property by the agency and  
24 that retention of the item is a more economical alternative than purchase of a similar or  
25 equivalent item.

26         If no claim has been made by the owner for the property or proceeds of such sale within  
27 sixty days of the sale, the remaining funds shall be deposited in the general fund of the ~~county,~~  
28 ~~city or town~~ locality and the retained property may be placed into use by the law-enforcement  
29 agency. Any such owner shall be entitled to apply to the ~~county, city or town~~ locality within  
30 three years from the date of the sale and, if timely application is made therefor and satisfactory  
31 proof of ownership of the funds or property is made, the ~~county, city or town~~ locality shall pay

1 the remaining proceeds of the sale or return the property to the owner without interest or other  
2 charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted  
3 for the recovery of such funds or property after three years from the date of the sale.

4 **Drafting note: No substantive change in the law. Cross references have been added**  
5 **in the first paragraph which refer to specific types of unclaimed property.**

6  
7 § ~~15.1-133~~ 15.2-1720. ~~Governing bodies~~ Localities authorized to license bicycles and  
8 mopeds; disposition of unclaimed bicycles and mopeds.

9 ~~The governing body of any county, city or town~~ Any locality may, by ordinance ~~adopted~~  
10 ~~as prescribed by law~~, (i) provide for the public sale or donation to a charitable organization of  
11 any bicycle or moped which has been in the possession of the police or sheriff's department,  
12 unclaimed, for more than thirty days; (ii) require every resident owner of a bicycle or moped to  
13 obtain a license therefor and a license plate or tag, of such design and material as the ordinance  
14 may prescribe, to be substantially attached to the bicycle or moped; (iii) prescribe the license fee,  
15 the license application forms and the license form; and (iv) prescribe penalties for operating a  
16 bicycle or moped on public roads or streets within the ~~county, city or town~~ locality without an  
17 attached license plate or tag. The ordinance shall require the license plates or tags to be provided  
18 by and at the cost of the ~~county, city or town~~ locality. ~~The governing body of any county, city or~~  
19 ~~town~~ Any locality may provide that the license plates or tags shall be good for the life of the  
20 bicycles and mopeds to which they are attached or for such other period as it may prescribe and  
21 may prescribe such fee therefor as it may deem reasonable. When any town license is required as  
22 provided for herein, the license shall be in lieu of any license required by any county ordinance.  
23 Any bicycle or moped found and delivered to the police or sheriff's department by a private  
24 person which thereafter remains unclaimed for thirty days after the final date of publication as  
25 required herein may be given to the finder; however, the location and description of the bicycle  
26 or moped shall be published at least once a week for two successive weeks in a newspaper of  
27 general circulation within the ~~county, city or town~~ locality. In addition, if there is a license tag  
28 affixed to the bicycle or moped, the record owner shall be notified directly.

29 **Drafting note: No substantive change in the law.**

30

1           § ~~15.1-133.01:1~~ 15.2-1721. Disposal of unclaimed firearms or other weapons in  
2 possession of sheriff or police.

3           Any ~~county, city, or town~~ locality may destroy unclaimed firearms and other weapons  
4 which have been in the possession of law-enforcement agencies for a period of more than sixty  
5 days. For the purposes of this section, "unclaimed firearms and other weapons" ~~shall be defined~~  
6 ~~the same as "unclaimed personal property" is described in § 15.1-133.01~~ means any firearm or  
7 other weapon belonging to another which has been acquired by a law-enforcement officer  
8 pursuant to his duties, which is not needed in any criminal prosecution, which has not been  
9 claimed by its rightful owner and which the State Treasurer has indicated will be declined if  
10 remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.).

11           At the discretion of the chief of police, sheriff, or their duly authorized agents, unclaimed  
12 firearms and other weapons may be destroyed by any means which renders the firearms and  
13 other weapons permanently inoperable. Prior to the destruction of such firearms and other  
14 weapons, the chief of police, sheriff, or their duly authorized agents shall comply with the notice  
15 provision contained in § ~~15.1-133.01~~ 15.2-1719.

16           **Drafting note: No substantive change in the law; clarifies definition of "unclaimed**  
17 **firearms and other weapons."**

18  
19           ~~§ 15.1-135. When police authorities authorized to take fingerprints and photographs.~~

20           ~~All duly constituted police authorities of counties, cities and towns are hereby authorized~~  
21 ~~to take fingerprints and photograph of any person arrested and charged by them with a felony or~~  
22 ~~with any misdemeanor an arrest for which is required to be reported by them to the Central~~  
23 ~~Criminal Records Exchange, and such authorities of cities having a population of more than~~  
24 ~~70,000 and any county having a population of more than 4,000 per square mile and any county~~  
25 ~~adjoining a city lying wholly within this Commonwealth having a population of more than~~  
26 ~~200,000 and any county having a population of more than 240,000 are further authorized to take~~  
27 ~~the fingerprints of any person arrested and charged by them with a misdemeanor, other than a~~  
28 ~~misdemeanor under Title 46.2, where such person is taken into physical custody by such police~~  
29 ~~authorities; provided, however, that the foregoing authority shall not include the authority to~~  
30 ~~fingerprint juveniles charged with misdemeanors in any county adjoining a city lying wholly~~  
31 ~~within this Commonwealth having a population of more than 200,000.~~

1           **Drafting note: Repealed; the provisions of this section are superseded by § 19.2-392.**

2  
3           § ~~15.1-135.1~~ 15.2-1722. Certain records to be kept by sheriffs and chiefs of police.

4           A. It shall be the duty of the sheriff or chief of police of every ~~county, city, or town~~  
5 locality to insure, in addition to other records required by law, the maintenance of adequate  
6 personnel, arrest, investigative, reportable incidents, and noncriminal incidents records necessary  
7 for the efficient operation of a law-enforcement agency. Failure of a sheriff or a chief of police to  
8 maintain such records or failure to relinquish such records to his successor in office shall  
9 constitute a misdemeanor. Former sheriffs or chiefs of police shall be allowed access to such  
10 files for preparation of a defense in any suit or action arising from the performance of their  
11 official duties as sheriff or chief of police. The enforcement of this section shall be the duty of  
12 the attorney for the Commonwealth of the county or city wherein the violation occurs. Except for  
13 information in the custody of law-enforcement officials relative to the identity of any individual  
14 other than a juvenile who is arrested and charged, and the status of the charge of arrest, the  
15 records required to be maintained by this section shall be exempt from the provisions of Chapter  
16 21 (§§ 2.1-340 to ~~2.1-346.1~~ et seq.) of Title 2.1.

17           B. For purposes of this section, the following definitions shall apply:

18           ~~2.~~ "Arrest records" ~~shall mean~~ means a compilation of information, centrally maintained  
19 in law-enforcement custody, of any arrest or temporary detention of an individual, including the  
20 identity of the person arrested or detained, the nature of the arrest or detention, and the charge, if  
21 any.

22           ~~3.~~ "Investigative records" ~~shall mean~~ means the reports of any systematic inquiries or  
23 examinations into criminal or suspected criminal acts which have been committed, are being  
24 committed, or are about to be committed.

25           ~~5.~~ "Noncriminal incidents records" ~~shall mean~~ means compilations of noncriminal  
26 occurrences of general interest to law-enforcement agencies, such as missing persons, lost and  
27 found property, suicides and accidental deaths.

28           ~~4.~~ "Personnel records" ~~shall mean~~ means those records maintained on each and every  
29 individual employed by a law-enforcement agency which reflect personal data concerning the  
30 employee's age, length of service, amount of training, education, compensation level, and other  
31 pertinent personal information.



1           4. "Reportable incidents records" ~~shall mean~~ means a compilation of complaints received  
2 by a law-enforcement agency and action taken by the agency in response thereto.

3           **Drafting note: No substantive change in the law; definitions are alphabetized.**

4  
5           ~~§ 15.1-142.2~~ 15.2-1723. Validation of certain police forces.

6           Any police force in existence on July 1, 1980, whose existence is authorized or was  
7 authorized by any provision of law, general or special, that is was repealed by ~~this act~~ Chapter  
8 333 of the Acts of Assembly of 1979 is hereby validated and shall continue. Any police force in  
9 existence on December 1, 1996, whose existence is authorized or was authorized by any  
10 provision of law, general or special, that is repealed by this act is hereby validated and shall  
11 continue. ~~Any police force in existence in James City County, de facto or de jure, on July 1,~~  
12 ~~1980, is hereby validated and shall continue.~~

13           **Drafting note: The intent of this section is to preserve the validity of any police**  
14 **force in existence upon the original effective date of § 15.1-142.2 as well as upon the**  
15 **effective date of this act. The James City County police force will be grandfathered by the**  
16 **previous sentence.**

17  
18           ~~§ 15.1-131.11~~. Authorization for a police force of the County of Roanoke.

19           ~~A county police force having been approved by a majority of the voters of the County of~~  
20 ~~Roanoke in a referendum conducted pursuant to § 15.1-131.6:1, the county is authorized to~~  
21 ~~establish a county police department. Such police department shall be organized in accordance~~  
22 ~~with an ordinance to be adopted by the board of supervisors thereof. Such police department~~  
23 ~~shall be headed by a chief of police who shall be the principal law enforcement officer for the~~  
24 ~~county and shall include such officers, privates, and other personnel as may be provided for in~~  
25 ~~the ordinance. Such police department shall exercise all the powers and duties imposed upon~~  
26 ~~police by the provisions of Chapter 3 (§ 15.1-131 et seq.) of Title 15.1 of the Code of Virginia.~~  
27 ~~The officers constituting this department shall be, and hereby are, vested with all of the power~~  
28 ~~and authority which pertain to the office of constable at common law in taking cognizance of and~~  
29 ~~enforcing the criminal laws of the Commonwealth and the ordinances and regulations of the~~  
30 ~~County of Roanoke.~~



1 sent only to a ~~county, city or town~~ locality within the Commonwealth, or locality outside the  
2 Commonwealth, whose boundaries are contiguous with the ~~county or city~~ locality in which such  
3 institution is located. No member of a police force of any state-supported institution of higher  
4 learning shall be sent beyond the territorial limits of the ~~county or city~~ locality in which such  
5 institution is located unless such member has met the requirements established by the  
6 Department of Criminal Justice Services as provided in subdivision 2 (i) of § 9-170.

7 In such event the acts performed for such purpose by such ~~police~~ police officers or  
8 other officers, agents or employees and the expenditures made for such purpose by such ~~county,~~  
9 ~~city or town~~ locality or a state-supported institution of higher learning shall be deemed  
10 conclusively to be for a public and governmental purpose, and all of the immunities from  
11 liability enjoyed by a ~~county, city or town~~ locality or a state-supported institution of higher  
12 learning when acting through its ~~police~~ police officers or other officers, agents or employees  
13 for a public or governmental purpose within its territorial limits shall be enjoyed by it to the  
14 same extent when such ~~county, city or town~~ locality or a state-supported institution of higher  
15 learning within the Commonwealth is so acting, under this section or under other lawful  
16 authority, beyond its territorial limits.

17 The ~~police~~ police officers and other officers, agents and employees of any ~~county,~~  
18 ~~city or town~~ locality or a state-supported institution of higher learning when acting hereunder or  
19 under other lawful authority beyond the territorial limits of such ~~county, city or town~~ locality or  
20 such state-supported institution of higher learning shall have all of the immunities from liability  
21 and exemptions from laws, ordinances and regulations and shall have all of the pension, relief,  
22 disability, workers' compensation and other benefits enjoyed by them while performing their  
23 respective duties within the territorial limits of such ~~county, city or town~~ locality or such state-  
24 supported institution of higher learning.

25 ~~Subject to the approval of the Congress of the United States, the governing body of any~~  
26 ~~county, city or town or a state supported institution of higher learning, may in its discretion,~~  
27 ~~enter into reciprocal agreements for such periods as it deems advisable with any county, city or~~  
28 ~~town, within or without the Commonwealth, including the District of Columbia, in order to~~  
29 ~~establish and carry into effect a plan to provide mutual aid through the furnishing of its police~~  
30 ~~and other employees and agents together with all necessary equipment in the event of such need~~  
31 ~~or emergency as provided herein. No county, city or town or state supported institution of higher~~

1 ~~learning, shall enter into such agreement unless the agreement provides that each of the parties to~~  
2 ~~such agreement shall: (i) waive any and all claims against all the other parties thereto which may~~  
3 ~~arise out of their activities outside their respective jurisdictions under such agreement and (ii)~~  
4 ~~indemnify and save harmless the other parties to such agreement from all claims by third parties~~  
5 ~~for property damage or personal injury which may arise out of the activities of the other parties~~  
6 ~~to such agreement outside their respective jurisdictions under such agreement.~~

7 ~~The principal law enforcement officer, in any city, county or town or of a state supported~~  
8 ~~institution of higher learning having a reciprocal agreement with a jurisdiction outside the~~  
9 ~~Commonwealth for police mutual aid under the provisions hereof, shall be responsible for~~  
10 ~~directing the activities of all policemen and other officers and agents coming into his jurisdiction~~  
11 ~~under the reciprocal agreement, and while operating under the terms of the reciprocal agreement,~~  
12 ~~the principal law enforcement officer is empowered to authorize all policemen and other officers~~  
13 ~~and agents from outside the Commonwealth to enforce the laws of the Commonwealth of~~  
14 ~~Virginia to the same extent as if they were duly authorized law enforcement officers of any city,~~  
15 ~~county or town or a state supported institution of higher learning in Virginia.~~

16 ~~The governing body of any city, county or town or a state supported institution of higher~~  
17 ~~learning in the Commonwealth is authorized to procure or extend the necessary public liability~~  
18 ~~insurance to cover claims arising out of mutual aid agreements executed with other cities,~~  
19 ~~counties or towns outside the Commonwealth.~~

20 ~~The policemen, and other officers, agents and employees of a county, city or town or a~~  
21 ~~state supported institution of higher learning serving in a jurisdiction outside the Commonwealth~~  
22 ~~under a reciprocal agreement entered into pursuant hereto are authorized to carry out the duties~~  
23 ~~and functions provided for in the agreement under the command and supervision of the chief~~  
24 ~~law enforcement officer of the jurisdiction outside the Commonwealth.~~

25 **Drafting note: The last four paragraphs are moved to § 15.2-1727.**

26  
27 § ~~15.1-142~~ 15.2-1725. Extending police power of ~~counties, cities and towns~~ localities  
28 ~~over lands lying beyond boundaries thereof; jurisdiction of courts.~~

29 ~~The governing body of any county, city, or town~~ Any locality ~~owning and operating an~~  
30 ~~airport, public hospital, sanitarium, nursing home, public water supply or watershed, public park,~~  
31 ~~recreational area, sewage disposal plant or system, public landing, dock, wharf or canal, public~~

1 school, a public utility, public buildings and other public property located beyond the limits of  
2 such county, city, or town the locality shall have and may exercise full police power over the  
3 ~~same property~~, and over persons using the ~~same property~~, and may, by ordinance, prescribe rules  
4 ~~and regulations~~ for the operation and use of the ~~same property~~ and for the conduct of all persons  
5 using the ~~same property~~ and may, further, provide penalties for the violation of such rules ~~and~~  
6 ~~regulations~~ contained in an ordinance, such penalties, however, shall not ~~to~~ exceed those  
7 provided by general law for misdemeanors; ~~provided, however, that.~~ However, no such  
8 ordinances in conflict with an ordinance of the jurisdiction wherein the property is located shall  
9 be enacted.

10 Any locality which maintains or operates in whole or in part any property enumerated in  
11 this section may lawfully send its law-enforcement officers to the property owned beyond the  
12 limits of the locality for the purpose of protecting the property, keeping order therein, or  
13 otherwise enforcing the laws of the Commonwealth and ordinances of the locality owning the  
14 property as such laws and ordinances may relate to the operation and use thereof. The law-  
15 enforcement officer shall have power to make an arrest for a violation of any law or ordinance  
16 relating to the operation and use of the property. The district court in the city or town where the  
17 offense occurs shall have jurisdiction of all cases arising therein, and the district court of the  
18 county where the offense occurs shall have jurisdiction of all cases arising therein.

19 It shall be the duty of the attorney for the Commonwealth for the locality wherein the  
20 offense occurs to prosecute all violators of the ordinances of the locality that pertain to the  
21 operation and use of the property enumerated in this section.

22 **Drafting note: No substantive change in the law; combines former §§ 15.1-142 and**  
23 **15.1-142.1 into one section.**

24  
25 ~~§ 15.1-142.1. Powers of police and certain other officers as to property owned by a~~  
26 ~~county, city, or town beyond its territorial limits; jurisdiction of courts.~~

27 ~~The policemen and any other officer having powers of arrest in any county, city, or town~~  
28 ~~which maintains or operates in whole or in part any property enumerated in § 15.1-142 may~~  
29 ~~lawfully go or may be sent to the property so owned beyond the limits of such county, city, or~~  
30 ~~town for the purpose of protecting such property, keeping order therein, or otherwise enforcing~~  
31 ~~the laws of the Commonwealth and ordinances of such county, city, or town owning such~~

1 ~~property as such laws and ordinances may relate to the operation and use thereof. Such~~  
2 ~~policemen or other officer shall have power to make arrest for violation of any law or ordinance~~  
3 ~~relating to the operation and use of such property. The district court in the city or town where the~~  
4 ~~offense occurs shall have jurisdiction of all cases arising thereunder within the city or town and~~  
5 ~~the district court of the county wherein the offense occurs shall have jurisdiction of all cases~~  
6 ~~arising thereunder within the county.~~

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

10 **Drafting note: Repealed. The substance of this section is now contained in the last**  
11 **two paragraphs of § 15.2-1725.**

12  
13 ~~§ 15.1-131.1. Powers of police and certain other officers as to property owned by county,~~  
14 ~~city or town beyond its territorial limits.~~

15 ~~The policemen, and any other officer having powers of arrest in any county, city or town,~~  
16 ~~which owns, maintains or operates, in whole or in part, an airport, hospital, sanitorium, public~~  
17 ~~water supply, sewage disposal plant or system, public building or any other municipal or county~~  
18 ~~property, beyond the territorial limits of such county, city or town, may lawfully go or may be~~  
19 ~~sent to the property so owned beyond the limits of the county, city or town within which such~~  
20 ~~policeman or other officer has powers of arrest, for the purpose of protecting such property,~~  
21 ~~keeping order therein, or otherwise enforcing the laws of the Commonwealth, with respect to~~  
22 ~~such property. Nothing in this section shall affect or supersede the power and authority granted~~  
23 ~~to a city by its charter.~~

24 **Drafting note: Repealed; the provisions of this section are covered by § 15.2-1725.**

25  
26 ~~§ 15.1-131.3~~ 15.2-1726. Agreements for consolidation of police departments or for  
27 cooperation in furnishing police services.

28 ~~The governing body of any county, city or town~~ Any locality may, in its discretion, enter  
29 into a reciprocal agreement with any other ~~county, city or town~~ locality, any agency of the  
30 federal government exercising police powers, police of any state-supported institution of higher  
31 learning appointed pursuant to § 23-233, or with any combination of the foregoing, for such

1 periods and under such conditions as the contracting parties deem advisable, for cooperation in  
2 the furnishing of police services. Such ~~governing bodies~~ localities also may enter into an  
3 agreement for the cooperation in the furnishing of police services with the Department of State  
4 Police. The governing body of any ~~county, city and town~~ locality also may, in its discretion,  
5 enter into a reciprocal agreement with any other ~~county, city or town~~ locality, or combination  
6 thereof, for the consolidation of police departments or divisions or departments thereof. Subject  
7 to the conditions of the agreement, all ~~policemen~~ police officers, officers, agents and other  
8 employees of such consolidated or cooperating police departments shall have the same powers,  
9 rights, benefits, privileges and immunities in every jurisdiction subscribing to such agreement,  
10 including the authority to make arrests in every such jurisdiction subscribing to the agreement,  
11 ~~except that; however~~ no ~~policeman or~~ police officer of any ~~county, city or town of the~~  
12 ~~Commonwealth~~ locality shall have authority to enforce federal laws unless specifically  
13 empowered to do so by statute, and ~~that~~ no federal law-enforcement officer shall have authority  
14 to enforce the laws of the Commonwealth unless specifically empowered to do so by statute.

15 The governing body of a county also may enter into a tripartite contract with the  
16 governing body of any town, one or more, in such county and the sheriff for such county for the  
17 purpose of having the sheriff furnish law-enforcement services in the town. The contract shall be  
18 structured as a service contract and may have such other terms and conditions as the contracting  
19 parties deem advisable. The sheriff and any deputy sheriff serving as a town law-enforcement  
20 officer shall have authority to enforce such town's ordinances. Likewise, subject to the conditions  
21 of the contract, the sheriff and ~~such~~ deputy sheriffs while serving as a town's law-enforcement  
22 officers shall have the same powers, rights, benefits, privileges and immunities as those of  
23 regular town ~~policemen~~ police officers. The sheriff under any such contract shall be the town's  
24 chief of police.

25 **Drafting note: No substantive change in the law.**

26  
27 § 15.2-1727. Reciprocal agreements with localities outside the Commonwealth.

28 ~~Subject to the approval of the Congress of the United States, the governing body of any~~  
29 ~~county, city or town~~ A locality or a state-supported institution of higher learning, may in its  
30 discretion, enter into reciprocal agreements for such periods as it deems advisable with any  
31 ~~county, city or town, within or without~~ locality outside the Commonwealth, including the District

1 of Columbia, in order to establish and carry into effect a plan to provide mutual aid through the  
2 furnishing of its police and other employees and agents, together with all necessary equipment,  
3 in the event of such need or emergency as provided herein. No ~~county, city or town~~ locality or  
4 state-supported institution of higher learning, shall enter into such agreement unless the  
5 agreement provides that each of the parties to such agreement shall: (i) waive any and all claims  
6 against all the other parties thereto which may arise out of their activities outside their respective  
7 jurisdictions under such agreement and (ii) indemnify and save harmless the other parties to such  
8 agreement from all claims by third parties for property damage or personal injury which may  
9 arise out of the activities of the other parties to such agreement outside their respective  
10 jurisdictions under such agreement.

11 The principal law-enforcement officer, in any ~~city, county or town~~ locality or of a state-  
12 supported institution of higher learning having a reciprocal agreement with a jurisdiction outside  
13 the Commonwealth for police mutual aid under the provisions hereof, shall be responsible for  
14 directing the activities of all ~~policemen~~ police officers and other officers and agents coming into  
15 his jurisdiction under the reciprocal agreement, ~~and while.~~ While operating under the terms of  
16 the reciprocal agreement, the principal law-enforcement officer is empowered to authorize all  
17 ~~policemen~~ police officers and other officers and agents from outside the Commonwealth to  
18 enforce the laws of the Commonwealth of Virginia to the same extent as if they were duly  
19 authorized law-enforcement officers of ~~any city, county or town~~ the locality or a state-supported  
20 institution of higher learning in Virginia.

21 The governing body of any ~~city, county or town~~ locality or a state-supported institution of  
22 higher learning in the Commonwealth is authorized to procure or extend the necessary public  
23 liability insurance to cover claims arising out of mutual aid agreements executed with other  
24 ~~cities, counties or towns~~ localities outside the Commonwealth.

25 The ~~policemen~~ police officers, and other officers, agents and employees of a ~~county, city~~  
26 ~~or town~~ locality or a state-supported institution of higher learning serving in a jurisdiction  
27 outside the Commonwealth under a reciprocal agreement entered into pursuant hereto are  
28 authorized to carry out the duties and functions provided for in the agreement under the  
29 command and supervision of the chief law-enforcement officer of the jurisdiction outside the  
30 Commonwealth.



1           **Drafting note: This section was part of § 15.1-131 (now § 15.2-1724). This section is**  
2 **amended to clarify that it applies only to agreements with localities outside of the**  
3 **Commonwealth. Agreements with localities within the Commonwealth are covered by**  
4 **other sections within this article.**

5  
6           § ~~15.1-131.10~~ 15.2-1728. Mutual aid agreements between police departments and federal  
7 authorities.

8           In any case where exclusive jurisdiction over any property or territory has been granted  
9 by the Commonwealth to the United States government, or to a department or agency thereof,  
10 the governing body of any contiguous ~~county, city or town~~ locality may enter into a mutual aid  
11 agreement with the appropriate federal authorities to authorize police cooperation and assistance  
12 within such property or territory. Subject to the conditions of any such agreement, all police  
13 officers and agents of the contracting governing body shall have the same powers, rights,  
14 benefits, privileges and immunities while acting in the performance of their duties on the  
15 property or territory under federal authority as are lawfully conferred upon them within their own  
16 jurisdictions.

17           **Drafting note: No substantive change in the law.**

18  
19           § ~~15.1-131.4~~ 15.2-1729. Agreements for enforcement of state and county laws by federal  
20 officers on federal property.

21           The governing body of any county governed under the provisions of Chapter ~~45 §~~ (§  
22 ~~15.1-722~~ 15.2-800 et seq.) ~~of Title 15.1~~ may enter into an agreement with the United States  
23 government or a department or agency thereof, under the terms of which agreement law-  
24 enforcement officers employed by such government, including but not limited to members of the  
25 United States Park Police, may enforce the laws of such county and the Commonwealth on  
26 federally owned properties within such county, and on the highways and other public places  
27 abutting such properties. In the event such an agreement is entered into, all of the provisions of §  
28 ~~15.1-131~~ 15.2-1724 shall be applicable, mutatis mutandis.

29           **Drafting note: No substantive change in the law.**

1           § ~~15.1-131.5~~ 15.2-1730. Calling upon law-enforcement officers of counties ~~or~~, cities or  
2 towns for assistance.

3           In case of an emergency declared by the chief law-enforcement officer of a ~~county, city~~  
4 ~~or town~~ locality, such officer may call upon the chief law-enforcement officer of towns within  
5 his county and the chief law-enforcement officer of an adjoining county or city, or towns in  
6 adjoining counties for assistance from him or his deputies or other police officers, without the  
7 necessity for deputizing such deputies or officers. Such deputies or officers shall have full police  
8 powers in such ~~county, city or town~~ locality as are conferred upon them by law during the period  
9 of such emergency.

10           **Drafting note: No substantive change in the law.**

11  
12           § ~~15.1-131.2~~. Powers of policemen of certain counties and towns on grounds of certain  
13 educational institutions; jurisdiction to try persons arrested by such policemen.

14           ~~Upon the written request of the chief administrative officer of any state owned~~  
15 ~~educational institution, policemen employed in any county having a population of more than~~  
16 ~~16,000 but less than 16,700 or town within such county which is contiguous to such educational~~  
17 ~~institution lawfully may go or be sent upon the grounds or into buildings which are specified in~~  
18 ~~the request of such educational institution to maintain peace and order, or to assist in the~~  
19 ~~maintenance of peace and order, during periods of public assembly thereon or therein.~~

20           ~~In such cases such policemen shall have the same powers to arrest as they lawfully have~~  
21 ~~within the territorial limits of the county or town in which they are employed and shall have all~~  
22 ~~of the immunities from liability and exemptions from laws, ordinances and regulations and shall~~  
23 ~~have all of the pension, relief, disability, workers' compensation and other benefits enjoyed by~~  
24 ~~them while performing their duties within the territorial limits of the county or town in which~~  
25 ~~they are employed.~~

26           ~~Any person arrested by a policeman performing the duties authorized by this section for~~  
27 ~~an offense committed on or in the property of a state owned educational institution where such~~  
28 ~~policeman is performing such duties may be tried in the court or courts of the contiguous county~~  
29 ~~or town employing such policeman.~~

30           **Drafting note: Repealed; this section is repealed since its provisions are covered by**  
31 **other sections in this article. It applied to Rockbridge County.**

1  
2 § 15.1-140. Preserving order at race courses, fairgrounds, baseball and football parks, etc.  
3 ~~When uniformed police of any city are in attendance at a race course, fairgrounds,~~  
4 ~~baseball or football park and other places where athletic sports are held, situated without the~~  
5 ~~corporate limits of any city, they shall, when requested so to do by the management of any such~~  
6 ~~race course, fairgrounds, baseball or football park, or any other place where athletic sports are~~  
7 ~~held, or by the county officials or special police appointed to preserve order, assist in the~~  
8 ~~preservation of order and make arrests; and when any arrest is made as herein provided the~~  
9 ~~offender or offenders shall be taken before a justice of the peace or trial justice in the county~~  
10 ~~where the offense was committed to be by him dealt with according to law.~~

11 **Drafting note: Repealed; this section is repealed since its provisions are covered by**  
12 **other sections in this article.**

13  
14 Article 3.

15 Auxiliary Police Forces in Counties, Cities and Towns Localities.

16  
17 § ~~15.1-159.2~~ 15.2-1731. Establishment, etc., authorized; powers, authority and  
18 immunities generally.

19 A. ~~In cities, counties and towns in the Commonwealth, the governing bodies thereof~~  
20 Localities, for the further preservation of the public peace, safety and good order of the  
21 community ~~shall have the power to~~ may establish, equip and maintain auxiliary police forces, the  
22 members of which when called into service as hereinafter provided shall have all the powers and  
23 authority and all the immunities of constables at common law.

24 B. ~~Such governing bodies shall~~ Localities ~~also have the power to~~ may establish, equip  
25 and maintain auxiliary police forces which have all the powers and authority and all the  
26 immunities of full-time law-enforcement officers, if all such forces have met the training  
27 requirements established by the Department of Criminal Justice Services under § 9-170. Any  
28 auxiliary officer employed prior to July 1, 1987, shall be exempted from any initial training  
29 requirement, except that any such officer shall not be permitted to carry or use a firearm while  
30 serving as an auxiliary police officer unless such officer has met the firearms training

1 requirements established in accordance with in-service training standards for law-enforcement  
2 officers as prescribed by the Criminal Justice Services Board.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-159.3~~ 15.2-1732. Appropriations for equipment and maintenance.

6 ~~The governing body of the county, city or town shall have authority to~~ Localities may  
7 make such ~~appropriation or~~ appropriations as may be necessary to arm, equip, uniform and  
8 maintain such auxiliary police force.

9 **Drafting note: No substantive change in the law .**

10  
11 § ~~15.1-159.4~~ 15.2-1733. Appointment of auxiliary ~~policemen~~ police officers; revocation  
12 of appointment; uniform; organization; rules and regulations.

13 The governing body of the ~~county, city or town~~ locality may appoint or provide for the  
14 appointment, as auxiliary ~~policemen~~ police officers as many persons of good character as it ~~shall~~  
15 ~~deem~~ deems necessary, not to exceed the number fixed by ordinance adopted by the governing  
16 body, and their appointment shall be revocable at any time by the ~~said~~ governing body. The  
17 governing body ~~shall have the authority to~~ may prescribe the uniform, organization, and such  
18 rules ~~and regulations~~ as it ~~shall deem~~ deems necessary for the operation of the ~~said~~ auxiliary  
19 police force.

20 **Drafting note: No substantive change in the law.**

21  
22 § ~~15.1-159.5~~ 15.2-1734. Calling auxiliary ~~policemen~~ police officers into service;  
23 ~~policemen~~ police officers performing service to wear uniform; exception.

24 A. ~~The governing body of the county, city or town~~ A locality may call into service or  
25 provide for calling into service such auxiliary ~~policemen~~ police officers as may be deemed  
26 necessary (i) in time of public emergency, (ii) at such times as there are insufficient numbers of  
27 regular ~~policemen~~ police officers to preserve the peace, safety and good order of the community,  
28 or (iii) at any time for the purpose of training such auxiliary ~~policemen~~ police officers. At all  
29 times when performing such service, the members of the auxiliary police force shall wear the  
30 uniform prescribed by the governing body.

1 B. Members of any auxiliary police force which ~~has~~ have been trained in accordance  
2 with the provisions of § ~~15.1-159.2-B~~ 15.2-1731 may be called into service by the ~~Chief~~ chief of  
3 ~~Police~~ police of any ~~jurisdiction~~ locality to aid and assist regular police officers in the  
4 performance of their duties.

5 C. When the duties of an auxiliary ~~policeman~~ police officers are such that the wearing of  
6 the prescribed uniform would adversely limit the effectiveness of the auxiliary ~~policeman's~~  
7 police officer's ability to perform his prescribed duties, then clothing appropriate for the duties to  
8 be performed may be required by the ~~Chief~~ chief of ~~Police~~ police.

9 **Drafting note: No substantive change in the law.**

10  
11 § ~~15.1-159.6~~ 15.2-1735. Acting beyond limits of jurisdiction of ~~county, city or town~~  
12 locality.

13 The members of any such auxiliary police force shall not be required to act beyond the  
14 limits of the jurisdiction of any such ~~political subdivision~~ locality except when called upon to  
15 protect any public property belonging to ~~such political subdivision~~ the locality which may be  
16 located beyond its boundaries, or as provided in § ~~15.1-159.7~~ 15.2-1736.

17 **Drafting note: No substantive change in the law.**

18  
19 § ~~15.1-159.7~~ 15.2-1736. Mutual aid agreements among governing bodies of contiguous  
20 ~~counties, cities and towns~~ localities.

21 The governing bodies of ~~counties, cities, towns~~ localities, and a state supported ~~institution~~  
22 institutions of higher learning having a police force appointed pursuant to § 23-233, or any  
23 combination thereof whose boundaries are contiguous, by proper resolutions, may enter in and  
24 become a party to contracts or mutual aid agreements for the use of their joint police forces, both  
25 regular and auxiliary, their equipment and materials to maintain peace and good order. Any  
26 police officer, regular or auxiliary, while performing his duty under any such contract or  
27 agreement, shall have the same authority in ~~any county, city, or town~~ such locality as he has  
28 within the ~~county, city, or town~~ locality where he was appointed.

29 **Drafting note: No substantive change in the law.**

30  
31 Article 4.

Special Police Officers In Localities.

**Drafting note: The 1996 General Assembly expanded the applicability of the following provisions from counties only to counties and cities. The task force recommends expanding these provisions to towns also.**

§ ~~15.1-144~~ 15.2-1737. Circuit courts may appoint special police officers.

A. The circuit court of ~~for any county or city~~ locality may, upon the application of, and a showing of a necessity for the security of property or the peace by, the sheriff or chief of police, appoint special police officers for ~~so much of such county or city as is not embraced within an incorporated town, who~~ a locality within its jurisdiction. The special police officers shall be suitable and discreet persons and who shall serve as such for such length of time as the court may designate, but not exceeding four years under any one appointment. Such person or persons so appointed shall be conservators of the peace under the supervision of the person or agency making application for the appointment, who shall likewise be civilly liable for any wrongful action or conduct committed by the appointee while within the scope of his employment.

B. The court shall, prior to appointment, order the applicant to conduct a background investigation, in accordance with § ~~15.1-131.8~~ 15.2-1705 (ii), clause A (ii) of § 15.2-1705 of each prospective appointee who is not a ~~police~~ law-enforcement officer as defined in § 9-169.

**Drafting note: SUBSTANTIVE CHANGE; expanded to include towns. This change is made throughout the article.**

§ ~~15.1-145~~ 15.2-1738. Application for appointment as special police officer; qualifications.

Before any person ~~shall be~~ is appointed as a police officer under § ~~15.1-144~~ 15.2-1737, the sheriff or chief of police shall make written application for such appointment to the circuit court. Such application shall state the necessity for the appointment and the prospective appointee's full name, age, place of residence, occupation and regular employer. A part-time deputy of the sheriff may be appointed as such police officer. Any person appointed as a police officer under § ~~15.1-144~~ 15.2-1737 shall reside in the Commonwealth during his tenure of office.

**Drafting note: No substantive change in the law.**

1  
2 § ~~15.1-146~~ 15.2-1739. Compensation of special ~~police~~ police officer.

3 ~~The governing body of such county may~~ A locality, if deemed proper, except where the  
4 ~~police~~ police officer is otherwise regularly employed and his duties as ~~police~~ police  
5 officer are merely incidental to such private employment, may allow such compensation to the  
6 ~~police~~ police officer appointed under the provisions of § ~~15.1-144~~ 15.2-1737 as, together  
7 with any expenses incurred in executing his duties, shall be deemed right and proper by ~~such~~ the  
8 governing body to be paid out of the ~~county~~ local levy.

9 **Drafting note: No substantive change in the law.**

10  
11 § ~~15.1-147~~ 15.2-1740. Certain special ~~police~~ police officers not employees of  
12 Commonwealth or ~~county~~ locality.

13 No ~~police~~ police officer appointed under § ~~15.1-144~~ 15.2-1737 who is otherwise  
14 regularly employed and whose duties as ~~police~~ police officer are merely incidental to such  
15 private employment, shall be deemed to be an employee of the Commonwealth or ~~county~~  
16 locality within the meaning of the Virginia Workers' Compensation Act (§ 65.2-100 et seq.).

17 **Drafting note: No substantive change in the law.**

18  
19 § ~~15.1-149~~ 15.2-1741. Removal of special ~~police~~ police officers; filling vacancies.

20 The court may, at any time, remove any or all of such police, and appoint others, and may  
21 fill any vacancy that may occur in such police force, or may add to the number ~~theretofore~~  
22 previously appointed.

23 **Drafting note: No substantive change in the law.**

24  
25 § ~~15.1-150~~ 15.2-1742. Removal from ~~county~~ locality creates vacancy.

26 The removal from the ~~county~~ locality in which he was appointed shall vacate the office of  
27 ~~such~~ the person so appointed, or ~~such~~ the person may resign or decline appointment; ~~and~~  
28 ~~thereupon the vacancy shall be filled by the court.~~

29 **Drafting note: No substantive change in the law; the final clause is covered by the**  
30 **preceding section.**

1           § ~~15.1-151~~ 15.2-1743. Bond of special police officers.

2           Before entering upon the duties of his office, any person initially appointed on or after  
3 July 1, 1996, shall give bond in the penalty of such sum as may be fixed by the court, with  
4 approved security before the circuit court clerk, with condition faithfully to discharge his official  
5 duties. No bond shall be required, however, if the person so appointed has successfully  
6 completed the minimum entry-level law-enforcement training requirements established by the  
7 Department of Criminal Justice Services under § 9-170 within three years of the date of initial  
8 appointment or has been employed as a law-enforcement officer as defined by subdivision 9 of §  
9 9-169 within the preceding three years.

10  
11           **Drafting note: No substantive change in the law.**

12  
13           § ~~15.1-152~~ 15.2-1744. Jurisdiction and authority of special police officers; evidence of  
14 their office.

15           The jurisdiction and authority of ~~such~~ special police shall extend no further than the  
16 limits of the ~~county or city~~ locality in which they are appointed, and a copy of the order of  
17 appointment made by the court, attested by the clerk of such court, shall in all cases be received  
18 as evidence of their official character. But the authority of ~~such~~ special police shall extend  
19 throughout the Commonwealth when actually in pursuit of persons accused of crime and when  
20 acting under authority of a duly executed warrant for the arrest of persons accused of committing  
21 crime.

22           The jurisdiction and authority of ~~such~~ special police upon order entered of record by the  
23 circuit court for the locality may be limited to a specific place or places in a locality; may limit or  
24 prohibit the carrying of weapons by ~~such~~ special police; and shall prescribe the type of uniform,  
25 badge, insignia or identification to be worn or carried by ~~such~~ special police to the extent that  
26 ~~such~~ the uniform, badge, insignia or identification shall not resemble or be in facsimile of the  
27 uniform, badge, insignia or identification of the State Police or that of any sheriff, or member of  
28 a police department in ~~such~~ the ~~county or city~~ locality or an adjoining ~~county or city~~ locality.  
29 Any special police officer initially appointed on or after July 1, 1996, whose order of  
30 appointment does not prohibit the carrying of weapons while within the scope of his employment  
31 as such may be required by the court to meet the minimum entry training requirements



1 established by the Department of Criminal Justice Services under § 9-170 for law-enforcement  
2 officers within twelve months of his appointment. Such order may provide that ~~such~~ special  
3 police shall, within the limits of their jurisdiction, have the same authority and responsibility as  
4 deputy sheriffs with regard to the service of civil and criminal process.

5 However, the jurisdiction and authority of ~~such~~ special police, upon an order entered of  
6 record by the circuit court ~~of~~ for an adjoining ~~county or city~~ locality, may be extended into such  
7 adjoining ~~county or city~~ locality or into such part thereof as ~~said~~ the order may designate,  
8 provided that the special circumstances necessitating such extension of jurisdiction and authority  
9 are set forth in the order ~~and provided that such authority shall not extend into an incorporated~~  
10 ~~town.~~

11 **Drafting note: No substantive change in the law; the final clause is deleted as it**  
12 **appears unnecessary.**

13  
14 § ~~15.1-153~~ 15.2-1745. Duties and powers of special police officers.

15 ~~Such~~ Special police shall apprehend and carry before a judge or magistrate to be dealt  
16 with according to law, all persons whom they may be directed by the warrant of a judge or  
17 magistrate to apprehend, shall have the authority to make arrests and issue summonses in  
18 accordance with Chapter 7 (§ 19.2-71 et seq.) of Title 19.2; and may execute any search warrant  
19 issued under §§ 19.2-52 and 19.2-53. If ~~such~~ property as that is mentioned in ~~such~~ these sections  
20 is found, the police shall proceed as officers acting under Chapter 5 (§ 19.2-52 et seq.) of Title  
21 19.2.

22 **Drafting note: No substantive change in the law.**

23  
24 § ~~15.1-154~~ 15.2-1746. Duty of ~~county~~ district judge; may bind to good behavior, etc.

25 In all cases arising under § ~~15.1-153~~ 15.2-1745, the ~~county~~ district judge before whom  
26 the person so arrested is brought, shall examine ~~into~~ the case and dispose of ~~the same~~ it  
27 according to law; ~~and, if,~~ if he ~~think~~ thinks the person so apprehended ought to enter into a  
28 recognizance to keep the peace and be of good behavior, he shall require him to do so, and in  
29 default thereof such person may be committed to jail.

30 **Drafting note: No substantive change in the law; updates court reference.**

1 Article 5.

2 Criminal Justice Training Academies.

3  
4 § ~~15.1-159.7:1~~ 15.2-1747. Creation of academies.

5 A. The governing bodies of two or more ~~counties, cities, towns~~ localities or other  
6 political subdivisions or other public bodies hereinafter collectively referred to as "governmental  
7 units," may by ordinance or resolution enter into an agreement which creates a regional criminal  
8 justice training academy under an appropriate name and title containing the words "criminal  
9 justice training academy" which shall be a public body politic and corporate. Any regional  
10 criminal justice training academy created under this article shall also be subject to the  
11 requirements of § 9-170.

12 B. The agreement shall set forth (i) the name of the academy, (ii) the governmental  
13 subdivision in which its principal office shall be situated, (iii) the effective date of the  
14 organization of the academy and the duration of the agreement, (iv) the composition of the board  
15 of directors of the academy which may include representation of each ~~county, city, town~~ locality,  
16 political subdivision or governmental entity party to the agreement, the members of which shall  
17 be the governing body of the academy, (v) the method for selection and the terms of office of the  
18 board of directors, (vi) the voting rights of the directors which need not be equal, (vii) the  
19 procedure for amendment of the agreement and for addition of other governmental units which  
20 are not parties to the original agreement, (viii) the procedure for withdrawal from the academy  
21 by governmental units electing to do so, and (ix) such other matters as the governmental units  
22 creating the academy deem appropriate. Sheriffs and members of the governing bodies of the  
23 governmental units as well as other public officials or employees may be members of the board  
24 of directors.

25 C. The chairman of the academy board shall serve as a member and as the chairman of  
26 an executive committee. The composition of the remaining membership of the executive  
27 committee, the term of office of its members and any alternate members, procedures for the  
28 conduct of its meetings, and any limitations upon the general authority of the executive  
29 committee shall be established in the bylaws of the academy. The bylaws shall also establish  
30 any other special standing committees, advisory, technical or otherwise, as the board of directors  
31 shall deem desirable for the transaction of its affairs.

1           **Drafting note: No substantive change in the law.**

2  
3           § ~~15.1-159.7:2~~ 15.2-1748. Powers of the academies.

4           A. Upon organization of an academy, it shall be a public body corporate and politic, the  
5 purposes of which shall be to establish and conduct training for public law-enforcement and  
6 correctional officers, those being trained to be public law-enforcement and correctional officers  
7 and other personnel who assist or support such officers. The persons trained by an academy  
8 need not be employed by a ~~county, city or town~~ locality which has joined in the agreement  
9 creating the academy.

10           B. Criminal justice training academies ~~shall have the following powers~~ may:

11           1. ~~To adopt~~ Adopt and have a common seal and ~~to~~ alter that seal at the pleasure of the  
12 board of directors;

13           2. ~~To sue~~ Sue and be sued;

14           3. ~~To adopt~~ Adopt bylaws and make rules and regulations for the conduct of its business;

15           4. ~~To make~~ Make and enter into all contracts or agreements, as it may determine are  
16 necessary, incidental or convenient to the performance of its duties and to the execution of the  
17 powers granted under this article;

18           5. ~~To apply~~ Apply for and ~~to~~ accept, disburse and administer for itself or for a member  
19 governmental unit any loans or grants of money, materials or property from any private or  
20 charitable source, the United States of America, the Commonwealth of ~~Virginia~~, any agency or  
21 instrumentality thereof, or from any other source;

22           6. ~~To employ~~ Employ engineers, attorneys, planners and such other professional experts  
23 or consultants, and general and clerical employees as may be deemed necessary and ~~to~~ prescribe  
24 such experts, consultants, and employees' powers, duties, and compensation;

25           7. ~~To perform~~ Perform any acts authorized under this article through or by means of its  
26 own officers, agents and employees, or by contracts with any person, firm or corporation;

27           8. ~~To acquire~~ Acquire, whether by purchase, exchange, gift, lease or otherwise, any  
28 interest in real or personal property, and ~~to~~ improve, maintain, equip and furnish academy  
29 facilities;

1           9. ~~To lease~~ Lease, sell, exchange, donate and convey any interest in any or all of its  
2 projects, property or facilities in furtherance of the purposes of the academy as set forth in this  
3 article;

4           10. ~~To accept~~ Accept contributions, grants and other financial assistance from the United  
5 States of America and its agencies or instrumentalities thereof, the Commonwealth ~~of Virginia~~,  
6 any political subdivision, agency or public instrumentality thereof or from any other source, for  
7 or in aid of the construction, acquisition, ownership, maintenance or repair of the academy  
8 facilities, for the payment of principal of, or interest on, any bond of the academy, or other costs  
9 incident thereto, or ~~to~~ make loans in furtherance of the purposes of this article of such money,  
10 contributions, grants, and other financial assistance, and ~~to~~ comply with such conditions and to  
11 execute such agreements, trust indentures, and other legal instruments as may be necessary,  
12 convenient or desirable and ~~to~~ agree to such terms and conditions as may be imposed;

13           11. ~~To borrow~~ Borrow money from any source for capital purposes or to cover current  
14 expenditures in any given year in anticipation of the collection of revenues;

15           12. ~~To mortgage~~ Mortgage and pledge any or all of its projects, property or facilities or  
16 parts thereof and ~~to~~ pledge the revenues therefrom or from any part thereof as security for the  
17 payment of principal and premium, if any, and interest on any bonds, notes or other evidences of  
18 indebtedness;

19           13. ~~To create~~ Create an executive committee which may exercise the powers and  
20 authority of the academy under this article pursuant to authority delegated to it by the board of  
21 directors;

22           14. ~~To establish~~ Establish fees or other charges for the training services provided;

23           15. ~~To exercise~~ Exercise the powers granted in the agreement creating the academy; and

24           16. ~~To execute~~ Execute any and all instruments and do and perform any and all acts  
25 necessary, convenient or desirable for its purposes or to carry out the powers expressly given in  
26 this article.

27           **Drafting note: No substantive change in the law.**

28  
29           § ~~15.1-159.7:3~~ 15.2-1749. Revenue bonds.

30           A. Each academy is hereby authorized, after a resolution adopted by a majority of its  
31 board of directors, to issue, at one time or from time to time, revenue bonds of the academy on a

1 taxable or ~~tax-exempt~~ tax-exempt basis for the purpose of acquiring, purchasing, constructing,  
2 reconstructing, or improving training facilities and acquiring necessary land or equipment  
3 therefor, and to refund any bonds issued for such purposes. The bonds of each issue shall be  
4 dated, shall mature at such time or times not exceeding forty years from their issue date or dates  
5 and shall bear interest at such fixed or variable rate or rates as may be determined by the board of  
6 directors, and may be made redeemable before maturity at the option of the board of directors at  
7 such price or prices and under such terms and conditions as may be fixed by the authority prior  
8 to the issuance of the bonds. The board of directors shall determine the form of the bonds,  
9 including any interest coupons to be attached thereto, and the manner of execution of the bonds,  
10 and shall affix the denomination or denominations of the bonds and the place or places of  
11 payment of principal and interest, which may be at any bank or trust company within or ~~without~~  
12 outside the Commonwealth. In case any officer whose signature or a facsimile of whose  
13 signature appears on any bonds or coupons ceases to be such officer before the delivery of such  
14 bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the  
15 same as if he had remained in office until such delivery. Notwithstanding any of the other  
16 provisions of this article or any recitals in any bonds issued under the provisions of this article,  
17 all such bonds shall be deemed to be negotiable instruments under the laws of this  
18 Commonwealth. The bonds may be issued in coupon or registered form or both, as the board of  
19 directors may determine, and provision may be made for the registration of any coupon bonds as  
20 to principal alone and also as to both principal and interest, and for the reconversion into coupon  
21 bonds of any bonds registered as to both principal and interest. The board of directors may sell  
22 such bonds in such manner, either at public or private sale, and for such price as it may  
23 determine to be for the best interests of the academy.

24 B. The resolution providing for the issuance of revenue bonds, and any trust agreement  
25 securing such bonds, may also contain such limitations upon the issuance of additional revenue  
26 bonds as the board of directors may deem proper and such additional bonds as shall be issued  
27 under such restriction and limitations as may be prescribed by such resolution or trust agreement.

28 C. Bonds may be issued under the provisions of this article without obtaining the consent  
29 of any commission, board, bureau, or agency of the Commonwealth or of any political  
30 subdivision and without any other proceedings or conditions as are specifically required by this  
31 article.

1 D. Bonds issued under the provisions of this article shall not be deemed to constitute a  
2 debt of the Commonwealth or of any political subdivision thereof or a pledge of the faith and  
3 credit of the Commonwealth or of any political subdivision thereof. The bonds shall be payable  
4 solely from revenues or other property of the academy specifically pledged for such purpose.

5 E. "Bonds" or "revenue bonds" as used in this article shall embrace notes, bonds and  
6 other obligations authorized to be issued pursuant to this article.

7 **Drafting note: No substantive change in the law.**

8  
9 § ~~15.1-159.7:4~~ 15.2-1750. Governmental units authorized to appropriate or lend funds.

10 The governmental units which are parties of the agreement creating the academy or  
11 which arrange to have personnel trained at the academy are authorized to appropriate or lend  
12 funds; pay fees or charges for services; convey by sale, lease or gift real or personal property, or  
13 any interest therein; provide services to the academy; or enter into such other contracts with the  
14 academy as may be appropriate to carry out any other power granted to those localities or the  
15 academy.

16 **Drafting note: No change.**

17  
18 § ~~15.1-159.7:5~~ 15.2-1751. Exemption from taxation.

19 Any academy created under the provisions of this article shall not be required to pay  
20 taxes or assessments upon any project or upon any property acquired or used by it or upon the  
21 income therefrom and income derived from bonds shall be exempt at all times from every kind  
22 and nature of taxation by this Commonwealth or by any of its political subdivisions, municipal  
23 corporations, or public agencies of any kind.

24 **Drafting note: No change.**

25  
26 § ~~15.1-159.7:6~~ 15.2-1752. Governmental immunity.

27 Any academy created pursuant to this article shall be deemed to be a governmental entity  
28 exercising essential governmental powers, and any such academy and its directors, officers and  
29 employees shall be entitled to immunity in any civil action or proceeding for damages or injury  
30 to any person or property of any person to the same extent that counties and their officers and

1 employees are immune. Members of the board of directors of the academy shall have the same  
2 immunity as members of county boards of supervisors.

3 **Drafting note: No change.**

4

5 § ~~15.1-159.7:7~~ 15.2-1753. Liability of board members.

6 No member of the board of directors of an academy shall be personally liable for any  
7 indebtedness, obligation or other liability of an academy, barring willful misconduct.

8 **Drafting note: No change.**

1 **PROPOSED**  
2 **CHAPTER 8 18.**  
3 **BUILDINGS, MONUMENTS AND LANDS GENERALLY.**  
4

5 **Chapter drafting note: Sections dealing with related topics are gathered in this**  
6 **chapter. An effort is made to delete repetitive material and to provide uniformity between**  
7 **counties, cities and towns when appropriate.**

8  
9 **Article 1.**  
10 **Purchase, Sale, Etc., of Real Property.**  
11

12 ~~§ 15.1-846. Buildings and structures.~~

13 ~~A municipal corporation may construct, maintain and equip all buildings and other~~  
14 ~~structures necessary or useful in executing its powers and duties, the performance of its functions~~  
15 ~~and accomplishment of its purposes and objectives.~~

16 **Drafting note: Repealed; the substance of this section is found in § 15.2-1800;**  
17 **personal property is dealt with in Chapter 9 (General Powers).**

18  
19 ~~§ 15.1-847. Use, management and disposal of property.~~

20 ~~A municipal corporation may control and regulate the use and management of all of its~~  
21 ~~property, real and personal, within and without the municipal corporation; and may sell, lease,~~  
22 ~~mortgage, pledge or dispose of such property, which includes the superjacent airspace (except~~  
23 ~~airspace provided for in § 15.1-376.1) which may be subdivided and conveyed or leased separate~~  
24 ~~from the subjacent land surface, subject to such limitations as may be imposed by the~~  
25 ~~Constitution of Virginia or general law.~~

26 **Drafting note: Repealed; the substance of this section is found in § 15.2-1800;**  
27 **personal property is dealt with in Chapter 9 (General Powers).**

28  
29 ~~§ 15.1-288. Insurance of county buildings; providing temporary offices.~~

30 ~~The governing body of every county may cause the county buildings to be insured, in the~~  
31 ~~name of such governing body and their successors in office, for the benefit of the county, if they~~



1 ~~deem it expedient; and if there are no public buildings, may provide temporary suitable rooms~~  
2 ~~for county purposes.~~

3 **Drafting note: Repealed; § 15.2-1800 allows localities to insure buildings. Express**  
4 **authorization for providing temporary offices is unnecessary.**

5  
6 § ~~15.1-262~~ 15.2-1800. Purchase, sale, etc., of real property.

7 ~~The governing body of the county shall have the power to~~ A. A locality may acquire by  
8 purchase, gift, devise, bequest, ~~grant~~ exchange, lease as lessee, or otherwise, title to, or any  
9 interests in, any real property, whether improved or unimproved, within its jurisdiction, for any  
10 public purposes, including, but not limited to, those purposes set forth elsewhere in this chapter  
11 use. Acquisition of any interest in real property by condemnation is governed by Chapter 19 (§  
12 15.2-1900 et seq.).

13 ~~The governing body of the county shall have power to~~ B. Subject to any applicable  
14 requirements of Article VII, Section 9 of the Constitution, any locality may sell, at public or  
15 private sale, ~~or~~ exchange, lease as lessor, mortgage, pledge, subordinate interest in or otherwise  
16 dispose of the ~~its~~ real property, which includes the superjacent airspace (except airspace provided  
17 for in § ~~15.1-376.1~~ 15.2-2030) which may be subdivided and conveyed separate from the  
18 subjacent land surface, ~~of the county; to purchase any real estate as may be necessary for the~~  
19 erection of all necessary county buildings; to provide a suitable farm as a place of general  
20 reception for the poor of the county; provided that no such land real property, whether improved  
21 or unimproved, shall be disposed of ~~unless and~~ until the governing body has held a public  
22 hearing ~~thereon~~ concerning such disposal ~~thereof~~ and provided further that the holding of a  
23 public hearing shall not apply to the leasing of real property to another public body, political  
24 subdivision or authority of the Commonwealth. The provisions of this section shall not apply to  
25 the vacation of public interests in real property under the provisions of Articles 7 ~~6~~ (§ ~~15.1-465~~  
26 15.2-2240 et seq.) and § ~~7~~ (§ ~~15.1-486~~ 15.2-2280 et seq.) of Chapter ~~11~~ 22 of this title.

27 C. A city or town may also acquire real property for a public use outside its boundaries; a  
28 county may acquire real property for a public use outside its boundaries when expressly  
29 authorized by law.

30 D. A locality may construct, insure and equip buildings, structures and other  
31 improvements on real property owned or leased by it.

1           E. A locality may operate, maintain and regulate the use of its real property or may  
2 contract with other persons to do so.

3           F. This section shall not be construed to deprive the resident judge or judges of the right

4 to control the use of the courthouse ~~of the county during the term of his court therein.~~

5           G. "Public use" as used in this section shall have the same meaning as in § 15.2-1900.

6           **Drafting note: SUBSTANTIVE CHANGE; this section is amended to include**  
7 **provisions from the sections stricken above; the section as rewritten generally covers the**  
8 **provisions of §§ 15.1-288, 15.1-846, 15.1-847 and 15.1-897; acquisition of personal property**  
9 **is dealt with generally in Chapter 9 (General Powers). The first and second paragraphs of**  
10 **this section have been reversed. The requirement of a public hearing prior to disposition of**  
11 **property is new to cities and towns. A cross-reference to condemnation provisions is added**  
12 **in the first paragraph.**

13  
14           ~~§ 15.1-871. Use of parks, recreational facilities, public buildings and airports.~~

15           ~~A municipal corporation by ordinance may regulate the use of parks, playgrounds,~~  
16 ~~playfields, recreation facilities, public buildings and facilities, excluding courthouses and court~~  
17 ~~grounds, and airports.~~

18           **Drafting note: Repealed; provisions regulating the use of public buildings and**  
19 **structures and recreational facilities are covered by §§ 15.2-1800 and 15.2-1806.**

20  
21           ~~§ 15.1-275. Acquiring property adjoining parks, monuments, streets, etc.; disposal of~~  
22 ~~such property.~~

23           ~~Any city or town of this Commonwealth may acquire by purchase, gift or condemnation~~  
24 ~~property adjoining its parks or plats on which its monuments are located, or other property used~~  
25 ~~for public purposes, or in the vicinity of such parks, plats or property, which is used and~~  
26 ~~maintained in such a manner as to impair the beauty, usefulness or efficiency of such parks, plats~~  
27 ~~or public property, and may likewise acquire property adjacent to any street the topography of~~  
28 ~~which, from its proximity thereto, impairs the convenient use of such street, or renders~~  
29 ~~impracticable, without extraordinary expense, the improvement of the same. The city or town so~~  
30 ~~acquiring any such property may subsequently dispose of the property so acquired, making~~

1 limitations as to the use thereof, which will protect the beauty, usefulness, efficiency or  
2 convenience of such parks, plats or property.

3 ~~Any city or town proposing to open or widen a street by acquiring any part of a block or~~  
4 ~~square in such a manner that the value of the property abutting the proposed street would be~~  
5 ~~injuriously affected unless the property on such block or square is replatted and the property line~~  
6 ~~readjusted, may at the same time it acquires the land for such street also acquire by purchase, gift~~  
7 ~~or otherwise, all or any part of the property on such squares or blocks and may subsequently~~  
8 ~~replat and dispose of the property so acquired, in whole or in part, making such limitations as to~~  
9 ~~the uses thereof as it may see fit.~~

10 **Drafting note: Repealed; the part of the section relating to acquisition of real**  
11 **property near parks, etc., is found in § 15.2-1801; the part relating to streets is relocated to**  
12 **§ 15.2-2002.**

13  
14 § ~~15.1-277~~ 15.2-1801. Acquisition of real property near parks or other public property.

15 ~~Any city or town~~ A locality may acquire by purchase, gift or condemnation pursuant to §  
16 15.2-1800 real property adjoining its parks ~~or plats,~~ land on which its monuments are located, or  
17 other ~~city or town property~~ land used for public purposes; or real property in the vicinity of such  
18 parks, ~~plats and public~~ land on which its monuments are located or other public real property,  
19 which is used in such manner as to impair the beauty, usefulness or efficiency of such parks,  
20 ~~plats~~ land on which its monuments are located or ~~public~~ other public real property and any  
21 acquisition of any such property is hereby declared to be for a public use as the term public uses  
22 is used in Article I, Section 11 of the Constitution of Virginia. The ~~city or town~~ locality so  
23 acquiring any such real property may subsequently dispose of the same, in whole or in part,  
24 making such limitations as to the uses thereof as it may see fit. ~~But nothing in this section shall~~  
25 ~~be construed to give any city or town any power to condemn the property of any railroad~~  
26 ~~company or public service corporation which it does not otherwise possess under existing law.~~

27 **Drafting note: The section is expanded to include counties as well as cities and**  
28 **towns. The clause regarding “public uses” is deleted since it duplicates § 15.2-1814. The**  
29 **last sentence is deleted as it restates current law.**

1           § ~~15.1-18~~ 15.2-1802. Authority of localities to acquire, lease or sell land for development  
2 of business and industry.

3           ~~The governing body of any town~~ A locality may acquire ~~by gift or purchase pursuant to §~~  
4 15.2-1800, but not by condemnation, land within ~~the town or its~~ boundaries for the development  
5 thereon of business and industry. Towns may also acquire such land within three miles ~~thereof~~  
6 outside their boundaries, for the development thereon of business and industry. No such land  
7 shall be ~~so~~ acquired ~~unless and~~ until the ~~council~~ governing body has held a public hearing  
8 ~~thereon~~ concerning such proposed acquisition. Any land so acquired may be leased or sold at  
9 public or private sale to any person, firm or corporation who will locate thereon any business or  
10 manufacturing establishment. This section shall constitute the authority for any ~~town~~ locality to  
11 exercise the powers herein conferred notwithstanding any charter provision to the contrary.

12           If any land so acquired, or any part thereof, is not sold to a person, firm or corporation  
13 who will locate thereon any business or manufacturing establishment, and such land is, in the  
14 discretion of ~~such~~ the governing body not required for the development thereon of business and  
15 industry, ~~such~~ the governing body, if deemed proper by it, may dispose of the land so acquired,  
16 in whole or in part, making such limitations as to the uses thereof as it may see fit. No such land  
17 shall be disposed of ~~unless and~~ until the governing body has held a public hearing ~~thereon~~  
18 concerning such proposed disposal.

19           **Drafting note: SUBSTANTIVE CHANGE; this section is expanded to include**  
20 **counties and cities; however, counties and cities are not given extraterritorial authority**  
21 **under this section.**

22  
23           § ~~15.1-266~~. ~~Building and repairing buildings.~~

24           ~~The governing body of any county shall have power to locate, build and keep in repair~~  
25 ~~county buildings and, in its discretion, may locate and construct a suitable building to be used for~~  
26 ~~a county or regional free library or library system, or office buildings on the same lot on which is~~  
27 ~~located the courthouse, clerk's office, jail or public high school.~~

28           **Drafting note: Repealed; the substance of this section is found in § 15.2-1800.**

29  
30           § ~~15.1-285~~. ~~Title to real estate for public uses either to be approved by attorney at law or~~  
31 ~~title insurance; appeal.~~

1           Whenever it shall be necessary for any county or the public officers of the county, having  
2 authority for the purpose, to purchase real estate or acquire title thereto for public uses, the  
3 contract therefor shall be in writing and, whenever the consideration paid for said real estate  
4 exceeds \$1,000, the title thereto shall be examined and approved in writing by a competent and  
5 discreet attorney at law selected by the governing body or title insurance, approved by a  
6 competent and discreet attorney at law selected by the governing body, shall be purchased for  
7 said real estate. Such approval or policy of insurance shall be filed with the clerk for the county  
8 along with the recorded deed or other papers by which the title is conveyed. No such contract  
9 shall be valid unless and until the title to such real estate be thus approved or insured.

10           If the attorney who has been designated refuses to approve the same, the disapproval  
11 shall be in writing and filed with the clerk of the county. The governing body of the county, or  
12 any five citizens thereof, may, by motion, appeal of right from the decision of the attorney to the  
13 circuit court of the county submitting with such motion their petition, accompanied with the  
14 evidences of title. Ten days' notice of such motion shall be given to the attorney and from the  
15 decision of the court, upon such motion, an appeal of right may be taken by the petitioners to the  
16 Supreme Court.

17           The public officers of the county purchasing real estate or acquiring title thereto for  
18 public uses shall pay to the attorney a reasonable compensation for his services.

19           The provisions of this section shall not apply to the acquisition of easements.

20           No contract entered into prior to July 1, 1975, the consideration for which was less than  
21 \$1,000, shall be declared invalid for failure to comply with the requirements of this section to  
22 obtain a title examination.

23           **Drafting note: Repealed; the task force recommended that this section be repealed**  
24 **as it is obsolete.**

25  
26           § ~~15.1-286~~ 15.2-1803. Approval and acceptance of conveyances of real estate to counties.

27           Every deed purporting to convey real estate to a county locality shall be in a form  
28 approved by the county attorney for the county to which such conveyance is made locality, or if  
29 there be is no such attorney, then a qualified attorney-at-law selected by the governing body. No  
30 such deed shall be valid unless accepted by the county locality, which acceptance shall appear on  
31 the face thereof or on a separately recorded instrument and shall be executed by a person

1 authorized to act on behalf of the ~~county pursuant to a resolution duly adopted by the governing~~  
2 ~~body of such county; however, the~~ locality. The provisions of this section shall not apply to any  
3 conveyance of real estate to any ~~county~~ locality under the provisions of ~~the Virginia Land~~  
4 ~~Subdivision Act Article 6~~ (§ ~~15.1-465~~ 15.2-2240 et seq.) of Chapter 22 or prior to December 1,  
5 1997.

6 **Drafting note: SUBSTANTIVE CHANGE; the section is expanded to include cities**  
7 **and towns as well as counties.**

8  
9 § ~~15.1-33.3~~ 15.2-1804. Building by ~~local governments~~ locality.

10 Notwithstanding any contrary provision of law, general or special, when a ~~local~~  
11 ~~government~~ locality builds facilities for its own use on real property owned by it but located in  
12 another ~~local government's~~ locality's jurisdiction, ~~then in that event,~~ all building inspections  
13 required by law shall be conducted without payment of any fees or costs to the ~~local government~~  
14 locality within whose boundaries the building occurs; ~~provided, however, that the local~~  
15 ~~government~~ locality within whose boundaries the building occurs may require that such  
16 inspections be carried out by the agents of the ~~local government~~ locality building the facility.

17 **Drafting note: No substantive change in the law.**

18  
19 § ~~15.1-289~~ 15.2-1805. Permitting visually handicapped persons to operate stands for sale  
20 of newspapers, etc.

21 ~~The governing body of any county, city or town in the Commonwealth may~~ A locality,  
22 by ordinance or resolution otherwise, grant permission to may authorize any ~~blind~~ visually  
23 handicapped person to construct, maintain and operate, under the supervision of the Virginia  
24 Department for the Visually Handicapped, in the county or city courthouse or ~~city hall, or other~~  
25 ~~appropriate place adjacent thereto~~ in any other property of the locality, a stand for the sale of  
26 newspapers, periodicals, confections, tobacco products and similar articles and may prescribe ~~all~~  
27 ~~needful rules and regulations for the conduct~~ operation of any such stand ~~so permitted.~~

28 **Drafting note: No substantive change in the law. The need for this section is**  
29 **questionable in light of the authority to manage property conferred in § 15.2-1800. The**  
30 **word “resolution” replaces “otherwise” in the second line of text.**

31

1           § 15.1-261.1. Leasing county land.

2           The governing body of any county, in its discretion, may lease to any responsible person,  
3 ~~firm or corporation any improved or unimproved lands owned or held by such county for any~~  
4 ~~lawful purpose provided such governing body shall first hold a public hearing after giving at~~  
5 ~~least seven days' notice thereof in a newspaper having general circulation in the county. The~~  
6 ~~terms and provisions of any such lease shall be prescribed by the governing body, provided that~~  
7 ~~any such lease shall contain a clause to the effect that at the termination of such lease it shall not~~  
8 ~~be renewed if required for any of the purposes mentioned in § 15.1-258, and that upon~~  
9 ~~termination, all improvements erected thereon shall revert to the county and shall be free from~~  
10 ~~any encumbrance at the time of such reversion. All moneys received by such county under this~~  
11 ~~section shall be paid into the treasury of such county. The provision of this section requiring the~~  
12 ~~holding of a public hearing shall not apply to the leasing of such land to another public body,~~  
13 ~~political subdivision or authority of the Commonwealth.~~

14           **Drafting note: Repealed; the authority to lease real estate is found in § 15.2-1800;**  
15 **all details of any lease is left to the judgment of the governing body.**

16  
17   Article 2.

18   Parks, Recreation Facilities and Playgrounds.

19  
20           § 15.1-526. ~~Counties may operate parks, recreation areas and swimming pools.~~

21           ~~The governing body of any county may, for the use and benefit of the public in such~~  
22 ~~county in addition to the other powers and duties granted under other laws:-~~

23           ~~(1) Construct, maintain and operate parks, recreation areas and swimming pools;-~~

24           ~~(2) Acquire by gift, condemnation, purchase, lease or otherwise and maintain and operate~~  
25 ~~parks, recreation areas and swimming pools;-~~

26           ~~(3) Contract with any person, firm, corporation or municipality to construct, establish,~~  
27 ~~maintain and operate the parks, recreation areas and swimming pools;-~~

28           ~~(4) Fix and prescribe the rates of charge for use of the parks, recreation areas and~~  
29 ~~swimming pools and provide for collection of same;-~~

1           ~~(5) Levy and collect an annual tax upon all the property in the county subject to local~~  
2 ~~taxation to pay in whole or in part the expenses and charges incident to maintaining and~~  
3 ~~operating such parks, recreation areas and swimming pools; and~~

4           ~~(6) Employ and fix compensation of any technical, clerical or other force to help deemed~~  
5 ~~necessary for the construction, operation and maintenance of the parks, recreation areas and~~  
6 ~~swimming pools.~~

7           **Drafting note: Repealed; the substance of this section is found in § 15.2-1806.**

8  
9           ~~§ 15.1-874. Parks and playgrounds.~~

10          ~~A municipal corporation may provide and operate within or without the municipal~~  
11 ~~corporation public parks, parkways, playfields, skateboard facilities, and playgrounds, and lay~~  
12 ~~out, equip, and improve them with all suitable devices, facilities, equipment, buildings, and other~~  
13 ~~structures.~~

14          **Drafting note: Repealed; the substance of this section is found in § 15.2-1806.**

15  
16          § 15.2-1806. Parks, recreation facilities, playgrounds, etc.

17          A. A locality may establish parks, recreation facilities and playgrounds; set apart for  
18 such use any land or buildings owned or leased by it; and acquire land, buildings and other  
19 facilities pursuant to § 15.2-1800 for the aforesaid purposes.

20          In regard to its parks, recreation facilities and playgrounds, a locality may:

21           1. Fix, prescribe, and provide for the collection of fees for their use;

22           2. Levy and collect an annual tax upon all property in the locality subject to local  
23 taxation to pay, in whole or in part, the expenses incident to their maintenance and operation;

24           3. Operate their use through a department or bureau of recreation or delegate the  
25 operation thereof to a recreation board created by it, to a school board, or any other appropriate  
26 existing board or commission.

27          B. A locality may also establish, conduct and regulate a system of hiking, biking, and  
28 horseback riding trails and may set apart for such use any land or buildings owned or leased by it  
29 and may obtain licenses or permits for such use on land not owned or leased by it.



1 In furtherance of the purposes of this subsection, a locality may provide for the protection  
2 of persons whose property interests, or personal liability, may be related to or affected by the use  
3 of such trails.

4 **Drafting note: New; however, the substance of subsection A of this section was**  
5 **taken from §§ 15.1-15, 15.1-271, 15.1-526 and 15.1-874. Subsection B is relocated from §**  
6 **15.1-274.1 with the provisions regarding regulation of trails coming from § 15.1-16.2.**  
7 **Although some of these provisions currently apply only to municipalities or counties, an**  
8 **attempt is made in this section to have these similar provisions apply uniformly to all**  
9 **localities.**

10  
11 ~~§ 15.1-16.2. Adoption of ordinances to establish bicycle paths and regulate their use.~~

12 ~~The governing body of any county, city or town may, by ordinance, provide for the~~  
13 ~~establishment of bicycle trails or paths and the regulation of traffic on such trails or paths~~  
14 ~~including prohibiting the use of such trails or paths by vehicles other than bicycles and by~~  
15 ~~pedestrians. Such ordinances may provide that violations shall be a misdemeanor.~~

16 **Drafting note: Repealed; the substance of this section is found in § 15.2-1806.**

17  
18 ~~§ 15.1-274.1. Hiking, biking and riding trails.~~

19 ~~A. Any county, city, or town may establish and, conduct a system of hiking, biking, and~~  
20 ~~horseback riding trails; may set apart for such use any land or buildings owned or leased by it;~~  
21 ~~may obtain licenses or permits for such use on land not owned or leased by it; may acquire land,~~  
22 ~~buildings, and other recreational facilities by gift, purchase, lease, or otherwise and equip and~~  
23 ~~conduct the same; may expend funds; and may do all acts and things necessary and convenient to~~  
24 ~~carry out the purposes of this section.~~

25 ~~B. In furtherance of the purposes of this section, any county, city, or town may provide~~  
26 ~~for the protection of persons whose property interests, or personal liability, may be related to or~~  
27 ~~affected by the use of such trails.~~

28 **Drafting note: Repealed; the provisions of this section are relocated to § 15.2-1806**

29 **B.**

30  
31 ~~§ 15.1-271. Systems of public recreation and playgrounds.~~

1           ~~Any city, town or county may establish and conduct a system of public recreation and~~  
2 ~~playgrounds; may set apart for such use any land or buildings owned or leased by it; may acquire~~  
3 ~~land, buildings and other recreational facilities by gift, purchase, lease, condemnation or~~  
4 ~~otherwise and equip and conduct the same; may employ a director of recreation and assistants;~~  
5 ~~and may expend funds for the aforesaid purposes.~~

6           **Drafting note: Repealed; the provisions of this section can be found in § 15.2-1806.**

7  
8           ~~§ 15.1-272. Same; how conducted.~~

9           ~~The local authorities establishing such system may conduct the same through a~~  
10 ~~department or bureau of recreation or may delegate the conduct thereof to a recreation board~~  
11 ~~created by them or to a school board or to any other appropriate existing board or commission.~~

12           **Drafting note: Repealed; the provisions of this section are found in subsection A 3 of**  
13 **§ 15.2-1806.**

14  
15           ~~§ 15.1-273. Same; joint systems.~~

16           ~~Any two or more cities, towns or counties may jointly establish and conduct such a~~  
17 ~~system of recreation and may exercise all the powers given by §§ 15.1-271 and 15.1-272.~~

18           **Drafting note: Repealed; subject matter generally covered by § 15.2-1300 (§ 15.1-**  
19 **21).**

20  
21           ~~§ 15.1-274~~ 15.2-1807. ~~Same~~ Recreation, etc., system; petition and election for  
22 establishment.

23           A. ~~Whenever a petition, signed by at least ten per centum of the qualified voters of any~~  
24 ~~county, city or town shall be equal in number to at least ten percent of the number of voters~~  
25 ~~registered in the locality on January 1 preceding its filing, is filed with the applicable circuit~~  
26 ~~court, the court shall by order entered of record, in accordance with § 24.1-165 Article 5 (§ 24.2-~~  
27 ~~681 et seq.) of Chapter 6 of Title 24.2, require the regular election officials to open a poll the~~  
28 ~~polls and submit to the voters at such election the question of the establishment~~ establishing and  
29 ~~conduct of conducting~~ a system of public recreation and playgrounds and ~~to levy~~ levying a  
30 specified annual tax therefor, provided that such tax shall not exceed ~~2¢~~ two cents on each \$100  
31 of the assessed valuation of property subject to local taxation.

1           B. Upon the adoption of such proposition by a majority of the ~~qualified~~ voters voting in  
2 ~~such~~ the election, the local authorities shall, ~~by resolution,~~ provide for the establishment and  
3 conduct of a system of recreation and playgrounds and for the levy and collection of such tax and  
4 shall designate the body to be vested with the powers and duties necessary to the conduct  
5 thereof.

6           **Drafting note: No substantive change in the law; includes standard petition**  
7 **language for referendum and updates the Code references.**

8  
9           § ~~15.1-886~~ 15.2-1808. ~~Sports~~ Certain sports facilities.

10           ~~A municipal corporation~~ A locality may provide and operate ~~stadia, stadiums and arenas,~~  
11 ~~swimming pools and other sports facilities~~ and the lands, structures, equipment and facilities  
12 appurtenant thereto; provide for their management and operation by an agency of the  
13 ~~municipality~~ locality; contract with others for the operation and management thereof upon such  
14 terms and conditions as shall be prescribed by the ~~municipal corporation~~ locality; and charge or  
15 authorize the charging of compensation for the use of or admission to such ~~stadia, stadiums and~~  
16 ~~arenas, swimming pools, sports facilities~~ and their appurtenances.

17           **Drafting note: No substantive change in the law; section limited to stadiums and**  
18 **arenas as other recreation facilities are covered in § 15.2-1806. The scope of this section is**  
19 **expanded to include counties since there appears to be no logical reason to specifically**  
20 **exclude counties from operating such facilities.**

21  
22           § ~~15.1-294~~ 15.2-1809. Liability of ~~counties, cities, and towns~~ localities in the operation of  
23 parks, recreational facilities and playgrounds.

24           No city or town which ~~shall operate~~ operates any ~~bathing beach, swimming pool, park,~~  
25 ~~playground, skateboard facility, or other~~ park, recreational facility or playground shall be liable  
26 in any civil action or proceeding for damages resulting from any injury to the person or from a  
27 loss of or damage to the property of any person caused by any act or omission constituting  
28 ~~simple or~~ ordinary negligence on the part of any officer or agent of such city or town in the  
29 maintenance or operation of any such park, recreational facility or playground. Every such city  
30 or town shall, however, be liable in damages for the gross ~~or wanton~~ negligence of any of its

1 officers or agents in the maintenance or operation of any such park, recreational facility or  
2 playground.

3 The immunity created by this section is hereby conferred upon counties in addition to,  
4 and not limiting on, other immunity existing at common law or by statute.

5 **Drafting note: No substantive change in the law; specific examples of recreation**  
6 **facilities are replaced with more general terms.**

7  
8 § ~~15.1-261~~ 15.2-1810. Leasing ~~county~~ land for swimming pool purposes.

9 ~~The governing body of any county~~ Any locality, in its discretion, may lease to any  
10 responsible person, firm or corporation any lands owned or held by such ~~county~~ locality for the  
11 purpose of constructing or erecting thereon a swimming pool and buildings and improvements  
12 incident thereto. The terms and provisions of any such lease shall be prescribed by the governing  
13 body, provided that any such lease ~~shall contain~~ contains a clause to the effect that at the  
14 termination of such lease it shall not be renewed, ~~but~~ and that the land and all improvements  
15 thereon shall revert to the ~~county~~ locality and shall be free from any encumbrance at the time of  
16 such reversion. All moneys received by ~~the counties~~ a locality under this section shall constitute  
17 a fund for the development and improvement of recreational facilities within such ~~county~~  
18 locality.

19 **Drafting note: No substantive change in the law; section is expanded to include**  
20 **municipalities. However, localities arguably have this authority under §§ 15.2-1800 and**  
21 **15.2-1806 also.**

22  
23 § ~~15.1-278~~ 15.2-1811. ~~Certain counties~~ Counties and cities may operate parks, recreation  
24 ~~areas~~ facilities and swimming pools in sanitary districts.

25 The governing body of any county or city in which a sanitary district has been established  
26 under the laws of this Commonwealth may, for the use and benefit of the public in such sanitary  
27 district in addition to the other powers and duties granted under other laws:

28 (4) 1. Construct, maintain and operate parks, recreation ~~areas~~ facilities and swimming  
29 pools;

30 (2) 2. Acquire by gift, condemnation, purchase, lease or otherwise and maintain and  
31 operate parks, recreation ~~areas~~ facilities and swimming pools;

1           (3) 3. Contract with any person, firm, corporation or municipality to construct, establish,  
2 maintain and operate the parks, recreation ~~areas~~ facilities and swimming pools;

3           (4) 4. Fix ~~and, prescribe the rates of charge and provide for the collection of fees~~ for use  
4 of the parks, recreation ~~areas~~ facilities and swimming pools ~~and provide for collection of same;~~

5           (5) 5. Levy and collect an annual tax upon all the property in the ~~districts~~ district subject  
6 to local taxation to pay in whole or in part the expenses and charges incident to maintaining and  
7 operating such parks, recreation ~~areas~~ facilities and swimming pools; and

8           (6) 6. Employ and fix compensation of any technical, clerical or other force or help  
9 deemed necessary for the construction, operation and maintenance of the parks, recreation ~~areas~~  
10 facilities and swimming pools.

11           **Drafting note: No substantive change in the law; cities are added as they may also**  
12 **establish sanitary districts; "areas" is changed to "facilities" in order to conform with the**  
13 **wording used in the rest of the article.**

14  
15           ~~§ 15.1 279. Same; other counties.~~

16           ~~Chapter 177 of the Acts of 1942, approved March 11, 1942, codified as § 2743h of~~  
17 ~~Michie Code 1942, and chapter 298 of the Acts of 1944, approved March 29, 1944, codified as §~~  
18 ~~2743i of Michie Supp. 1946, and continued in effect by § 15-705 of the Code of 1950, relating to~~  
19 ~~the acquisition of parks, playgrounds and other recreational facilities by counties having a~~  
20 ~~population in excess of 1,000 a square mile, are continued in effect.~~

21           ~~Chapter 355 of the Acts of 1948, approved March 31, 1948, as amended by chapter 153~~  
22 ~~of the Acts of 1954, approved March 5, 1954, authorizing the school board or governing body of~~  
23 ~~any county having a population in excess of 2,000 per square mile to acquire lands in such~~  
24 ~~county and construct thereon recreational facilities, is incorporated in this Code by this reference.~~

25           ~~The following amendment to Acts of Assembly, continued in effect by this section, is~~  
26 ~~incorporated in this Code by this reference:~~

27           ~~Chapter 331 of the Acts of 1950, which amended chapter 177 of the Acts of 1942.~~

28           **Drafting note: Repealed; the repeal of this section, which references certain**  
29 **uncodified acts, will not repeal the referenced acts.**

30  
31           ~~§ 15.1 280. Swimming pools in certain counties.~~

1 Chapter 20 of the Acts of 1950, approved February 17, 1950, as amended by chapter 115  
2 of the Acts of 1954, approved March 3, 1954, relating to the construction, etc., of swimming  
3 pools by the governing body of any county having a population of more than 1,000 per square  
4 mile, is incorporated in this Code by this reference.

5 **Drafting note: Repealed; the repeal of this section, which references certain**  
6 **uncodified acts, will not repeal the referenced acts.**

7  
8 ~~§ 15.1-290. Governing body may designate member to manage park.~~

9 The governing body of any county which owns and operates within its borders any park  
10 within the limits of which is a pond or lake upon which pleasure boats are operated and other  
11 recreational facilities are provided may designate one of its members to manage, or supervise the  
12 management of, such park and recreational facilities and may allow him such compensation for  
13 his services in that regard as the board may deem proper, the same to be paid out of the general  
14 fund in the county treasury, and to be in addition to his compensation for his general services as  
15 a member of the board; provided that such additional compensation shall not exceed \$150 for  
16 any year.

17 **Drafting note: Repealed; this section is repealed as unnecessary.**

18  
19 Article 3.

20 Miscellaneous.

21  
22 ~~§ 15.1-269. Armory buildings and stables in certain cities.~~

23 Chapter 95 of the Acts of 1918, approved March 4, 1918, codified as § 3030a of Michie  
24 Code 1942, and continued in effect by § 15-695 of the Code of 1950, relating to the erection and  
25 maintenance of armory buildings, stables, etc., in cities having a population of from 65,000 to  
26 100,000, is continued in effect.

27 **Drafting note: Repealed; the repeal of this section, which references certain**  
28 **uncodified acts, will not repeal the referenced acts.**

29  
30 ~~§ 15.1-270~~ 15.2-1812. Memorials for war veterans.

1           ~~The circuit court of any county~~ A locality may, ~~with the concurrence of the governing~~  
2 ~~body of the county entered of record,~~ authorize and permit the erection of Revolutionary War,  
3 ~~War of 1812, Mexican War, Confederate, Spanish American War, World War I, World War II,~~  
4 ~~Korean War and Viet Nam War~~ monuments or memorials for any war or engagement designated  
5 in § 2.1-21 upon the public square of such county at the county seat any of its property. If such  
6 are erected, it shall be unlawful for the authorities of the ~~county~~ locality, or any other person or  
7 persons, to disturb or interfere with any monuments or memorials so erected, or to prevent ~~the~~ its  
8 citizens ~~of the county~~ from taking proper measures and exercising proper means for the  
9 protection, preservation and care of same.

10           The governing body may appropriate a sufficient sum ~~or sums~~ of money out of ~~the~~ its  
11 funds ~~of the county to complete or aid in the erection, in the public square or elsewhere at the~~  
12 ~~county seat,~~ of monuments or memorials to the ~~county's~~ veterans of such wars. The governing  
13 body may also make a special levy to raise the money necessary for the erection or completion of  
14 any such monuments or memorials, ~~or the erection of monuments or memorials to such veterans,~~  
15 or to supplement the funds already raised or that may be ~~hereafter~~ raised by private persons, the  
16 American Legion or other organizations, ~~for the purpose of building such monuments or~~  
17 ~~memorials; and it.~~ It may also appropriate, out of any funds of such ~~county~~ locality, a sufficient  
18 sum ~~or sums~~ of money permanently to care for, protect and preserve such monuments or  
19 memorials and may expend the same thereafter as other ~~county~~ funds are expended.

20           **Drafting note: No substantive change in the law; this section is expanded to include**  
21 **all localities. A code citation replaces the list of wars.**

22  
23           ~~§ 15.1-282. Solid and hazardous waste management.~~

24           ~~The governing bodies of counties, cities and towns are authorized in their discretion to~~  
25 ~~acquire by lease, gift, purchase or condemnation, land, facilities or equipment to be utilized in~~  
26 ~~solid and hazardous waste management as defined in § 10.1-1400. The governing bodies of~~  
27 ~~counties, cities and towns are vested with the power of eminent domain insofar as the exercise of~~  
28 ~~such power is necessary for the acquisition of lands for the purposes of this section and in the~~  
29 ~~exercise of such power are vested with such powers and rights as are or which may hereafter be~~  
30 ~~vested by law in the governing bodies of counties, cities and towns and the procedure in such~~  
31 ~~condemnation suit or procedure shall be under the restrictions provided by the general statutes of~~

1 ~~this Commonwealth relative to the condemnation of land so far as the same may be applicable~~  
2 ~~and are not in conflict with provisions of this section.~~

3 **Drafting note: Repealed; local governments may acquire such land under the**  
4 **general authority given in § 15.2-1800.**

5  
6 ~~§ 15.1-283. Drainage; condemnation for drainage systems.~~

7 ~~The governing body of any county, city or town shall have power to provide for adequate~~  
8 ~~drainage of any and all areas in the county, city or town, and to effectuate such power may install~~  
9 ~~and maintain drainage systems, and acquire, by gift, purchase, lease, condemnation or otherwise,~~  
10 ~~lands, buildings, structures or any interest therein and may appropriate money therefor. The~~  
11 ~~power of eminent domain is vested in any such governing body to the extent necessary to effect~~  
12 ~~such acquisition.~~

13 ~~The provisions of this section as to the power of condemnation shall be subject to the~~  
14 ~~provisions of § 25-233.~~

15 ~~It is the intention of the General Assembly that this section shall be liberally construed to~~  
16 ~~effectuate the purposes set out herein.~~

17 **Drafting note: Repealed; local governments may acquire such land under the**  
18 **general authority given in § 15.2-1800.**

19  
20 ~~§ 15.1-284. Condemnation for stone quarries; sale of crushed stone.~~

21 ~~Every incorporated town in this Commonwealth may, through its governing body,~~  
22 ~~acquire land suitable for stone quarries or the quarry rights in such land and may take stone~~  
23 ~~therefrom and manufacture the same into crushed stone for its own use. Every such town may~~  
24 ~~also sell to its own residents or to the Commonwealth or any of its political subdivisions any~~  
25 ~~crushed stone so manufactured and not needed for its own use.~~

26 **Drafting note: Repealed; this section appears to be obsolete.**

27  
28 § 15.2-1813. Notice when public hearing required.

29 Any public hearing required by this chapter shall be advertised once in a newspaper  
30 having general circulation in the locality at least seven days prior to the date set for the hearing



1           **Drafting note: New; this section is added in order to clarify the notice requirements**  
2 **of sections which are otherwise silent on this point.**

3

4           § 15.2-1814. Acquisition authorized by chapter declared to be for public use.

5           Any acquisition of property authorized by any provision of this chapter is hereby  
6 declared to be for a public use as the term “public uses” is used in § 15.2-1900.

7           **Drafting note: New; provides a cross reference to the definition of “public uses.”**

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**PROPOSED**  
**CHAPTER 7 19.**  
**~~PUBLIC WORKS GENERALLY.~~**  
**CONDEMNATION.**

**Chapter drafting note: Old Article 1, relating to condemnation, is extensively rewritten for consistency and clarity. Sections related to condemnation from other chapters are shown here and either amended or repealed. Old Articles 2 and 3 are now found in proposed Chapter 23.**

**Note to task force members: Certain members of the task force are working with other interested parties to make additional modifications to this chapter. If all parties agree, these changes can be recommended to the Code Commission at the September 18, 1996, joint meeting.**

~~Article 1.~~  
~~Condemnation Proceedings Generally.~~

§ ~~15.1-276~~ 15.2-1900. Definition of public uses.

The term "public uses" mentioned in Article I, Section 11 of the Constitution of Virginia is hereby defined to embrace all uses which are necessary for public purposes.

**Drafting note: No significant change.**

§ 15.2-1901. Condemnation authority.

A. In addition to the authority granted to localities pursuant to any applicable charter provision or other provision of law, whenever a locality is authorized to acquire real or personal property or property interests for a public use, it may do so by exercise of the power of eminent domain, except as provided in subsection C.

B. A city or town may acquire property or property interests outside its boundaries by exercise of the power of eminent domain.

1           C. A county may acquire property or property interests outside its boundaries by exercise  
2 of the power of eminent domain only if such authority is expressly conferred by general law or  
3 special act.

4           **Drafting note: New. In subsection A, the power of eminent domain is generally**  
5 **conferred. There is no intent to expand the instances in which property may be**  
6 **condemned, but only to make the code in this area more uniform and consistent.**

7           **Sections 15.1-897, 15.1-898, 25-232.01 and 15.1-526 are the source of the language in**  
8 **subsection A. Section 15.1-897 authorizes municipal corporations (defined in 15.1-837 as**  
9 **cities of first and second class, incorporated towns and counties granted a charter under**  
10 **title 15.1) to exercise the power of eminent domain for the purpose of exercising any of the**  
11 **locality’s powers and duties and for performing any of its functions, as provided in §§ 15.1-**  
12 **898 through 15.1-900. Section 15.1-898 authorizes a municipal corporation to exercise the**  
13 **power of eminent domain, and thereby “acquire lands, . . . whenever a public necessity**  
14 **exists” for such acquisition. As to counties lacking charters, as well as counties with**  
15 **charters and all cities and towns, § 25-232.01 authorizes the exercise of eminent domain for**  
16 **the purpose of acquiring land, buildings and structures for “a road and for any other**  
17 **authorized public undertaking . . .” (The use of the power of eminent domain to acquire**  
18 **property for the purposes set out in § 15.1-257 (courthouses, jails, and offices for court**  
19 **clerks and commonwealth attorneys), a section that does not expressly extend the power of**  
20 **eminent domain, has been held to arise under § 25-232.01.**

21           **Subsection B provides that cities and towns may exercise eminent domain outside**  
22 **their boundaries. This is consistent with § 15.1-897 authorizing the acquisition of property**  
23 **“within and without the municipal corporation” for certain purposes, and also authorizing**  
24 **the exercise of eminent domain for the same purposes.**

25           **Subsection C provides that property interests outside a county’s boundaries may be**  
26 **acquired by eminent domain only where such authority is expressly conferred.**

27           **All provisions regarding condemnation procedures are moved to the following**  
28 **sections.**

29

1           ~~§ 15.1-236. Condemnation proceedings by counties, cities and towns; how conducted;~~  
 2 ~~taking or conversion of properties populated by low and moderate income families in multi-~~  
 3 ~~family projects.~~

4           ~~A. Subject to the provisions and limitations of this article, proceedings for the acquisition~~  
 5 ~~of property and of property interests by counties, cities and towns in all cases in which they now~~  
 6 ~~have or may hereafter be given the right of eminent domain may be instituted and conducted in~~  
 7 ~~the name of the governing body of such county, city or town and the procedure may be mutatis~~  
 8 ~~mutandis the same as is prescribed in Article 7 (§ 33.1-89 et seq.) of Chapter 1 of Title 33.1 for~~  
 9 ~~condemnation proceedings by the Commonwealth Transportation Board in the construction,~~  
 10 ~~reconstruction, alteration, maintenance and repair of the public highways of the Commonwealth,~~  
 11 ~~or § 33.1-229, or the same as is prescribed in Chapter 1.1 (§ 25-46.1 et seq.) of Title 25. Except~~  
 12 ~~that if the property sought to be taken is for the easement or right of way, the plat attached to the~~  
 13 ~~petition as required by § 25-46.7-2 f shall reasonably indicate thereon an appurtenant right of-~~  
 14 ~~way or easement for ingress and egress to and from the principal easement or right of way being~~  
 15 ~~taken.~~

16           ~~If the property sought to be condemned is situated in a city the procedure shall be by~~  
 17 ~~petition to the circuit court of the city or any other city court of record having jurisdiction of~~  
 18 ~~condemnation proceedings, or to the judge of any such court in vacation.~~

19           ~~B. In any condemnation proceeding initiated by any county, city, town or any public~~  
 20 ~~agency or authority which involves the taking or conversion of properties populated by low and~~  
 21 ~~moderate income families in multi family projects owned or controlled by the redevelopment~~  
 22 ~~and housing authority, the condemnor, simultaneously with the institution of condemnation~~  
 23 ~~proceedings, shall file in the office of the clerk of the same court, a plan of relocation identifying~~  
 24 ~~alternative housing for the persons who will be displaced, which plan has been approved by the~~  
 25 ~~housing authority, or, if there is no housing authority, the governing body of the political~~  
 26 ~~subdivision in which the land is located.~~

27           **Drafting note: Repealed; the right of eminent domain and limitations on its use**  
 28 **referenced in this section are basically provided for in § 15.2-1901 and Title 25. The right**  
 29 **to use the "quick take" procedure in Title 33.1 is included in the rewritten § 15.2-1902.**

30  
 31           ~~§ 15.1-237. Limitation on power of eminent domain.~~

1           No property shall be condemned for the purposes specified in §§ 15.1-14, 15.1-15 and  
 2 15.1-292 unless the necessity therefor shall be shown to exist to the satisfaction of the court  
 3 having jurisdiction of the case or shall be declared by resolution of the governing body following  
 4 a public hearing and no property of any public service corporation, except lands required for  
 5 drains, sewers or public ducts, shall be condemned except in accordance with §§ 15.1-335 to  
 6 15.1-340 and 25-233. No property that is within an agricultural and forestal district as provided  
 7 by § 15.1-1506 et seq. shall be condemned except in accordance with § 15.1-1512.

8           **Drafting note: Repealed; limitations on condemnation are found elsewhere in this**  
 9 **chapter and in Title 25. For example, (i) the judicial review provisions regarding §§ 15.1-**  
 10 **14, 15.1-15 and 15.1-292 are satisfied by § 15.2-1903 B's mandate of a public hearing and a**  
 11 **resolution or ordinance justifying the purpose and necessity of the taking, (ii) the**  
 12 **restrictions of §§ 15.1-335, 15.1-340 and 25-233 continue in § 15.2-1904 and (iii) the**  
 13 **procedural burdens on condemnation within forestal districts imposed by § 15.1-1512 are**  
 14 **self-executing.**

15  
 16           § 15.1-238.1. Same; special provisions for certain counties.

17           A. In addition to the exercise of the power of eminent domain, as provided hereinabove,  
 18 and subject to the provisions of this section, every county having a population of more than  
 19 39,900 but less than 41,000, every county having a population of more than 250,000 and every  
 20 county having a population of more than 56,400 but less than 65,000 and every county having a  
 21 population of more than 117,000 but less than 120,000 and every county having a population of  
 22 more than 70,000 and adjoining four cities in this Commonwealth is authorized to enter upon and  
 23 take possession of such property and rights of way, for the purposes set out in subdivision (1) of  
 24 § 15.1-14, or § 25-232.01, and for the acquisition of necessary land for the construction of  
 25 drainage facilities, water supply and sewage disposal systems and roads and facilities related  
 26 thereto, as the governing body thereof may deem necessary and proceed with the construction of  
 27 such project.

28           B. No property shall be entered upon and taken by any such county under condemnation  
 29 proceedings unless, prior to entering upon and taking possession of such property or right of  
 30 way, the governing body of such county notifies the owners of such property and rights of way  
 31 by certified mail, that it intends to enter upon and take the same. Upon the passage of a

1 resolution or ordinance providing for any such taking, such notice setting forth the compensation  
2 and damages offered by the county to each property owner shall be sent forthwith on a date to be  
3 specified in such ordinance or resolution and the property owners affected shall have thirty days  
4 within which to contest the taking in such fashion.

5 ~~C. At any time after the giving of such notice, upon the filing of an application by the~~  
6 ~~landowner to such effect in the court having jurisdiction and in any event within one hundred~~  
7 ~~twenty days after the completion of such project, if the county and the owners of such land are~~  
8 ~~unable to agree as to compensation and damages, if any, caused thereby, the county shall~~  
9 ~~institute condemnation proceedings, as provided in this article; and the amount of such~~  
10 ~~compensation and damages, if any, awarded to the owner in such proceeding shall be paid by~~  
11 ~~such county. The county shall pay to the landowner or into court or to the clerk thereof for his~~  
12 ~~benefit such sum as the governing body thereof estimates to be a fair value of the land taken and~~  
13 ~~damage done, before entering upon such land for construction purposes, provided such payment~~  
14 ~~shall in nowise limit the amount to be allowed under proper proceedings. It is the intention of~~  
15 ~~this section to provide that such property and rights of way may be condemned after the~~  
16 ~~construction of the project, as well as prior thereto, and to direct the fund out of which the~~  
17 ~~judgment of the court in condemnation proceedings shall be paid, except that no property of any~~  
18 ~~public service corporation shall be condemned except in accordance with §§ 15.1-335 to 15.1-~~  
19 ~~340 and 25-233. But the authorities constructing such project under the authority of this section~~  
20 ~~shall use diligence to protect growing crops and pastures and to prevent damage to any property~~  
21 ~~not taken. So far as possible all rights of way shall be acquired or contracted for before any~~  
22 ~~condemnation is resorted to.~~

23 ~~D. Any owner of property or rights of way sought to be taken by any such county by~~  
24 ~~entry upon and taking possession thereof shall be given notice as provided in subsection B of this~~  
25 ~~section and shall have thirty days within which to contest the manner of such taking. Any such~~  
26 ~~property owner desiring so to do may institute a proceeding in the circuit court of the county,~~  
27 ~~wherein the condemnation proceedings are to be instituted, to determine whether or not such~~  
28 ~~taking is of an emergency nature such as to justify resort to entry upon the land prior to an~~  
29 ~~agreement between the county and the property owner as to compensation and damages to be~~  
30 ~~paid therefor. Any other property owner affected may intervene. The members of the governing~~  
31 ~~body of the county shall be served with notice as provided by law and shall be made parties~~

1 defendant. Upon the bringing of any such proceeding the same shall be placed upon the  
2 privileged docket of the court and shall take precedence over all other civil matters pending  
3 therein and shall be speedily heard and disposed of. The issue in any such proceeding shall be  
4 whether or not the circumstances are such as to justify an entry upon and taking possession by  
5 the county of the property involved prior to an agreement or award upon compensation and  
6 damages therefor. If the court be of the opinion that no such emergency exists, and that such  
7 manner of taking would work an undue hardship upon any such owner, it shall enter an order  
8 requiring the county to proceed by methods of condemnation providing for the ascertainment of  
9 compensation and damages for property to be taken prior to such taking, if the county deems it  
10 necessary to proceed with the project for which the property is sought.

11 **Drafting note: Repealed; the substance of section is found in § 15.2-1902.**

12  
13 ~~§ 15.1-851. Acquisition of rights of abutting owners in sewers, culverts or drains.~~

14 A municipal corporation may acquire in any manner authorized by this chapter or in its  
15 charter any interest or right of any abutting landowner in or to any sewer, culvert or drain or in or  
16 to the use thereof.

17 **Drafting note: Repealed; the substance of this section is included in § 15.2-1901.**

18  
19 ~~§ 15.1-898. Condemnation proceedings generally.~~

20 A municipal corporation may acquire by condemnation proceedings, in the manner and in  
21 accordance with the procedure provided in Title 25 of the Code or in §§ 33.1-91 through 33.1-  
22 94, 33.1-96 and 33.1-98 through 33.1-132 of this Code, or any amendment or revision thereof or  
23 provisions of law which are successor thereto, lands, buildings and other structures and personal  
24 property, including any interest, right, easement or estate therein of any person or corporation,  
25 whenever a public necessity exists therefor which shall be declared in the resolution or ordinance  
26 adopted by the municipal corporation directing such acquisition by condemnation proceedings,  
27 whenever the municipal corporation cannot agree on the compensation to be paid the owner or  
28 owners of such property or other terms of purchase or settlement, or because of the incapacity of  
29 such owner or owners or because such owner or owners are nonresidents of the Commonwealth,  
30 or because such owner or owners are unknown, or because such owner or owners are unable to  
31 convey valid title to such property; provided, however, that the provisions of § 33.1-119 shall not

1 ~~be used except for the acquisition of lands or easements necessary for streets, water, sewer,~~  
 2 ~~municipally owned gas or utility pipes or lines or related facilities.~~

3 **Drafting note: Repealed; the substance of this section is found in § 15.2-1902.**

4  
 5 § 15.2-1902. Condemnation proceedings generally.

6 Except where otherwise authorized by any applicable charter provision, a locality shall  
 7 exercise the power of eminent domain in the manner, and in accordance with the procedures, set  
 8 out in Title 25 or §§ 33.1-91 through 33.1-94, § 33.1-96, and §§ 33.1-98 through 33.1-132,  
 9 except that (i) only lands or easements for streets and roads, drainage facilities, water supply and  
 10 sewage disposal systems (including pipes and lines), and water, sewer and governmentally-  
 11 owned gas and utility lines and pipes and related facilities may be condemned using the  
 12 procedures in §§ 33.1-98 through 33.1-132, as provided in §§ 15.2-1904 and 15.2-1905, as  
 13 applicable, (ii) existing water and sewage disposal systems in their entirety shall be condemned  
 14 in accordance with the procedures in § 15.2-1906, and (iii) oyster bottoms and grounds may be  
 15 condemned utilizing the procedures in §§ 33.1-98 through 33.1-132, as required by § 28.2-628.

16 **Drafting note: This section is derived from existing §§ 15.1-236, 15.1-238, 15.1-**  
 17 **238.1, 15.1-320, 15.1-340 and 15.1-898, all of which address the procedures to be used by**  
 18 **localities when exercising their power of eminent domain. Each of these sections has some**  
 19 **reference to the quick take procedure available to the Commonwealth Transportation**  
 20 **Commissioner under § 33.1-119 et seq., but the current interplay of the sections makes this**  
 21 **procedure, sometimes in modified form, available in different situations to different**  
 22 **localities. For instance, § 15.1-236 makes the title 33.1 quick take procedure available to all**  
 23 **cities and towns in all cases of condemnation, but § 15.1-898 restricts the availability of the**  
 24 **procedure to such localities to certain instances of condemnation. Similarly, § 15.1-236**  
 25 **makes the title 33.1 quick take procedure available to all counties in all cases of**  
 26 **condemnation, but is followed by §§ 15.1-238 and 15.1-238.1, which are applicable to only**  
 27 **counties (the latter section applies to five population-bracketed counties, and the former**  
 28 **ostensibly to all others), and which (i) provide, in certain instances of condemnation only, a**  
 29 **modified quick take procedure -- the modification being twofold: one, an extension to**  
 30 **landowners of the right to judicially contest a county decision to enter, take possession of**  
 31 **and begin working on property before the commencement of formal condemnation**



1 proceedings, a right not provided under the title 33.1 procedure (it should be noted that the  
2 two sections differ as to this authority, in that § 15.1-238 extends the modified procedure  
3 where this is a “necessity” for the quick take, and § 15.1-238.1 extends it where there is an  
4 “emergency” justifying the quick take); and, two, an ability on the property owner’s part  
5 to force the commencement of formal condemnation proceedings far earlier than is the case  
6 under title 33.1 -- and (ii) provide, in § 15.1-238, to the non-population-bracketed counties  
7 only and in certain instances of condemnation only, the full quick take powers in title 33.1.

8 Provision (ii) of this section is derived from §§ 15.1-320.1 (sewage disposal systems)  
9 and 15.1-340 (water supply systems). Provision (iii) is derived from § 28.2-628.

10  
11 § 15.2-1903. Requirements for initiating condemnation; filing of ordinance or resolution  
12 with petition; voluntary conveyance.

13 A. Condemnation proceedings may be instituted when:

14 1. the locality and owner cannot agree on the compensation to be paid or other terms of  
15 purchase or settlement;

16 2. the owner is legally incapacitated;

17 3. either the owner or his whereabouts is unknown; or

18 4. the owner is unable to convey valid title to the property.

19 B. Prior to initiating condemnation proceedings, the governing body shall adopt a  
20 resolution or ordinance approving the project and directing the acquisition of property for the  
21 project by condemnation or other means. The resolution or ordinance shall state the public  
22 necessity of the acquisition and the planned public use of the property.

23 C. When a petition for condemnation is filed by or on behalf of the locality, a true copy  
24 of the resolution or ordinance duly adopted by the governing body declaring the public use for  
25 the taking, and the necessity therefor, may be filed with the petition, and when so filed  
26 constitutes sufficient evidence of such public use and necessity.

27 D. The fact that no petition has been filed by a locality to condemn any interest conveyed  
28 by deed shall not by itself render such conveyance free from the threat of condemnation, nor  
29 shall such fact constitute sufficient proof of voluntary conveyance for the purposes of any taxing  
30 authority.

1           **Drafting note:** In subsections A and B, the procedural preconditions to instituting a  
2 condemnation proceeding are carried forward from § 15.1-898, but addressed in reverse  
3 order. Since proposed § 15.2-1902 authorizes the exercise of eminent domain authority to  
4 acquire property for a “public use” and since current § 15.1-898, as well as § 15.1-237,  
5 requires there be a “public necessity “ for the use, in subsection B, retaining the  
6 formulation of “public necessity” is retained and integrated with the concept of “public  
7 use.”

8           In subsection D, a provision is added clarifying that the fact that a petition in  
9 condemnation has not been filed does not, by itself, establish either that a conveyance of the  
10 property was not made under threat of condemnation, or that the conveyance was  
11 voluntary.

12  
13           ~~§ 15.1-899. Jurisdiction of proceedings.~~

14           ~~Condemnation proceedings for the acquisition of such property shall be instituted in the~~  
15 ~~circuit or corporation court of or in the municipal corporation having jurisdiction of such~~  
16 ~~proceedings if the subject to be acquired is located within the municipal corporation. If the~~  
17 ~~subject to be acquired is located without the municipal corporation, then the proceedings shall be~~  
18 ~~instituted in the circuit court of the county in which the subject is located. If the subject to be~~  
19 ~~acquired is located partly within a municipal corporation of the first class and partly within a~~  
20 ~~county, then the circuit court of the county shall have concurrent jurisdiction of such proceedings~~  
21 ~~with the circuit or corporation court of the municipal corporation.~~

22           **Drafting note: Repealed; the substance of this section is found in Title 25.**

23  
24           ~~§ 15.1-900. Condemnation of property of corporations possessing power of eminent~~  
25 ~~domain.~~

26           ~~A municipal corporation in the exercise of the power of eminent domain, pursuant to the~~  
27 ~~provisions of this article shall be subject to the provisions of § 25-233 when the interest sought is~~  
28 ~~held by another corporation having the power of eminent domain.~~

29           **Drafting note: Repealed; the substance of this section is found in Title 25.**

30

1           ~~§ 15.1-238~~ 15.2-1904. ~~Counties authorized to take possession~~ Possession of property  
 2 prior to condemnation; ~~notice to owner; how taking contested;~~ powers of Commonwealth  
 3 Transportation Commissioner ~~vested in boards of supervisors for purposes of certain takings~~  
 4 conferred.

5           ~~A. In the exercise of the power of eminent domain as provided hereinabove, and subject~~  
 6 ~~to the provisions of this section, every county is authorized to enter upon and take possession of~~  
 7 ~~such property and rights of way, for the purpose of laying out, constructing, altering, improving~~  
 8 ~~and lighting streets and alleys, of acquiring necessary land for the construction of drainage~~  
 9 ~~facilities, water supply and sewage disposal systems and roads and facilities relating thereto, or~~  
 10 ~~for any of the purposes set out in § 25-232.01, as the governing body thereof may deem~~  
 11 ~~necessary, and proceed with the construction of such project.~~

12           A. When a condemnation is authorized by § 15.2-1902, a locality may enter upon and  
 13 take possession of property before the conclusion of condemnation procedures, using the  
 14 procedures in §§ 33.1-119 through 33.1-132, for public purposes of streets and roads, drainage  
 15 facilities, water supply and sewage disposal systems (including pipes and lines) and oyster beds  
 16 and grounds, and the procedure may be, when the necessary changes have been made, the same  
 17 as is prescribed in Article 7 (§ 33.1-89 et seq.) of Chapter 33.1 for condemnation proceedings by  
 18 the Commonwealth Transportation Commission in the construction, reconstruction, alteration,  
 19 maintenance, and repair of the public highways of the Commonwealth or § 33.1-229, or the same  
 20 as prescribed in Chapter 1.1 (§ 25-46.1 et seq.) of Title 25. It is the intention of this section to  
 21 provide that property may be condemned after the construction of a project, as well as prior  
 22 thereto, and to direct the fund out of which the judgment of the court in condemnation  
 23 proceedings shall be paid. However, no property of any public service corporation shall be  
 24 condemned except in accordance with §§ 15.2-1905, 15.2-2146 through 15.2-2148 and 25-233.

25           ~~B. Except as otherwise provided, no property shall be entered upon and taken by any~~  
 26 ~~county under condemnation proceedings unless, prior to entering upon and taking possession of~~  
 27 ~~such property or right of way, the governing body of the county notifies the owners of such~~  
 28 ~~property and rights of way by certified mail, that it intends to enter upon and take the same.~~  
 29 ~~Upon the passage of an ordinance or resolution providing for any such taking, such notice setting~~  
 30 ~~forth the compensation and damages offered by the county to each property owner shall be sent~~

1 ~~forthwith on a date to be specified in such ordinance and the property owners affected shall have~~  
2 ~~thirty days within which to contest the taking in such fashion.~~

3 ~~C. At any time after the giving of such notice upon the filing of an application by the~~  
4 ~~landowner to such effect in the court having jurisdiction and in any event within sixty days after~~  
5 ~~the completion of such project, if the county and the owners of such land are unable to agree as~~  
6 ~~to compensation and damages, if any, caused thereby, the county shall institute condemnation~~  
7 ~~proceedings, as provided in this article; and the amount of such compensation and damages, if~~  
8 ~~any, awarded to the owner in such proceeding shall be paid by the county. The county shall pay~~  
9 ~~to the landowner or into court or to the clerk thereof for his benefit such sum as the governing~~  
10 ~~body thereof estimates to be the fair value of the land taken and damage done, before entering~~  
11 ~~upon such land for construction purposes, provided such payment shall in nowise limit the~~  
12 ~~amount to be allowed under proper proceedings. It is the intention of this section to provide that~~  
13 ~~such property and rights of way may be condemned after the construction of the project, as well~~  
14 ~~as prior thereto, and to direct the fund out of which the judgment of the court in condemnation~~  
15 ~~proceedings shall be paid, except that no property of any public service corporation shall be~~  
16 ~~condemned except in accordance with §§ 15.1 335 through 15.1 340 and 25 233. But the~~  
17 ~~authorities constructing such project under the authority of this section shall use diligence to~~  
18 ~~protect growing crops and pastures and to prevent damage to any property not taken. So far as~~  
19 ~~possible all rights of way shall be acquired or contracted for before any condemnation is resorted~~  
20 ~~to.~~

21 ~~D. Except as otherwise provided, any owner of property or rights of way sought to be~~  
22 ~~taken by the county by entry upon and taking possession thereof shall be given notice as~~  
23 ~~provided in subsection B of this section and shall have thirty days within which to contest the~~  
24 ~~manner of such taking. Any such property owner desiring so to do may institute a proceeding in~~  
25 ~~the circuit court of the county, wherein the condemnation proceedings are to be instituted, to~~  
26 ~~determine whether such taking is of such necessity as to justify resort to entry upon the land prior~~  
27 ~~to an agreement between the county and the property owner as to compensation and damages to~~  
28 ~~be paid therefor. Any other property owner affected may intervene. The members of the~~  
29 ~~governing body of the county shall be served with notice as provided by law and shall be made~~  
30 ~~parties defendant. Upon the bringing of any such proceeding the same shall be placed upon the~~  
31 ~~privileged docket of the court and shall take precedence over all other civil matters pending~~

1 ~~therein and shall be speedily heard and disposed of. The issue in any such proceeding shall be~~  
 2 ~~whether or not the circumstances are such as to justify an entry upon and taking possession by~~  
 3 ~~the county of the property involved prior to an agreement or award upon compensation and~~  
 4 ~~damages therefor. If the court be of the opinion that no such necessity exists, and that such~~  
 5 ~~manner of taking would work an undue hardship upon any such owner, it shall enter an order~~  
 6 ~~requiring the county to proceed by methods of condemnation providing for the ascertainment of~~  
 7 ~~compensation and damages for property to be taken prior to such taking, if the county deems it~~  
 8 ~~necessary to proceed with the project for which the property is sought.~~

9 ~~E. The provisions of subsections B and D of this section and any other laws to the~~  
 10 ~~contrary notwithstanding, upon the passage of an ordinance or resolution following a public~~  
 11 ~~hearing by the board of supervisors of any county declaring its intent to enter and take certain~~  
 12 ~~specified properties, rights of way or other easements or properties for the purposes of~~  
 13 ~~constructing, installing, expanding, maintaining, or repairing pipelines, meter boxes, pumps,~~  
 14 ~~treatment or storage facilities or any other appurtenances to a sewerage disposal system or a~~  
 15 ~~water distribution system, or both, or for counties under § 33.1 75.3, for roads and related or~~  
 16 ~~appurtenant facilities, with such ordinances or resolutions also setting forth compensation and~~  
 17 ~~damages, if any, offered each property owner by the county, and declaring the necessity to enter~~  
 18 ~~upon and take such property prior to or during the condemnation proceeding, and the county for~~  
 19 ~~such purposes set forth in the ordinance or resolution shall be vested with those powers granted~~  
 20 ~~the Commonwealth Transportation Commissioner pursuant to §§ 33.1 119 through 33.1 129,~~  
 21 ~~both inclusive, and the board of supervisors shall perform the duties and functions required of the~~  
 22 ~~Commonwealth Transportation Commissioner in such statutes. Procedures in eminent domain~~  
 23 ~~suits brought under this subsection shall be as described in § 33.1 98, except that such suits shall~~  
 24 ~~be instituted by and conducted in the name of the governing body of the county.~~

25 B. In all other condemnation proceedings authorized by § 15.2-1901, property shall be  
 26 acquired by condemnation proceedings in accordance with the procedure provided in Title 25.

27 C. Before entering and taking possession of any property, the locality shall pay into court  
 28 or to the clerk thereof, for the property owner's benefit, such sum as the governing body  
 29 estimates to be the fair value of the property taken and damage, if any, done to the residue. Such  
 30 payment shall not limit the amount to be allowed under proper proceedings.

1           D. When a locality enters upon and takes possession of property before the conclusion of  
 2 a condemnation case pursuant to the procedures in §§ 33.1-119 through 33.1-132, a certificate in  
 3 lieu of payment may be issued by the governing body through its authorized designee, which  
 4 certificate shall be countersigned by the locality’s director of finance or authorized agent for  
 5 availability of funds.

6           **Drafting note: This section is rewritten to apply to all localities, with the unique**  
 7 **restrictions on counties (old subsections B through E) relocated in § 15.2-1905. The**  
 8 **“quick-take” procedure is limited to certain public purposes which are identified in**  
 9 **subsection A. Pursuant to A, a locality may condemn for certain purposes utilizing “quick-**  
 10 **take” or the procedures of Title 25. Subsection B confirms that condemnation for all**  
 11 **public purposes not identified as in subsection A may condemn only using those procedures**  
 12 **in Title 25. Subsection C codifies the requirement to pay money into court under §§ 25-**  
 13 **46.8 and 33.1-120. Subsection D is added to clarify the manner in which localities may**  
 14 **exercise the authority conferred by reference to §§ 33.1-119 through 33.1-132.**

15  
 16           § 15.1-1905. Special provisions for counties.

17           A. When a county elects to use the procedures set forth in §§ 33.1-119 through 33.1-132,  
 18 as authorized by § 15.2-1904 A, it shall comply with the requirements of this section.

19           B. No property shall be entered upon and taken by any county before the conclusion of  
 20 condemnation proceedings unless, prior to entering upon and taking possession of such property  
 21 or right-of-way, the governing body of the county notifies the owners of the property by certified  
 22 mail, that it intends to enter upon and take the property. Such notice shall be sent by the date  
 23 specified in the resolution or ordinance required by § 15.2-1903 and shall set forth the  
 24 compensation and damages offered by the county to each property owner.

25           C. Any property owner given notice as provided in subsection B may, within 30 days  
 26 following the sending of the notice, institute a proceeding in the circuit court of the county,  
 27 wherein the condemnation proceedings are to be instituted, to determine whether such taking is  
 28 of such necessity as to justify resort to entry upon the property prior to an agreement between the  
 29 county and the property owner as to compensation and damages to paid therefor. Any other  
 30 property owner affected may intervene. The county shall be served notice as provided by law  
 31 and shall be made a party defendant. The proceedings shall be placed upon the privileged docket

1 of the court and shall take precedence over all other civil matters pending therein and shall be  
2 speedily heard and disposed of . The issue in any such proceeding shall be whether the  
3 circumstances are such as to justify an entry upon and taking possession by the county of the  
4 property involved prior to an agreement or award upon compensation and damages therefor. If  
5 the court is of the opinion that no such necessity exists, and that such manner of taking would  
6 work an undue hardship upon any such owner, it shall enter an order requiring the county to  
7 proceed by methods of condemnation providing for the determination of compensation and  
8 damages for property to be taken prior to such taking, if the county deems it necessary to proceed  
9 with the project for which the property is sought.

10 D. At any time after the giving of the notice as provided in subsection B, upon the filing  
11 of an application by the landowner to such effect in the court having jurisdiction, and, in any  
12 event, within 120 days after the completion of the project for which the entry and taking of  
13 possession prior to condemnation was undertaken, if the county and the owner of such property  
14 have been unable to agree as to compensation and damages, if any, caused thereby, the county  
15 shall institute condemnation proceedings, and the amount of such compensation and damages, if  
16 any, awarded to the owner in such proceeding shall be paid by the county. But the authorities  
17 constructing such project under the authority of this section shall use diligence to protect  
18 growing crops and pastures and to prevent damage to any property not taken. So far as possible  
19 all rights-of-way shall be acquired or contracted for before any condemnation is resorted to.

20 E. The provisions of B and C of this section and any other laws to the contrary  
21 notwithstanding, upon the passage of an ordinance or resolution following a public hearing by  
22 the board of supervisors of any county declaring its intent to enter and take certain specified  
23 properties for any of the purposes set out in § 15.2-1904 A, with such ordinance or resolution  
24 also setting forth compensation and damages, if any, offered each property owner by the county,  
25 and declaring the necessity to enter upon and take such property prior to or during the  
26 condemnation proceeding, the county for such purposes set forth in the resolution or ordinance  
27 shall be vested with those powers granted the Commonwealth Transportation Commissioner  
28 pursuant to §§ 22.1-119 through 33.1-132. Procedures in eminent domain suits brought under  
29 this section shall be as described in § 33.1-198, except that suits shall be instituted by and  
30 conducted in the name of the governing body of the county.

1           **Drafting note: This section is derived from subsections B through E of § 15.1-238 (§**  
 2 **15.2-1904).**

3  
 4           ~~§ 15.1-320.1. Condemnation proceedings under article.~~

5           ~~In condemnation proceedings had under this article, the provisions of Chapter 2 (§ 25-47~~  
 6 ~~et seq.) of Title 25 so far as applicable shall govern; except that the provisions of § 25-233 shall~~  
 7 ~~not apply in the case of the condemnation of an existing sewage disposal system in its entirety.~~  
 8 ~~The proper court of the county, city or town wherein the property proposed to be condemned, or~~  
 9 ~~any part thereof, is located, shall have jurisdiction of the condemnation proceedings. It shall not~~  
 10 ~~be necessary to file with the petition for the condemnation of an existing sewage disposal system,~~  
 11 ~~in its entirety, a minute inventory and description of the property sought to be condemned,~~  
 12 ~~provided the property is described therein generally and with reasonable particularity and in such~~  
 13 ~~manner as to disclose the intention of the petitioner that such existing sewage disposal system be~~  
 14 ~~condemned in its entirety. But the court having jurisdiction of the condemnation proceedings~~  
 15 ~~shall, as the occasion arises and prior to the filing of the report of the commissioners appointed to~~  
 16 ~~ascertain a just compensation for the property sought to be condemned in its entirety, take such~~  
 17 ~~steps as may be necessary and proper to cause to be included in an inventory of the property~~  
 18 ~~sought to be condemned full descriptions of any and all such property whenever the exigencies~~  
 19 ~~of the case or the ends of justice will be promoted thereby. Such inventory shall be made a part~~  
 20 ~~of the record in the proceedings and referred to the commissioners.~~

21           **Drafting note: Repealed; the substance of this section is combined with § 15.1-340**  
 22 **in § 15.2-1906.**

23  
 24           ~~§ 15.1-340 15.2-1906. Condemnation proceedings under article of existing water or~~  
 25 ~~sewage disposal systems.~~

26           ~~In condemnation proceedings had under this article~~ Condemnation of existing water or  
 27 sewage disposal system, shall be governed by the provisions of Chapter 2 (§ 25-47 et seq.) of  
 28 Title 25 so far as applicable ~~shall govern; except that~~ however, the provisions of § 25-233 shall  
 29 not apply in the case of condemnation of an existing water or sewage disposal system in its  
 30 entirety. The ~~proper circuit court of~~ for the city or county wherein the property proposed to be  
 31 condemned, or any part thereof, is located, shall have jurisdiction of the condemnation



1 proceedings. It shall not be necessary to file with the petition for the condemnation of an existing  
2 ~~waterworks system~~ water or sewage system, in its entirety, a minute inventory and description of  
3 the property sought to be condemned, provided the property is described therein generally and  
4 with reasonable particularity and in such manner as to disclose the intention of the petitioner that  
5 such existing ~~waterworks system~~ water or sewage system be condemned in its entirety. ~~But the~~  
6 The court having jurisdiction of the condemnation proceedings shall, as the occasion arises and  
7 prior to the filing of the report of the commissioners appointed to ~~ascertain~~ determine a just  
8 compensation for the property sought to be condemned in its entirety, take such steps as may be  
9 necessary and proper to cause to be included in an inventory of the property sought to be  
10 condemned full descriptions of any and all such property whenever the exigencies of the case or  
11 the ends of justice will be promoted thereby. Such inventory shall be made a part of the record in  
12 the proceedings and referred to the commissioners.

13 **Drafting note: This section combines former §§ 15.1-320.1 and 15.1-340 which are**  
14 **nearly identical except for subject matter (one for water the other for sewage); however,**  
15 **note that § 15.1-340 does not specifically limit the waiver of § 25-233's application only to**  
16 **condemnation of an entire waterworks system.**

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**PROPOSED**  
**CHAPTER ~~10~~ 20.**  
**STREETS AND ALLEYS.**

**Chapter drafting note: Pulls together various sections related to streets and provides uniformity between counties, cities and towns. However, because of the limitations of § 15.2-2000 A, many of the provisions are not generally applicable to counties.**

Article 1.

Construction of Roads, Streets and Alleys Generally.

§ ~~15.1-896~~ 15.2-2000. State highway systems excepted; town streets.

A. Nothing contained in this chapter, except as otherwise provided, shall have application apply to any highway, road, street or other public way right-of-way which constitutes a part of any of the system of state highway systems highways as defined in § 1-13.40; however, any highway for which a municipal corporation locality receives highway maintenance funds pursuant to § 33.1-23.5:1 or § 33.1-41.1 shall not, for purposes of this section, be deemed to be a part of any of the system of state highway systems highways.

B. Public rights-of-way subject to local control under this chapter which lie within the boundaries of incorporated towns which receive highway maintenance funds pursuant to § 33.1-41.1 shall be subject to the jurisdiction of the town council of such town and not the board of supervisors of the county in which such town is located.

C. The term “public right-of-way” as used in this chapter means any area over which the public has a general privilege to travel. It includes, but is not limited to, ways, areas between deeded right-of-way boundary lines, and easements of all descriptions that are available for general travel by the public.

**Drafting note: “Public right-of-way” is used throughout the chapter instead of “public way” as it includes “public way” but is more comprehensive. The reference to § 33.1-23.5:1 is added to cover Arlington and Henrico counties, which the state treats similarly to municipalities with regard to highway maintenance. Subsection B is added to**

1 clarify the authority of towns over town streets. A definition for “public right-of-way” is  
2 added to avoid confusion.

3  
4 § ~~15.1-889~~ 15.2-2001. Streets, sidewalks and public ways rights-of-way generally.

5 ~~A municipal corporation~~ Every locality may lay out, open, extend, widen, narrow,  
6 establish or change the grade of, close, construct, pave, curb, gutter, plant and maintain shade  
7 trees on, improve, maintain, repair, clean and light; streets, ~~including~~ limited access ~~or~~ highways,  
8 express highways, roads, alleys, bridges, viaducts, subways and underpasses, ~~and~~. Localities may  
9 make, improve and ~~convert to bicycle paths,~~ repair sidewalks ~~and walkways upon streets and~~  
10 ~~improve and pave alleys within the municipal corporation~~ all public rights-of-way and may  
11 convert sidewalks to bicycle paths. ~~A municipal corporation shall have the same power and~~  
12 ~~authority over any street, alley or other public way or place dedicated or conveyed to the~~  
13 ~~municipal corporation or dedicated or devoted to public use as over other streets, alleys and other~~  
14 ~~public ways and places.~~ A locality’s power and authority over its public rights-of-way and other  
15 public places shall be the same, regardless of whether the public right-of-way or place has been  
16 expressly or impliedly dedicated to public use, has been conveyed to the locality by deed, or has  
17 been acquired by any other means.

18 **Drafting note: Expands section to include counties subject to the exception in §**  
19 **15.2-2000. The last sentence is rewritten to remove ambiguity.**

20  
21 § ~~15.1-372~~ 15.2-2002. Acquisitions in connection with ~~street~~ public right-of-way  
22 changes.

23 ~~Any city or town of the Commonwealth~~ Every locality proposing to open or widen a  
24 ~~street~~ any public right-of-way by taking a part of any lot or other subdivision of property in such  
25 manner that the remnant thereof would, in the opinion of the ~~council of the city or town~~  
26 governing body, be so small or of such shape as to be unsuited for the erection of appropriate  
27 buildings thereon may, ~~in its discretion,~~ acquire, ~~by purchase, gift or condemnation~~ as permitted  
28 by § 15.2-1800, the whole of ~~such~~ the lot or other subdivision of property ~~of the owner whose~~  
29 ~~property is sought to be acquired in the proceedings and any.~~ Any such acquisition thereof is  
30 ~~hereby~~ declared to be for a public use, as the term public uses is used in Article I, Section 11 of  
31 the Constitution of Virginia. ~~Any such city or town~~ The locality may subsequently replat and

1 dispose of the remnant of such property ~~so acquired~~ not used for street right-of-way purposes in  
2 whole or in part, ~~making such limitations as to~~ limiting the uses thereof as it may see fit. Nothing  
3 in this section shall be construed to give any ~~city or town~~ locality any power to condemn the  
4 property of any railroad company or public service corporation which ~~they do~~ it does not  
5 otherwise possess under existing law.

6 **Drafting note: Expands section to include counties and extends authority from**  
7 **streets only to all public rights-of-way. This section is basically the same as the last**  
8 **paragraph of § 15.1-275.**

9  
10 ~~§ 15.1-368. Grading streets, etc.~~

11 ~~Whenever the council of any city or town or any administrative board of any city or~~  
12 ~~town, created under the charter of such city or town and by such charter authorized to exercise~~  
13 ~~powers and functions of an administrative character, shall deem it desirable to grade any street,~~  
14 ~~alley or other public place belonging to the city or town, they shall, by resolution or ordinance, as~~  
15 ~~the case may be, direct the same to be done and if the improvement be such as may cause~~  
16 ~~damage to the abutting owners, the resolution or ordinance shall designate and direct some~~  
17 ~~committee of the council or some officer of the city or town, when the determination is made by~~  
18 ~~the council, and the board itself, when the determination is made by an administrative board, to~~  
19 ~~proceed by personal inspection of all of the premises likely to be affected by such grading to~~  
20 ~~ascertain what damages, if any, will accrue to the owners of the several properties so likely to be~~  
21 ~~affected.~~

22 **Drafting note: Repealed; the provisions of this obsolete section are covered by**  
23 **general condemnation law.**

24  
25 ~~§ 15.1-369. Notice to abutting landowner; how served.~~

26 ~~The committee, officer or board, as the case may be, upon such ascertainment having~~  
27 ~~been made, shall give written notice to all of the abutting owners of the amount of ascertainment~~  
28 ~~made by them or him. The notice shall cite the owners to appear before such committee, officer~~  
29 ~~or board, as the case may be, not less than ten days after the service thereof, at a time and place~~  
30 ~~to be designated therein, to show cause, if any they can, against the ascertainment made as~~  
31 ~~above. The notice may be given by personal service on each of the property owners, except~~

1 ~~that notice to an infant or insane person may be served on his guardian or committee and notice~~  
2 ~~to a nonresident may be mailed to him at his place of residence or served on any agent of his,~~  
3 ~~resident in the city or town, or on his tenant occupying the premises, or in any case, in lieu of~~  
4 ~~such personal service on the parties or their agents, such notice may be given by publishing the~~  
5 ~~same in some daily newspaper, published in the city or town once a week for two successive~~  
6 ~~weeks, the last publication to be made at least ten days before the day on which the parties are~~  
7 ~~cited to appear.~~

8 **Drafting note: Repealed; the provisions of this obsolete section are covered by**  
9 **general condemnation law.**

10  
11 § 15.1 370. ~~Defense to damages assessed; appeal.~~

12 ~~Anyone wishing to make objection to such ascertainment, so far as the same affects him,~~  
13 ~~may appear in person or by counsel and state his objections. If his objections are overruled he~~  
14 ~~may within ten days thereafter, but not afterwards, have an appeal as of right to the corporation~~  
15 ~~or hustings court of the city or in case of a town to the circuit court of the county in which such~~  
16 ~~town is situated. When an appeal is taken the committee, officer or board having the matter in~~  
17 ~~charge shall cause the original notice relating to the ascertainment of the damages, with the~~  
18 ~~judgment of the committee, officer or board endorsed thereon, delivered to the clerk of such~~  
19 ~~court and the clerk shall docket the same. Every such appeal shall be tried by the court or the~~  
20 ~~judge thereof in a summary way, without pleadings in writing, in term time or vacation, after~~  
21 ~~reasonable notice to the adverse party and the hearing shall be de novo.~~

22 **Drafting note: Repealed; the provisions of this obsolete section are covered by**  
23 **general condemnation law.**

24  
25 § 15.1 371. ~~Report; amount ascertained to have effect of judgment.~~

26 ~~When a committee or officer, as the case may be, has the matter in charge, they or he~~  
27 ~~shall, in ten days after the expiration of the time within which an appeal may be made to the~~  
28 ~~court, file a detailed report with the clerk of the council of such city or town, showing the amount~~  
29 ~~of damages separately assessed in favor of each property owner and also, which, if any, have~~  
30 ~~taken an appeal. The clerk of the council shall lay such report before the next regular meeting of~~  
31 ~~the council or either branch thereof, for its action on the amount of damages assessed as~~

1 aforesaid, and the council may confirm, amend or reject the same in whole or in part, and when  
2 the ascertainment is made by an administrative board as hereinbefore provided, the same shall  
3 stand confirmed as of the date on which the board shall direct the grading of the street, alley or  
4 other public place to be made. The amount finally ascertained in the manner hereinbefore  
5 provided to be due to any property owner shall have the effect of a judgment in favor of the  
6 property owner and against the city or town as of the date on which such final ascertainment is  
7 determined, and may be enforced by proper proceedings before any court of record having  
8 jurisdiction of civil actions at law within the city or town.

9 **Drafting note: Repealed; the provisions of this obsolete section are covered by**  
10 **general condemnation law.**

11  
12 § ~~15.1-373~~ 15.2-2003. ~~Condemnation Acquisition~~ Acquisition of land for ~~highways~~ public rights-of-  
13 way outside certain corporate limits.

14 Whenever the council of any city having a population of more than 100,000 ~~deems it~~  
15 ~~desirable~~ seeks to acquire land for ~~the purpose of~~ projecting roads, streets and avenues or ~~of~~ for  
16 extending any of its existing roads, streets and avenues of uniform width into the territory  
17 adjacent to such city, it may acquire the necessary lands ~~deemed necessary by gift, grant,~~  
18 ~~purchase or condemnation in the manner provided by the statutes relating to eminent domain;~~  
19 ~~provided,~~ as permitted by § 15.2-1800; however, ~~that~~ no such land shall be acquired except  
20 within five (5) miles from the corporate limits. ~~And provided that,~~ and the proposed location of  
21 any such projected or extended roads, streets and avenues shall be approved by the board of  
22 supervisors of the county in which such road, street or avenue is located.

23 **Drafting note: No substantive change in the law.**

24  
25 § ~~15.1-378~~. ~~Improvement by counties of streets contiguous to certain cities.~~

26 Whenever the board of supervisors of any county adjacent to cities having a population of  
27 more than 170,000 have heretofore or hereafter approved the acquisition of land by such cities  
28 for the purpose of projecting streets, roads and avenues or of extending any of its existing streets,  
29 roads and avenues shall deem it desirable to improve, maintain and repair such streets, roads and  
30 avenues, the board of supervisors of any such county may make such improvements, maintain

1 and repair such streets, roads and avenues and appropriate such sums as may be necessary for the  
2 purpose.

3 **Drafting note: Repealed; obsolete.**

4  
5 § ~~15.1-890~~ 15.2-2004. Streets, highways, etc., ~~without the municipal corporation~~ outside  
6 a city or town.

7 ~~A municipal corporation~~ A city or town may construct, improve and maintain, or aid in  
8 the construction, improvement and maintenance of streets, roads, highways, bridges and  
9 underpasses ~~without~~ outside the ~~municipal corporation~~ city or town in order to facilitate public  
10 travel and traffic into and out of the ~~municipal corporation~~ city or town or any property owned  
11 by ~~the municipal corporation situated without the municipal corporation~~ it outside its boundaries.

12 **Drafting note: No substantive change in the law.**

13  
14 § ~~15.1-374~~ 15.2-2005. Streets, etc., through any lands belonging to Commonwealth ~~or to~~  
15 ~~Confederate Memorial Association.~~

16 No street, alley or public highway not now actually improved and open to public travel  
17 shall be opened, ~~required~~ or maintained through, on or over any land lying in any city or town of  
18 ~~the Commonwealth~~ which belongs to the Commonwealth, ~~the Confederate Memorial~~  
19 ~~Association or any agency of the Commonwealth,~~ without first obtaining the consent of the  
20 General Assembly ~~of Virginia so to do,~~ anything in the charter or ordinances of any ~~such~~ city or  
21 town to the contrary notwithstanding.

22 Nothing herein ~~contained~~ shall be construed as interfering in any way with the present or  
23 future plans of any ~~such~~ cities or towns in regard to the location and maintenance of sewerage  
24 and surface drainage on or through such properties when submitted to and approved by the  
25 Governor.

26 **Drafting note: No substantive change in the law. The Confederate Memorial**  
27 **Association is no longer in existence.**

28  
29 Article 2.

30 Vacation, etc., of Public Rights-of-Way.

1           § ~~15.1-364~~ 15.2-2006. Alteration and vacation of ~~streets and alleys~~ public rights-of-way;  
2 appeal from decision.

3           In addition to (i) the powers contained in the charter of any ~~city or town and~~ locality, (ii)  
4 any powers now had by such governing ~~body~~ bodies under the common law or (iii) powers by  
5 other provisions of law, ~~streets and alleys~~ public rights-of-way in ~~cities and towns~~ localities may  
6 be altered or vacated on motion of such governing ~~body~~ bodies or on application of any person  
7 after notice of intention ~~so~~ to do so has been published at least twice, with at least six days  
8 elapsing between the first and second publication, in ~~some~~ a newspaper ~~published or~~ having  
9 general circulation in ~~such county or municipality~~ the locality. ~~Such~~ The notice shall specify the  
10 time and place of a hearing at which persons affected may appear and be heard. The cost of  
11 publishing ~~such~~ the notice shall be taxed to the applicant. At the conclusion of the hearing, and  
12 on application of any person, the ~~council~~ governing body may appoint ~~not less than~~ three ~~or~~  
13 ~~more than~~ to five ~~viewers~~ people to view such ~~street or alley~~ public right-of-way and report in  
14 writing ~~whether in their opinion~~, any, and if any, what, inconvenience that would result from  
15 discontinuing the ~~same~~ right-of-way. ~~Such~~ The governing body may allow ~~such~~ the viewers ~~not~~  
16 ~~exceeding~~ up to fifty dollars each for their services. The sum allowed shall be paid by the person  
17 making the application to alter or vacate the ~~street or alley~~ public right-of-way. From such report  
18 and other evidence, if any, and after the land ~~proprietors~~ owners affected thereby, along the ~~street~~  
19 ~~or alley~~ public right-of-way proposed to be altered or vacated, ~~the council or~~  
20 ~~other~~ governing body may discontinue ~~such street or alley~~ the public right-of-way. When an  
21 applicant requests a vacation to accommodate expansion or development of an existing or  
22 proposed business, the governing body may condition the vacation upon commencement of the  
23 expansion or development within a specified period of time. Failing to commence within such  
24 time may render the vacation, at the option of the governing body, ~~null and~~ void. A certified  
25 copy of the ordinance of vacation shall be recorded as deeds are recorded, and indexed in the  
26 name of the ~~city or town~~ locality. A conditional vacation shall not be recorded until the condition  
27 has been met.

28           ~~An~~ Any appeal, ~~if any~~, shall be filed within sixty days of adoption of the ordinance with  
29 the circuit court for the ~~municipality or county~~ locality in which the ~~street or alley~~ public right-  
30 of-way is located.



1 All proceedings which have been instituted and concluded in the manner prescribed by  
2 this section are valid to the same extent as if they had been expressly conducted hereunder and  
3 any such pending proceedings may be conformed to and continued under the provisions of this  
4 section without necessity of discontinuance and institution of the new proceedings.

5 **Drafting note: No substantive change in the law. The last paragraph is stricken**  
6 **because it is an unnecessary savings clause. The section is expanded to expressly include**  
7 **counties, presently included by operation of § 15.2-1201 (§ 15.1-522).**

8  
9 § ~~15.1-364.1~~ 15.2-2007. Fee for processing application under § ~~15.1-364~~ 15.2-2006.

10 The governing body of any ~~city or town~~ locality may prescribe and charge a reasonable  
11 fee not exceeding \$100 for processing an application pursuant to § ~~15.1-364~~ 15.2-2006 for the  
12 closing or vacating of any street or alley.

13 **Drafting note: No substantive change in the law.**

14  
15 § ~~15.1-365~~. Vacating plat of subdivision.

16 Any plat of subdivision hereafter recorded in any clerk's office, whether or not pursuant  
17 to §§ ~~15.1-465~~ through ~~15.1-485~~, may be vacated in the manner prescribed by § ~~15.1-482~~ and the  
18 provisions of §§ ~~15.1-483~~ and ~~15.1-485~~ shall be applicable to such vacation.

19 **Drafting note: Moved to proposed Chapter 22 as section has no application here.**

20  
21 § ~~15.1-366~~ 15.2-2008. Sale of public streets, ~~alleys~~ rights-of-way, easements, etc., to  
22 certain purchasers.

23 ~~Any county, city or town, notwithstanding~~ Notwithstanding any contrary provision of  
24 law, general or special ~~law~~, any locality, as a condition to a vacation or abandonment, may  
25 require the fractional portion of its ~~streets, alleys, public rights-of-way and~~ easements ~~and other~~  
26 ~~public ways~~ to be purchased by any abutting property owner ~~or owners; and the~~. The price shall  
27 be no greater than ~~its~~ the property's fair market value or its contributory value to the abutting  
28 property, whichever is greater, or the amount agreed to by the parties. No such vacation or  
29 abandonment shall be concluded until the agreed price has been paid. If any abutting property  
30 owner does not ~~make such payment~~ pay for such owner's fractional portion within one year, or  
31 other time period made a condition of the vacation or abandonment, of the local government

1 action to vacate or abandon, then the vacation or abandonment shall be ~~null and~~ void as to any  
2 such property owner.

3 **Drafting note: No substantive change in the law; changes are for clarity.**

4  
5 Article 3.

6 Encroachments on Rights-of-Way, Etc.

7  
8 § ~~15.1-893~~ 15.2-2009. Obstructions or encroachments.

9 ~~A municipal corporation~~ A locality may prevent any unlawful obstruction of or  
10 encroachment over, under or in any street, highway, road, alley, bridge, viaduct, subway,  
11 underpass or other public ~~way~~ right-of-way or place; may provide penalties for maintaining any  
12 such unlawful obstruction or encroachment; may remove the same and charge the cost thereof to  
13 the owner or ~~owners~~, occupant or ~~occupants~~ of the property so obstructing or encroaching; and  
14 may collect the cost in any manner provided by law for the collection of state or local taxes; The  
15 locality may require the owner or ~~owners~~, occupant or ~~occupants~~ of the property so obstructing  
16 or encroaching to remove the ~~same~~; property and, pending such removal, may charge the owner  
17 or ~~owners~~ of the property so obstructing or encroaching compensation for the use of such portion  
18 of the street, highway, road, alley, bridge, viaduct, subway, underpass or other public ~~way~~ right-  
19 of-way or place obstructed or encroached upon the equivalent of what would be the tax upon the  
20 land so occupied if it were owned by the owner or ~~owners~~ of the property so obstructing or  
21 encroaching, ~~and, if such~~. If removal shall is not be made accomplished within the time ordered,  
22 the locality may impose penalties for each ~~and every~~ day that ~~such~~ the obstruction or  
23 encroachment is allowed to continue ~~thereafter~~; The locality may authorize encroachments  
24 upon such public ~~ways~~ rights-of-way and places subject to such terms and conditions as the  
25 ~~municipal corporation~~ governing body may prescribe, ~~but the owner or~~. However, owners,  
26 ~~occupant~~ or occupants shall be liable for negligence on account of such encroachment; and the  
27 governing body may institute and prosecute a suit or action in ejectment or other appropriate  
28 proceedings to recover possession of any such public ~~way~~ right-of-way or place or any other  
29 property ~~of the municipal corporation~~ unlawfully occupied or encroached upon.

30 **Drafting note: Expanded to include counties.**

1           § ~~15.1-376~~ 15.2-2010. ~~Cities and towns~~ Localities may permit awnings, fire escapes, etc.,  
2 to overhang ~~streets~~ public rights-of-way.

3           Any ~~incorporated city or town may adopt ordinances authorizing~~ locality may authorize  
4 owners or occupants of property abutting upon any ~~streets or alleys therein~~ public rights-of-way,  
5 within such limitations as ~~they~~ the locality may prescribe, to construct and maintain in, upon and  
6 over such ~~streets and alleys~~ public rights-of-way, awnings, fire escapes, shutters, signs, cornices,  
7 gutters, downspouts, bay windows and other appendages to buildings; but such authority or  
8 permission ~~so granted~~ shall be ~~held and~~ deemed to be a license merely and shall be revocable at  
9 the pleasure of ~~such cities or towns~~ the localities or of the General Assembly. Nothing ~~herein~~  
10 contained in this section shall be construed to relieve such owners or occupants from liability for  
11 any negligence on their part.

12           **Drafting note: Expanded to include counties. “Occupants” is added in the last**  
13 **sentence to correct an apparent oversight in existing language.**

14  
15           § ~~15.1-377~~ 15.2-2011. ~~Counties, cities and towns~~ Localities may permit existing  
16 encroachments.

17           ~~It shall be lawful for the councils or other governing bodies of counties cities and towns~~  
18 ~~to adopt ordinances authorizing~~ Notwithstanding the provisions of § 15.2-2000 A, localities may  
19 authorize owners of buildings or structures encroaching under, upon and over any public ~~streets~~  
20 ~~or public alleys~~ rights-of-way therein, within such limitations as ~~they~~ the localities may  
21 prescribe, to maintain such encroachments as they exist, until such buildings or structures are  
22 destroyed or removed; ~~provided, that~~ however, nothing ~~herein~~ contained in this section shall be  
23 construed to relieve ~~said~~ the owners of ~~any~~ negligence on their part on account of any such  
24 encroachment.

25           **Drafting note: No substantive change in the law. This section pertains to**  
26 **encroachments by existing structures themselves while the preceding section pertains to**  
27 **new or existing encroachments by appendages to structures where the structures**  
28 **themselves are not encroaching.**

29  
30           § ~~15.1-377.1~~ 15.2-2012. Fee for processing application ~~under § 15.1-377~~.



1 city the locality when in his judgment the public safety so requires. Such temporary closing by  
2 ~~the city manager or mayor~~ shall not extend past the time of the next meeting of the governing  
3 body ~~of such city~~.

4 **Drafting note: Expanded to include counties and towns; no change in intent.**

5  
6 Article 5.

7 Miscellaneous.

8  
9 § 15.1 363. ~~Survey and plan of cities and towns to be made and recorded; effect of plan~~  
10 ~~as evidence.~~

11 ~~The council of every city and town shall, unless it has already been done, cause to be~~  
12 ~~made a survey and plan of such city or town, showing distinctly each lot, public street and alley~~  
13 ~~therein, the size and number of the lots and the width of the streets and alleys, with such~~  
14 ~~explanations or remarks as they may deem proper. Such plan, when approved by the council,~~  
15 ~~shall be entered in some one of their books and afterwards recorded, in the case of a city in the~~  
16 ~~clerk's office of the corporation court of such city, except that in the City of Richmond it shall be~~  
17 ~~recorded in the chancery court of the city, and in the case of a town in the clerk's office of the~~  
18 ~~county in which the town or the greater part thereof is. When so recorded the plan shall remain in~~  
19 ~~such office. The plan shall be prima facie evidence of the boundaries of the lots, streets and~~  
20 ~~alleys.~~

21 **Drafting note: Repealed; this section is repealed as it is outdated.**

22  
23 § ~~15.1-892~~ 15.2-2015. Use of streets, etc. for transportation and utilities; removal and  
24 alteration of facilities and equipment; permits and charges.

25 ~~A municipal corporation~~ Any city or town may provide for the issuance of permits, under  
26 such terms and conditions as ~~the municipal corporation~~ they may impose, for the use of streets,  
27 highways, roads, alleys, bridges, viaducts, subways and underpasses and other public ~~ways~~  
28 rights-of-way and places by railroads, buses, taxicabs and other vehicles for hire; may prescribe  
29 the location in, under or over and provide for the issuance of permits for the use of such public  
30 ~~ways~~ rights-of-way and places for the installation, maintenance and operation of tracks, poles,  
31 wires, cables, pipes, conduits, bridges, viaducts, subways, vaults, areas and cellars; may require

1 tracks, poles, wires, cables, pipes, conduits, bridges, viaducts, subways and underpasses to be  
2 altered, removed or relocated either permanently or temporarily; may charge and collect  
3 compensation for the privileges so granted; and may prohibit such use of ~~said such~~ public ways  
4 rights-of-way and places except as otherwise provided by law. No such use shall be made of the  
5 streets, highways, roads, alleys, bridges, viaducts, subways and underpasses without the consent  
6 of the ~~municipal corporation~~ city or town.

7 **Drafting note: No substantive change in the law.**

8  
9 § ~~15.1-895~~ 15.2-2016. Regulation of services and rates charged by person using streets,  
10 etc.

11 ~~A municipal corporation~~ Any city or town may regulate the services rendered to the  
12 public and rates charged therefor by any person, ~~firm, association, organization or corporation~~  
13 using the streets, highways, roads, alleys, bridges, viaducts, subways, underpasses or other public  
14 ~~ways~~ rights-of-way or places for the rendition of such services, which are not subject to  
15 regulation by the State Corporation Commission.

16 **Drafting note: No substantive change in the law. Definition of “person” in Title 1**  
17 **includes the business entities deleted.**

18  
19 § ~~15.1-375~~ 15.2-2017. Public utilities not to use streets without consent.

20 No street railway, gas, water, steam or electric heating, electric light or power, cold  
21 storage, compressed air, viaduct, conduit, telephone or bridge company, nor any corporation,  
22 association, person, or partnership engaged in these or like enterprises, shall be permitted to use  
23 the streets, alleys or public grounds of a city or town, without the previous consent of the  
24 corporate authorities of such city or town.

25 **Drafting note: No change; this section repeats § 8 of Article VII of the Virginia**  
26 **Constitution.**

27  
28 § ~~15.1-512.1~~ 15.2-2018. Use of certain public property without consent or franchise.

29 ~~Any~~ Notwithstanding the provisions of § 15.2-2000 A, any person or corporation, except  
30 a public service corporation, that ~~shall undertake to occupy or use~~ occupies or uses any ~~of the~~  
31 streets, avenues, parks, bridges or any other public places or public property or any public

1 easement of any description of a county, in a manner not permitted to the general public, without  
2 having first legally obtained the consent thereto of the governing body of such county or a  
3 franchise therefor, shall be guilty of a Class 4 misdemeanor. Each day's continuance thereof shall  
4 be a separate offense. Such occupancy or use shall be deemed a nuisance ~~and the~~. The court  
5 trying the case ~~shall have power to~~ may cause the nuisance to be abated and ~~to~~ commit the  
6 offenders and all their agents and employees engaged in such offenses to jail until ~~such~~ the order  
7 of the court ~~shall be~~ is obeyed.

8 **Drafting note: No substantive change in the law.**

9  
10 § ~~15.1-379~~ 15.2-2019. ~~County governing body~~ Localities may name streets, roads and  
11 alleys.

12 ~~The governing body of any county~~ Notwithstanding the provisions of § 15.2-2000 A,  
13 every locality may, by resolution duly adopted, ~~give names to streets, roads and alleys therein~~  
14 ~~outside the corporate limits of towns~~ name streets, roads and alleys. However, ~~the governing~~  
15 ~~body, by resolution, may delegate this authority to another county official or agency~~. Such names  
16 shall take precedence over any other designation except those primary highways conforming to §  
17 33.1-12, and shall be employed in ~~making reference~~ references to property abutting thereon.

18 **Drafting note: Expanded to include cities and towns with no change in intent. The**  
19 **sentence regarding delegation of authority is deleted as unnecessary.**

20  
21 § ~~15.1-380~~ 15.2-2020. Lights on ~~streets and highways~~ public rights-of-way in counties.

22 ~~The boards of supervisors of counties~~ Notwithstanding the provisions of § 15.2-2000 A,  
23 counties may, ~~in their discretion,~~ install and maintain suitable lights on ~~the streets and highways~~  
24 public rights-of-way in the villages and ~~built-up portions of~~ such counties, ~~respectively,~~ and pay  
25 the costs of such installation and maintenance ~~out of the county fund~~.

26 **Drafting note: The broader phrase “public rights-of-way” is used in place of**  
27 **“streets and highways.” “Built-up portions” is deleted as it is not defined.**

28  
29 § ~~15.1-381~~ 15.2-2021. Ramps on curbs of certain streets; specifications.

30 ~~The governing bodies of every county, city and town,~~ Notwithstanding the provisions of  
31 § 15.2-2000 A, every locality requiring curbs along its streets, shall require that curb ramps be

1 constructed at intersections for use by persons with mobility impairments. ~~Such~~ The ramps shall  
2 comply with the Virginia Department of Transportation's Road and Bridge Standards. Local  
3 option, variance, or waiver of these standards is prohibited. ~~Transition plans in accordance with~~  
4 ~~the Americans with Disabilities Act must be implemented by January 26, 1995.~~

5 **Drafting note: No substantive change in the law. The last sentence is no longer**  
6 **needed.**

7  
8 § ~~15.1-16.1~~ 15.2-2022. Certain counties may adopt ordinance regulating tracking of mud  
9 and debris upon highways.

10 ~~The governing body of any~~ Notwithstanding the provisions of § 15.2-2000 A, any county  
11 (i) whose roads are not a part of the state secondary highway system ~~or~~ (ii) which has the urban  
12 county executive form of government, or (iii) is adjacent to a county which has the urban county  
13 executive form of government may, by ordinance, regulate the tracking of mud and debris upon  
14 the highways and secondary highways within the county boundaries ~~of such county~~.

15 **Drafting note: No substantive change in the law.**

16  
17 § ~~15.1-26.2~~ 15.2-2023. Expenditure of county revenues for certain roads.

18 Any county may expend so much of its general revenues as its governing body by  
19 majority vote of its elected members ~~shall deem~~ deems appropriate for the construction and  
20 repair ~~work on~~ of public roads not in the ~~State Highway System~~ state highway system or the  
21 secondary system and ~~shall have authority to~~ may own and operate the properties and equipment  
22 necessary to carry out the provisions of this section.

23 Any county revenues expended for such roads ~~not a part of the highway system or~~  
24 ~~secondary system~~ shall not be considered to be highway funds which are made available for  
25 highway purposes pursuant to § 33.1-23.1 and shall not diminish funds paid to counties under §  
26 33.1-23.1.

27 **Drafting note: No substantive change in the law.**

28  
29 § ~~15.1-29.11~~ 15.2-2024. Numbers to be displayed on buildings.

30 ~~The governing body of any county, city or town may~~ Notwithstanding the provisions of §  
31 15.2-2000 A, every locality, by ordinance, may require that each building that fronts on a public



1 right-of-way be numbered and such number be displayed on the primary or accompanying  
2 building or in a manner that is easily readable from the public right-of-way. ~~Any county, city or~~  
3 ~~town~~ Every locality may adopt such rules or procedures necessary to ensure the compliance with  
4 and enforcement of ~~this section and~~ the ordinance adopted pursuant to this section.

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-29.16~~ 15.2-2025. Removal of snow and ice.

8 ~~Any~~ Notwithstanding the provisions of § 15.2-2000 A, any county in Northern Virginia  
9 Planning District 8 may provide by ordinance reasonable criteria and requirements for the  
10 removal of accumulations of snow and ice from public sidewalks, by the owner or other person  
11 in charge of any occupied property.

12 Such ordinance shall include reasonable time frames for compliance and reasonable  
13 exceptions for handicapped and elderly persons, and those otherwise physically incapable of  
14 meeting the ~~reasonable~~ criteria and requirements for such removal.

15 Civil penalties not to exceed \$100 may be imposed for violation of such ordinance.

16 **Drafting note: No substantive change in the law.**

17  
18 § ~~15.1-16~~ 15.2-2026. Limited access streets.

19 ~~Cities and towns~~ Localities shall have the same ~~power and~~ authority with respect to the  
20 planning, designation, acquisition, opening, construction, reconstruction, improvement,  
21 maintenance, discontinuance and regulation of the use of limited access streets; the designation  
22 of existing streets as limited access streets, and the extinguishment of easements and rights in  
23 connection therewith; the regulation and restriction of access to such streets; the construction of  
24 service roads in connection therewith; and all other authority with respect to such streets and  
25 incidental thereto, as the Commonwealth Transportation Board has under the provisions of  
26 Article 4 (§ 33.1-57 et seq.) of Chapter 1 of Title 33.1, or as the ~~Commission~~ Board may be  
27 hereafter granted by amendment thereof or otherwise. ~~The term "limited~~ "Limited access street"  
28 as used in this section ~~shall mean~~ means a street especially designed for through traffic over  
29 which abutters have no easement or right of light, air or access ~~to by reason of the fact that~~  
30 because their property abuts upon such limited access street.

1           **Drafting note: No substantive change in the law; “cities and towns” is changed to**  
2 **“localities.”**

3  
4           § ~~15.1-510.5:1~~ 15.2-2027. Regulation of private roadways within multifamily residential  
5 developments.

6           Any ~~county~~ locality may regulate and control private roadways within multifamily  
7 residential developments to such extent as to allow police, fire and rescue vehicles access to ~~such~~  
8 the developments, as may be necessary in case of emergency.

9           **Drafting note: No substantive change in the law. The task force recommends**  
10 **changing county to locality in order to eliminate possible confusion although cities and**  
11 **towns already have this power under the general police powers.**

12  
13           § ~~15.1-891~~ 15.2-2028. Regulation of traffic.

14           ~~A municipal corporation~~ Every locality may regulate and control the operation of motor  
15 and other vehicles and the movement of vehicular and pedestrian travel and traffic on streets,  
16 highways, roads, alleys, bridges, viaducts, subways, underpasses and other public ~~ways~~ rights-of-  
17 way and places, provided such regulations shall not be inconsistent with the provisions of  
18 Chapter 13 (§ 46.2-1300 et seq.) of Title 46.2, ~~or any amendment or revision thereof or~~  
19 ~~provisions of law which are successor thereto.~~

20           **Drafting note: No substantive change in the law; adds counties as is authorized by**  
21 **the referenced Chapter 13; deletes unnecessary language.**

22  
23           § 15.2-2029. Regulation of transportation of certain materials.

24           Any locality may regulate the transportation of hay, coal, gasoline, explosives or other  
25 articles through the streets of the locality.

26           **Drafting note: Relocated from provision (8) of § 15.1-14.**

27  
28           § ~~15.1-376.1~~ 15.2-2030. ~~Counties, cities and towns~~ Localities may sell or lease airspace  
29 over public streets, ~~ways~~ public-rights-of-way, etc., under certain conditions.

30           ~~Subject~~ Notwithstanding the provisions of § 15.2-2000 A, subject to the provisions of  
31 Article VII, Section 9 of the Constitution of Virginia when applicable, the governing body of

1 ~~every county, city and town~~ any locality may, by ordinance, authorize the sale or lease of the  
2 airspace over or under any public street, lane, alley or other ~~way~~ public right-of-way in such  
3 ~~county, city and town~~ locality owned by it in fee simple; provided, ~~however,~~ that any building,  
4 structure or appurtenance thereto, constructed over any such street, lane, alley or other ~~way~~  
5 public right-of-way shall have a minimum clearance of sixteen feet six inches and providing  
6 further that nothing herein shall be construed to relieve any such grantee or lessee of such  
7 airspace of the liability for negligence on their part. No such ordinance shall be adopted until the  
8 governing body has held a public hearing thereon after public notice as provided in § ~~15.1-431~~  
9 15.2-2204. In addition, in those public ~~ways~~ rights of way in which the Commonwealth has a  
10 prescriptive easement for maintenance and public travel, the airspace shall be conveyed or leased  
11 only with the consent, in writing, of the Commonwealth Transportation Commissioner.

12         Should the construction of any building or structure in any such airspace require the  
13 relocation of any utility, the cost of such relocation shall be borne by the grantee or lessee.

14         **Drafting note: No substantive change in the law. The minimum clearance is**  
15 **increased to reflect current regulations.**

1 PROPOSED  
2 CHAPTER 9 21.  
3 PUBLIC UTILITIES; FRANCHISES; SALE AND LEASE OF CERTAIN  
4 MUNICIPAL PUBLIC PROPERTY; PUBLIC UTILITIES.  
5

6 Chapter drafting note: The sections of this chapter are consolidated from various  
7 other chapters and organized as follows: Article 1, franchises; Article 2, general provisions  
8 regarding public utilities; Articles 3 and 5, sewage disposal and water service, respectively;  
9 Articles 4 and 6, power of counties to approve construction of such facilities; Article 7,  
10 miscellaneous services.

11  
12 Article 1.  
13 Franchises; Sale and Lease of Certain Public Property.  
14

15 ~~§ 15.1-894. Franchises.~~

16 ~~A municipal corporation may grant franchises to use public property and may exercise~~  
17 ~~the powers granted in Article 2 (§ 15.1-307 et seq.) of Chapter 9 of this title, to the extent and in~~  
18 ~~the manner therein prescribed, subject to the provision of Article VII, Section 9 of the~~  
19 ~~Constitution of Virginia.~~

20 **Drafting note: Repealed; the referenced authority is covered by § 15.2-2100.**

21  
22 ~~§ 15.1-307~~ 15.2-2100. Restrictions on granting franchises selling certain municipal public  
23 property and granting franchises selling public property.

24 ~~The rights of no~~ A. No rights of a city or town in and to its waterfront, wharf property,  
25 public landings, wharves, docks, streets, avenues, parks, bridges ~~and, or~~ other public places ~~and,~~  
26 ~~or~~ its gas, water ~~and, or~~ electric works shall be sold, except by an ordinance passed by a recorded  
27 affirmative vote of ~~three-fourths~~ three-fourths of all the members elected to the council,  
28 notwithstanding any contrary provision of law, general or special ~~or to each branch thereof, when~~  
29 ~~there are two,~~ and under such other restrictions as may be imposed by law; ~~and.~~ Notwithstanding  
30 any contrary provision of law, general or special, in case of ~~the~~ a veto by the mayor of such an  
31 ordinance, it shall require a recorded affirmative vote of ~~three-fourths~~ three-fourths of all the

1 members elected to the council ~~or to each branch thereof, when there are two, had in the manner~~  
2 heretofore provided for in § 15.1-817 to pass the same over the veto override the veto.

3 B. No franchise, lease or right of any kind to use any such public property or any other  
4 public property or easement of any description, in a manner not permitted to the general public,  
5 shall be granted for a ~~longer~~ period longer than forty years, except for air rights together with  
6 easements for columns for support, which may be granted for a period not exceeding sixty years.

7 Before granting any such franchise or privilege for a term in excess of five years, except  
8 for a trunk railway, the city or town shall ~~first~~, after due advertisement, publicly receive bids  
9 therefor ~~publicly~~, in such manner as is provided by § ~~15.1-310~~ 15.2-2103, and shall then act as  
10 may be required by law.

11 Such grant, and any contract in pursuance thereof, may provide that, upon the termination  
12 of the grant, the plant as well as the property, if any, of the grantee in the streets, avenues and  
13 other public places shall thereupon, without compensation to the grantee, or upon the payment of  
14 a fair valuation thereof, ~~be and~~ become the property of the city or town; but the grantee shall be  
15 entitled to no payment by reason of the value of the franchise; ~~and any.~~ Any such plant or  
16 property acquired by a city or town may be sold or leased or, if authorized by general law,  
17 maintained, controlled, and operated by such city or town. Every such grant shall specify the  
18 mode of determining any valuation therein provided for and shall make adequate ~~provision~~  
19 provisions by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at  
20 reasonable rates and the maintenance of the property in good order throughout the term of the  
21 grant.

22 C. Any additional restriction now required in any existing municipal charter relating to  
23 the powers of cities and towns in ~~granting franchises or in~~ selling or granting franchises or  
24 leasing any of their property is hereby superseded; ~~provided that~~ however, nothing herein  
25 contained shall be construed as affecting the term of any existing franchise, lease or right. The  
26 requirement of an affirmative three-fourths vote of council shall apply only to the sale of the  
27 listed properties and not to their franchise, lease or use.

28 **Drafting note: No substantive change in the law. The reference to two branch**  
29 **councils, since there are none, is eliminated. The added language states the judicial**  
30 **interpretation of these provisions which restate Article VII, Section 9 of the Constitution.**

31

1           § ~~15.1-308~~ 15.2-2101. Ordinance proposing grant of franchise, etc., to be advertised.

2           Before granting any franchise, privilege, lease or right of any kind to use any public  
3 property described in § 15.2-2100 or easement of any description, for a term in excess of five  
4 years, except in the case of and for a trunk railway, the city or town proposing to make the grant  
5 shall advertise a descriptive notice of the ordinance proposing to make the grant, ~~after its term~~  
6 ~~shall have been approved by the mayor, or the ordinance passed over the mayor's veto, as in case~~  
7 ~~of other ordinances~~, once a week for four successive weeks in a newspaper ~~published in the city~~  
8 ~~or town; or, if no newspaper be published therein, then in some newspaper~~ having general  
9 circulation ~~therein; and the~~ in the city or town. The descriptive notice of the ordinance may be  
10 also be advertised as many times in such other newspaper or newspapers, published ~~in or out of~~  
11 outside the city, town or Commonwealth, as the council may ~~select and determine upon~~. The  
12 advertisement shall include a statement that a copy of the full text of the ordinance is on file in  
13 the office of the clerk of the ~~town or city~~ or town council.

14           **Drafting note: No substantive change in the law; words added and deleted for**  
15 **clarity.**

16  
17           § ~~15.1-309~~ 15.2-2102. What advertisements shall contain.

18           ~~Such~~ The advertisement shall invite bids for the franchise, privilege, lease or right  
19 proposed to be granted in the ordinance, ~~which~~ . The bids ~~are to~~ shall be in writing and delivered  
20 upon a the day and hour named in the advertisement, in open session, to the presiding officer of  
21 the council of the city or town; ~~or, if there be more than one branch thereof, to the presiding~~  
22 ~~officer of the most numerous branch of the city council~~. The cost of advertising herein required  
23 the required advertisement shall be paid by the city or town which, ~~however,~~ shall be reimbursed  
24 by the person ~~or corporation~~ to whom the grant is ~~finally~~ made. The city or town shall have the  
25 right to reject any and all bids and shall reserve this right in the advertisement ~~hereinbefore~~  
26 required.

27           **Drafting note: No substantive change in the law. The reference to two branch**  
28 **councils is eliminated since there are none. The word “lease” is added in this section, as**  
29 **well as §§ 15.2-2103 through 15.2-2107, since § 15.2-2101 mentions leases. Statutory**  
30 **definition of the word “person” includes a corporation.**

1           § ~~15.1-310~~ 15.2-2103. How bids ~~read~~ received and to whom franchise awarded.

2           The presiding officer ~~aforsaid~~ shall read aloud, or cause to be read aloud, a brief  
3 summary of the bids that have been received, for public information, and shall then inquire if any  
4 further bids are offered. If further bids are offered, they shall be received, ~~until no further bid is~~  
5 ~~offered; but if not, the.~~ The presiding officer shall thereafter declare the bidding closed, ~~and the~~  
6 ~~bids that have been received shall be communicated in due course to the other branch of the city~~  
7 ~~council, if there be another branch.~~ After reference to a committee, if there is one, and such other  
8 investigation as the council, ~~or either branch of the council~~, sees fit to make, the council, ~~if it sees~~  
9 ~~fit to make the grant~~, shall accept the highest ~~and best~~ bid from a responsible bidder and shall  
10 ~~enact~~ adopt the ordinance as advertised, without substantial variation, except as to ~~the insertion~~  
11 ~~of~~ insert the name of the accepted bidder; ~~provided, that the.~~ However, the council ~~may~~, by a  
12 recorded vote of a majority of the members elected to the council, ~~and to each branch thereof, if~~  
13 ~~it be a council having two branches,~~ may reject a higher bid and accept a lower bid from a  
14 responsible bidder and award the franchise, right, lease or privilege to the lower bidder, if, in its  
15 opinion, some reason affecting the interest of the city or town makes it advisable ~~so~~ to do so,  
16 which reason shall be ~~itself~~ expressed in the body of the subsequent ordinance granting the  
17 franchise, right, lease or privilege.

18           **Drafting note: No substantive change in the law. Obsolete material is deleted.**

19  
20           § ~~15.1-311~~ 15.2-2104. Award when no satisfactory bid received.

21           If, after such advertisements, no bid, or no satisfactory bid, ~~shall be~~ is made, the council  
22 may advertise for further bids, and in case no bid at all is made, the council ~~may~~, if it sees fit ~~so~~  
23 to do so, ~~enact~~ may adopt an ordinance in the manner required by law granting such franchises,  
24 rights, leases or privileges to any person ~~or corporation~~ making application therefor.

25           **Drafting note: No substantive change in the law.**

26  
27           § ~~15.1-312~~ 15.2-2105. Bond of person awarded franchise, etc.

28           The person ~~or corporation~~ to whom ~~any such~~ a franchise, right, lease or privilege is  
29 awarded, whether by competing bids or otherwise, ~~as hereinbefore provided~~, shall first execute a  
30 bond, with good and sufficient security, in favor of the city or town, The bond shall be in such  
31 sum as the city or town shall determine, conditioned upon the ~~constructing and putting into~~

1 construction, operation and maintaining maintenance of the plant or plants provided for in the  
2 granted franchise, right, lease or privilege granted.

3 **Drafting note: No substantive change in the law.**

4  
5 ~~§ 15.1-313. Subsequent ordinance presented to mayor.~~

6 ~~The subsequent ordinance actually making the grant, with a detailed list giving names,~~  
7 ~~amounts and addresses of all bidders, shall be presented to the mayor for his information and for~~  
8 ~~his approval or disapproval, as in the case of all other ordinances.~~

9 **Drafting note: Repealed; obsolete.**

10  
11 ~~§ 15.1-314~~ 15.2-2106. How amendments made to franchise, etc.; notice required.

12 No amendment or extension of any ~~such~~ franchise, right, lease or privilege that now  
13 exists, or that may hereafter be authorized, which extends or enlarges the time or territory of such  
14 franchise, right, lease or privilege, ~~either as to the time during which it is to last or as to the~~  
15 ~~territory in which it is to be enjoyed,~~ shall be granted by any city or town until the provisions of  
16 §§ ~~15.1-308 to 15.1-313~~ 15.2-2101 through 15.2-2105 shall have been complied with; ~~and no.~~  
17 No amendment that releases the grantee, or his assignee, from the performance of any duty  
18 required by the ordinance ~~granting the franchise~~ or that authorizes an increase in the user charges  
19 to be made by such grantee or assignee ~~for the use by the public of the benefits of such franchise~~  
20 shall be granted ~~unless and~~ until notice of such proposed amendment shall be has given to the  
21 public by advertising the proposed amendment for ten days in some newspaper ~~published~~ having  
22 general circulation in the city or town; ~~or, if there be no newspaper published therein, then in~~  
23 ~~some newspaper having circulation therein.~~ The cost of such advertising shall be paid by the city  
24 or town, which shall be reimbursed by the person to whom the amendment is granted. No such  
25 amendment shall be adopted except by ordinance.

26 **Drafting note: No substantive change in the law.**

27  
28 ~~§ 15.1-315~~ 15.2-2107. Powers of court to enforce obedience ~~to franchises~~ by mandamus,  
29 etc.

30 The ~~corporation~~ circuit courts of ~~for the cities and the circuit courts of~~ for the counties in  
31 which towns may be situated shall have jurisdiction by mandamus, according to the provisions of



1 Article 2 (§ 8.01-644 et seq.) of Chapter 25 of Title 8.01, to enforce compliance by the cities or  
2 towns and by all grantees of franchises, whether now in force or hereafter granted with all the  
3 terms and contracts and obligations of either party, as contained in the franchises, rights, leases  
4 or privileges, whether now in force or hereafter granted. ~~Services of process in such mandamus~~  
5 ~~proceeding may be made upon any agent or employee of such grantees residing in the city or~~  
6 ~~town, or otherwise, as provided by law for service of process on a defendant; provided, however,~~  
7 ~~that such.~~ The jurisdiction in mandamus shall not preclude any party from bringing any other  
8 suit or action which such party would be entitled to bring, at law or in equity.

9 **Drafting note: For uniformity, mandamus is extended to rights, leases or privileges.**

10  
11 § ~~15.1-316~~ 15.2-2108. Persons occupying or using streets, etc., contrary to law.

12 Any person ~~or corporation that shall undertake to occupy or use~~ occupying or using any  
13 of the streets, avenues, parks, bridges or any other public places or public property or any public  
14 easement of any description of a city or town, in a manner not permitted to the general public,  
15 without having first legally obtained the consent ~~thereto of the governing body of such~~ the city or  
16 town ~~council or a franchise therefor,~~ shall be guilty of a Class 4 misdemeanor. Each day's  
17 continuance thereof shall be a separate offense. Such occupancy or use shall be deemed a  
18 nuisance ~~and the.~~ The court trying the case ~~shall have power to~~ may cause the nuisance to be  
19 abated and ~~to~~ commit the offenders and all their agents and employees engaged in such offenses  
20 to jail until ~~such~~ the order of the court ~~shall be~~ is obeyed.

21 **Drafting note: No substantive change in the law.**

22  
23 Article 2.

24 General Provisions for Public Utilities.

25  
26 § ~~15.1-292~~ 15.2-2109. General powers of ~~counties, cities and towns~~ localities as to public  
27 utilities; prevention of pollution of certain water.

28 A. ~~The governing body of every county, city and town~~ Any locality may (i) acquire or  
29 otherwise obtain control of or (ii) establish, maintain, operate, extend and enlarge; waterworks,  
30 sewerage, gas works (natural or manufactured), electric plants, public mass transportation  
31 systems, stormwater management systems and other public utilities within or ~~without~~ outside the

1 limits of the ~~county, city or town~~ locality and may acquire within or ~~without the~~ outside its limits  
2 ~~of the county, city or town by purchase, condemnation or otherwise~~ in accordance with § 15.2-  
3 1800 whatever land may be necessary for acquiring, locating, establishing, maintaining,  
4 operating, extending or enlarging waterworks, sewerage, gas works (natural or manufactured),  
5 electric plants, ~~and other public utilities or public transit or mass~~ transportation systems,  
6 stormwater management systems and other public utilities, and the rights-of-way, rails, pipes,  
7 poles, conduits or wires connected therewith, or any of the fixtures or appurtenances thereof. ~~But~~  
8 ~~no county, city or town shall have the right to acquire by condemnation the steam and electric~~  
9 ~~plants, gas and waterworks, or waterpower and fixtures and appurtenances, or any part thereof,~~  
10 ~~owned and operated in whole or in part on February 18, 1908, by any manufacturing corporation~~  
11 ~~or public service corporation, for the purpose of acquiring, establishing, maintaining, operating~~  
12 ~~or enlarging its electric plant or waterworks.~~ As required by subsection C of § 15.2-1800, this  
13 section expressly authorizes a county to acquire real property for a public use outside its  
14 boundaries.

15 ~~Such governing body~~ The locality may also prevent the pollution of water and injury to  
16 waterworks for which purpose ~~their~~ its jurisdiction shall extend to five miles ~~about the same and~~  
17 beyond the locality. It may make, erect and construct, within or near ~~the county, city or town its~~  
18 boundaries, drains, sewers and public ducts and acquire within or ~~without such county, city or~~  
19 ~~town, by purchase, condemnation or otherwise~~ outside the locality in accordance with 15.2-1800,  
20 so much land as may be necessary to make, erect, construct, operate and maintain any of the  
21 works or plants mentioned in this section.

22 In the exercise of the powers granted by this section and by ~~§ 15.1-293~~ 15.2-2115,  
23 ~~counties, cities and towns~~ localities shall be subject to the provisions of § 25-233 to the same  
24 extent as are corporations. The provisions of this section shall not be construed to confer upon  
25 any ~~county, city or town~~ locality the power of eminent domain with respect to any public utility  
26 owned or operated by any other political subdivision of this Commonwealth. The provisions of  
27 this section shall not be construed to exempt ~~counties, cities and towns~~ localities from the  
28 provisions of Chapters 12 (§ 56-273 et seq.), 12.3 (§ 56-338.40 et seq.) and 12.4 (§ 56-338.50 et  
29 seq.) of Title 56 20 (§ 46.2-2000 et seq.), 22 (§ 46.2-2200 et seq.) and 23 (§ 46.2-2300 et seq.) of  
30 Title 46.2.

1           B. ~~The governing body of a county, city or town~~ A locality may not (i) acquire, ~~by~~  
2 ~~purchase, condemnation or otherwise,~~ all of a public utility's facilities, equipment or  
3 appurtenances for the production, transmission or distribution of natural or manufactured gas, or  
4 of electric power, within the limits of such ~~county, city or town~~ locality, or (ii) take over or  
5 displace, in whole or in part, the utility services provided by such gas or electric public utility to  
6 customers within the limits of such ~~county, city or town~~ locality until after the  
7 acquisition is authorized by a majority of the voters voting in a referendum held in accordance  
8 with the provisions of Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24. 2 in such ~~county,~~  
9 ~~city or town~~ locality on the question of whether or not such facilities, equipment or  
10 appurtenances should be acquired or such services should be taken over or displaced; however,  
11 the provisions of this subsection shall not apply to the use of energy generated from landfill gas  
12 in any city with a population between 64,000 and 69,000 or in any county with a population of at  
13 least 500,000. In no event, however, shall a ~~county, city or town~~ locality be required to hold a  
14 referendum in order to provide gas or electric service to its own facilities. Notwithstanding any  
15 provision of this subsection, a ~~county, city or town~~ locality may acquire public utility facilities or  
16 provide services to customers of a public utility with the consent of the public utility. No city or  
17 town which provided electric service as of January 1, 1994, shall be required to hold such a  
18 referendum prior to the acquisition of a public utility's facilities, equipment or appurtenances  
19 used for the production, transmission or distribution of electric power or to the provision of  
20 services to customers of a public utility. Nothing in this subsection shall be deemed to (i) create a  
21 property right or property interest or (ii) affect or impair any existing property right or property  
22 interest of a public utility.

23           **Drafting note: Sewage disposal and stormwater management systems have been**  
24 **added since they were not considered utilities when this section was initially drafted but are**  
25 **considered to be so today. Obsolete language is deleted in the first paragraph.**

26  
27           ~~§ 15.1-877. Electric energy.~~

28           ~~A municipal corporation may provide and operate within or without the municipal~~  
29 ~~corporation plants, facilities, and appurtenances for the production, transmission and distribution~~  
30 ~~of electric energy for the use of the municipal corporation and the inhabitants of the~~  
31 ~~municipality; may contract with others for such purposes and services; may charge and collect~~

1 compensation for electric energy thus furnished; and may provide penalties for the unauthorized  
2 use thereof.

3 **Drafting note: Repealed; the substance of this section is covered by § 15.2-2109.**

4  
5 ~~§ 15.1-878. Natural or manufactured gas.~~

6 ~~A municipal corporation may provide and operate within or without the municipal~~  
7 ~~corporation plants, facilities, equipment and appurtenances for the production, transmission and~~  
8 ~~distribution of natural or manufactured gas for the use of the inhabitants of the municipality; may~~  
9 ~~contract with others for such purposes and services; may charge and collect compensation for gas~~  
10 ~~thus furnished; and may provide penalties for the unauthorized use thereof.~~

11 **Drafting note: Repealed; the substance of this section is covered by § 15.2-2109.**

12  
13 ~~§ 15.1-292.1~~ 15.2-2110. Mandatory connection to ~~Botetourt County and Halifax County~~  
14 water and ~~sewerage~~ sewage systems in certain counties.

15 A. ~~The governing bodies of Botetourt, Cumberland, and Halifax Counties may require~~  
16 ~~connection to their water and sewerage~~ sewage systems by owners of property that may be  
17 served by such systems; however, those persons having a domestic supply or source of potable  
18 water and a system for the disposal of sewage adequate to prevent the contraction or spread of  
19 infectious, contagious, and dangerous disease shall not be required to discontinue use of the  
20 same, but may be required to pay a connection fee, a front footage fee, and a monthly nonuser  
21 service charge that shall not be more than that proportion of a minimum monthly user charge as  
22 debt service compares to the total operating and debt service costs.

23 ~~§ 15.2-292.1:1. Connection to water and sewer systems of Rockingham County.~~

24 B. Rockingham County may require connection to its water and sewer systems by  
25 owners of property that can be served by the systems if the property, at the time of installation of  
26 such public system, does not have a domestic supply or source of potable water and a system for  
27 the disposal of sewage adequate to prevent the contraction or spread of infectious, contagious  
28 and dangerous diseases. The county may not charge a fee for connection to its water and sewer  
29 systems until such time as connection is required.

30 **Drafting note: No substantive change in the law. Sections 15.1-292.1 and 15.1-**  
31 **292.1:1 are combined. Neither section is currently set out in the code. Mandatory**

1 connections may be required for certain companies (§ 15.2-2117), by municipalities (§§  
2 15.2-2122 and 15.2-2143) and water and sewer authorities (§ 15.2-5137) but not by all  
3 counties.

4  
5 § ~~15.1-292.2~~ 15.2-2111. Regulation of sewage disposal or water service.

6 ~~The governing body of any county, city or town~~ Any locality may exercise its powers to  
7 regulate sewage collection, treatment or disposal service and water service notwithstanding any  
8 anticompetitive effect. Such regulation may include the establishment of an exclusive service  
9 area for any sewage or water system, including a system owned or operated by the ~~county, city~~  
10 ~~or town~~ locality, the fixing of rates or charges for any sewage or water service, and the  
11 prohibition, restriction or regulation of competition between entities providing sewage or water  
12 service.

13 No power herein granted shall alter or amend the powers or the duties of any present or  
14 future authority created pursuant to the Virginia Water and ~~Sewer~~ Waste Authorities Act (§ ~~15.1-~~  
15 ~~4239~~ 15.2-5100 et seq.) nor confer any right or responsibility upon the governing body of any  
16 ~~county, city or town~~ locality which would supersede or be inconsistent with any of the duties or  
17 responsibilities of the State Water Control Board.

18 **Drafting note: No substantive change in the law; authorizes regulation, fixing of**  
19 **rates, etc. between itself and other private entities.**

20  
21 § ~~15.1-306.1~~ 15.2-2112. Agreements by political subdivisions for sewage or water  
22 service.

23 ~~The governing body of any~~ Any two or more ~~counties, cities, towns~~ localities, authorities,  
24 sanitary districts or other public entities may enter into agreements or contracts that create one or  
25 more exclusive service areas for the provision of sewage or water service, that fix the rates or  
26 charges for any sewage or water service provided separately or jointly by such entities, and that  
27 restrict or eliminate competition between or among such entities and any other public entity for  
28 the provision of sewage or water service.

29 **Drafting note: No substantive change in the law; authorizes regulation, fixing of**  
30 **rates, etc. among public entities.**

1           § ~~15.1-292.3~~ 15.2-2113. ~~Public water service charges for~~ Connections of fire suppression  
2 systems.

3           ~~The governing body of any county, city or town may~~ Any locality, by ordinance, may  
4 require local water utilities to allow connections of fire suppression systems to the water supply.  
5 Such ordinances may prohibit any requirement for installing water meters on a fire suppression  
6 system, may prohibit charging an availability fee to provide water service to such fire  
7 suppression systems, and may prohibit connection fee charges exceeding the actual cost of  
8 connecting the water supply to the fire suppression system.

9           **Drafting note: No substantive change in the law.**

10  
11           § ~~15.1-292.4~~ 15.2-2114. Regulation of stormwater.

12           A. ~~The governing body of every county, city or town~~ Any locality, by ordinance, may  
13 adopt a stormwater control program consistent with Article 1.1 (§ 10.1-603.1 et seq.) of Chapter  
14 6 of Title 10.1, or any other state or federal regulation, by establishing a utility or enacting a  
15 system of service charges. ~~Any locality which administers a stormwater control program may~~  
16 ~~recover costs associated with planning, design, land acquisition, construction, operation and~~  
17 ~~maintenance activities.~~ Income derived from these charges shall be dedicated special revenue  
18 and may be used only to pay or recover costs for the following:

19           1. The acquisition ~~by gift, purchase, or condemnation,~~ as permitted by § 15.2-1800, of  
20 real and personal property, and interest therein, necessary to construct, operate and maintain  
21 stormwater control facilities;

22           2. The cost of administration of such programs;

23           3. Engineering and design, debt retirement, construction costs for new facilities and  
24 enlargement or improvement of existing facilities;

25           4. Facility maintenance;

26           5. Monitoring of stormwater control devices; ~~and~~

27           6. Pollution control and abatement, consistent with state and federal regulations for water  
28 pollution control and abatement; and

29           7. Planning, design, land acquisition, construction, operation and maintenance activities.

30           B. The charges may be assessed to property owners or occupants, including  
31 condominium unit owners or tenants (when the tenant, ~~or tenants,~~ is the party to whom the water

1 and sewer service is billed), and shall be based upon their contributions to stormwater runoff;  
2 however, prior to adopting such a system, a public hearing shall be held after giving notice as  
3 required by ~~§ 15.1-504 or by charter~~ or by publishing a descriptive notice once a week for two  
4 successive weeks prior to adoption in a newspaper with a general circulation in the locality. The  
5 second publication shall not be sooner than one calendar week after the first publication. A  
6 locality adopting such a system shall provide for full waivers of charges to federal, state, or local  
7 government agencies when the agency owns and provides for maintenance of storm drainage and  
8 stormwater control facilities or is a unit of the locality administering the program. A locality  
9 adopting such a system shall also provide for full waivers of charges to any person who owns  
10 and provides for complete private maintenance of storm drainage and stormwater facilities,  
11 provided such person has obtained the proper permits from the Department of Environmental  
12 Quality. Income derived from service charges may not exceed the actual costs incurred by a  
13 locality operating under the provisions of this title.

14 C. ~~Every county, city and town is hereby authorized to~~ Any locality may issue general  
15 obligation bonds or revenue bonds in order to finance the cost of infrastructure and equipment  
16 for a stormwater control program. Infrastructure and equipment shall include structural and  
17 natural stormwater control systems of all types, including, without limitation, retention basins,  
18 sewers, conduits, pipelines, pumping and ventilating stations, and other plants, structures, and  
19 real and personal property used for support of the system. The procedure for the issuance of any  
20 such general obligation bonds or revenue bonds pursuant to this section shall be in conformity  
21 with the procedure for issuance of such bonds as set forth in the Public Finance Act (§ ~~15.1-~~  
22 ~~227.1~~ 15.2-2600 et seq.).

23 D. In the event charges are not paid when due, interest thereon shall at that time accrue at  
24 the rate, not to exceed the maximum amount allowed by law, determined by the ~~governing body~~  
25 ~~of such county, city or town~~ locality until such time as the overdue payment and interest ~~is~~ are  
26 paid. Charges and interest may be recovered by the ~~county, city or town~~ locality by action at law  
27 or suit in equity and shall constitute a lien against the property, ranking on a parity with liens for  
28 unpaid taxes.

29 E. Any two or more ~~counties, cities or towns~~ localities may enter into cooperative  
30 agreements concerning the management of stormwater.

1           **Drafting note: No substantive change in the law; the stricken language in the first**  
2 **paragraph is moved to the new “7.” Also, the section is amended to make clear that**  
3 **revenues can be used to pay or recover costs. The task force recommended these changes.**  
4 **The new language in subsection B tracks language from § 15.1-504.**  
5

6           § ~~15.1-293~~ 15.2-2115. Purchase of gas, electric and water plants operating in contiguous  
7 territory.

8           Whenever ~~any county, city or town~~ a locality ~~shall lease leases or purchase purchases~~ any  
9 gas, electric or water plant operating within territory contiguous to ~~such county, city or town~~ the  
10 locality, the ~~county, city or town~~ locality so leasing or purchasing shall have all of the rights,  
11 privileges and franchises of the ~~company or companies~~ person from which the property was  
12 leased or purchased and the power to operate, maintain and extend ~~the same~~ service lines in all  
13 the territory which the plant ~~or plants~~ so leased ~~and or~~ purchased had the right ~~of operation in to~~  
14 do. Any ~~county, city or town~~ acquiring or locality leasing or purchasing any property hereunder  
15 shall ~~rest under obligation~~ be obligated to furnish, from the property so leased or ~~acquired~~  
16 purchased, or from any other source, an adequate supply of gas, electricity or water to the  
17 consumers of any ~~company~~ person whose plant is ~~so purchased or~~ was leased or purchased.

18           **Drafting note: No substantive change in the law.**  
19

20           § ~~15.1-293.1~~ 15.2-2116. Acquisition by county or city of water supply system or  
21 ~~sewerage~~ sewage system from sanitary district.

22           ~~That the board of supervisors of any~~ Any county ~~be, and they are authorized and~~  
23 ~~empowered to~~ or city may acquire any water supply or ~~sewerage~~ sewage systems or water supply  
24 and ~~sewerage~~ sewage system, from any sanitary district in any such county or city, and ~~such~~ the  
25 sanitary district ~~is hereby authorized and empowered to~~ may convey ~~such~~ the system to such  
26 county or city, upon: (i) the payment to the sanitary district by the county or city of the amount  
27 of any indebtedness owing by the county or city to the sanitary district with respect to such water  
28 supply or ~~sewerage~~ sewage system or water supply and ~~sewerage~~ sewage system (reduced by the  
29 amount of any indebtedness owing to the county or city by the sanitary district in respect of such  
30 system), provided, that any such amount so paid to the sanitary district shall be set aside and  
31 applied to the payment of the outstanding bonded indebtedness of the sanitary district incurred



1 with respect to such water supply or ~~sewerage~~ sewage system or water supply and ~~sewerage~~  
2 sewage system; and (ii) the assumption by the county or city of the outstanding bonded  
3 indebtedness of the sanitary district incurred with respect to such water supply or ~~sewerage~~  
4 sewage system, or water supply and ~~sewerage~~ sewage system, for which payment is not provided  
5 for pursuant to clause (i) ~~above~~, or any portion thereof, or the payment by the county or city of  
6 moneys (reduced by any amounts paid to the sanitary district pursuant to clause (i) ~~above~~)  
7 sufficient for, and to be applied to, the payment of the principal of and interest on such bonded  
8 indebtedness or portion thereof not assumed by the county or city and for which payment is not  
9 provided for pursuant to clause (i) ~~above~~, or a combination of such assumption and payment  
10 whereby the payment of the principal of and interest on all such bonds shall be made or provided  
11 for.

12 ~~Such~~ The county or city may limit its assumption of such sanitary district's bonded  
13 indebtedness to payment from the revenues to be derived from rates, rentals, fees and charges for  
14 the use and services of such water or ~~sewerage~~ sewage system, or water and ~~sewerage~~ sewage  
15 system. If at any time the revenues derived from rates, rentals, fees and charges for the use and  
16 services of such unified system, are insufficient to provide for the operation and maintenance of  
17 the system and for payment of principal of and interest on such bonded indebtedness of the  
18 sanitary district as ~~the same shall they~~ they become due, ~~such the~~ the sanitary district shall levy an annual  
19 tax upon all property in such sanitary district subject to local taxation to pay such principal and  
20 interest as ~~the same shall they~~ they become due.

21 Nothing contained in the immediately preceding sentence shall, however, be construed to  
22 relieve the county or city of its obligations under any such agreement to impose rates, rentals,  
23 fees and charges for the use and services of such system sufficient to pay ~~such the~~ the costs of  
24 operation and maintenance and to provide for the payment of such principal and interest. Such  
25 agreement shall also provide for the assumption by the county or city of the contracts for  
26 materials and services pertaining to such water supply or ~~sewerage~~ sewage system or water  
27 supply and ~~sewerage~~ sewage system, entered into by the sanitary district and existing on the day  
28 of such acquisition.

29 Moneys to be applied to the payment of sanitary district bonded indebtedness under this  
30 section shall be applied to such payment upon the earlier of the stated maturity of such bonds or  
31 the first date after ~~such the~~ the acquisition that such bonds may be redeemed in accordance with their

1 terms. Pending such application, such moneys may be invested by ~~such~~ the governing body  
2 bodies in investments permitted by subdivisions 1, 2 and 3 of § 2.1-327 ~~of the Code of Virginia,~~  
3 exclusive of revenue bonds. Amounts earned from time to time on the investment of such  
4 moneys and not required for the payment of the principal of and interest and premium, if any, on  
5 such bonded indebtedness shall be paid to such county or city and applied ~~by it~~ to water supply  
6 or sewerage purposes, or both. ~~The board of supervisors of the~~ The county or city may enter into  
7 a contract with any bank or trust company within or ~~without~~ outside the Commonwealth, not  
8 inconsistent with the foregoing provisions, with respect to the safekeeping and application of the  
9 moneys set aside in accordance herewith for the payment of such bonded indebtedness of such  
10 sanitary district, the investment of such moneys and the safekeeping and application of the  
11 earnings on such investment.

12 If there ~~be~~ is a sanitary district, in any such county or city, having both a water supply  
13 system and a ~~sewerage~~ sewage system, the ~~board of supervisors of any such county may~~  
14 governing bodies, in their discretion, may acquire either or both of such systems, and if there ~~be~~  
15 is a single indebtedness against both such systems and ~~said board of supervisors elects the~~  
16 governing bodies elect to acquire only one such system, then ~~said board~~ the governing body is  
17 authorized and empowered to assume such indebtedness in whole or in part. Any such water or  
18 ~~sewerage~~ sewage system or water and ~~sewerage~~ sewage system acquired by any county or city  
19 hereunder shall constitute a "project" ~~and a "revenue-producing undertaking"~~ as defined in §  
20 ~~15.1-172 (h)~~ 15.2-2602, and such county or city in respect of such project ~~and revenue-producing~~  
21 ~~undertaking~~ shall have all the powers granted ~~to counties~~ by the Public Finance Act (~~Chapter 5-1~~  
22 (§ ~~15.1-227.1~~ 15.2-2600 et seq.). Any acquisition ~~by a county~~ pursuant to this section of a water  
23 supply or ~~sewerage~~ sewage system, or water supply and ~~sewerage~~ sewage system, of a sanitary  
24 district shall be made pursuant to an agreement entered into between the county or city and such  
25 district, ~~which agreement shall be approved by the board of supervisors of such county~~. No  
26 proceeding or approvals other than those specifically required by this section shall be required  
27 for the acquisition by the county or city from any sanitary district, or the conveyance to the  
28 county or city by any sanitary district, of any such system or systems.

29 **Drafting note: No substantive change in the law; "cities" are added, as they may**  
30 **also establish sanitary districts. The term "revenue-producing undertaking" is deleted**  
31 **because it is not defined in the new Public Finance Act.**

1  
2 § ~~15.1-294~~ 15.2-2117. Contracts with sewerage or water purification company, etc.

3 ~~The governing body of any county, city or town~~ Any locality may contract with any  
4 sewerage or water purification company to introduce, build, maintain and operate a system ~~or~~  
5 ~~systems~~ of sewerage and water ~~purifications~~ purification or of sewers, pipes and conduits  
6 suitable, necessary and proper for the purification of the water supply or for the sewerage of any  
7 such ~~county, city or town~~ and locality.

8 Any locality may also require the owners or occupiers of the real estate within the limits  
9 of any such ~~county, city or town~~ locality, which may front or abut on the line of any such sewers,  
10 pipes or conduits ~~as aforesaid~~, to make ~~such~~ connections with and to use such sewers, pipes and  
11 conduits ~~under such~~ in accordance with ordinances and regulations as the governing body ~~may~~  
12 ~~deem~~ deems necessary to secure the proper sewerage thereof and to improve and secure good  
13 sanitary conditions. ~~Such governing body~~ The locality may also enforce the observance of all  
14 such ordinances and regulations by the imposition and collection of fines and penalties; ~~to be~~  
15 ~~collected for the use of any such county, city or town as other fines and penalties~~.

16 Any locality, contracting with any company for the objects and purposes aforesaid may  
17 provide in any such contract for the fees and charges to be paid by the owners or occupiers of the  
18 properties within the limits of any such locality, to any such company for connecting with,  
19 tapping or using any such sewer, pipes or conduits introduced in any such locality as aforesaid.

20 Any locality may make and enforce all such ordinances as may be necessary and proper  
21 to compel the payment of such fees and charges and may also do all other acts and things that  
22 may be necessary to establish, enforce and maintain under any such contract a complete system  
23 of water and sewerage purification and sewerage for any such locality.

24 **Drafting note: No substantive change in the law; former § 15.1-297 with no**  
25 **material change is added as the next to last paragraph. The last paragraph is former §**  
26 **15.1-298 from which was deleted language pertaining to fines and penalties; § 15.2-104 (§**  
27 **15.1-37.3:6) provides the standard for penalties and interest on unpaid debts.**

28  
29 § ~~15.1-295~~ 15.2-2118. Lien for water and sewer charges and taxes imposed by certain  
30 counties.

1 The governing body of any county adjoining a city lying wholly within the  
2 Commonwealth and which has a population of more than 75,000 according to the 1970 or any  
3 subsequent census and any county having a density of population of more than 600 per square  
4 mile according to the 1960 or any subsequent census ~~and of~~ Botetourt, Gloucester, Hanover,  
5 Rockingham, Spotsylvania, and York Counties may by ordinance provide that taxes or charges  
6 hereafter made, imposed or incurred for water or sewers or use thereof in such county shall be a  
7 lien on the real estate served by such waterline or sewer. Where residential rental real estate is  
8 involved, no lien shall attach (i) unless the user of the water or sewer services is also the owner  
9 of the real estate; or (ii) unless the owner of the real estate negotiated or executed the agreement  
10 by which such water or sewer services were provided to the property.

11 **Drafting note: No substantive change in the law. The final paragraph appears to**  
12 **impose conditions upon the designated counties which exceed those which would otherwise**  
13 **apply under the final paragraph of § 15.2-2119.**

14  
15 § ~~15.1-324~~ 15.2-2119. Fees, ~~rents~~ and charges for sewer services.

16 ~~Such~~ For sewer service provided by localities, fees, ~~rents~~ and charges may be charged to  
17 and collected from: (i) any person contracting for the same; (ii) the owner ~~or~~ lessee or tenant, or  
18 some or all of them who use or occupy any real estate (a) which directly or indirectly is or has  
19 been connected with the sewage disposal system and (b) from or on which sewage or industrial  
20 wastes originate or have originated and have directly or indirectly entered or will enter the  
21 sewage disposal system; or (iii) any user of a municipality's water or sewer system with respect  
22 to combined sanitary and stormwater sewer systems where the user is a resident of the  
23 municipality and the purpose of any such fee, ~~rent~~ or charge is related to the control of combined  
24 sewer overflow discharges from such systems. Such fees, ~~rents~~ and charges shall be practicable  
25 and equitable and payable as directed by the respective ~~county, city or town~~ locality operating or  
26 providing for the operation of the water or sewer system.

27 Such fees, ~~rents~~ and charges, being in the nature of use or service charges, shall, as nearly  
28 as the governing body ~~shall deem~~ deems practicable and equitable, be uniform for the same type,  
29 class and amount of use or service of the sewage disposal system, and may be based or computed  
30 either on the consumption of water on or in connection with the real estate, making due  
31 allowances for commercial use of water, or on the number and kind of water outlets on or in

1 connection with the real estate or on the number and kind of plumbing or sewage fixtures or  
2 facilities on or in connection with the real estate or on the number or average number of persons  
3 residing or working on or otherwise connected or identified with the real estate or any other  
4 factors determining the type, class and amount of use or service of the sewage disposal system,  
5 or any combination of such factors, or on such other basis as the governing body may determine.  
6 Such fees, ~~rents~~ and charges shall be due and payable at such time as the governing body may  
7 determine, and the governing body may require the same to be paid in advance for periods of not  
8 more than six months. The revenue derived from any or all of such fees, ~~rents~~ and charges is  
9 hereby declared to be revenue of such sewage disposal system.

10 ~~In the event~~ If the fees, ~~rents~~ or and charges charged for the use and services of the  
11 sewage disposal system by or in connection with any real estate ~~shall~~ are not be paid when due, a  
12 penalty and interest shall at that time ~~begin to accrue thereon at the rate of one percent per month~~  
13 be owed as provided for by general law, and the owner, lessee or tenant, as the case may be, of  
14 such real estate shall, until such fees, ~~rents~~ and charges ~~shall be~~ are paid with such penalty and  
15 interest to the date of payment, cease to dispose of sewage or industrial waste originating from or  
16 on such real estate by discharge thereof directly or indirectly into the sewage disposal system;  
17 ~~and if.~~ If such owner, lessee or tenant ~~shall~~ does not cease such disposal within two months  
18 thereafter, the ~~county, city or town~~ locality or person ~~or corporation~~ supplying water for the use  
19 of such real estate shall cease supplying water thereto unless the health officers ~~shall~~ certify that  
20 shutting off the water will endanger the health of the occupants of the premises or the health of  
21 others.

22 Such fees, ~~rents~~ and charges and ~~interests~~ the penalty and interest thereon shall constitute  
23 a lien against the property, ranking on a parity with liens for unpaid taxes. Such amounts, plus  
24 reasonable attorney's or collection agency's fees which shall not exceed twenty percent of the  
25 delinquent tax bill, may be recovered by the ~~county, city or town~~ locality by action at law or suit  
26 in equity.

27 **Drafting note: No substantive change in the law; the interest rate stated in this**  
28 **section is deleted since § 15.2-104 (§ 15.1-37.3:6) provides a standard penalty or interest for**  
29 **unpaid local government debts as limited therein; this section is a companion section to §**  
30 **15.2-2122 that was separated because most of the general subject matter of each section is**  
31 **located in different articles. The word “rents” is deleted as being unnecessary.**

1  
2 § ~~15.1-296~~ 15.2-2120. ~~Same; enforcement~~ Enforcement of liens for water or sewer  
3 charges.

4 A. Any ~~such~~ lien for water and sewer charges when properly docketed in the clerk's  
5 office may be enforced in the same manner as ~~other~~ taxes due ~~the county~~ a locality or by cutting  
6 off water or sewer service provided the public health or safety will not be endangered thereby.

7 B. Such lien shall not bind or affect a subsequent bona fide purchaser of such real estate  
8 for valuable consideration without actual notice of such lien, until and except from the time that  
9 the amount of such fees, ~~rents~~ and charges are entered in a judgment lien book in the ~~office~~  
10 ~~where deeds may be recorded in the political subdivision~~ circuit court for the locality wherein the  
11 real estate or a part thereof is located. It shall be the duty of the circuit court clerk ~~in whose~~  
12 ~~office deeds may be recorded~~ to cause entries to be made and indexed therein from time to time  
13 upon certification by the ~~county~~ locality.

14 C. Such lien on any real estate may be discharged by the payment to the ~~county~~ locality  
15 of the total amount of such lien; and the interest which may accrue to the date of such payment;  
16 ~~and it.~~ It shall be the duty of the ~~county~~ locality to deliver a certificate thereof to the person  
17 paying the same, and upon presentation thereof, the clerk having the record of such lien shall  
18 mark the entry of such lien satisfied.

19 **Drafting note: SUBSTANTIVE CHANGE; this section presently applies only to**  
20 **those counties listed in § 15.1-295 (§ 15.2-2118). However, to eliminate conflict and**  
21 **provide for a consistent policy in enforcement of liens granted in this chapter, it was**  
22 **redrafted to cover all localities.**

23  
24 § ~~15.1-297~~. ~~Same; what contract may cover.~~

25 ~~The governing body of any county, city or town, contracting with any company for the~~  
26 ~~objects and purposes aforesaid may provide in any such contract for the charges and fees to be~~  
27 ~~paid by the owners or occupiers of the properties within the limits of any such county, city or~~  
28 ~~town, to any such company for connecting with, tapping or using any such sewer, pipes or~~  
29 ~~conduits introduced in any such county, city or town as aforesaid.~~

30 **Drafting note: This section is relocated to the end of § 15.2-2117 with no material**  
31 **change.**

1  
2       ~~§ 15.1-298. Same; powers in connection therewith.~~

3       ~~Any such governing body may make and enforce all such ordinances as may be necessary~~  
4 ~~and proper to compel the payment of such fees and charges by the imposition and collection of~~  
5 ~~reasonable fines and penalties to be collected for the use of any such county, city or town, as~~  
6 ~~other fines and penalties; and may also do all other acts and things that may be necessary to~~  
7 ~~establish, enforce and maintain under any such contract a complete system of water and~~  
8 ~~sewerage purification and sewerage for any such county, city or town.~~

9       **Drafting note: This section is amended and relocated to the end of § 15.2-2117.**

10  
11       ~~§ 15.1-299~~ 15.2-2121. ~~County regulations~~ Regulations as to water, sewer and other  
12 facilities in subdivisions and development plans.

13       Any ~~county~~ locality which has adopted regulations under Chapter ~~41~~ 22 (§ ~~15.1-427~~  
14 15.2-2200 et seq.) ~~of Title 15.1~~ governing the use and development of land may also adopt  
15 regulations, subject to the provisions of Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1, fixing  
16 requirements as to the extent to which and the manner in which water, sewer and other utility  
17 mains, piping, conduits, connections, pumping stations and other facilities in connection  
18 therewith shall be installed as a condition precedent to the approval of an original plat of a  
19 subdivision or a development plan adopted pursuant to § ~~15.1-491~~ 15.2-2286, or alteration of any  
20 such plat or a development plan adopted pursuant to § ~~15.1-491~~ 15.2-2286. Such regulations may  
21 require the water source to be an approved source of supply capable of furnishing the needs of  
22 the eventual inhabitants of such subdivision proposed to be served thereby. Such regulations also  
23 may include requirements as to the size and nature of the water and sewer and other utility  
24 mains, pipes, conduits, connections, pumping stations or other facilities installed or to be  
25 installed in connection with the proposed water or sewer systems.

26       **Drafting note: This section is expanded to include cities and towns due to the repeal**  
27 **of § 15.1-855. This implements the provisions of § 15.2-2232 D.**

28  
29       ~~§ 15.1-300. Counties may establish sewers and water mains.~~

30       ~~The governing body of any county may establish and maintain, or cause to be established~~  
31 ~~and maintained, public sewers and public water mains along the streets, alleys and public~~

1 highways in any incorporated town, village or suburbs of any city when the same shall be,  
2 whether the title to such streets, alleys and public highways be vested in the governing body or  
3 not, to protect the public health. The owners of adjacent lands shall have the right to connect  
4 their premises with such sewers and water mains on such terms as the governing body shall  
5 prescribe.

6 **Drafting note: Repealed; obsolete.**

7  
8 § 15.1-301. Right of landowner when county does not act.

9 Upon the failure or refusal of the governing body to establish and maintain, or cause to be  
10 established and maintained, public sewers as provided for in § 15.1-300, any landowner shall  
11 have the right to establish and maintain a sewer from his land along any street, alley or public  
12 highway to the nearest natural watercourse; provided, such landowner shall first deposit with the  
13 governing body a bond with security in such penalty as the governing body shall prescribe, not in  
14 excess of the cost of constructing such sewer, conditioned to keep such sewer in a proper  
15 condition to carry off such sewerage as may be emptied therein; and provided, further, that the  
16 sewer proposed to be established by such landowner shall be approved by the State Board of  
17 Health and with the consent of the county, city or town governing body by ordinance or  
18 resolution.

19 **Drafting note: Repealed; obsolete.**

20  
21 § 15.1-302. When county may maintain lines in city.

22 The governing body of any county shall, with the consent of the governing body of any  
23 city adjacent to such county, have the power to establish and maintain or cause to be established  
24 and maintained public sewers and public water mains along the streets, alleys and public  
25 highways in such city when the same shall be necessary for the purpose of connecting with any  
26 public sewerage system or public water system in such county, whether the title to the streets,  
27 alleys and public highways be vested in the city or not, to protect the public health. The owners  
28 of the adjacent lands or lots shall have the right to connect their premises with such sewers and  
29 water mains within the corporate limits of such city on such terms as the governing body of such  
30 city shall prescribe.

31 **Drafting note: Repealed; obsolete.**



1  
2       ~~§ 15.1-303. Appeal from action of governing body under §§ 15.1-300 to 15.1-302.~~

3       ~~The action of the governing body of the county under any of §§ 15.1-300 to 15.1-302~~  
4 ~~shall be subject to review by the circuit court of the county upon a petition setting forth the~~  
5 ~~proceedings before such board being filed by any person in interest within thirty days from the~~  
6 ~~date of the final action of the board in any proceeding under any of such sections.~~

7       **Drafting note: Repealed; obsolete.**

8  
9       ~~§ 15.1-304. Definition of "project".~~

10       ~~The term "project" as used in this article shall mean any building or improvement~~  
11 ~~involving an outlay of a capital nature which may be required by or convenient for the purposes~~  
12 ~~of any county, city or town and without limitation of the foregoing shall include water supply,~~  
13 ~~waterworks, electric lights or other lighting system, wharves, docks, harbors, ferries, suitable~~  
14 ~~equipment against fire, erection or improvement of school buildings, jails, city or town halls,~~  
15 ~~firehouses, libraries and other public buildings, incinerators, auditoriums, armories, airports and~~  
16 ~~equipment and furnishings for the same, grading, paving, repaving, curbing or otherwise~~  
17 ~~improving any one or more of the streets or alleys or widening existing ones, locating, instituting~~  
18 ~~and maintaining sewers and culverts, and any other public improvement.~~

19       **Drafting note: Repealed; projects as defined are for public purposes and are**  
20 **covered by proposed Chapter 18 of this title and other titles in the Code.**

21  
22       ~~§ 15.1-305. Political subdivisions may jointly construct projects.~~

23       ~~Any two or more of the counties, cities and towns of this Commonwealth through their~~  
24 ~~respective boards of supervisors or councils may enter into such contracts and agreements as~~  
25 ~~they may deem proper for or concerning the acquisition, construction, maintenance and operation~~  
26 ~~of any project.~~

27       **Drafting note: Repealed; § 15.2-1300 authorizes joint action by political**  
28 **subdivisions.**

29  
30       ~~§ 15.1-306. Contracts between such subdivisions.~~





1 However, any ~~county, city or town~~ locality condemning property hereunder shall rest under  
2 obligation to furnish sewage service, at appropriate rates, to the customers of any corporation  
3 whose property is condemned, ~~at appropriate rates~~.

4 3. ~~To borrow~~ Borrow money for the purpose of establishing, constructing, improving and  
5 enlarging the sewage disposal system and to issue bonds therefor in the name of ~~such county,~~  
6 ~~city or town,~~ as hereinafter provided in §§ 15.1-322 through 15.1-325 the locality.

7 4. ~~To accept~~ Accept gifts or grants of real or personal property, money, material, labor or  
8 supplies for the establishment and operation of such sewage disposal system and ~~to~~ make and  
9 perform such agreements or contracts as may be necessary or convenient in connection with the  
10 procuring or acceptance of such gifts or grants.

11 5. ~~To enter~~ Enter on any lands, waters and premises for the purpose of making surveys,  
12 borings, soundings and examinations for constructing and operating the sewage disposal system,  
13 and for the prevention of pollution.

14 6. ~~To enter~~ Enter into contracts with the United States of America, or any department or  
15 agency thereof, or any person, firm or corporation, or the governing body of any other ~~county,~~  
16 ~~city or town~~ locality, providing for or relating to the treatment and disposal of sewage and  
17 industrial wastes.

18 7. ~~To fix~~ Fix, charge and collect fees, ~~rents~~ or other charges for the use and services of  
19 the sewage disposal system; and, except in counties which are not otherwise authorized, require  
20 the connection of premises with facilities provided for sewage disposal services.

21 8. ~~In order to finance~~ Finance in whole or in part the cost of establishing, constructing,  
22 improving or enlarging the sewage disposal systems authorized to be established, constructed,  
23 improved or enlarged by this section, in advance of putting such systems in operation, ~~to fix~~.

24 9. Fix, charge and collect fees, ~~rents~~ and other charges for the use and services of  
25 sanitary, combined and storm water sewers operated and maintained by any ~~county, city or town,~~  
26 ~~and such~~ locality. Such fees, ~~rents~~ and charges may be fixed and collected in accordance with  
27 and subject to the provisions of § ~~15.1-321 of this article~~ 15.2-2119.

28 **Drafting note: No substantive change in the law; the language pertaining to**  
29 **issuance of bonds is deleted as bonds are covered by the Public Finance Act in this title.**  
30 **The new language in provision 7 is relocated from § 15.1-876.**

31

1           § ~~15.1-317.1~~ 15.2-2123. Sewage treatment plants to include certain capability.

2           Whenever a ~~local~~ the governing body of a ~~county, city or town~~ locality or a combination  
3 of ~~local~~ governing bodies of ~~counties, cities or towns~~ two or more localities is using the authority  
4 of this chapter to construct a new sewage treatment plant, the facility shall be designed and  
5 constructed so that it has the capability to treat the septage from all onsite sewage disposal  
6 systems, which are not adequately served by another approved disposal site, located in the area  
7 of the ~~county, city or town~~ locality or combination thereof to be served by such plant.

8           **Drafting note: No substantive change in the law.**

9  
10          § ~~15.1-318~~ 15.2-2124. Contracts between ~~counties, cities and towns~~ localities as to  
11 sewers, pumping stations, etc., to prevent pollution.

12          Any two or more ~~of the counties, cities and/or towns of this Commonwealth, through~~  
13 ~~their respective governing bodies~~ localities may enter into ~~such~~ contracts and agreements as they  
14 ~~may deem proper for or concerning~~ the acquisition, construction, maintenance and operation of  
15 ~~such~~ sewers, pumping stations, ventilation stations, treatment plants or works and any other  
16 plants and structures and all appurtenances necessary thereto as ~~such governing bodies shall~~ the  
17 localities deem proper to prevent the pollution of streams, lakes, ponds, bays, ~~roadsteads,~~  
18 estuaries, inlets and other waters within and adjacent to such ~~counties, cities and towns~~ localities.

19          Any ~~such~~ contract ~~or agreement~~ shall also set forth, as nearly as may be ascertainable, the  
20 amount of money necessary for the acquisition, construction, maintenance and operation of any  
21 ~~such~~ works or structures and the ~~proportional~~ part thereof to be provided by each ~~county, city~~  
22 ~~and town party thereto and shall authorize and direct the appropriation thereof by their respective~~  
23 ~~governing bodies~~ locality.

24          **Drafting note: No substantive change in the law; excess language is deleted.**

25  
26          § ~~15.1-319~~ 15.2-2125. Board, etc., for supervision of such works.

27          ~~Any such counties, cities and towns~~ Localities ~~so~~ contracting with each other pursuant to  
28 § 15.1-2124 may also provide in ~~any such~~ the contract ~~or agreement~~ (i) for a board, commission  
29 or other ~~such~~ body as ~~their governing bodies may deem proper,~~ deemed appropriate; (ii) for the  
30 supervision ~~and,~~ general management ~~of any such~~ and operation of such works or structures ~~and~~

1 of the operation thereof; and (iii) may prescribe their authority and, duties and fix their  
2 compensation.

3 **Drafting note: No substantive change in the law.**

4  
5 ~~§ 15.1-320.1. Condemnation proceedings under article.~~

6 ~~In condemnation proceedings had under this article, the provisions of Chapter 2 (§ 25-47~~  
7 ~~et seq.) of Title 25 so far as applicable shall govern; except that the provisions of § 25-233 shall~~  
8 ~~not apply in the case of the condemnation of an existing sewage disposal system in its entirety.~~  
9 ~~The proper court of the county, city or town wherein the property proposed to be condemned, or~~  
10 ~~any part thereof, is located, shall have jurisdiction of the condemnation proceedings. It shall not~~  
11 ~~be necessary to file with the petition for the condemnation of an existing sewage disposal system,~~  
12 ~~in its entirety, a minute inventory and description of the property sought to be condemned,~~  
13 ~~provided the property is described therein generally and with reasonable particularity and in such~~  
14 ~~manner as to disclose the intention of the petitioner that such existing sewage disposal system be~~  
15 ~~condemned in its entirety. But the court having jurisdiction of the condemnation proceedings~~  
16 ~~shall, as the occasion arises and prior to the filing of the report of the commissioners appointed to~~  
17 ~~ascertain a just compensation for the property sought to be condemned in its entirety, take such~~  
18 ~~steps as may be necessary and proper to cause to be included in an inventory of the property~~  
19 ~~sought to be condemned full descriptions of any and all such property whenever the exigencies~~  
20 ~~of the case or the ends of justice will be promoted thereby. Such inventory shall be made a part~~  
21 ~~of the record in the proceedings and referred to the commissioners.~~

22 **Drafting note: Repealed; the substance of this section is relocated to § 15.2-1906.**

23  
24 ~~§ 15.1-322. Bonds to finance such sewage disposal systems.~~

25 ~~Bonds of the county, city or town, the principal and interest of which shall be payable~~  
26 ~~from ad valorem taxes, which shall be levied upon all the taxable property of said county, city or~~  
27 ~~town without limitation of rate or amount, in the event that the revenue hereinafter referred to is~~  
28 ~~insufficient for the payment of the principal and interest thereof, may be issued from time to time~~  
29 ~~in the manner prescribed by the Constitution of Virginia to establish, construct, improve and~~  
30 ~~enlarge a sewage disposal system with all the necessary sewers, conduits, pipelines, pumping and~~  
31 ~~ventilating stations, treatment plants and works and other property, real and personal, necessary~~

1 for the operation thereof, from which the county, city or town may derive a revenue to reimburse  
2 the general fund or any other fund of the county, city or town for moneys paid from said fund or  
3 funds for such purposes, and to fund or refund any existing indebtedness incurred for such  
4 purposes, and such bonds shall not be included in determining the power to incur indebtedness  
5 within the limitation prescribed by Article VII, Section 10 of the Constitution of Virginia, but  
6 from and after a period to be determined by the governing body, not exceeding five years from  
7 the date of the election authorizing such bonds, whenever and for so long as such sewage  
8 disposal system fails to produce sufficient revenue to pay for cost of operation and  
9 administration, including the interest on such bonds, and the cost of insurance against loss by  
10 injury to persons or property, and an annual amount to be covered into a sinking fund sufficient  
11 to pay at or before maturity, all such bonds, then all such bonds outstanding shall be included in  
12 determining the limitation of the power to incur indebtedness; provided, however, that bonds  
13 may be issued from time to time for any or all of such purposes, including reimbursement of  
14 funds and the funding or refunding of existing indebtedness, in the manner prescribed by the  
15 Constitution of Virginia, the principal and interest of which bonds shall be payable solely from  
16 the revenue of such sewage disposal system, which bonds shall never be included in determining  
17 the power to incur indebtedness within the limitations prescribed by Article VII, Section 10 of  
18 the Constitution of Virginia.—

19 **Drafting note: Repealed; subject matter is covered by the Public Finance Act**  
20 **(proposed Chapter 25).**

21  
22 § 15.1-322.1. Bonds mutilated, lost or destroyed.

23 Should any bond issued under this chapter by any county, city or town become mutilated  
24 or be lost or destroyed, the governing body of such county, city or town may cause a new bond  
25 of like date, number and tenor to be executed and delivered in exchange and substitution for, and  
26 upon the cancellation of, such mutilated bond and its interest coupons, or in lieu of and in  
27 substitution for such lost or destroyed bond and its unmatured interest coupons. Such new bond  
28 or coupon shall not be executed or delivered until the holder of the mutilated, lost or destroyed  
29 bond (1) has paid the reasonable expense and charges in connection therewith and (2) in the case  
30 of a lost or destroyed bond, has filed with the governing body and its treasurer evidence

1 ~~satisfactory to such governing body and treasurer that such bond was lost or destroyed and that~~  
2 ~~the holder was the owner thereof and (3) has furnished indemnity satisfactory to the treasurer.~~

3 **Drafting note: Repealed; subject matter is covered by the Public Finance Act.**

4  
5 ~~§ 15.1-323. Ordinance authorizing issuance of such bonds and calling election thereon.~~

6 ~~The ordinance authorizing the issuance of any of such bonds and the calling of an~~  
7 ~~election on the question of the issuance thereof if such voter approval be required by Article VII,~~  
8 ~~Section 10 of the Constitution of Virginia shall state:-~~

9 ~~(a) The maximum amount of bonds to be issued;-~~

10 ~~(b) The purpose or purposes for which such bonds are to be issued;-~~

11 ~~(c) That the principal and interest of said bonds shall be payable from ad valorem taxes~~  
12 ~~without limitation of rate or amount, if the revenue of the sewage disposal system is insufficient~~  
13 ~~for that purpose, or that the principal or interest of such bonds shall be payable solely from the~~  
14 ~~revenue of such sewage disposal system;-~~

15 ~~(d) If the bonds are to be payable from ad valorem taxes without limitation of rate or~~  
16 ~~amount in the event that the revenue of the sewage disposal plant is insufficient for that purpose,~~  
17 ~~that the bonds are to be issued pursuant to the provisions of the Constitution of Virginia and are~~  
18 ~~not to be included in determining the power to incur indebtedness within the limitation~~  
19 ~~prescribed by Article VII, Section 10 of the Constitution of Virginia; provided, however, that~~  
20 ~~from and after a period specified in such ordinance not exceeding five years from the date of the~~  
21 ~~election authorizing the bonds, whenever and for so long as such sewage disposal system fails to~~  
22 ~~produce sufficient revenue to pay for cost of operation and administration, including the interest~~  
23 ~~on such bonds, and the cost of insurance against loss by injury to persons or property, and an~~  
24 ~~annual amount to be covered into a sinking fund sufficient to pay at or before maturity, all such~~  
25 ~~bonds, then all such bonds outstanding shall be included in determining the limitation of the~~  
26 ~~power to incur indebtedness;-~~

27 ~~(e) If the bonds are to be payable solely from the revenue of such sewage disposal~~  
28 ~~system, that the bonds are to be issued pursuant to the provisions of the Constitution of Virginia~~  
29 ~~and are never to be included in determining the power to incur indebtedness within the limitation~~  
30 ~~prescribed by Article VII, Section 10 of the Constitution of Virginia;-~~



1           ~~(f) The maximum rate of interest to be borne by the bonds, not exceeding six per centum~~  
2 ~~per annum;~~

3           ~~(g) The maximum period within which such bonds shall mature, not exceeding thirty-five~~  
4 ~~years from the date of issue;~~

5           ~~(h) Such other details as the governing body may, in its sole discretion, deem necessary,~~  
6 ~~including but without limiting the generality of the foregoing, a pledge of the net revenue of the~~  
7 ~~sewage disposal system to the payment of the principal and interest of any such bonds and a~~  
8 ~~covenant to maintain fees, rents or other charges for the use of such sewage disposal system,~~  
9 ~~authorized by §§ 15.1-320 and 15.1-321, at a level which will produce net revenue sufficient for~~  
10 ~~the payment of the principal and interest thereof, and any reserve funds deemed necessary for the~~  
11 ~~efficient administration of such sewage disposal system and for the protection of the holders of~~  
12 ~~the bonds.~~

13           **Drafting note: Repealed; subject matter is covered by the Public Finance Act.**

14  
15           ~~§ 15.1-324. How election called and held; notice of sale.~~

16           ~~The calling and holding of the election on the question of the issuance of such bonds shall~~  
17 ~~be governed by the provisions of §§ 15.1-180, 15.1-227.12 and 15.1-183 as to cities and towns,~~  
18 ~~and of §§ 15.1-227.12 and 15.1-227.13 as to counties. If such bonds are sold at public sale, the~~  
19 ~~notice of sale may provide that the bidders shall name the rate or rates of interest to be borne by~~  
20 ~~such bonds, not exceeding the maximum rate prescribed by the ordinance calling the election, to~~  
21 ~~be expressed in a multiple or multiples of one fourth or one tenth of one per centum per annum.~~

22           **Drafting note: Repealed; subject matter is covered by the Public Finance Act.**

23  
24           ~~§ 15.1-325. Sections 15.1-322 to 15.1-324 cumulative.~~

25           ~~The powers conferred by §§ 15.1-322 to 15.1-324 shall be deemed to be supplemental to,~~  
26 ~~cumulative of, and in addition to all other powers heretofore granted by the general laws of the~~  
27 ~~Commonwealth or by special acts or other charter provisions of any city or town and no general~~  
28 ~~law or special act or other charter provisions, except as herein expressly provided, shall in any~~  
29 ~~way affect the issuance of such bonds.~~

30           **Drafting note: Repealed; the referenced sections are repealed.**

1 Article ~~5~~ 4.

2 Approval of Sewerage Sewage Systems by Counties.

3  
4 § ~~15.1-326~~ 15.2-2126. Notice to governing body required prior to construction.

5 Any person, ~~firm, corporation,~~ including municipal corporations, ~~or association who or~~  
6 ~~which~~ that proposes to establish a sewerage sewage system consisting of pipelines or conduits,  
7 pumping stations, force mains or sewerage treatment plants, or any of them, or ~~any~~ an extension  
8 of any ~~such~~ existing systems, system which is designed to serve three or more connections, and  
9 used for conducting or treating sewage, as that term is defined in Chapter 3.1 (§ 62.1-44.2 et  
10 seq.) of Title 62.1, to serve or to be capable of serving three or more connections shall, at least  
11 sixty days prior to commencing construction thereof, notify in writing the governing body of the  
12 county in which such sewerage sewage system is to be located and shall appear at a regular  
13 meeting thereof and notify such governing body in person. However, a town proposing to  
14 construct or expand a sewerage sewage system shall not be required to provide notice in writing  
15 or in person to a county if the county itself does not operate a sewerage sewage system or  
16 provide sewerage services.

17 In any county having a population of more than 70,000 according to the 1950 or any  
18 subsequent census or a county adjoining a city having a population of 230,000 or more according  
19 to the 1950 or any subsequent census, no extension of an existing system for the purpose of  
20 serving three or more connections shall be made by any person, firm or corporation, other than a  
21 municipal corporation, until a plan of such proposed extension, with proof of capacity to serve,  
22 has been filed with, and a permit for ~~such~~ the extension has been obtained from, the sanitation  
23 engineer or other county official, if any, designated therefor by the board of supervisors.

24 **Drafting note: No substantive change in the law.**

25  
26 § ~~15.1-327~~ 15.2-2127. Disapproval of system by governing body; failure to disapprove  
27 within seventy days.

28 The governing body of any county ~~so~~ notified of the proposed establishment of a  
29 sewerage sewage system or of the extension of any existing sewerage sewage system under §  
30 ~~15.1-326 of this article~~ 15.2-2126 is authorized to disapprove the same, if it finds that such  
31 sewerage sewage system is not capable of serving the proposed number of connections by reason

1 of inadequate pipes, conduits, pumping stations, force mains, or sewage treatment plants or is  
2 otherwise inadequate to render the proposed service. If, at the expiration of seventy days from  
3 the date on which the applicant appeared before the governing body, such governing body has  
4 not disapproved the application, the applicant may proceed with the construction and installation  
5 of such ~~sewerage~~ sewage system, provided he first gives notice to the chairman of the governing  
6 body by registered mail of his intention to proceed.

7 **Drafting note: No substantive change in the law.**

8  
9 § ~~15.1-327.1~~ 15.2-2128. Denial of application for ~~sewerage~~ sewage system by governing  
10 body of county or town which has adopted master plan for sewerage.

11 Notwithstanding any other provision of general law relating to the approval of ~~sewerage~~  
12 sewage systems, the governing body of any county or town which has adopted a master plan for  
13 a sewerage sewage system is authorized to deny an application for a ~~sewerage~~ sewage system if  
14 such denial ~~shall to it appear~~ appears to it to be in the best interest of the inhabitants of ~~such~~ the  
15 county or town. ~~The provisions of this section also shall be applicable to the governing body of~~  
16 ~~any town which has adopted a master plan for sewerage and which has, under its charter,~~  
17 ~~authority to approve or disapprove such applications.~~

18 **Drafting note: SUBSTANTIVE CHANGE; the changes make the section applicable**  
19 **to all qualified towns by striking language that would otherwise limit its use by towns.**

20  
21 § ~~15.1-328~~ 15.2-2129. Contents of notice to governing body; further information.

22 The applicant shall state in the notice to the governing body required by § ~~15.1-326~~ of  
23 ~~this article~~ 15.2-2126 the number and nature of the connections to which service will be given  
24 under the certificate applied for. The governing body may require such further information as it  
25 deems desirable in order to pass upon the application.

26 **Drafting note: No change.**

27  
28 § ~~15.1-329~~ 15.2-2130. Extensions to systems.

29 No person, ~~firm, corporation,~~ including municipal corporations, ~~or association who or~~  
30 which has constructed or installed a ~~sewerage~~ sewage system after having complied with the  
31 provisions of this article, shall extend the service in excess of the number of connections for

1 which approval was originally given. In case any such extension is desired, ~~such the~~ person shall  
2 proceed in the same manner as in the case of an original application under this article ~~and~~  
3 ~~proceedings thereon shall comply herewith.~~

4 **Drafting note: No substantive change in the law.**

5  
6 § ~~15.1-330~~ 15.2-2131. Article not applicable to hotel corporations.

7 No provision of this article shall apply to a corporation ~~the~~ whose principal business ~~of~~  
8 ~~which~~ is the operation of a hotel and which may extend the use of its surplus sewage facilities to  
9 a limited number of patrons.

10 **Drafting note: No substantive change in the law.**

11  
12 § ~~15.1-331~~ 15.2-2132. Noncompliance with article; separate offense.

13 Any person, ~~firm, corporation or association who or which~~ who fails or refuses to notify  
14 the governing body of the county in which any such ~~sewerage~~ sewage system is to be constructed  
15 or installed, or to notify ~~the~~ such governing body ~~of the county~~ of any proposed extension  
16 beyond the number of connections for which approval was originally given, and thereafter  
17 constructs and installs any such system, or having given such notice and the same having been  
18 disapproved, proceeds to construct or install any such system, shall be guilty of a misdemeanor  
19 and punished as provided in § ~~15.1-332~~ 15.2-2133. Each day of operation without notifying the  
20 governing body as above required, or after disapproval by the governing body, shall constitute a  
21 separate offense.

22 **Drafting note: No substantive change in the law.**

23  
24 § ~~15.1-332~~ 15.2-2133. Penalty; enjoining violation.

25 Any person violating any provision of this article shall be guilty of a Class 2  
26 misdemeanor ~~and may be punished by a fine of not less than \$25 nor more than \$1,000 or by~~  
27 ~~confinement in jail for not less than thirty days nor more than six months, or by both,~~ and, in  
28 addition, may be enjoined from further violation of this article.

29 **Drafting note: No substantive change in the law.**

30  
31 Article 6 5.

1 Water Supply Systems Generally.

2  
3 ~~§ 15.1-332.1. Approval necessary for impoundment of waters.~~

4 ~~Notwithstanding any provisions to the contrary in Articles 6 (§ 15.1-332.1 et seq.), 7 (§~~  
5 ~~15.1-341 et seq.) and 8 (§ 15.1-349 et seq.) of this chapter after July 1, 1976, no county or~~  
6 ~~municipality shall impound any waters in the Commonwealth within the boundaries of another~~  
7 ~~county or municipality without first obtaining the approval of such county or municipality to~~  
8 ~~such proposed impoundment of waters; provided, however, no such approval shall be required~~  
9 ~~where an impoundment for such waters is in existence, or in the process of construction, or for~~  
10 ~~which the site has been purchased, or for which plans for construction have been filed with any~~  
11 ~~appropriate agency of the federal, State, or local government on or before July 1, 1976.~~

12 ~~In any case in which the approval by such political subdivision's governing body is~~  
13 ~~withheld the party seeking such approval may petition for the convening of a special court,~~  
14 ~~pursuant to §§ 15.1-37.1:1 through 15.1-37.1:7.~~

15 **Drafting note: Repealed; the subject matter is generally covered by § 15.2-2134.**

16  
17 ~~§ 15.1-37~~ 15.2-2134. Construction of dams, etc., for purpose of providing public water  
18 supply; approval by governing body of ~~political subdivision~~ locality.

19 ~~The governing body of every county and town~~ Every locality is authorized to make  
20 expenditures from ~~the county or town~~ its general fund in order to acquire land, participate in the  
21 construction of dams and perform all other necessary acts for the purpose of providing ~~sources of~~  
22 a public water supply for the agricultural, residential, governmental and industrial development  
23 of the ~~county or town~~ locality; ~~provided, however, such dam shall not be constructed nor any~~  
24 ~~land acquired therefor when the dam would be located in another political subdivision~~ locality  
25 ~~without the approval of such political subdivision's~~ locality's governing body; ~~provided, further,~~  
26 ~~that no.~~ No such approval shall be required ~~where such~~ when the dam is in the process of  
27 construction, or ~~for which~~ the site has been purchased, or ~~for which~~ plans for its construction  
28 ~~have been~~ were filed with any appropriate agency of the federal, state, or local government on or  
29 before July 1, 1976.

1 In any case in which ~~the~~ approval by such ~~political subdivision's~~ locality's governing  
2 body is withheld, the party seeking such approval may petition for the convening of a special  
3 court, pursuant to §§ ~~15.1-37.1:1~~ 15.2-2135 through ~~15.1-37.1:7~~ 15.2-2141.

4 **Drafting note: No substantive change in the law; § 15.1-332.1, which is repealed,**  
5 **generally covered the same subject matter and included cities, which are added here.**  
6

7 § ~~15.1-37.1:1~~ 15.2-2135. Disputes between jurisdictions involving dams or water  
8 impoundment; constitution of special court; vacancies occurring during trial.

9 A. The special court to hear a case between jurisdictions involving a dam or water  
10 impoundment shall be composed of three judges of circuit courts remote from the jurisdictions of  
11 the parties involved. The judges shall be designated by the Chief Justice of the Supreme Court of  
12 Virginia. The special court shall sit without a jury.

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

16 **Drafting note: No change.**  
17

18 § ~~15.1-37.1:2~~ 15.2-2136. ~~Same~~; Powers of special court; rules of decision; order  
19 controlling subsequent conduct of case.

20 The court, in making its decision, shall balance the equities in the case, ~~and shall~~ enter an  
21 order setting forth what it deems fair and reasonable terms and conditions, and ~~shall~~ direct the  
22 land acquisition to be in conformity therewith. It shall have power to:

23 ~~A. 1. To determine~~ Determine the metes and bounds of the land to be acquired, and may  
24 include a greater or smaller area than that described in the petition;

25 ~~B. 2. To require~~ Require the payment by the acquiring party of a sum to be determined by  
26 the special court, payable on the effective date of acquisition, and ~~to~~ provide for compensation  
27 for the value of any improvements also acquired;

28 ~~C. 3. To limit~~ Limit the number of expert witnesses, as well as require each expert  
29 witness who will testify to file a statement of his qualifications;

30 ~~D. 4. To take~~ Take other action as may aid in the disposition of the case.

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

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-37.1:3~~ 15.2-2137. Same Special court; hearing and decision.

6 A. The special court shall hear the case upon the evidence introduced as evidence is  
7 introduced in civil cases.

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

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

16 **Drafting note: No substantive change in the law.**

17  
18 § ~~15.1-37.1:4~~ 15.2-2138. Same Dispute between jurisdictions; additional parties.

19 Any ~~county, city or town~~ locality whose territory is affected by the proceedings or any  
20 person affected by the proceedings may appear and shall be made a party defendant to the case,  
21 and be represented by counsel.

22 **Drafting note: No substantive change in the law.**

23  
24 § ~~15.1-37.1:5~~ 15.2-2139. Same Special court; costs.

25 The costs in the proceedings before the special court shall be paid by the party instituting  
26 the proceedings and shall be the same as in other civil cases; ~~provided that~~ the costs shall also  
27 include the per diem and expenses of the court reporter, if any, and, in the discretion of the court,  
28 a reasonable allowance to the court for secretarial services in connection with the preparation of  
29 the written opinion. ~~On~~ In the event of an appeal, the Supreme Court of Virginia shall determine  
30 by whom the appellate costs shall be paid.

31 **Drafting note: No substantive change in the law.**

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§ ~~15.1-37.1:6~~ 15.2-2140. ~~Same~~ Dispute between jurisdictions; appeals.

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 of Title 25 (§ 25-46.1 et seq.). 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~~ is reversed on appeal, or if the judgment ~~be~~ is modified, the Supreme Court shall enter such order as the special court should have entered, and ~~such~~ the order shall be final.

**Drafting note: No substantive change in the law.**

§ ~~15.1-37.1:7~~ 15.2-2141. ~~Same; conflicting~~ Conflicting petitions for same territory; petition seeking territory in two or more counties.

A. When proceedings for the acquisition of ~~territory to land by a county, city or town~~ are ~~are~~ pending and a petition is filed seeking the acquisition of the same ~~territory land~~ locality or a portion thereof to another ~~county, city or town~~ locality, 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 land~~ land sought by a ~~county, city or town~~ locality 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 land~~ land is located. The provisions of §§ ~~15.1-37.1:4~~ 15.2-2135 through ~~15.1-37.1:7~~ 15.2-2141 shall apply, mutatis mutandis, to any such proceedings.

**Drafting note: No substantive change in the law.**

§ ~~15.1-37.1~~ 15.2-2142. Certain ~~counties, cities and towns~~ localities may construct dams across navigable streams; permission from Chief of Engineers, Secretary of Army and State Attorney General; approval of governing body.



1 Any ~~county, city or town~~ locality authorized by its charter or by general law to construct  
2 a dam in connection with its public water supply system and which has secured permission from  
3 the Chief of Engineers and the Secretary of the Army and the authorization of the Attorney  
4 General of Virginia with the consent and approval of the Governor, ~~is hereby authorized and~~  
5 ~~granted the right to~~ may construct such dam in and across the bed of any navigable river, stream  
6 or tributary in this Commonwealth; ~~provided,~~ however, such dam shall not be constructed nor  
7 any land acquired therefor when the dam would be located in another ~~political subdivision~~  
8 locality without the approval of such ~~political subdivision's~~ locality's governing body; ~~provided,~~  
9 ~~further, that no.~~ No such approval shall be required ~~where such~~ when the dam is in the process  
10 of construction, ~~or for which~~ the site has been purchased, ~~or for which~~ plans for its construction  
11 ~~have been~~ were filed with any appropriate agency of the federal, state, or local government on or  
12 before July 1, 1976.

13 In any case in which the approval by such ~~political subdivision's~~ locality's governing  
14 body is withheld, the party seeking such approval may petition the Chief Justice of the Supreme  
15 Court of Virginia for the convening of a special court, pursuant to §§ ~~15.1-37.1:4~~ 15.2-2135  
16 through ~~15.1-37.1:7~~ 15.2-2141.

17 **Drafting note: No substantive change in the law.**

18

19 ~~§ 15.1-333. Waters of Lake Drummond may be used for supply.~~

20 Any ~~county, city or town of this Commonwealth~~ may use the waters of Lake Drummond,  
21 insofar as such waters, or the use thereof, have not heretofore been granted or disposed of by the  
22 Commonwealth of Virginia, for the purpose of furnishing to itself and its inhabitants a supply of  
23 water and for that purpose may acquire by purchase, condemnation or otherwise sufficient lands  
24 along the shores of the lake and water rights, whether such land, water and water rights be owned  
25 by individuals, private corporations or public service corporations, for the establishment and  
26 operation of its waterworks, pumping stations, etc., and all other necessary works.

27 **Drafting note: Repealed; current law would require various regulatory approvals**  
28 **making the section obsolete.**

29

30 ~~§ 15.1-875~~ 15.2-2143. Water supplies and facilities.

1           ~~A municipal corporation~~ Every locality may provide and operate within or ~~without the~~  
2 ~~municipal corporation~~ outside its boundaries water supplies and water production, preparation,  
3 distribution and transmission systems, facilities and appurtenances for the purpose of furnishing  
4 water for the use of ~~the~~ its inhabitants ~~of the municipality~~; or may contract with others for such  
5 purposes and services; Except in counties which are not otherwise authorized, a locality may  
6 require the connection of premises with facilities provided for furnishing water; ~~may~~ charge and  
7 collect compensation for water thus furnished; and may provide penalties for the unauthorized  
8 use thereof.

9           ~~No municipal corporation~~ locality, after July 1, 1976, shall construct, provide or operate  
10 ~~without the~~ outside its boundaries ~~of such municipal corporation~~ any water supply system prior  
11 to obtaining the consent of the ~~county or municipality~~ locality in which system is to be located;  
12 ~~provided, however, no.~~ No consent shall be required for the operation of any such water supply  
13 system in existence on July 1, 1976, ~~or~~ in the process of construction or for which the site has  
14 been purchased, ~~or for the~~ its orderly expansion ~~of such water supply system.~~

15           In any case in which the approval by such ~~political subdivision's~~ locality's governing  
16 body is withheld, the party seeking such approval may petition for the convening of a special  
17 court, pursuant to §§ ~~15.1-37.1:1~~ 15.2-2135 through ~~15.1-37.1:7~~ 15.2-2141.

18           **Drafting note: No substantive change in the law; the section is expanded to include**  
19 **counties; it implements the authority granted in § 15.2-2109 and recognizes the limited**  
20 **authority of counties to require utility hookups (see § 15.2-2110) although water and sewer**  
21 **authorities (§ 15.2-5137) may require hookups as may local governments that have**  
22 **contracted with certain companies pursuant to § 15.2-2117.**

23  
24           ~~§ 15.1-854~~ 15.2-2144. Inspection of water supplies.

25           ~~A municipal corporation~~ Every locality may regulate and inspect public and private water  
26 supplies ~~and~~; the production, preparation, transmission and distribution of water; and the  
27 sanitation of establishments, systems, facilities and equipment in or by means of which water is  
28 produced, prepared, transmitted and distributed; It may adopt such regulations as are deemed  
29 ~~necessary to~~ prevent the pollution of such water supplies; and, without liability to the owner  
30 thereof, may prevent the transmission or distribution of water when it is found to be polluted,  
31 adulterated, impure or dangerous.

1           **Drafting note: No substantive change in the law; counties are added in order to**  
2 **conform with existing county authority.**

3  
4           § ~~15.1-334~~ 15.2-2145. Sale of water ~~or~~ and use of streets by one city in another.

5           No city ~~in this Commonwealth~~ which owns or controls a waterworks system and which is  
6 authorized by its charter, or by general law, to sell or supply water to persons, firms or industries  
7 residing or located outside of its city limits shall be permitted to sell, supply or dispose of its  
8 water to the inhabitants, firms, corporations or industries of any other city, without the consent of  
9 such latter city; nor shall it operate any part of its waterworks system or occupy or use the  
10 streets, lanes, parks or other public places for such purpose in such latter city without first  
11 obtaining ~~such~~ consent.

12           **Drafting note: No substantive change in the law.**

13  
14           § ~~15.1-335~~ 15.2-2146. Powers of ~~certain cities and counties~~ localities to acquire certain  
15 waterworks system.

16           For the purpose of ~~making provision for~~ providing an adequate water supply or of  
17 acquiring, maintaining or enlarging a waterworks system, ~~(i) the council of any city having a~~  
18 ~~population of more than 25,000, (ii) the board of supervisors of any county having a population~~  
19 ~~of more than 500 per square mile, (iii) the board of supervisors of any county adjoining such a~~  
20 ~~county, (iv) the board of supervisors of every county with a population of more than 34,200 but~~  
21 ~~less than 34,900 according to the 1980 census, and (v) the board of supervisors of any county~~  
22 ~~having a population of more than 59,000 but less than 71,000~~ any locality, in addition to other  
23 powers conferred by law, ~~shall have the power to~~ may acquire, as provided in § 15.1-1800,  
24 ~~within or without, outside~~ or partly within and partly ~~without, outside~~ the limits of the ~~city or~~  
25 ~~county, by purchase, condemnation, lease or otherwise,~~ locality, the property, in whole or in part,  
26 whensoever acquired, of any private or public service corporation operating a waterworks system  
27 or chartered for the purpose of acquiring or operating such a system, ~~including.~~ Such property  
28 shall include its lands, plants, works, buildings, machinery, pipes, mains, wells, basins, reservoirs  
29 and all appurtenances thereto and its contracts, easements, rights and franchises, including its  
30 franchise to be a corporation, whether such property, or any part thereof, is essential to the  
31 purposes of the corporation or not. However, any ~~city or county~~ locality condemning property

1 hereunder shall ~~rest under obligation to~~ furnish water, at appropriate rates, to the customers of  
2 any water company whose property is condemned, ~~at appropriate rates~~.

3 **Drafting note: No substantive change in the law; this section provides that all**  
4 **localities may acquire such water systems since all are authorized by §§ 15.2-2109 and 15.2-**  
5 **2143 to acquire, establish and operate waterworks.**

6  
7 ~~§ 15.1-336.~~

8 ~~Repealed by Acts 1970, c. 583.~~

9  
10 ~~§ 15.1-337~~ 15.2-2147. City acquiring plant within one mile of another city.

11 If any city ~~shall acquire~~ acquires by purchase, lease, condemnation or otherwise, the  
12 property, rights and franchises of any private or public service corporation operating a  
13 waterworks system, whose plant is located within one mile of the corporate limits of any other  
14 city and whose mains and pipes are laid in the streets of such other city, and ~~shall~~ could thereby  
15 prevent ~~such~~ the other city from procuring water from the plant of such ~~company~~ corporation, the  
16 city so acquiring such property shall establish and maintain the same ~~rates of charges~~ fees for  
17 water under similar conditions and circumstances and furnish the same quality and pressure of  
18 water, all conditions considered, to all consumers of the same class in the other city ~~so located~~ as  
19 is furnished to consumers in the city ~~so~~ acquiring the property.

20 **Drafting note: No substantive change in the law; changes made for clarity.**

21  
22 ~~§ 15.1-338~~ 15.2-2148. Contracts for water supply.

23 Nothing in this article shall be construed ~~as preventing to prevent~~ the acquiring city or  
24 ~~county or any other city in the Commonwealth~~ a locality from contracting with another ~~city or~~  
25 ~~county~~ locality for the acquisition of a water supply or for the use and management of the water  
26 supply of either of them in any manner and upon any terms that they may ~~seem~~ see fit.

27 **Drafting note: No substantive change in the law; the section is expanded to include**  
28 **towns and to show that any locality may contract with another for water.**

29  
30 ~~§ 15.1-339. Cities within five miles of certain cities.~~

1 ~~Any city situated within five miles of a city having a population of more than 50,000~~  
2 ~~shall have all the powers vested in such last mentioned city under this article.~~

3 **Drafting note: Repealed; the purpose of this section is unknown; the population**  
4 **criteria is no longer meaningful.**

5  
6 ~~§ 15.1-340. Condemnation proceedings under article.~~

7 ~~In condemnation proceedings had under this article, the provisions of Chapter 2 (§ 25-47~~  
8 ~~et seq.) of Title 25 so far as applicable shall govern; except that the provisions of § 25-233 shall~~  
9 ~~not apply. The proper court of the city or county wherein the property proposed to be~~  
10 ~~condemned, or any part thereof, is located, shall have jurisdiction of the condemnation~~  
11 ~~proceedings. It shall not be necessary to file with the petition for the condemnation of an existing~~  
12 ~~waterworks system, in its entirety, a minute inventory and description of the property sought to~~  
13 ~~be condemned, provided the property is described therein generally and with reasonable~~  
14 ~~particularity and in such manner as to disclose the intention of the petitioner that such existing~~  
15 ~~waterworks system be condemned in its entirety. But the court having jurisdiction of the~~  
16 ~~condemnation proceedings shall, as the occasion arises and prior to the filing of the report of the~~  
17 ~~commissioners appointed to ascertain a just compensation for the property sought to be~~  
18 ~~condemned in its entirety, take such steps as may be necessary and proper to cause to be included~~  
19 ~~in an inventory of the property sought to be condemned full descriptions of any and all such~~  
20 ~~property whenever the exigencies of the case or the ends of justice will be promoted thereby.~~  
21 ~~Such inventory shall be made a part of the record in the proceedings and referred to the~~  
22 ~~commissioners.~~

23 **Drafting note: This section is relocated to proposed Chapter 19 (condemnation).**  
24

25 Article 7 6.  
26 Approval of Water Supply Systems by Counties.

27  
28 ~~§ 15.1-341~~ 15.2-2149. ~~Notice to governing body~~ county and State Board of Health  
29 required prior to construction.

30 Any person, ~~firm, corporation,~~ including municipal corporations, ~~or association who or~~  
31 ~~which~~ that proposes to establish a water supply consisting of a well, springs, or other source and

1 the necessary pipes, conduits, mains, pumping stations, and other facilities in connection  
2 therewith, to serve or to be capable of serving three or more connections shall notify the State  
3 Board of Health and shall notify in writing the governing body of the county in which such water  
4 system is to be located and shall appear at a regular meeting thereof and notify such governing  
5 body in person.

6 In any county having a population of more than 60,000 according to the 1960 or any  
7 subsequent census or a county adjoining a city having a population of 200,000 or more according  
8 to the 1960 or any subsequent census, no extension of an existing system for the purpose of  
9 serving three or more connections shall be made by any person, firm or corporation, other than a  
10 municipal corporation, until a plan of such proposed extension, with proof of capacity to serve,  
11 has been filed with, and a permit for ~~such~~ extension has been obtained from, the sanitation  
12 engineer or other county official, if any, designated therefor by the board of supervisors.

13 **Drafting note: No substantive change in the law.**

14

15 § ~~15.1-342~~ 15.2-2150. When approval of State Board of Health not required.

16 The approval of the State Board of Health shall not be required unless such water supply  
17 serves or proposes to serve at least the number of persons ~~as to~~ for which the approval of the  
18 State Board of Health is required under § ~~62-50~~ 32.1-172.

19 **Drafting note: No substantive change in the law.**

20

21 § ~~15.1-343~~ 15.2-2151. Disapproval of system by governing body of counties; failure to  
22 disapprove within seventy days.

23 The governing body of any county ~~se~~ notified of the proposed establishment of a water  
24 system or of the extension of any existing water system under the second paragraph of § ~~15.1-~~  
25 ~~341~~ 15.2-2149 ~~of this article is authorized to~~ may disapprove the same, if it finds that such water  
26 system does not have an adequate source of supply, or that the system is not capable of serving  
27 the proposed number of connections by reason of inadequate pipes, mains, conduits, pumping  
28 stations, or otherwise. If, at the expiration of seventy days from the date on which the applicant  
29 appeared before the governing body, such governing body has not disapproved the application,  
30 the applicant may proceed with the construction and installation of such water system, provided

1 he first gives notice to the chairman of the governing body by registered mail of his intention to  
2 proceed.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-344~~ 15.2-2152. Contents of notice to governing body; further information.

6 The applicant shall state in the notice to the governing body required by § ~~15.1-344~~ 15.2-  
7 2149 ~~of this article~~ the number and nature of the connections to which service will be given  
8 under the certificate applied for. The governing body may require such further information as it  
9 deems desirable in order to pass upon the application.

10 **Drafting note: No substantive change in the law.**

11  
12 § ~~15.1-345~~ 15.2-2153. Extensions to systems.

13 No person, ~~firm, corporation or association who or which~~ that has constructed or installed  
14 a water system after having complied with the provisions of this article, shall extend the service  
15 in excess of the number of connections for which approval was originally given. In case any such  
16 extension is desired, ~~such~~ the person shall proceed in the same manner as in the case of an  
17 original application under this article ~~and proceedings thereon shall comply herewith.~~

18 **Drafting note: No substantive change in the law.**

19  
20 § ~~15.1-346~~ 15.2-2154. Article not applicable to hotel corporations.

21 No provision of this article shall apply to a corporation ~~the~~ whose principal business ~~of~~  
22 ~~which~~ is the operation of a hotel and which from its surplus facilities may furnish water to a  
23 limited number of patrons.

24 **Drafting note: No substantive change in the law.**

25  
26 § ~~15.1-347~~ 15.2-2155. Noncompliance with article; separate offenses.

27 Any person, ~~firm, corporation or association who or which~~ that fails or refuses to notify  
28 the governing body of the county in which any such water system is to be constructed or  
29 installed, or to notify ~~the~~ such governing body ~~of the county~~ of any proposed extension beyond  
30 the number of connections for which approval was originally given, or ~~who~~ that fails or refuses  
31 to notify the State Board of Health of the proposed construction or installation of any such

1 system, and thereafter constructs and installs any such system, or, having given such notice and  
2 the same having been disapproved, proceeds to construct or install any such system, shall be  
3 guilty of a misdemeanor and punished as provided in § ~~15.1-348~~ 15.2-2156. Each day of  
4 operation without notifying the governing body or State Board of Health as above required, or  
5 after disapproval by the governing body, shall constitute a separate offense.

6 **Drafting note: No substantive change in the law.**

7  
8 § ~~15.1-348~~ 15.2-2156. Penalty; enjoining violation.

9 Any person violating any provision of this article shall be guilty of a Class 2  
10 misdemeanor and may be punished by a fine of not less than \$25 nor more than \$1,000 or by  
11 confinement in jail for not less than thirty days nor more than six months, or by both, and, in  
12 addition, may be enjoined from further violation of this article.

13 **Drafting note: No substantive change in the law.**

14  
15 Article 8 7.

16 Miscellaneous Services, etc., in ~~Classified Counties, Cities and Towns~~ Certain Localities.

17  
18 § ~~15.1-349~~. District water supply systems in certain counties.

19 Chapter 284 of the Acts of 1926, approved March 24, 1926, as amended by chapter 234  
20 of the Acts of 1928, approved March 16, 1928, chapter 108 of the Acts of 1932, approved March  
21 7, 1932, and chapter 300 of the Acts of 1934, approved March 29, 1934, codified as §§ ~~2773 (1)-~~  
22 ~~2773 (9)~~ of Michie Code 1942, relating to the construction and operation of district water supply  
23 systems and the issue of bonds therefor in counties having a population of more than 300 per  
24 square mile, is continued in effect.

25 **Drafting note: Repealed; however, it is not the intent of the Code Commission to**  
26 **repeal the underlying act of assembly.**

27  
28 § ~~15.1-350~~. Water supply systems in counties adjoining certain cities.

29 Chapter 175 of the Acts of 1946, approved March 12, 1946, as amended by chapter 56 of  
30 the Acts of 1948, approved February 27, 1948, relating to water supply systems in counties  
31 adjoining a city having a population of more than 125,000, is continued in effect.



1           The following amendment to chapter 175 of the Acts of 1946, as amended, continued in  
2 effect by this section, is incorporated in this Code by this reference:-

3           ~~Chapter 401 of the Acts of 1956.-~~

4           **Drafting note: Repealed; however, it is not the intent of the Code Commission to**  
5 **repeal the underlying act of assembly.**

6  
7           ~~§ 15.1-351. Water supply systems in counties of certain population adjoining certain~~  
8 ~~cities.-~~

9           ~~Chapter 373 of the Acts of 1940, approved April 1, 1940, codified as § 2773 (9b) of~~  
10 ~~Michie Code 1942, relating to the construction and operation of water supply systems and the~~  
11 ~~issue of bonds therefor by counties with a population of less than 30,000 adjoining a city of more~~  
12 ~~than 100,000 but less than 150,000, is continued in effect.-~~

13           The following amendment to chapter 373 of the Acts of 1940, continued in effect by this  
14 section, is incorporated in this Code by this reference:-

15           ~~Chapter 269 of the Acts of 1952.-~~

16           **Drafting note: Repealed; however, it is not the intent of the Code Commission to**  
17 **repeal the underlying act of assembly.**

18  
19           ~~§ 15.1-352. Water supply systems in counties of certain area adjoining certain cities.~~

20           ~~Chapter 84 of the Acts of 1945, approved May 25, 1945, relating to the construction and~~  
21 ~~operation of water systems in any county having an area of not less than 269 square miles nor~~  
22 ~~more than 277 square miles, and which adjoins a city having a population of less than 10,075 but~~  
23 ~~more than 9,800, is continued in effect.-~~

24           **Drafting note: Repealed; however, it is not the intent of the Code Commission to**  
25 **repeal the underlying act of assembly.**

26  
27           ~~§ 15.1-353. Fire protection and scavenger service in counties adjoining certain cities.~~

28           ~~Chapter 94 of the Acts of 1932, approved March 4, 1932, as amended by chapter 49 of~~  
29 ~~the Acts of 1938, approved March 1, 1938, and chapter 104 of the Acts of 1948, approved March~~  
30 ~~4, 1948, codified as § 2743c of Michie Code 1942, relating to the establishment of fire~~

1 protection, scavenger service, etc., and the levying of a tax therefor by counties adjoining cities  
2 with a population of 170,000 or more, is continued in effect.

3 **Drafting note: Repealed; however, it is not the intent of the Code Commission to**  
4 **repeal the underlying act of assembly.**

5  
6 ~~§ 15.1 354. Protection of water supply of certain towns.~~

7 Chapter 363 of the Acts of 1948, approved March 31, 1948, authorizing the governing  
8 body of any town having a population of more than 3,000 but less than 5,000 and which is  
9 located within a county having a population of more than 50,000 but less than 55,000, to pass  
10 ordinances protecting the public water supply of such town, is incorporated in this Code by this  
11 reference.

12 **Drafting note: Repealed; however, it is not the intent of the Code Commission to**  
13 **repeal the underlying act of assembly.**

14  
15 ~~§ 15.1 520. Regulation of installation of septic tanks.~~

16 ~~Any county may regulate the installation of septic tanks on property located therein, and~~  
17 ~~may require any person desiring to install a septic tank to secure a permit to do so and may~~  
18 ~~prescribe reasonable fees for the issuance of such permits.~~

19 **Drafting note: Repealed; the general subject matter of this section is included in §**  
20 **15.2-2157.**

21  
22 ~~§ 15.1 856~~ 15.2-2157. Septic tanks and sewage disposal when sewers not available.

23 ~~A municipal corporation~~ Any locality may require the installation, maintenance and  
24 operation of, regulate and inspect septic tanks or other means of disposing of sewage when  
25 sewers or sewerage disposal facilities are not available; without liability to the owner thereof,  
26 may prevent the maintenance and operation of septic tanks or such other means of disposing of  
27 sewage when they contribute or are likely to contribute to the pollution of public or private water  
28 supplies or the contraction or spread of infectious, contagious and dangerous diseases; and may  
29 regulate and inspect the disposal of human excreta.

30 **Drafting note: No substantive change in the law; this section is expanded to include**  
31 **counties in order to reflect the current law.**

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~~§ 15.1-355. Removal of night soil.~~

~~Chapter 422 of the Acts of 1932, approved March 31, 1932, as amended by chapter 37 of the Acts of 1938, approved March 1, 1938, and chapter 16 of the Acts of 1942, approved February 12, 1942, codified as §§ 2757 (j) and 2757 (k) 2757 (q) of Michie Code 1942, relating to the removal of night soil in counties having a population by the 1930 census of from 35,000 to 37,000 or a density of population of 475 per square mile or adjoining a city of a population of 170,000 or more, is continued in effect.~~

**Drafting note: Repealed; however, it is not the intent of the Code Commission to repeal the underlying act of assembly.**

~~§ 15.1-356. Sewer systems in certain counties.~~

~~Chapter 201 of the Acts of 1934, approved March 27, 1934, relating to constructing sewer systems and parts thereof and assessments to pay therefor in counties having a population greater than 750 inhabitants per square mile, is continued in effect.~~

**Drafting note: Repealed; however, it is not the intent of the Code Commission to repeal the underlying act of assembly.**

~~§ 15.1-357. Sewers, water systems, garbage disposal plants, etc.; payment by levy or assessment.~~

~~Chapter 179 of the Acts of 1920, approved March 15, 1920, as amended by chapter 54 of the Acts of 1922, approved February 25, 1922, and chapter 294 of the Acts of 1926, approved March 24, 1926, codified as § 2757a of Michie Code 1942, relating to the making of such public improvements as sewers, water systems, etc., and payment therefor by levy or assessment, by counties that constitute a separate judicial circuit or have a density of population of at least 300 inhabitants per square mile, is continued in effect.~~

**Drafting note: Repealed; however, it is not the intent of the Code Commission to repeal the underlying act of assembly.**

~~§ 15.1-358. Sewer systems in counties adjoining certain cities.~~

1 Chapter 153 of the Acts of 1948, approved March 6, 1948, authorizing the board of  
2 supervisors of any county adjoining a city having a population of more than 125,000 to  
3 construct, operate, etc., sewer systems, is incorporated in this Code by this reference.

4 Chapter 154 of the Acts of 1948, approved March 6, 1948, authorizing the board of  
5 supervisors of any county mentioned in the preceding paragraph to purchase any of such systems  
6 from any sanitary district in any such county, is incorporated in this Code by this reference.

7 **Drafting note: Repealed; however, it is not the intent of the Code Commission to**  
8 **repeal the underlying act of assembly.**

9  
10 § 15.1-359. Acquisition of property of corporation operating water or sewer system, etc.

11 Chapter 355 of the Acts of 1954, as amended by chapter 116 of the Acts of 1956,  
12 authorizing any county adjoining a city with a population of more than 225,000, and any county  
13 having a population in excess of 98,000 but not in excess of 125,000, to acquire the property of  
14 any private or public service corporation operating a water or sewer system, etc., is incorporated  
15 in this Code by this reference.

16 **Drafting note: Repealed; however, it is not the intent of the Code Commission to**  
17 **repeal the underlying act of assembly.**

18  
19 § 15.1-360. Assessment for fire protection, lights, etc., in certain counties.

20 Chapter 20 of the Acts of 1940, approved February 9, 1940, as amended by chapter 98 of  
21 the Acts of 1942, approved March 2, 1942, codified as § 2757a1 of Michie Code 1942, relating  
22 to the levying of special assessments for fire protection, lights, drainage, etc., by counties  
23 adjoining a city of more than 100,000 and less than 150,000 or having a density of population of  
24 600 or more to the square mile, is continued in effect.

25 The following amendment to chapter 20 of the Acts of 1940, continued in effect by this  
26 section, is incorporated in this Code by this reference:

27 Chapter 268 of the Acts of 1952.

28 **Drafting note: Repealed; however, it is not the intent of the Code Commission to**  
29 **repeal the underlying act of assembly.**

30  
31 § 15.1-360.1. 15.2-2158. Fee for street lighting.

1           A. Frederick County, which provides street lighting service to certain of its residents,  
2 may ~~charge~~ by ordinance charge a fee for the provision of the service, not to exceed the actual  
3 cost incurred by the county to procure, develop and maintain such service, including a reasonable  
4 reserve.

5           B. So long as the benefits of any street lighting can be shown to inure to the specific  
6 benefit of identifiable neighborhoods or discrete customers in approximately equivalent amounts,  
7 the fee may be calculated by dividing the total amount of the street lighting charge by the  
8 number of affected customers.

9           C. The fee authorized by this section with which the owner of any such property ~~shall~~  
10 ~~have~~ has been charged and which remains unpaid shall constitute a lien against such property  
11 ranking on a parity with liens for unpaid local taxes and administered and enforced in the same  
12 manner as provided in Chapter 39 (§ 58.1-3900 et seq.) of Title 58.1.

13           **Drafting note: No substantive change in the law; this section should be carried in**  
14 **the Code by reference only.**

15  
16           ~~§ 15.1-361. Regulation of use of streets by public service corporations.~~

17           ~~Chapter 46 of the Acts of 1927, approved April 18, 1927, codified as § 2695 (1) of~~  
18 ~~Michie Code 1942, relating to the regulation of public service corporations in their use of streets,~~  
19 ~~etc., by counties having a population of more than 500 to the square mile, is continued in effect.~~

20           **Drafting note: Repealed; however, it is not the intent of the Code Commission to**  
21 **repeal the underlying act of assembly.**

22  
23           ~~§ 15.1-362. Department of public utilities in certain counties.~~

24           ~~Chapter 141 of the Acts of 1946, approved March 9, 1946, authorizing the establishment~~  
25 ~~of a department of public utilities in counties adjoining cities of more than 125,000, is continued~~  
26 ~~in effect.~~

27           **Drafting note: Repealed; however, it is not the intent of the Code Commission to**  
28 **repeal the underlying act of assembly.**

29  
30           ~~§ 15.1-362.1~~ 15.2-2159. Fee for solid waste disposal by counties.

1           A. Floyd County, any county with a population between 53,000 and 55,000, any county  
2 with a population between 39,550 and 41,550, and any county with a population between 31,650  
3 and 32,000 may levy a fee for the disposal of solid waste not to exceed the actual cost incurred  
4 by the county in procuring, developing, maintaining, and improving the landfill and for such  
5 reserves as may be necessary for capping and closing such landfill in the future. Such fee as  
6 collected shall be deposited in a special account to be expended only for the purposes for which  
7 it was levied. Except in Floyd County and any county with a population between 39,550 and  
8 41,450, such fee shall not be used to purchase or subsidize the purchase of equipment used for  
9 the collection of solid waste. In any county with a population between 53,000 and 55,000, such  
10 fee (i) may only be levied upon persons whose residential solid waste is disposed of at a county  
11 landfill or county solid waste collection or disposal facility and (ii) shall not be levied upon  
12 persons whose residential waste is not disposed of in such landfill or facility if such nondisposal  
13 is documented by the collector or generator of such waste as required by ordinance of such  
14 county. Documentation provided by a collector of such waste pursuant to clause (ii) shall not be  
15 disclosed by the county to any other person.

16           B. Any fee imposed by subsection A when combined with any other fee or charge for  
17 disposal of waste shall not exceed the actual cost incurred by the county in procuring,  
18 developing, maintaining, and improving its landfill and for such reserves as may be necessary for  
19 capping and closing such landfill in the future.

20           C. Any county which imposes the fee allowed under subsection A may enter into a  
21 contractual agreement with any water or heat, light, and power company or other corporation  
22 coming within the provisions of Chapter 26 (§ 58.1-2600 et seq.) of Title 58.1 except  
23 Appalachian Power Company, Shenandoah Valley Electric Cooperative, BARC Electric  
24 Cooperative and Powell Valley Electric Cooperative for the collection of such fee. The  
25 agreement may include a commission for such service in the form of a deduction from the fee  
26 remitted. The commission shall be provided for by ordinance, which shall set the rate not to  
27 exceed five percent of the amount of fees due and collected.

28           D. Any county which imposes the fee allowed under subsection A and has a population  
29 between 39,550 and 41,550 has the following authority regarding collection of said fee:

30           1. To prorate said fee depending upon the period a resident or business is located in said  
31 county during the year of fee levy;

1           2. To levy penalty for late payment of fee as set forth in § 58.1-3916 of the Code of  
2 Virginia;

3           3. To levy interest on unpaid fees as set forth in § 58.1-3916 of the Code of Virginia;

4           4. To credit the fee first against the most delinquent use fee account owing.

5           **Drafting note: No substantive change in the law; carry by reference only.**





1           ~~The governing body of any county or municipality may participate in a planning district~~  
2 ~~commission in accordance with Chapter 34 (§ 15.1-1400 et seq.) of this title or a joint local~~  
3 ~~commission in accordance with § 15.1-443.~~

4           **Drafting note: This section is moved to Article 2, § 15.2-2210.**

5  
6           ~~§ 15.1-428. Cooperation of planning commissions and other agencies.~~

7           ~~The planning commission of any county or municipality may cooperate with other~~  
8 ~~planning commissions or legislative and administrative bodies and officials of other counties and~~  
9 ~~municipalities within or without such areas, so as to coordinate the planning and development of~~  
10 ~~such county or municipality with the plans of such other counties or municipalities. Such~~  
11 ~~commissions may appoint such committees and may adopt such rules as needed to effect such~~  
12 ~~cooperation. Such planning commissions may also cooperate with state and federal officials,~~  
13 ~~departments and agencies. Planning commissions may request from such departments and~~  
14 ~~agencies, and such departments and agencies of the Commonwealth shall furnish, such~~  
15 ~~reasonable information which may affect the planning and development of the county or~~  
16 ~~municipality.~~

17           **Drafting note: This section is moved to Article 2, § 15.2-2211.**

18  
19           ~~§ 15.1-430~~ 15.2-2201. Definitions.

20           As used in this chapter ~~the words listed below shall have the meaning given, unless the~~  
21 context requires a different meaning:

22           ~~(u)~~ "Affordable housing" means, as a guideline, housing that is affordable to households  
23 with incomes at or below the area median income, provided that the occupant pays no more than  
24 thirty percent of his gross income for gross housing costs, including utilities. For the purpose of  
25 administering affordable dwelling unit ordinances authorized by this chapter, local governments  
26 may establish individual definitions of affordable housing and affordable dwelling units  
27 including determination of the appropriate percent of area median income and percent of gross  
28 income.

29           ~~(q)~~ "Conditional zoning" means, as part of classifying land within a ~~governmental entity~~  
30 locality into areas and districts by legislative action, the allowing of reasonable conditions

1 governing the use of such property, such conditions being in addition to, or modification of the  
2 regulations provided for a particular zoning district or zone by the overall zoning ordinance.

3 ~~(m)~~ "Development" means a tract of land developed or to be developed as a unit under  
4 single ownership or unified control which is to be used for any business or industrial purpose or  
5 is to contain three or more residential dwelling units. The term "development" shall not be  
6 construed to include any property which will be principally devoted to agricultural production.

7 ~~(a) "Governing body" means the board of supervisors of a county or the council of a city  
8 or town.~~

9 ~~(b)~~ "Historic area" means an area containing one or more buildings or places in which  
10 historic events occurred or having special public value because of notable architectural,  
11 archaeological or other features relating to the cultural or artistic heritage of the community, of  
12 such significance as to warrant conservation and preservation.

13 ~~(t)~~ "Incentive zoning" means the use of bonuses in the form of increased project density  
14 or other benefits to a developer in return for the developer providing certain features or amenities  
15 desired by the locality within the development.

16 ~~(e)~~ "Local planning commission" ~~or "local commission"~~ means a municipal planning  
17 commission or a county planning commission.

18 ~~(r)~~ "Mixed use development" means property that incorporates two or more different  
19 uses, and may include a variety of housing types, within a single development.

20 ~~(d) "Municipality" means a city or town incorporated under the laws of Virginia.~~

21 ~~(e)~~ "Official map" means a map of legally established and proposed public streets,  
22 waterways, and public areas adopted by ~~the governing body of a county or municipality a~~  
23 locality in accordance with the provisions of Article 5 4 (§ ~~15.1-458~~ 15.2-2233 et seq.) hereof.

24 ~~(f) "Person" means individual, firm, corporation or association.~~

25 ~~(s)~~ "Planned unit development" means a form of development characterized by unified  
26 site design for a variety of housing types and densities, clustering of buildings, common open  
27 space, and a mix of building types and land uses in which project planning and density  
28 calculation are performed for the entire development rather than on an individual lot basis.

29 ~~(j)~~ "Planning district commission" means a regional planning agency chartered under the  
30 provisions of Chapter 34 42 (§ ~~15.1-1400~~ 15.2-4200 et seq.) of this title.

1           (Ⓝ) "Plat of subdivision" means the schematic representation of land divided or to be  
2 divided.

3           (Ⓞ) "Site plan" means the proposal for a development or a subdivision including all  
4 covenants, grants or easements and other conditions relating to use, location and bulk of  
5 buildings, density of development, common open space, public facilities and such other  
6 information as required by the subdivision ordinance to which the proposed development or  
7 subdivision is subject.

8           (Ⓟ) "Special exception" means a special use, that is a use not permitted in a particular  
9 district except by a special use permit granted under the provisions of this chapter and any  
10 zoning ordinances adopted herewith.

11           (Ⓠ) "Street" means highway, street, avenue, boulevard, road, lane, alley, or any public  
12 way.

13           (Ⓡ) "Subdivision," unless otherwise defined in ~~a local~~ an ordinance adopted pursuant to §  
14 ~~15.1-465~~ 15.2-2240, means the division of a parcel of land into three or more lots or parcels of  
15 less than five acres each for the purpose of transfer of ownership or building development, or, if  
16 a new street is involved in such division, any division of a parcel of land. The term includes  
17 resubdivision and, when appropriate to the context, shall relate to the process of subdividing or  
18 to the land subdivided and solely for the purpose of recordation of any single division of land  
19 into two lots or parcels, a plat of such division shall be submitted for approval in accordance with  
20 § ~~15.1-475~~ 15.2-2258.

21           (Ⓢ) "Variance" means, in the application of a zoning ordinance, a reasonable deviation  
22 from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk  
23 or location of a building or structure when the strict application of the ordinance would result in  
24 unnecessary or unreasonable hardship to the property owner, and such need for a variance would  
25 not be shared generally by other properties, and provided such variance is not contrary to the  
26 intended spirit and purpose of the ordinance, and would result in substantial justice being done. It  
27 shall not include a change in use which change shall be accomplished by a rezoning or by a  
28 conditional zoning.

29           (Ⓣ) "Zoning" or "to zone" means the process of classifying land within a ~~governmental~~  
30 ~~entity~~ locality into areas and districts, such areas and districts being generally referred to as  
31 "zones," by legislative action and the prescribing and application in each area and district of

1 regulations concerning building and structure designs, building and structure placement and uses  
2 to which land, buildings and structures within such designated areas and districts may be put.

3 **Drafting note: No substantive change in the law. "Governing body" and**  
4 **"municipality" are deleted since those definitions are found in § 15.2-101. The remaining**  
5 **definitions are alphabetized.**

6  
7 § ~~15.1-428.1~~ 15.2-2202. Duties of state agencies.

8 A. The Department of Environmental Quality shall distribute a copy of the  
9 environmental impact report submitted to the Department for every major state project pursuant  
10 to regulations promulgated under § 10.1-1191 to the chief administrative officer of every ~~county,~~  
11 ~~city, and town~~ locality in which each ~~such~~ project is proposed to be located. The purpose of ~~such~~  
12 ~~the~~ distribution is to enable the ~~local political subdivision~~ locality to evaluate the proposed  
13 project for environmental impact, consistency with the locality's comprehensive plan, local  
14 ordinances adopted pursuant to this chapter, and other applicable law and to provide the locality  
15 with an opportunity to comment. The Department shall distribute ~~such~~ the reports to ~~local~~  
16 ~~political subdivisions~~ localities, solicit their comments, and consider their responses in  
17 substantially the same manner as the Department solicits and receives comments from state  
18 agencies.

19 B. In addition to the information supplied under subsection A, every department, board,  
20 bureau, commission, or other agency of the Commonwealth which is responsible for the  
21 construction, operation, or maintenance of public facilities within any ~~political subdivision of the~~  
22 ~~Commonwealth~~ locality shall, upon the request of the local planning commission having  
23 authority to prepare a comprehensive plan, furnish reasonable information requested by ~~such~~ the  
24 local planning commission relative to the master plans of ~~such~~ the state agency which may affect  
25 the locality's comprehensive plan. Each ~~such~~ state agency shall collaborate and cooperate with  
26 the local planning commission, when requested, in the preparation of the comprehensive plan to  
27 the end that the local comprehensive plan will coordinate the interests and responsibilities of all  
28 concerned.

29 C. The Department of General Services shall require every state agency responsible for  
30 the construction, operation, or maintenance of public facilities within the Commonwealth to  
31 notify the chief administrative officer of every ~~county, city, and town~~ locality in which ~~such~~ the

1 agency intends to undertake a capital project involving new construction costing at least  
2 \$100,000 and subject to review by the Department that ~~such~~ the agency has preliminary  
3 construction and site plans available for distribution, upon the request of the locality. The  
4 purpose of ~~such~~ the distribution ~~shall be~~ is to enable the ~~local political subdivision~~ locality to  
5 evaluate the project for consistency with local ordinances other than building codes and to  
6 provide the locality with an opportunity to submit comments to ~~such~~ the agency. Upon receipt of  
7 a request from ~~such~~ a locality, the state agency shall transmit a copy of ~~such~~ the plans to the  
8 locality for comment.

9 D. Nothing in this section shall be construed to require any state agency to duplicate any  
10 submission required to be made by ~~such~~ the agency to a ~~local political subdivision~~ locality under  
11 any other provision of law.

12 E. Nothing herein shall be deemed to abridge the authority of any ~~such~~ state agency  
13 regarding the facilities now or hereafter coming under its jurisdiction.

14 F. The provisions of this section shall not apply to highway, transit or other projects, as  
15 provided in § 10.1-1188 B.

16 G. The provisions of this section shall not apply to the entering of any option by any  
17 state agency for any projects listed in subsection C.

18 **Drafting note: No substantive change in the law. "Political subdivision" is changed**  
19 **to "locality" since "political subdivision" is not a defined term.**

20  
21 § ~~15.1-429~~ 15.2-2203. Existing planning commissions and boards of zoning appeals;  
22 validation of plans previously adopted.

23 Upon the effective date of this chapter, planning commissions, by whatever name  
24 designated, and boards of zoning appeals heretofore established shall continue to operate as  
25 though created under the terms of this chapter. All actions lawfully taken by such commissions  
26 and boards are hereby validated and continued in effect until amended or repealed in accordance  
27 with this chapter.

28 The adoption of a comprehensive or master plan or any general development plans under  
29 the authority of prior acts is hereby validated and shall continue in effect until amended under the  
30 provisions of this chapter.

31 **Drafting note: No change.**

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§ ~~15.1-431~~ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the ~~county or municipality~~ locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in ~~such county or municipality~~ locality; however, ~~such~~ the notice for both the local planning commission and the governing body may be published concurrently. ~~Such~~ The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than six days nor more than twenty-one days after the second advertisement appears in such newspaper. The local planning commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If ~~such~~ a joint hearing is held, then public notice as set forth above need be given only by the governing body. The term "two successive weeks" as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of twenty-five or fewer parcels of land, then, in addition to the advertising as above required, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that ~~has~~ have members owning

1 property located within 2,000 feet of the affected property as may be required by the  
2 Commission commission or its agent. ~~In any county or municipality where notice is required~~  
3 ~~under the provisions of this section, notice shall also be given to the owner, his agent or the~~  
4 ~~occupant, of all abutting property and property immediately across the street from the property~~  
5 ~~affected which lies in an adjoining county or municipality of the Commonwealth.~~ Notice sent by  
6 registered or certified mail to the last known address of such owner as shown on the current real  
7 estate tax assessment books or current real estate tax assessment records shall be deemed  
8 adequate compliance with this requirement. If the hearing is continued, notice shall be remailed.  
9 Costs of any notice required under this chapter shall be taxed to the applicant.

10 When a proposed amendment of the zoning ordinance involves a change in the zoning  
11 map classification of more than ~~25~~ twenty-five parcels of land, then, in addition to the  
12 advertising as above required, written notice shall be given by the local planning commission, or  
13 its representative, at least five days before the hearing to the owner, owners, or their agent of  
14 each parcel of land involved. One notice sent by first class mail to the last known address of such  
15 owner as shown on the current real estate tax assessment books or current real estate tax  
16 assessment records shall be deemed adequate compliance with this requirement, provided that a  
17 representative of the local commission shall make affidavit that such mailings have been made  
18 and file such affidavit with the papers in the case. Nothing in this paragraph shall be construed as  
19 to invalidate any subsequently adopted amendment or ordinance because of the inadvertent  
20 failure by the representative of the local commission to give written notice to the owner, owners  
21 or their agent of any parcel involved.

22 ~~When a proposed comprehensive plan or amendment thereto; a proposed change in~~  
23 ~~zoning map classification; or an application for special exception for a change in use or to~~  
24 ~~increase by greater than fifty percent of the bulk or height of an existing or proposed building,~~  
25 ~~but not including renewals of previously approved special exceptions, involves any parcel of~~  
26 ~~land located within one half mile of a boundary of an adjoining county or municipality of the~~  
27 ~~Commonwealth, then, in addition to the advertising and written notification as above required,~~  
28 ~~written notice shall also be given by the local commission, or its representative, at least ten days~~  
29 ~~before the hearing to the chief administrative officer, or his designee, of such adjoining county or~~  
30 ~~municipality.~~

1           The governing body may provide that, in the case of a condominium or a cooperative, the  
2 written notice may be mailed to the unit owners' association or proprietary lessees' association,  
3 respectively, in lieu of each individual unit owner.

4           Whenever the notices required hereby are sent by an agency, department or division of  
5 the local governing body, or their representative, such notices may be sent by first class mail;  
6 however, a representative of such agency, department or division shall make affidavit that such  
7 mailings have been made and file such affidavit with the papers in the case.

8           The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the  
9 authority of prior acts shall not be declared invalid by reason of a failure to advertise or give  
10 notice as may be required by such act or by this chapter, provided a public hearing was  
11 conducted by the governing body prior to such adoption or amendment. Every action contesting  
12 a decision of a locality based on a failure to advertise or give notice as may be required by this  
13 chapter shall be filed within thirty days of such decision with the circuit court having jurisdiction  
14 of the land affected by the decision. However, ~~any litigation pending prior to January 1, 1976,~~  
15 ~~shall not be affected by the 1974, 1975 and 1976 amendments to this section, and any litigation~~  
16 ~~pending prior to July 1, 1996, shall not be affected by the 1996 amendment to this section.~~

17           Notwithstanding any contrary provision of law, general or special, any city with a  
18 population between 200,000 and 210,000 which is required by this title or by its charter to  
19 publish a notice, may cause such notice to be published in any newspaper of general circulation  
20 in the city.

21           After enactment of any such plan, ordinance or amendment, further publication thereof  
22 shall not be required.

23           A party's actual notice of, or active participation in, the proceedings for which the written  
24 notice provided by this section is required shall waive the right of that party to challenge the  
25 validity of the proceeding due to failure of the party to receive the written notice required by this  
26 section.

27           **Drafting note: No substantive change in the law. The clause in the third to last**  
28 **paragraph is deleted since it is no longer needed. The remainder of the stricken language is**  
29 **relocated within the section for clarity and is shown as new language.**

30  
31           § 15.2-2205. Additional notice of planning or zoning matters.



1           Any locality may give, in addition to any specific notice required by law, notice by direct  
2 mail or any other means of any planning or zoning matter it deems appropriate.

3           **Drafting note: This section, formerly § 15.1-33.1, is relocated from old Chapter 1**  
4 **with no change.**

5  
6           § ~~15.1-431.1~~ 15.2-2206. When locality may require applicant to give notice; how given.

7           ~~The governing body of any county or municipality~~ Any locality may by ordinance require  
8 that a person applying to the local governing body, local planning commission or board of  
9 zoning appeals pursuant to this chapter be responsible for all required notices. ~~The governing~~  
10 ~~body~~ locality shall require that notice be given as provided by § ~~15.1-431~~ 15.2-2204.

11           ~~The governing body~~ locality may provide that, in the case of a condominium or of a  
12 cooperative, the written notice may be mailed to the unit owners' association or proprietary  
13 lessee's association, respectively, in lieu of each individual unit owner.

14           ~~Reliance by the~~ The applicant may rely upon records of the ~~city or county~~ local real estate  
15 assessor's office to ascertain the names of persons entitled to notice ~~shall be deemed sufficient.~~

16           ~~The applicant shall be required to supply the names and certify that notice has been sent~~  
17 ~~to those to whom notice has been required to be sent.~~ The certification of notice and a listing  
18 of the persons to whom notice has been sent shall be supplied by the applicant as required by the  
19 local governing body at least five days prior to the first hearing.

20           The governing body shall allow any person entitled to notice to waive such right in  
21 writing.

22           Nothing herein shall be construed so as to affect the validity of any ordinance or  
23 amendment adopted prior to July 1, 1992.

24           **Drafting note: No substantive change in the law. The language is clarified with no**  
25 **intended change in meaning.**

26  
27           § ~~15.1-503.4~~ 15.2-2207. Public notice of juvenile residential care facilities in certain  
28 localities.

29           In any ~~county, city or town~~ locality without an applicable zoning ordinance, the local  
30 governing body may provide by ordinance that any party desiring to establish a public or private  
31 detention home, group home or other residential care facility for children in need of services or

1 for delinquent or alleged delinquent youth must first provide public notice and participate in a  
2 public hearing in accordance with § ~~15.1-431~~ 15.2-2204.

3 **Drafting note: No substantive change in the law. This section is relocated from**  
4 **Article 9.**

5  
6 § ~~15.1-499~~ 15.2-2208. Restraining, ~~etc.~~, violations of chapter.

7 Any violation or attempted violation of this chapter, or of any regulation adopted  
8 hereunder may be restrained, corrected, or abated as the case may be by injunction or other  
9 appropriate proceeding.

10 **Drafting note: No substantive change in the law. This section is relocated from**  
11 **Article 9.**

12  
13 § ~~15.1-499.1~~ 15.2-2209. Civil penalties for violations of zoning ordinance.

14 Notwithstanding ~~the provisions~~ provision 5 of § ~~15.1-491 (e)~~ 15.2-2286, any locality may  
15 adopt an ordinance which establishes a uniform schedule of civil penalties for violations of  
16 specified provisions of the zoning ordinance. The schedule of offenses shall not include any  
17 zoning violation resulting in injury to any persons, and the existence of a civil penalty shall not  
18 preclude action by the zoning administrator under provision 4 of § ~~15.1-491 (d)~~ 15.2-2286 or  
19 action by the governing body under § ~~15.1-499~~ 15.2-2208.

20 This schedule of civil penalties shall be uniform for each type of specified violation, and  
21 the penalty for any one violation shall be a civil penalty of not more than \$100 for the initial  
22 summons and not more than \$150 for each additional summons. Each day during which the  
23 violation is found to have existed shall constitute a separate offense. However, specified  
24 violations arising from the same operative set of facts shall not be charged more frequently than  
25 once in any ten-day period, and a series of specified violations arising from the same operative  
26 set of facts shall not result in civil penalties which exceed a total of \$3,000. Designation of a  
27 particular zoning ordinance violation for a civil penalty pursuant to this section shall be in lieu of  
28 criminal sanctions, and except for any violation resulting in injury to persons, such designation  
29 shall preclude the prosecution of a violation as a criminal misdemeanor.

30 The zoning administrator or his deputy may issue a civil summons as provided by law for  
31 a scheduled violation. Any person summoned or issued a ticket for a scheduled violation may

1 make an appearance in person or in writing by mail to the department of finance or the treasurer  
2 of the locality prior to the date fixed for trial in court. Any person so appearing may enter a  
3 waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such  
4 persons shall be informed of their right to stand trial and that a signature to an admission of  
5 liability will have the same force and effect as a judgment of court.

6 If a person charged with a scheduled violation does not elect to enter a waiver of trial and  
7 admit liability, the violation shall be tried in the general district court in the same manner and  
8 with the same right of appeal as provided for by law. In any trial for a scheduled violation  
9 authorized by this section, it shall be the burden of the locality to show the liability of the  
10 violator by a preponderance of the evidence. An admission of liability or finding of liability shall  
11 not be a criminal conviction for any purpose.

12 No provision herein shall be construed to allow the imposition of civil penalties (i) for  
13 activities related to land development or (ii) for violation of any provision of a local zoning  
14 ordinance relating to the posting of signs on public property or public rights-of-way.

15 **Drafting note: No substantive change in the law.**

16

17

Article 3 2.

18

Local Planning Commissions.

19

20 § ~~15.1-427.4~~ 15.2-2210. Creation of local planning commissions; participation in  
21 planning district commissions or joint local commissions.

22 ~~The governing body of every county and municipality~~ Every locality shall by resolution  
23 or ordinance create a local planning commission ~~by July 1, 1976~~, in order to promote the orderly  
24 development of ~~such political subdivision~~ the locality and its environs. In accomplishing the  
25 objectives of § ~~15.1-427~~ 15.2-2200 ~~such~~ the local planning commissions shall serve primarily in  
26 an advisory capacity to the governing bodies.

27 ~~The governing body of any county or municipality~~ Any locality may participate in a  
28 planning district commission in accordance with Chapter 34 42 (§ ~~15.1-1400~~ 15.2-4200 et seq.)  
29 of this title or a joint local commission in accordance with § ~~15.1-443~~ 15.2-2219.

1           **Drafting note: No substantive change in the law. This section is moved from Article**  
2 **1. "Political subdivision" is changed to "locality" since "political subdivision" is not a**  
3 **defined term.**

4  
5           § ~~15.1-428~~ 15.2-2211. Cooperation of local planning commissions and other agencies.

6           The planning commission of any ~~county or municipality~~ locality may cooperate with  
7 ~~other local~~ planning commissions or legislative and administrative bodies and officials of other  
8 ~~counties and municipalities within or without such areas;~~ localities so as to coordinate the  
9 planning and development of ~~such county or municipality with the plans of such other counties~~  
10 ~~or municipalities~~ among the localities. ~~Such~~ Planning commissions may appoint ~~such~~ committees  
11 and may adopt ~~such~~ rules as needed to effect such cooperation. ~~Such planning~~ Planning  
12 commissions may also cooperate with state and federal officials, departments and agencies.  
13 Planning commissions may request from such departments and agencies, and such departments  
14 and agencies of the Commonwealth shall furnish, such reasonable information which may affect  
15 the planning and development of the ~~county or municipality~~ locality.

16           **Drafting note: No substantive change in the law. This section is moved from Article**  
17 **1. The language is clarified with no intended change in meaning.**

18  
19           § ~~15.1-437~~ 15.2-2212. Qualifications, appointment, removal, terms; and compensation;  
20 ~~etc.~~; of members of local planning commissions.

21           A local planning commission, ~~hereinafter sometimes referred to as local commission,~~  
22 shall consist of not less than five nor more than fifteen members, appointed by the governing  
23 body, all of whom shall be residents of the ~~county or municipality~~ locality, qualified by  
24 knowledge and experience to make decisions on questions of community growth and  
25 development; provided, that at least one-half of the members so appointed shall be owners of real  
26 property. The local governing body may require each member of the commission to take an oath  
27 of office.

28           One member of the commission may be a member of the governing body of the ~~county or~~  
29 ~~municipality~~ locality, and one member may be a member of the administrative branch of  
30 government of the ~~county or municipality~~ locality. The term of each of these two members shall  
31 be coextensive with the term of office to which he has been elected or appointed, unless the

1 governing body, at the first regular meeting each year, appoints others to serve as their  
2 representatives. The remaining members of the commission first appointed shall serve  
3 respectively for terms of one year, two years, three years, and four years, divided equally or as  
4 nearly equal as possible between the membership. Subsequent appointments shall be for terms of  
5 four years each. The local governing bodies may establish different terms of office for initial and  
6 subsequent appointments including terms of office that are concurrent with those of the  
7 appointing governing body. Vacancies shall be filled by appointment for the unexpired term  
8 only. Members may be removed for malfeasance in office.

9 The local governing body may provide for: ~~(1) reimbursement of actual expenses~~  
10 ~~incurred by members of the commission; or (2) compensation to such members, or any of them,~~  
11 ~~for their services; or (3) both~~ compensation to commission members for their services,  
12 reimbursement for actual expenses incurred, or both.

13 **Drafting note: No substantive change in the law.**

14  
15 § ~~15.1-438~~ 15.2-2213. Advisory members.

16 ~~In cases where a municipality is situated within or is completely surrounded by a county,~~  
17 ~~or adjoins a county or another municipality and such localities have local commissions, a~~  
18 ~~representative of the local commission of such county or municipality, designated by it, may be,~~  
19 ~~with the consent of the governing bodies of both localities, an advisory member of the local~~  
20 ~~commission of such other county or municipality, as the case may be. A member of a local~~  
21 planning commission may, with the consent of both governing bodies, serve as an advisory  
22 member of the local planning commission of a contiguous locality.

23 **Drafting note: No substantive change in the law. The language is simplified with no**  
24 **change in meaning.**

25  
26 § ~~15.1-439~~ 15.2-2214. Meetings.

27 The local planning commission shall fix the time for holding regular meetings, ~~but it,~~  
28 Commissions shall meet at least every two months, ~~except that.~~ However, in any county, city, or  
29 ~~town~~ locality with a population of not more than 7,500, the commission shall be required to meet  
30 at least once each year.

1 Special meetings of the commission may be called by the chairman or by two members  
2 upon written request to the secretary. The secretary shall mail to all members, at least five days  
3 in advance of a special meeting, a written notice fixing the time and place of the meeting and the  
4 purpose thereof.

5 Written notice of a special meeting is not required if the time of the special meeting has  
6 been fixed at a regular meeting, or if all members are present at the special meeting or file a  
7 written waiver of notice.

8 **Drafting note: No substantive change in the law.**

9  
10 § ~~15.1-440~~ 15.2-2215. Quorum majority vote.

11 A majority of the members shall constitute a quorum and no action of the local planning  
12 commission shall be valid unless authorized by a majority vote of those present and voting.

13 **Drafting note: No substantive change in the law.**

14  
15 § ~~15.1-441~~ 15.2-2216. Facilities for holding of meetings and preservation of documents;  
16 appropriations for expenses.

17 The governing body may provide the local planning commission with facilities for the  
18 holding of meetings and the preservation of plans, maps, documents and accounts, and may  
19 appropriate funds needed to defray the expenses of the commission.

20 **Drafting note: No substantive change in the law.**

21  
22 § ~~15.1-442~~ 15.2-2217. Officers, employees and consultants; expenditures; rules and  
23 records; special surveys.

24 The local planning commission shall elect from the appointed members a chairman and a  
25 vice-chairman, whose terms shall be for one year. If authorized by the governing body the  
26 commission may ~~(4)~~ (i) create and fill such other offices as it deems necessary; ~~(2)~~ (ii) appoint  
27 such employees and staff as it deems necessary for its work; and ~~(3)~~ (iii) contract with  
28 consultants for such services as it requires. The expenditures of the commission, exclusive of  
29 gifts or grants, shall be within the amounts appropriated for such purpose by the governing body.

30 The commission shall adopt rules for the transaction of business and shall keep a record  
31 of its transactions which shall be a public record. Upon request of the commission, the governing

1 body or other public officials may, from time to time, for the purpose of special surveys under  
2 the direction of the commission, assign or detail to it any members of the staffs of county or  
3 municipal administrative departments, or such governing body or other public official may direct  
4 any such department employee to make for the commission special surveys or studies requested  
5 by the local commission.

6 **Drafting note: No substantive change in the law.**

7  
8 § ~~15.1-443~~ 15.2-2218. County planning commission serving as commission of town; ~~joint~~  
9 ~~local commissions.~~

10 The governing body of any town ~~located within a county having a local commission,~~ may  
11 designate, with the consent of the governing body of ~~such~~ a contiguous county, by ordinance,  
12 ~~such~~ the county planning commission as the local planning commission of ~~such~~ the town.

13 A county commission designated as a town commission shall have all the powers and  
14 duties granted under this chapter to a local planning commission.

15 Any ~~municipality~~ town designating a county commission as its local planning  
16 commission may contract annually to pay the county a proportionate part of the expenses  
17 properly chargeable for the planning service rendered ~~such municipality~~ the town, and any such  
18 payments may be appropriated to ~~such~~ the county planning commission in addition to any funds  
19 budgeted for planning purposes.

20 ~~Any one or more adjoining or adjacent counties or municipalities including any~~  
21 ~~municipality within any such county may by agreement provide for a joint local commission for~~  
22 ~~any two or more of such counties and municipalities. Such agreement shall provide for the~~  
23 ~~number of members of such commission and how they shall be appointed, in what proportion the~~  
24 ~~expenses of such commission shall be borne by the participating political subdivisions, and any~~  
25 ~~other matters pertinent to the operation of the commission as the joint local commission for such~~  
26 ~~political subdivisions. Any commission so created shall have, as to each participating political~~  
27 ~~subdivision, the powers and duties granted to and imposed upon local commissions under this~~  
28 ~~chapter.~~

29 **Drafting note: No substantive change in the law. The last paragraph of this section**  
30 **is moved to § 15.2-2219.**

31

1           § 15.2-2219. Joint local planning commissions.

2           Any one or more adjoining or adjacent counties or municipalities including any  
3 municipality within any such county may by agreement provide for a joint local planning  
4 commission for any two or more of such counties and municipalities. ~~Such~~ The agreement shall  
5 provide for the number of members of ~~such the~~ the commission and how they shall be appointed, in  
6 what proportion the expenses of ~~such the~~ the commission shall be borne by the participating ~~political~~  
7 ~~subdivisions~~ localities, and any other matters pertinent to the operation of the commission as the  
8 joint local planning commission for ~~such the political subdivisions~~ localities. Any commission so  
9 created shall have, as to each participating ~~political subdivision~~ locality, the powers and duties  
10 granted to and imposed upon local planning commissions under this chapter.

11           **Drafting note: No substantive change in the law. This section is relocated from the**  
12 **last paragraph of § 15.1-443.**

13  
14           ~~§ 15.1-502.1~~ 15.2-2220. Duplicate planning commission authorized for certain local  
15 governments.

16           Any city with a population between 140,000 and 160,000 which is subject to the  
17 provisions of the Chesapeake Bay Preservation Act (§ 10.1-2100 et seq.); may by ordinance, ~~may~~  
18 establish a duplicate planning commission solely for the purpose of considering matters arising  
19 from such Act. Sections ~~15.1-437~~ 15.2-2210 through ~~15.1-445~~ 15.2-2222 shall apply to ~~such the~~  
20 commission, mutatis mutandis.

21           The procedure, timing requirements and appeal to the circuit court set forth in ~~§§ 15.1-~~  
22 ~~475~~ 15.2-2258 through 15.2-2261 shall apply to the considerations of this commission, mutatis  
23 mutandis.

24           To distinguish the planning commission authorized by this section from planning  
25 commissions required by § ~~15.1-427.1~~ 15.2-2210, the ~~commissions~~ commission established  
26 hereunder shall have the words "Chesapeake Bay Preservation" in ~~their~~ its title.

27           ~~Every~~ The governing body of a ~~municipality~~ city that establishes a commission pursuant  
28 to this section, in its sole discretion by ordinance, may abolish ~~same~~ the duplicate planning  
29 commission.

30           **Drafting note: No substantive change in the law. This section is relocated from**  
31 **Article 9.**



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§ ~~15.1-444~~ 15.2-2221. Duties of commissions.

To effectuate this chapter, the local planning commission shall:

- (a) 1. Exercise general supervision of, and make regulations for, the administration of its affairs;
- (b) 2. Prescribe rules pertaining to its investigations and hearings;
- (c) 3. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the governing body;
- (d) 4. Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;
- (e) 5. Make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction;
- (f) 6. Prepare, publish and distribute reports, ordinances and other material relating to its activities;
- (g) 7. Prepare and submit an annual budget in the manner prescribed by the governing body of the county or municipality; and
- (h) 8. If deemed advisable, establish an advisory committee or committees.

**Drafting note: No substantive change in the law.**

§ ~~15.1-445~~ 15.2-2222. Expenditures; gifts and donations.

The local planning commission may expend, under regular ~~county or municipal~~ local procedure as provided by law, sums appropriated to it for its purposes and activities.

~~The governing body of a county or municipality~~ A locality may accept gifts and donations for ~~local~~ commission purposes. Any moneys so accepted shall be deposited with the appropriate governing body in a special nonreverting ~~local~~ commission fund to be available for expenditure by the ~~local~~ commission for the purpose designated by the donor. The disbursing officer of the ~~county or municipality~~ locality may issue warrants against such special fund only upon vouchers signed by the chairman and the secretary of the ~~local~~ commission.

**Drafting note: No substantive change in the law.**

1 The Comprehensive Plan.

2  
3 § ~~15.1-446.1~~ 15.2-2223. Comprehensive plan to be prepared and adopted; scope and  
4 purpose.

5 The local planning commission shall prepare and recommend a comprehensive plan for  
6 the physical development of the territory within its jurisdiction. ~~Every and every~~ governing body  
7 ~~in this Commonwealth~~ shall adopt a comprehensive plan for the territory under its jurisdiction by  
8 ~~July 1, 1980~~.

9 In the preparation of a comprehensive plan the commission shall make careful and  
10 comprehensive surveys and studies of the existing conditions and trends of growth, and of the  
11 probable future requirements of its territory and inhabitants. The comprehensive plan shall be  
12 made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious  
13 development of the territory which will, in accordance with present and probable future needs  
14 and resources, best promote the health, safety, morals, order, convenience, prosperity and general  
15 welfare of the inhabitants.

16 The comprehensive plan shall be general in nature, in that it shall designate the general or  
17 approximate location, character, and extent of each feature shown on the plan and shall indicate  
18 where existing lands or facilities are proposed to be extended, widened, removed, relocated,  
19 vacated, narrowed, abandoned, or changed in use as the case may be.

20 ~~Such~~ The plan, with the accompanying maps, plats, charts, and descriptive matter, shall  
21 show the ~~commission's~~ locality's long-range recommendations for the general development of  
22 the territory covered by the plan, ~~including the location of existing or proposed recycling centers~~.  
23 It may include, but need not be limited to:

24 1. The designation of areas for various types of public and private development and use,  
25 such as different kinds of residential, business, industrial, agricultural, mineral resources,  
26 conservation, recreation, public service, flood plain and drainage, and other areas;

27 2. The designation of a system of transportation facilities such as streets, roads,  
28 highways, parkways, railways, bridges, viaducts, waterways, airports, ports, terminals, and other  
29 like facilities;

1           3. The designation of a system of community service facilities such as parks, forests,  
2 schools, playgrounds, public buildings and institutions, hospitals, community centers,  
3 waterworks, sewage disposal or waste disposal areas, and the like;

4           4. The designation of historical areas and areas for urban renewal or other treatment;

5           5. The designation of areas for the implementation of reasonable ground water protection  
6 measures;

7           6. An official map, a capital improvements program, a subdivision ordinance, a zoning  
8 ordinance and zoning district maps, mineral resource district maps and agricultural and forestal  
9 district maps, where applicable; ~~and~~

10          7. The location of existing or proposed recycling centers; and

11          7 8. The designation of areas for the implementation of measures to promote the  
12 construction and maintenance of affordable housing, sufficient to meet the current and future  
13 needs of residents of all levels of income in the locality while considering the current and future  
14 needs of the planning district within which the locality is situated.

15           **Drafting note: SUBSTANTIVE CHANGE; the first two paragraphs are combined.**  
16 **The requirement of showing recycling centers is relocated to the list of items which “may”**  
17 **be included in a comprehensive plan, and no longer “shall” be required.**

18  
19           § ~~15.1-447~~ 15.2-2224. Surveys and studies to be made in preparation of plan;  
20 implementation of plan.

21           A. In the preparation of a comprehensive plan, the local planning commission shall  
22 survey and study such matters as the following:

23           1. Use of land, preservation of agricultural and forestal land, production of food and fiber,  
24 characteristics and conditions of existing development, trends of growth or changes, natural  
25 resources, historic areas, ground water, surface water, geologic factors, population factors,  
26 employment, environmental and economic factors, existing public facilities, drainage, flood  
27 control and flood damage prevention measures, transportation facilities, the need for affordable  
28 housing in both the locality and planning district within which it is situated, and any other  
29 matters relating to the subject matter and general purposes of the comprehensive plan.

30           However, if a locality chooses not to survey and study historic areas, then the locality  
31 shall include historic areas in the comprehensive plan, if such areas are identified and surveyed

1 by the Department of Historic Resources. Furthermore, if a locality chooses not to survey and  
2 study mineral resources, then the locality shall include mineral resources in the comprehensive  
3 plan, if such areas are identified and surveyed by the Department of Mines, Minerals and Energy.  
4 The requirement to study the production of food and fiber shall apply only to those plans adopted  
5 on or after January 1, 1981.

6 2. Probable future economic and population growth of the territory and requirements  
7 therefor.

8 B. The comprehensive plan shall recommend methods of implementation and shall  
9 include a current map of the area covered by ~~such~~ the comprehensive plan. Unless otherwise  
10 required by this chapter ~~these~~ , the methods of implementation may include but need not be  
11 limited to:

- 12 1. An official map;
- 13 2. A capital improvements program;
- 14 3. A subdivision ordinance;
- 15 4. A zoning ordinance and zoning district maps; and
- 16 5. A mineral resource map.

17 ~~The requirement for the local commission to survey and study production of food and~~  
18 ~~fiber in the preparation of a comprehensive plan shall not affect any comprehensive plan adopted~~  
19 ~~prior to January 1, 1981.~~

20 **Drafting note: No substantive change in the law. The last paragraph is relocated to**  
21 **subsection A1.**

22  
23 § ~~15.1-448~~ 15.2-2225. Notice and hearing on plan; recommendation by local planning  
24 commission to governing body.

25 Prior to the recommendation of a comprehensive plan or any part thereof, the local  
26 planning commission shall give notice in accordance with § 15.2-2204 and hold a public hearing  
27 on the plan, ~~after notice as required by § 15.1-431~~. After ~~such~~ the public hearing ~~has been held,~~  
28 the commission may approve, amend and approve, or disapprove the plan. Upon approval ~~of the~~  
29 plan, the commission shall by resolution recommend the plan, or part thereof, to the governing  
30 body and a copy shall be certified to the governing body.

1           **Drafting note: No substantive change in the law. Old § 15.1-449 is added to the end**  
2 **of this section.**

3  
4           ~~§ 15.1-449. Copy to be certified to governing body.~~

5           ~~Upon recommendation of the comprehensive plan or a part thereof by the local~~  
6 ~~commission, a copy thereof shall be certified to the governing body.~~

7           **Drafting note: The substance of this section is relocated to § 15.2-2225.**

8  
9           ~~§ 15.1-450~~ 15.2-2226. Adoption or disapproval of plan by governing body.

10           After certification of the plan or part thereof, the governing body, after a public hearing  
11 with notice as required by § ~~15.1-434~~ 15.2-2204, shall proceed to a consideration of the plan or  
12 part thereof and shall approve and adopt, amend and adopt, or disapprove the ~~same plan within~~  
13 ~~ninety days after date of adoption of such resolution.~~ The governing body shall act within ninety  
14 days of the local planning commission's recommending resolution.

15           **Drafting note: No substantive change in the law.**

16  
17           ~~§ 15.1-451~~ 15.2-2227. Return of plan to local planning commission; resubmission.

18           If ~~such~~ the governing body disapproves the plan, then it shall be returned to the local  
19 planning commission for its reconsideration, with a written statement of the reasons for its  
20 disapproval.

21           The commission shall have sixty days in which to reconsider the plan and resubmit it,  
22 with any changes, to the governing body.

23           **Drafting note: No substantive change in the law.**

24  
25           ~~§ 15.1-452~~ 15.2-2228. Adoption of parts of plan.

26           As the work of preparing the comprehensive plan progresses, the local planning  
27 commission may, from time to time, recommend, and the governing body approve and adopt,  
28 parts thereof; ~~any.~~ Any such part shall cover one or more major sections or divisions of the  
29 ~~county or municipality~~ locality or one or more functional matters.

30           **Drafting note: No substantive change in the law.**

1 § ~~15.1-453~~ 15.2-2229. Amendments.

2 After the adoption of a comprehensive plan, all amendments to it shall be recommended,  
3 and approved and adopted, respectively, as required by § ~~15.1-431~~ 15.2-2204. If the governing  
4 body desires an amendment it may direct the local planning commission to prepare an  
5 amendment and submit it to public hearing within sixty days after formal written request by the  
6 governing body.

7 **Drafting note: No substantive change in the law.**

8  
9 § ~~15.1-454~~ 15.2-2230. Plan to be reviewed at least once every five years.

10 At least once every five years the comprehensive plan shall be reviewed by the local  
11 planning commission to determine whether it is advisable to amend the plan.

12 **Drafting note: No substantive change in the law.**

13  
14 § ~~15.1-455~~ 15.2-2231. Inclusion of incorporated towns in county plan; inclusion of  
15 adjacent unincorporated territory in municipal plan.

16 Any county plan may include planning of incorporated towns to the extent to which, in  
17 the county local planning commission's judgment, it is related to planning of the unincorporated  
18 territory of the county as a whole, ~~provided, however that.~~ However, the plan shall not be  
19 considered as a comprehensive plan for any incorporated town unless recommended by the town  
20 commission, if any, and adopted by the governing body of the town.

21 Any municipal plan may include the planning of adjacent unincorporated territory to the  
22 extent to which, in the municipal local planning commission's judgment, it is related to the  
23 planning of the incorporated territory of the municipality; ~~provided, however that.~~ However, the  
24 plan shall not be considered as a comprehensive plan for such unincorporated territory unless  
25 recommended by the county ~~local~~ commission, ~~if any~~, and approved and adopted by the  
26 governing body of the county.

27 **Drafting note: No substantive change in the law.**

28  
29 § ~~15.1-456~~ 15.2-2232. Legal status of plan.

30 A. Whenever ~~the a~~ local planning commission ~~shall have recommended~~ recommends a  
31 comprehensive plan or part thereof for the ~~county or municipality~~ locality and such plan ~~shall~~

1 ~~have~~ has been approved and adopted by the governing body, it shall control the general or  
2 approximate location, character and extent of each feature shown on the plan. Thereafter, unless  
3 ~~such~~ a feature is already shown on the adopted master plan or part thereof or is deemed so under  
4 subsection D, no street or connection to an existing street, park or other public area, public  
5 building or public structure, public utility facility or public service corporation facility other than  
6 railroad facility, whether publicly or privately owned, shall be constructed, established or  
7 authorized, unless and until the general location or approximate location, character, and extent  
8 thereof has been submitted to and approved by the ~~local~~ commission as being substantially in  
9 accord with the adopted comprehensive plan or part thereof. In connection with any such  
10 determination the commission may, and at the direction of the governing body shall, hold a  
11 public hearing, after notice as required by § ~~15.1-431~~ 15.2-2204.

12 B. The commission shall communicate its findings to the governing body, indicating its  
13 approval or disapproval with written reasons therefor. The governing body may overrule the  
14 action of the commission by a vote of a majority of ~~the~~ its membership ~~thereof~~. Failure of the  
15 commission to act within sixty days of ~~such~~ a submission, unless ~~such~~ the time ~~shall be~~ is  
16 extended by the governing body, shall be deemed approval. The owner or owners or their agents  
17 may appeal the decision of the ~~local~~ commission to the governing body within ten days after the  
18 decision of the commission. The appeal shall be by written petition to the governing body setting  
19 forth the reasons for the appeal. The appeal shall be heard and determined within sixty days from  
20 its filing. A majority vote of the governing body shall overrule the commission.

21 C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or  
22 public areas shall likewise be submitted for approval, but paving, repair, reconstruction,  
23 improvement, drainage or similar work and normal service extensions of public utilities or public  
24 service corporations shall not require approval unless involving a change in location or extent of  
25 a street or public area.

26 D. Any public area, facility or use as set forth in subsection A which is identified within,  
27 but not the entire subject of, a submission under either § ~~15.1-475~~ 15.2-2258 for subdivision or  
28 provision 8 of § ~~15.1-491 (h)~~ 15.2-2286 for development or both may be deemed a feature  
29 already shown on the adopted master plan, and, therefore, excepted from the requirement for  
30 submittal to and approval by the commission or the governing body; provided, that the governing  
31 body has by ordinance or resolution defined standards governing the construction, establishment

1 or authorization of such public area, facility or use or has approved it through acceptance of a  
2 proffer made pursuant to § ~~15.1-491 (a)~~ 15.2-2303.

3 ~~E. No approval shall be required under this section of any application filed after January~~  
4 ~~1, 1988, with respect to the construction and operation of a water system under authority of §~~  
5 ~~15.1-875 by any city with a population of more than 260,000, and any denial of such an~~  
6 ~~application prior to the effective date of this subsection shall be of no force or effect; provided,~~



1 ~~that the governing body may, in acting on any § 15.1-875 application, consider whether the water~~  
2 ~~system is in conflict with any specific provision of the comprehensive plan.~~

3 F. E. Approval and funding of a public telecommunications facility by the Virginia  
4 Public Telecommunications Board pursuant to Article 6 (§ 2.1-563.23 et seq.) of Chapter 35.2  
5 of Title 2.1 shall be deemed to satisfy the requirements of this section and local zoning  
6 ordinances with respect to such facility with the exception of television and radio towers and  
7 structures not necessary to house electronic apparatus. The exemption provided for in this  
8 subsection shall not apply to facilities existing or approved by the Board prior to July 1, 1990.  
9 The Board shall notify the governing body of the locality in advance of any meeting where  
10 approval of any such facility shall be acted upon.

11 **Drafting note: No substantive change in the law. Old subsection E expired on**  
12 **February 1, 1995.**

13  
14 Article ~~5~~ 4.

15 The Official Map.

16  
17 § ~~15.1-458~~ 15.2-2233. Maps to be prepared in ~~counties and municipalities~~ localities; what  
18 map shall show.

19 In ~~counties or municipalities~~ localities where no official map exists, or where an existing  
20 official map is incomplete, the local planning commission may make, or cause to be made, a map  
21 showing the location of any:

22 1. Legally established public street, alley, walkway, waterway, and public area of the  
23 ~~county or municipality~~ locality; and

24 2. Future or proposed public street, alley, walkway, waterway and public area.

25 No future or proposed street or street line, waterway, nor public area, shall be shown on  
26 an official map unless and until the centerline of ~~such the~~ street, the course of ~~such the~~ waterway,  
27 or the metes and bounds of ~~such the~~ public area, have been fixed or determined in relation to  
28 known, fixed and permanent monuments by a physical survey or aerial photographic survey  
29 thereof. In addition to the centerline of each street, the map shall indicate the width of the right-  
30 of-way thereof. Local planning commissions are hereby empowered to make or cause to be made  
31 the surveys required herein.

1 After adoption by the governing body of an official map, the local governing body may  
2 acquire in any way permitted by law property which is or may be needed for the construction of  
3 any street, alley, walkway, waterway or public area shown on ~~such the~~ the map. When an application  
4 for a building permit is made to a ~~county or municipality~~ locality for an area shown on the  
5 official map as a future or proposed right-of-way, the ~~county or municipality~~ locality shall have  
6 ~~60~~ sixty days to either grant or deny the building permit. If the permit is denied for the sole  
7 purpose of acquiring the property, the ~~county or municipality~~ locality has 120 days from the date  
8 of denial to acquire the property, either through negotiation or by filing condemnation  
9 proceedings. If the ~~county or municipality~~ locality has not acted within the 120 day period, the  
10 building permit shall be issued to the applicant provided all other requirements of law have been  
11 met.

12 **Drafting note: No substantive change in the law.**

13

14 § ~~15.1-459~~ 15.2-2234. Adoption; filing in office of clerk of court.

15 After ~~such the~~ the official map has been prepared and recommended by the local planning  
16 commission it shall be certified by the commission to the governing body of the ~~county or~~  
17 ~~municipality~~ locality. The governing body may then approve and adopt the same map by a  
18 majority vote of ~~the its~~ its membership ~~thereof~~ and publish it as the official map of the ~~county or~~  
19 ~~municipality~~ locality. No official map shall be adopted by the governing body or have any effect  
20 until approved by ordinance duly passed by the governing body of the ~~county or municipality~~  
21 locality after a public hearing, preceded by public notice as required by § ~~15.1-431~~ 15.2-2204.

22 Within thirty days after adoption of the official map the governing body shall cause it to  
23 be filed in the office of the clerk of the circuit court ~~or courts of the county or city wherein deeds~~  
24 ~~are admitted to record~~.

25 **Drafting note: No substantive change in the law.**

26

27 § ~~15.1-460~~ 15.2-2235. Additions and modifications.

28 The governing body may by ordinance make, from time to time, other additions to or  
29 modifications of the official map by placing thereon the location of any proposed street, street  
30 widening, street vacation, waterway or public area in accordance with the procedures applicable  
31 to ~~such county or municipality~~ the locality.

1 Prior to making any such additions or modifications ~~of~~ to the official map, the governing  
2 body shall refer the ~~same~~ additions or modifications to the local planning commission for its  
3 consideration. The commission shall take action on ~~such~~ the proposed additions or modifications  
4 within sixty days and report its recommendations to the governing body.

5 Upon receipt of the report of the commission, the governing body shall hold a public  
6 hearing on the proposed addition or modification to the official map and shall give notice of ~~such~~  
7 the hearing in accordance with § ~~15.1-431~~ 15.2-2204. All such reports of the commission, when  
8 delivered to the governing body, shall be available for public inspection.

9 Any ordinance embodying additions to or modifications of the official map shall be  
10 adopted by at least the vote required for original adoption of the official map. After the public  
11 hearing and the final passage of such ordinance, the additions or modifications shall become a  
12 part of the official map of the ~~county or municipality~~ locality. All changes, additions or  
13 modifications of the official map shall be filed with the clerk of the court as provided in § ~~15.1-~~  
14 ~~459~~ 15.2-2234.

15 **Drafting note: No substantive change in the law.**

16  
17 § ~~15.1-461~~ 15.2-2236. Periodic review and readoption.

18 The official map and any additions thereto or modifications thereof shall be reviewed  
19 within ~~not more than~~ five years from the date of adoption or readoption of the map by the  
20 governing body. The procedure by the local planning commission and the governing body in  
21 connection with ~~such~~ the review shall conform to that prescribed as to original adoption of the  
22 map. Neither the official map nor any additions thereto or modifications thereof shall be of any  
23 force or effect for more than five years after adoption or readoption of the map unless readopted  
24 by the governing body ~~in accordance herewith~~.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-462~~ 15.2-2237. Consultation with Commonwealth Transportation Board; copies of  
28 map and ordinance to be sent to Commonwealth Transportation Board.

29 During the preparation of an official map the local planning commission shall consult  
30 with the Commonwealth Transportation Board or its local representative as to any streets under  
31 the jurisdiction of the Board, and prior to recommendation of the map to the governing body it

1 shall submit the ~~same~~ map to the Board for comment. Any recommendations of the Board, not  
2 incorporated in the official map, shall be forwarded to the governing body when the map is  
3 recommended by the ~~local~~ commission. When any ~~county or municipality~~ locality has adopted  
4 an official map in accordance with the terms of this chapter a certified copy of the map and  
5 ordinance adopting it shall be sent to the Board.

6 **Drafting note: No substantive change in the law.**

7  
8 § ~~15.1-463~~ 15.2-2238. Authority of counties under § 33.1-229 et seq. not affected.

9 The provisions of this article shall not affect the exercise of the authority contained in §  
10 33.1-229 et seq., by counties that have withdrawn their roads from the secondary system of state  
11 highways.

12 **Drafting note: No change.**

13  
14 Article ~~6~~ 5.

15 Capital ~~Outlay~~ Improvement Programs.

16  
17 § ~~15.1-464~~ 15.2-2239. Local planning commissions to prepare and submit annually  
18 capital improvement programs to governing body or official charged with preparation of budget.

19 A local planning commission may, and at the direction of the governing body shall,  
20 prepare and revise annually a capital improvement program based on the comprehensive plan of  
21 the ~~county or municipality~~ locality for a period not to exceed the ensuing five years. The  
22 commission shall submit the ~~same~~ program annually to the governing body, or to the chief  
23 administrative officer or other official charged with preparation of the budget for the  
24 ~~municipality or county~~ locality, at such time as it or he shall direct. ~~Such~~ The capital  
25 improvement program shall include the commission's recommendations, and estimates of cost of  
26 ~~such~~ the facilities and the means of financing them, to be undertaken in the ensuing fiscal year  
27 and in a period not to exceed the next four years, as the basis of the capital budget for the ~~county~~  
28 ~~or municipality~~ locality. In the preparation of its capital budget recommendations, the  
29 commission shall consult with the chief administrative officer or other executive head of the  
30 government of the ~~county or municipality~~ locality, the heads of departments and interested

1 citizens and organizations and shall hold such public hearings as it deems necessary ~~unless~~  
2 ~~otherwise required.~~

3 Localities may use value engineering for any capital project. For purposes of this section,  
4 "value engineering" has the same meaning as that in § 2.1-483.1:1.

5 **Drafting note: No substantive change in the law.**

6

7 Article 7 6.

8 Land Subdivision and Development.

9

10 § ~~15.1-465~~ 15.2-2240. ~~Counties and municipalities~~ Localities to adopt ordinances  
11 regulating subdivision and development of land.

12 The governing body of ~~any county or municipality~~ every locality shall adopt an ordinance  
13 to assure the orderly subdivision of land and its development. ~~Such ordinance shall be adopted~~  
14 ~~by July 1, 1977. The word "subdivision" as used in any such ordinance shall have the meaning~~  
15 ~~set forth in § 15.1-430 (1).~~

16 **Drafting note: No substantive change in the law. The last two sentences are deleted**  
17 **as unnecessary.**

18

19 § ~~15.1-466~~ 15.2-2241. Mandatory provisions of a subdivision ordinance.

20 ~~A.~~ A subdivision ordinance shall include reasonable regulations and provisions that  
21 apply to or provide:

22 1. For plat details which shall meet the standard for plats as adopted under § 42.1-82 of  
23 the Virginia Public Records Act (§ 42.1-76 et seq.);

24 2. For the coordination of streets within and contiguous to the subdivision with other  
25 existing or planned streets within the general area as to location, widths, grades and drainage,  
26 including, for ordinances and amendments thereto adopted on or after January 1, 1990, for the  
27 coordination of such streets with existing or planned streets in existing or future adjacent or  
28 contiguous to adjacent subdivisions;

29 3. For adequate provisions for drainage and flood control and other public purposes, and  
30 for light and air, and for identifying soil characteristics;

1           4. For the extent to which and the manner in which streets shall be graded, graveled or  
2 otherwise improved and water and storm and sanitary sewer and other public utilities or other  
3 community facilities are to be installed;

4           5. For the acceptance of dedication for public use of any right-of-way located within any  
5 subdivision or section thereof, which has constructed or proposed to be constructed within the  
6 subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle trail, drainage or  
7 sewerage system, waterline as part of a public system or other improvement dedicated for public  
8 use, and maintained by the locality, the Commonwealth, or other public agency, and for the  
9 provision of other site-related improvements required by local ordinances for vehicular ingress  
10 and egress, including traffic signalization and control, for public access streets, for structures  
11 necessary to ensure stability of critical slopes, and for storm water management facilities,  
12 financed or to be financed in whole or in part by private funds only if the owner or developer (i)  
13 certifies to the governing body that the construction costs have been paid to the person  
14 constructing such facilities; (ii) furnishes to the governing body a certified check or cash escrow  
15 in the amount of the estimated costs of construction or a personal, corporate or property bond,  
16 with surety satisfactory to the governing body or its designated administrative agency, in an  
17 amount sufficient for and conditioned upon the construction of such facilities, or a contract for  
18 the construction of such facilities and the contractor's bond, with like surety, in like amount and  
19 so conditioned; or (iii) furnishes to the governing body a bank or savings institution's letter of  
20 credit on certain designated funds satisfactory to the governing body or its designated  
21 administrative agency as to the bank or savings institution, the amount and the form. The amount  
22 of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the  
23 estimated cost of construction based on unit prices for new public or private sector construction  
24 in the locality and a reasonable allowance for estimated administrative costs, inflation, and  
25 potential damage to existing roads or utilities, which shall not exceed twenty-five percent of the  
26 estimated construction costs.

27           If a developer records a final plat which may be a section of a subdivision as shown on an  
28 approved preliminary plat and furnishes to the governing body a certified check, cash escrow,  
29 bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be  
30 dedicated within said section for public use and maintained by the locality, the Commonwealth,  
31 or other public agency, the developer shall have the right to record the remaining sections shown

1 on the preliminary plat for a period of five years from the recordation date of the first section, or  
2 for such longer period as the local commission or other agent may, at the approval, determine to  
3 be reasonable, taking into consideration the size and phasing of the proposed development,  
4 subject to the terms and conditions of this subsection and subject to engineering and construction  
5 standards and zoning requirements in effect at the time that each remaining section is recorded.  
6 In the event a governing body of a county, wherein the highway system is maintained by the  
7 Department of Transportation, has accepted the dedication of a road for public use and such road  
8 due to factors other than its quality of construction is not acceptable into the secondary system of  
9 state highways, then such governing body may, if so provided by its subdivision ordinance,  
10 require the subdivider or developer to furnish the county with a maintenance and indemnifying  
11 bond, with surety satisfactory to the governing body or its designated administrative agency, in  
12 an amount sufficient for and conditioned upon the maintenance of such road until such time as it  
13 is accepted into the secondary system of state highways. In lieu of such bond, the governing  
14 body or its designated administrative agency may accept a bank or savings institution's letter of  
15 credit on certain designated funds satisfactory to the governing body or its designated  
16 administrative agency as to the bank or savings institution, the amount and the form, or accept  
17 payment of a negotiated sum of money sufficient for and conditioned upon the maintenance of  
18 such road until such time as it is accepted into the secondary system of state highways and  
19 assume the subdivider's or developer's liability for maintenance of such road. "Maintenance of  
20 such road" ~~shall be deemed to mean,~~ as used in this section, means maintenance of the streets,  
21 curb, gutter, drainage facilities, utilities or other street improvements, including the correction of  
22 defects or damages and the removal of snow, water or debris, so as to keep such road reasonably  
23 open for public usage;

24 6. For conveyance, in appropriate cases, of common or shared easements to franchised  
25 cable television operators furnishing cable television and public service corporations furnishing  
26 cable television, gas, telephone and electric service to the proposed subdivision. Such easements,  
27 the location of which shall be adequate for use by public service corporations which may be  
28 expected to occupy them, may be conveyed by reference on the final plat to a declaration of the  
29 terms and conditions of such common easements agreed to by franchised cable television  
30 operators furnishing cable television and by such public service corporations and recorded in the  
31 land records of the county or city. The failure of any such franchised cable television operator to

1 agree to the terms and conditions set out in such declaration shall not defeat or impair any such  
2 common easement conveyance;

3 7. For monuments of specific types to be installed establishing street and property lines;

4 8. That unless a plat is filed for recordation within six months after final approval thereof  
5 or such longer period as may be approved by the governing body, such approval shall be  
6 withdrawn and the plat marked void and returned to the approving official; however, in any case  
7 where construction of facilities to be dedicated for public use has commenced pursuant to an  
8 approved plan or permit with surety approved by the governing body or its designated  
9 administrative agency, or where the developer has furnished surety to the governing body or its  
10 designated administrative agency by certified check, cash escrow, bond, or letter of credit in the  
11 amount of the estimated cost of construction of such facilities, the time for plat recordation shall  
12 be extended to one year after final approval or to the time limit specified in the surety agreement  
13 approved by the governing body or its designated administrative agency, whichever is greater;

14 9. For the administration and enforcement of such ordinance, not inconsistent with  
15 provisions contained in this chapter, and specifically for the imposition of reasonable fees and  
16 charges for the review of plats and plans, and for the inspection of facilities required by any such  
17 ordinance to be installed; such fees and charges shall in no instance exceed an amount  
18 commensurate with the services rendered taking into consideration the time, skill and  
19 administrator's expense involved. All such charges heretofore made are hereby validated;

20 ~~10. For payment by a subdivider or developer of land of the pro-rata share of the cost of~~  
21 ~~providing reasonable and necessary sewerage, water, and drainage facilities, located outside the~~  
22 ~~property limits of the land owned or controlled by the subdivider or developer but necessitated or~~  
23 ~~required, at least in part, by the construction or improvement of the subdivision or development;~~  
24 ~~however, no such payment shall be required until such time as the governing body or a~~  
25 ~~designated department or agency thereof shall have established a general sewer, water, and~~  
26 ~~drainage improvement program for an area having related and common sewer, water, and~~  
27 ~~drainage conditions and within which the land owned or controlled by the subdivider or~~  
28 ~~developer is located. Such regulations shall set forth and establish reasonable standards to~~  
29 ~~determine the proportionate share of total estimated cost of ultimate sewerage, water, and~~  
30 ~~drainage facilities required adequately to serve a related and common area, when and if fully~~  
31 ~~developed in accord with the adopted comprehensive plan, that shall be borne by each subdivider~~



1 or developer within the area. Such share shall be limited to the proportion of such total estimated  
2 cost which the increased sewage flow, water flow, and/or increased volume and velocity of storm  
3 water runoff to be actually caused by the subdivision or development bears to total estimated  
4 volume and velocity of such sewage, water, and/or runoff from such area in its fully developed  
5 state.

6 Each such payment received shall be expended only for the construction of those  
7 facilities identified in the established sewer, water, and drainage program; however, in lieu of  
8 such payment the governing body may provide for the posting of a personal, corporate or  
9 property bond, cash escrow or other method of performance guarantee satisfactory to it  
10 conditioned on payment at commencement of such construction. The payments received shall be  
11 kept in a separate account for each of the individual improvement programs until such time as  
12 they are expended for the improvement program;

13 11. Any funds collected for pro rata programs under subdivision 10 of this subsection  
14 prior to July 1, 1990, shall continue to be held in separate, interest bearing accounts for the  
15 project or projects for which the funds were collected and any interest from such accounts shall  
16 continue to accrue to the benefit of the subdivider or developer until such time as the project or  
17 projects are completed or until such time as a general sewer and drainage improvement program  
18 is established to replace a prior sewer and drainage improvement program. If such a general  
19 improvement program is established, the governing body of any county or municipality may  
20 abolish any remaining separate accounts and require the transfer of the assets therein into a  
21 separate fund for the support of each of the established sewer, water, and drainage programs.  
22 Upon the transfer of such assets, subdividers and developers who had met the terms of any  
23 existing agreements made under a previous pro rata program shall receive any outstanding  
24 interest which has accrued up to the date of transfer, and such subdividers and developers shall  
25 be released from any further obligation under those existing agreements. The transferred assets  
26 shall be the sole property of the county or municipality which established the general  
27 improvement program;

28 12. 10. For reasonable provisions permitting a single division of a lot or parcel for the  
29 purpose of sale or gift to a member of the immediate family of the property owner in accordance  
30 with the provisions of § 15.2-2244, subject only to any express requirement contained in the  
31 Code of Virginia and to any requirement imposed by the local governing body that all lots of less

1 ~~than five acres have reasonable right of way of not less than ten feet or more than twenty feet~~  
2 ~~providing ingress and egress to a dedicated recorded public street or thoroughfare. Only one such~~  
3 ~~division shall be allowed per family member, and shall not be for the purpose of circumventing~~  
4 ~~this subdivision. For the purpose of this subdivision, a member of the immediate family is~~  
5 ~~defined as any person who is a natural or legally defined offspring, spouse, grandchild,~~  
6 ~~grandparent, or parent of the owner. The provisions of this subdivision shall apply only to~~  
7 ~~subdivision ordinances adopted by counties and the City of Suffolk;~~

8 ~~13. For reasonable provisions, notwithstanding subdivision A 12, in a county having the~~  
9 ~~urban county executive form of government permitting a single division of a lot or parcel for the~~  
10 ~~purpose of sale or gift to a member of the immediate family of the property owner, subject only~~  
11 ~~to any express requirement contained in the Code of Virginia and to any requirement imposed by~~  
12 ~~the local governing body that all lots of less than five acres have frontage of not less than ten feet~~  
13 ~~or more than twenty feet on a dedicated recorded public street or thoroughfare. Only one such~~  
14 ~~division shall be allowed per family member, and the division shall not be for the purpose of~~  
15 ~~circumventing a local subdivision ordinance. For the purpose of this subsection, a member of the~~  
16 ~~immediate family is defined as any person who is a natural or legally defined offspring or parent~~  
17 ~~of the owner; and~~

18 ~~14. 11. For the periodic partial and final complete release of any bond, escrow, letter of~~  
19 ~~credit, or other performance guarantee required by the governing body under this section in~~  
20 ~~accordance with the provisions of § 15.2-2245. within thirty days after receipt of written notice~~  
21 ~~by the subdivider or developer of completion of part or all of any facilities required to be~~  
22 ~~constructed hereunder unless the governing body or its designated administrative agency notifies~~  
23 ~~said subdivider or developer in writing of nonreceipt of approval by applicable state agency, or~~  
24 ~~of any specified defects or deficiencies in construction and suggested corrective measures prior~~  
25 ~~to the expiration of the thirty day period.~~

26 ~~If no such action is taken by the governing body or administrative agency within the time~~  
27 ~~specified above, the request shall be deemed approved, and a partial release granted to the~~  
28 ~~subdivider or developer. No final release shall be granted until after expiration of such thirty day~~  
29 ~~period and there is an additional request in writing sent by certified mail return receipt to the~~  
30 ~~chief administrative officer of such governing body. The governing body or its designated~~  
31 ~~administrative agency shall act within ten working days of receipt of the request; then if no~~

1 action is taken the request shall be deemed approved and final release granted to the subdivider  
2 or developer.

3 ~~After receipt of the written notices required above, if the governing body or~~  
4 ~~administrative agency takes no action within the times specified above and the subdivider or~~  
5 ~~developer files suit in the local circuit court to obtain partial or final release of a bond, escrow,~~  
6 ~~letter of credit, or other performance guarantee, as the case may be, the circuit court, upon~~  
7 ~~finding the governing body or its administrative agency was without good cause in failing to act,~~  
8 ~~shall award such subdivider or developer his reasonable costs and attorneys' fees.~~

9 ~~No governing body or administrative agency shall refuse to make a periodic partial or~~  
10 ~~final release of a bond, escrow, letter of credit, or other performance guarantee for any reason not~~  
11 ~~directly related to the specified defects or deficiencies in construction of the facilities covered by~~  
12 ~~said bond, escrow, letter of credit or other performance guarantee.~~

13 ~~Upon written request by the subdivider or developer, the governing body or its designated~~  
14 ~~administrative agency shall be required to make periodic partial releases of such bond, escrow,~~  
15 ~~letter of credit, or other performance guarantee in a cumulative amount equal to no less than~~  
16 ~~eighty percent of the original amount for which the bond, escrow, letter of credit, or other~~  
17 ~~performance guarantee was taken, and may make partial releases to such lower amounts as may~~  
18 ~~be authorized by the governing body or its designated administrative agency based upon the~~  
19 ~~percentage of facilities completed and approved by the governing body, local administrative~~  
20 ~~agency, or state agency having jurisdiction. Periodic partial releases may not occur before the~~  
21 ~~completion of at least thirty percent of the facilities covered by any bond, escrow, letter of credit,~~  
22 ~~or other performance guarantee. The governing body or administrative agency shall not be~~  
23 ~~required to execute more than three periodic partial releases in any twelve-month period. Upon~~  
24 ~~final completion and acceptance of said facilities, the governing body or administrative agency~~  
25 ~~shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the~~  
26 ~~subdivider or developer. For the purpose of final release, the term "acceptance" is deemed to~~  
27 ~~mean: when said public facility is accepted by and taken over for operation and maintenance by~~  
28 ~~the state agency, local government department or agency, or other public authority which is~~  
29 ~~responsible for maintaining and for operating such facility upon acceptance.~~

30 ~~For the purposes of this subsection, a certificate of partial or final completion of such~~  
31 ~~facilities from either a duly licensed professional engineer or land surveyor, as defined in and~~

1 limited to § 54.1-400, or from a department or agency designated by the local government may  
2 be accepted without requiring further inspection of such facilities.

3 **Drafting note: No substantive change in the law. The stricken portions of old**  
4 **provisions 12 and 13 of this section now appear as subsections A and B of § 15.2-2244. The**  
5 **stricken portions of old provision 14 of this section now appear as § 15.2-2245. Former**  
6 **subsection B through H are split into the sections which follow.**

7  
8 § 15.2-2242. Optional provisions of a subdivision ordinance.

9 A subdivision ordinance may include:

10 ~~B. A subdivision ordinance may include provisions~~ 1. Provisions for variations in or  
11 exceptions to the general regulations of the subdivision ordinance in cases of unusual situations  
12 or when strict adherence to the general regulations would result in substantial injustice or  
13 hardship.

14 ~~C. A subdivision ordinance may require~~ 2. A requirement for the furnishing of a  
15 preliminary opinion from the applicable health official regarding the suitability of a subdivision  
16 for installation of subsurface sewage disposal systems where such method of sewage disposal is  
17 to be utilized in the development of a subdivision.

18 ~~D. A subdivision ordinance may require~~ 3. A requirement that, in the event streets in a  
19 subdivision will not be constructed to meet the standards necessary for inclusion in the secondary  
20 system of state highways or for state street maintenance moneys paid to municipalities, the  
21 subdivision plat and all approved deeds of subdivision, or similar instruments, must contain a  
22 statement advising that the streets in the subdivision do not meet state standards and will not be  
23 maintained by the Department of Transportation or the ~~county or the municipalities~~ localities  
24 enacting the ordinances. Grantors of any subdivision lots to which such statement applies must  
25 include the statement on each deed of conveyance thereof. However, ~~counties and municipalities~~  
26 localities in their ordinances may establish minimum standards for construction of streets that  
27 will not be built to state standards.

28 For streets constructed or to be constructed, as provided for in this subsection, a  
29 subdivision ordinance may require that the same procedure be followed as that set forth in  
30 ~~subdivision A provision 5 of this section~~ § 15.2-2241. Further, the subdivision ordinance may  
31 provide that the developer's financial commitment shall continue until such time as the local

1 government releases such financial commitment in accordance with the provisions of subdivision  
2 ~~A-14~~ provision 11 of this section § 15.2-2241.

3 ~~E. A subdivision ordinance may include reasonable~~ 4. Reasonable provision for the  
4 voluntary funding of off-site road improvements and reimbursements of advances by the  
5 governing body. If a subdivider or developer makes an advance of payments for or construction  
6 of reasonable and necessary road improvements located outside the property limits of the land  
7 owned or controlled by him, the need for which is substantially generated and reasonably  
8 required by the construction or improvement of his subdivision or development, and such  
9 advance is accepted, the governing body may agree to reimburse the subdivider or developer  
10 from such funds as the governing body may make available for such purpose from time to time  
11 for the cost of such advance together with interest, which shall be excludable from gross income  
12 for federal income tax purposes, at a rate equal to the rate of interest on bonds most recently  
13 issued by the governing body on the following terms and conditions:

14 ~~1. a.~~ 1. a. The governing body shall determine or confirm that the road improvements were  
15 substantially generated and reasonably required by the construction or improvement of the  
16 subdivision or development and shall determine or confirm the cost thereof, on the basis of a  
17 study or studies conducted by qualified traffic engineers and approved and accepted by the  
18 subdivider or developer.

19 ~~2. b.~~ 2. b. The governing body shall prepare, or cause to be prepared, a report accepted and  
20 approved by the subdivider or developer, indicating the governmental services required to be  
21 furnished to the subdivision or development and an estimate of the annual cost thereof for the  
22 period during which the reimbursement is to be made to the subdivider or developer.

23 ~~3. c.~~ 3. c. The governing body may make annual reimbursements to the subdivider or  
24 developer from funds made available for such purpose from time to time, including but not  
25 limited to real estate taxes assessed and collected against the land and improvements on the  
26 property included in the subdivision or development in amounts equal to the amount by which  
27 such real estate taxes exceed the annual cost of providing reasonable and necessary  
28 governmental services to such subdivision or development.

29 ~~F. Site plan or plans of development which are required to be submitted and approved in~~  
30 ~~accordance with § 15.1-491 (h) shall be subject to the provisions of this section, mutatis~~  
31 ~~mutandis.~~

1           ~~G. Notwithstanding subdivisions A 12 and A 13 of this section, a subdivision ordinance~~  
2 ~~may include reasonable provisions permitting divisions of lots or parcels for the purpose of sale~~  
3 ~~or gift to a member of the immediate family of the property owner in (i) any county or city which~~  
4 ~~has had population growth of ten percent or more from the next to latest to latest decennial~~  
5 ~~census year, based on population reported by the United States Bureau of the Census, provided~~  
6 ~~that until the 1990 census is reported, any county or city instead may qualify only if it has had an~~  
7 ~~estimated population growth of ten percent or more from 1980 to the most recent year for which~~  
8 ~~population estimates are available from the Center for Public Service of the University of~~  
9 ~~Virginia; (ii) any city or county adjoining such city or county; (iii) any towns located within such~~  
10 ~~county; and (iv) any county contiguous with at least three such counties, and any town located in~~  
11 ~~that county. Such divisions shall be subject to all requirements of the Code of Virginia and to any~~  
12 ~~requirements imposed by the local governing body.~~

13           H. 5. In a county having the urban county executive form of government, in any city  
14 located within or adjacent thereto, or any county adjacent thereto or a town located within such  
15 county, in any county with a population between 57,000 and 57,450, or in any county with a  
16 population between 60,000 and 63,000, and in any city with a population between 140,000 and  
17 160,000, ~~the subdivision ordinance may include~~ provisions for payment by a subdivider or  
18 developer of land of a pro rata share of the cost of reasonable and necessary road improvements,  
19 located outside the property limits of the land owned or controlled by him but serving an area  
20 having related traffic needs to which his subdivision or development will contribute, to  
21 reimburse an initial subdivider or developer who has advanced such costs or constructed such  
22 road improvements. Such ordinance may apply to road improvements constructed after July 1,  
23 1988, in a county having the urban county executive form of government; in a city located within  
24 or adjacent to a county having the urban county executive form of government, or in a county  
25 adjacent to a county having the urban county executive form of government or town located  
26 within such county; and in any county with a population between 57,000 and 57,450, or in any  
27 county with a population between 60,000 and 63,000, such ordinance may only apply to road  
28 improvements constructed after the effective date of such ordinance.

29           Such provisions shall provide for the adoption of a pro rata reimbursement plan which  
30 shall include reasonable standards to identify the area having related traffic needs, to determine  
31 the total estimated or actual cost of road improvements required to adequately serve the area

1 when fully developed in accordance with the comprehensive plan or as required by proffered  
2 conditions, and to determine the proportionate share of such costs to be reimbursed by each  
3 subsequent subdivider or developer within the area, with interest (i) at the legal rate or (ii) at an  
4 inflation rate prescribed by a generally accepted index of road construction costs, whichever is  
5 less.

6 For any subdivision ordinance adopted pursuant to ~~this subsection~~ provision 5 of this  
7 section after February 1, 1993, no such payment shall be assessed or imposed upon a subsequent  
8 developer or subdivider if (i) prior to the adoption of a pro rata reimbursement plan the  
9 subsequent subdivider or developer has proffered conditions pursuant to § ~~15.1-491(a)~~ 15.2-  
10 2303 for offsite road improvements and such proffered conditions have been accepted by the  
11 ~~local government~~ locality, (ii) the ~~local government~~ locality has assessed or imposed an impact  
12 fee on the subsequent development or subdivision pursuant to Article ~~8.1~~ 8 (§ ~~15.1-498.1~~ 15.2-  
13 2317 et seq.) of Chapter ~~11 of this title~~ 22, or (iii) the subsequent subdivider or developer has  
14 received final site plan, subdivision plan, or plan of development approval from the ~~local~~  
15 ~~government~~ locality prior to the adoption of a pro rata reimbursement plan for the area having  
16 related traffic needs.

17 The amount of the costs to be reimbursed by a subsequent developer or subdivider shall  
18 be determined before or at the time the site plan or subdivision is approved. The ordinance shall  
19 specify that such costs are to be collected at the time of the issuance of a temporary or final  
20 certificate of occupancy or functional use and occupancy within the development, whichever  
21 shall come first. The ordinance also may provide that the required reimbursement may be paid (i)  
22 in lump sum, (ii) by agreement of the parties on installment at a reasonable rate of interest or rate  
23 of inflation, whichever is less, for a fixed number of years, or (iii) on such terms as otherwise  
24 agreed to by the initial and subsequent subdividers and developers.

25 Such ordinance provisions may provide that no certificate of occupancy shall be issued to  
26 a subsequent developer or subdivider until (i) the initial developer certifies to the ~~local~~  
27 ~~government~~ locality that the subsequent developer has made the required reimbursement directly  
28 to him as provided above or (ii) the subsequent developer has deposited the reimbursement  
29 amount with the ~~local government~~ locality for transfer forthwith to the initial developer.

1           6. Provisions for establishing and maintaining access to solar energy to encourage the use  
2 of solar heating and cooling devices in new subdivisions. The provisions shall be applicable to a  
3 new subdivision only when so requested by the subdivider.

4           **Drafting note: No substantive change in the law. The provisions of subsection G**  
5 **now appear as subsection C of § 15.2-2244. Former section 15.1-466.01 is added to the end**  
6 **of this section as provision 6. Former subsection F is now § 15.2-2246.**

7  
8           § 15.2-2243. Payment by subdivider of the pro rata share of the cost of certain facilities.

9           ~~10. For~~ A. A locality may provide in its subdivision ordinance for payment by a  
10 subdivider or developer of land of the pro rata share of the cost of providing reasonable and  
11 necessary sewerage, water, and drainage facilities, located outside the property limits of the land  
12 owned or controlled by the subdivider or developer but necessitated or required, at least in part,  
13 by the construction or improvement of the subdivision or development; however, no such  
14 payment shall be required until such time as the governing body or a designated department or  
15 agency thereof ~~shall have~~ has established a general sewer, water, and drainage improvement  
16 program for an area having related and common sewer, water, and drainage conditions and  
17 within which the land owned or controlled by the subdivider or developer is located or the  
18 governing body has committed itself by ordinance to the establishment of such a program. Such  
19 regulations or ordinance shall set forth and establish reasonable standards to determine the  
20 proportionate share of total estimated cost of ultimate sewerage, water, and drainage facilities  
21 required ~~adequately~~ to adequately serve a related and common area, when and if fully developed  
22 in accord with the adopted comprehensive plan, that shall be borne by each subdivider or  
23 developer within the area. Such share shall be limited to the proportion of such total estimated  
24 cost which the increased sewage flow, water flow, and/or increased volume and velocity of storm  
25 water runoff to be actually caused by the subdivision or development bears to total estimated  
26 volume and velocity of such sewage, water, and/or runoff from such area in its fully developed  
27 state. In calculating the volume and velocity of stormwater runoff, the governing body shall take  
28 into account the effect of all on-site stormwater facilities or best management practices  
29 constructed or required to be constructed by the subdivider or developer and give appropriate  
30 credit therefor.



1           B. Each such payment received shall be expended only for necessary engineering and  
2 related studies and the construction of those facilities identified in the established sewer, water,  
3 and drainage program; however, in lieu of such payment the governing body may provide for the  
4 posting of a personal, corporate or property bond, cash escrow or other method of performance  
5 guarantee satisfactory to it conditioned on payment at commencement of such studies or  
6 construction. The payments received shall be kept in a separate account for each of the individual  
7 improvement programs until such time as they are expended for the improvement program. All  
8 bonds, payments, cash escrows or other performance guarantees hereunder shall be released and  
9 used, with any interest earned, as a tax credit on the real estate taxes on the property if  
10 construction of the facilities identified in the established water, sewer and drainage programs is  
11 not commenced within twelve years from the date of the posting of the bond, payment, cash  
12 escrow or other performance guarantee;

13           ~~H. C.~~ Any funds collected for pro rata programs under ~~subdivision 10 of this subsection~~  
14 section prior to July 1, 1990, shall continue to be held in separate, interest bearing accounts for  
15 the project or projects for which the funds were collected and any interest from such accounts  
16 shall continue to accrue to the benefit of the subdivider or developer until such time as the  
17 project or projects are completed or until such time as a general sewer and drainage improvement  
18 program is established to replace a prior sewer and drainage improvement program. If such a  
19 general improvement program is established, the governing body of any ~~county or municipality~~  
20 locality may abolish any remaining separate accounts and require the transfer of the assets  
21 therein into a separate fund for the support of each of the established sewer, water, and drainage  
22 programs. Upon the transfer of such assets, subdividers and developers who had met the terms of  
23 any existing agreements made under a previous pro rata program shall receive any outstanding  
24 interest which has accrued up to the date of transfer, and such subdividers and developers shall  
25 be released from any further obligation under those existing agreements. All bonds, payments,  
26 cash escrows or other performance guarantees hereunder shall be released and used, with any  
27 interest earned, as a tax credit on the real estate taxes on the property if construction of the  
28 facilities identified in the established water, sewer and drainage programs is not commenced  
29 within twelve years from the date of the posting of the bond, payment, cash escrow or other  
30 performance guarantee.

1           **Drafting note: No substantive change in the law. This section is relocated from**  
2 **provisions 10 and 11 of old § 15.1-466 (now § 15.2-2241).**

3  
4           § 15.2-2244. Provisions for subdivision of a lot for conveyance to a family member.

5           ~~12. For A. In any county and the City of Suffolk a subdivision ordinance shall provide for~~  
6 reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift  
7 to a member of the immediate family of the property owner, subject only to any express  
8 requirement contained in the Code of Virginia and to any requirement imposed by the local  
9 governing body that all lots of less than five acres have reasonable right-of-way of not less than  
10 ten feet or more than twenty feet providing ingress and egress to a dedicated recorded public  
11 street or thoroughfare. Only one such division shall be allowed per family member, and shall not  
12 be for the purpose of circumventing this ~~subdivision~~ section. For the purpose of this ~~subdivision~~  
13 subsection, a member of the immediate family is defined as any person who is a natural or  
14 legally defined offspring, spouse, grandchild, grandparent, or parent of the owner. ~~The~~  
15 ~~provisions of this subdivision shall apply only to subdivision ordinances adopted by counties and~~  
16 ~~the City of Suffolk;~~

17           ~~13. For reasonable provisions, notwithstanding subdivision A-12~~ B. Notwithstanding  
18 subsection A of this section, in a county having the urban county executive form of government,  
19 a subdivision ordinance shall provide for reasonable provisions permitting a single division of a  
20 lot or parcel for the purpose of sale or gift to a member of the immediate family of the property  
21 owner, subject only to any express requirement contained in the Code of Virginia and to any  
22 requirement imposed by the local governing body that all lots of less than five acres have  
23 frontage of not less than ten feet or more than twenty feet on a dedicated recorded public street or  
24 thoroughfare. Only one such division shall be allowed per family member, and the division shall  
25 not be for the purpose of circumventing a local subdivision ordinance. For the purpose of this  
26 ~~subdivision~~ subsection, a member of the immediate family is defined as any person who is a  
27 natural or legally defined offspring or parent of the owner;

28           ~~G. C. Notwithstanding subdivisions A-12 and A-13~~ subsections A and B of this section, a  
29 subdivision ordinance may include reasonable provisions permitting divisions of lots or parcels  
30 for the purpose of sale or gift to a member of the immediate family of the property owner in (i)  
31 any county or city which has had population growth of ten percent or more from the next-to-

1 latest to latest decennial census year, based on population reported by the United States Bureau  
2 of the Census, ~~provided that until the 1990 census is reported, any county or city instead may~~  
3 ~~qualify only if it has had an estimated population growth of ten percent or more from 1980 to the~~  
4 ~~most recent year for which population estimates are available from the Center for Public Service~~  
5 ~~of the University of Virginia;~~ (ii) any city or county adjoining such city or county; (iii) any towns  
6 located within such county; and (iv) any county contiguous with at least three such counties, and  
7 any town located in that county. Such divisions shall be subject to all requirements of the Code  
8 of Virginia and to any requirements imposed by the local governing body.

9 **Drafting note: No substantive change in the law. Subsections A and B are relocated**  
10 **from provisions 12 and 13 of old § 15.1-466 (now § 15.2-2241); subsection C is relocated**  
11 **from subsection G of the same section.**

12  
13 § 15.2-2245. Provisions for periodic partial and final release of certain performance  
14 guarantees.

15 ~~14. For~~ A. A subdivision ordinance shall provide for the periodic partial and final  
16 complete release of any bond, escrow, letter of credit, or other performance guarantee required  
17 by the governing body under this ~~section~~ article within thirty days after receipt of written notice  
18 by the subdivider or developer of completion of part or all of any facilities required to be  
19 constructed hereunder unless the governing body or its designated administrative agency notifies  
20 ~~said~~ the subdivider or developer in writing of nonreceipt of approval by an applicable state  
21 agency, or of any specified defects or deficiencies in construction and suggested corrective  
22 measures prior to the expiration of the thirty-day period.

23 B. If no such action is taken by the governing body or administrative agency within the  
24 time specified above, the request shall be deemed approved, and a partial release granted to the  
25 subdivider or developer. No final release shall be granted until after expiration of such thirty-day  
26 period and there is an additional request in writing sent by certified mail return receipt to the  
27 chief administrative officer of such governing body. The governing body or its designated  
28 administrative agency shall act within ten working days of receipt of the request; then if no  
29 action is taken the request shall be deemed approved and final release granted to the subdivider  
30 or developer.

1           C. After receipt of the written notices required above, if the governing body or  
2 administrative agency takes no action within the times specified above and the subdivider or  
3 developer files suit in the local circuit court to obtain partial or final release of a bond, escrow,  
4 letter of credit, or other performance guarantee, as the case may be, the circuit court, upon  
5 finding the governing body or its administrative agency was without good cause in failing to act,  
6 shall award such subdivider or developer his reasonable costs and attorneys' fees.

7           D. No governing body or administrative agency shall refuse to make a periodic partial or  
8 final release of a bond, escrow, letter of credit, or other performance guarantee for any reason not  
9 directly related to the specified defects or deficiencies in construction of the facilities covered by  
10 said bond, escrow, letter of credit or other performance guarantee.

11           E. Upon written request by the subdivider or developer, the governing body or its  
12 designated administrative agency shall be required to make periodic partial releases of such  
13 bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no  
14 less than ninety percent of the original amount for which the bond, escrow, letter of credit, or  
15 other performance guarantee was taken, and may make partial releases to such lower amounts as  
16 may be authorized by the governing body or its designated administrative agency based upon the  
17 percentage of facilities completed and approved by the governing body, local administrative  
18 agency, or state agency having jurisdiction. Periodic partial releases may not occur before the  
19 completion of at least thirty percent of the facilities covered by any bond, escrow, letter of credit,  
20 or other performance guarantee. The governing body or administrative agency shall not be  
21 required to execute more than three periodic partial releases in any twelve-month period. Upon  
22 final completion and acceptance of ~~said~~ the facilities, the governing body or administrative  
23 agency shall release any remaining bond, escrow, letter of credit, or other performance guarantee  
24 to the subdivider or developer. For the purpose of final release, the term "acceptance" ~~is deemed~~  
25 ~~to mean~~ means: when ~~said~~ the public facility is accepted by and taken over for operation and  
26 maintenance by the state agency, local government department or agency, or other public  
27 authority which is responsible for maintaining and ~~for~~ operating such facility upon acceptance.

28           F. For the purposes of this ~~subsection~~ section, a certificate of partial or final completion  
29 of such facilities from either a duly licensed professional engineer or land surveyor, as defined in  
30 and limited to § 54.1-400, or from a department or agency designated by the ~~local government~~  
31 locality may be accepted without requiring further inspection of such facilities.

1           **Drafting note: No substantive change in the law. This section is relocated from**  
2 **provision 14 of old § 15.1-466 (now § 15.2-2241).**

3  
4           § 15.2-2246. Site plans submitted in accordance with zoning ordinance.

5           Site plans or plans of development which are required to be submitted and approved in  
6 accordance with provision 8 of § 15.2-2286 shall be subject to the provisions of §§ 15.2-2241  
7 through 15.2-2245, mutatis mutandis.

8           **Drafting note: No substantive change in the law. This section was formerly**  
9 **subsection F of § 15.1-466.**

10  
11           ~~§ 15.1-466.01. Solar energy provision in subdivision ordinance.~~

12           ~~Any county, city or town may provide in its subdivision ordinance for establishing and~~  
13 ~~maintaining access to solar energy to encourage the use of solar heating and cooling devices in~~  
14 ~~new subdivisions. Such provisions shall be applicable to a new subdivision only when so~~  
15 ~~requested by the subdivider.~~

16           **Drafting note: This section is relocated to provision 6 of § 15.2-2242.**

17  
18           ~~§ 15.1-466.1~~ 15.2-2247. Applicability of subdivision ordinance to mobile homes.

19           Any ~~county, city, or town~~ locality may designate by ordinance the areas within its  
20 jurisdiction in which mobile homes may be located or mobile home parks may be established,  
21 notwithstanding the absence of a zoning ordinance in such ~~county, city, or town~~ locality. Such  
22 ordinance may also apply any of the provisions of §§ ~~15.1-466~~ 15.2-2241 through 15.2-2245 in  
23 the regulation and governing of the location, establishment, and operation of mobile homes or  
24 mobile home parks. The ordinance may apply to any park or portion thereof licensed as a  
25 campground pursuant to Title 35.1 of this Code. In the event of irreconcilable conflict between  
26 the ordinance and state law, the state law shall supersede the ordinance.

27           **Drafting note: No substantive change in the law.**

28  
29           ~~§ 15.1-467~~ 15.2-2248. Application of certain municipal subdivision regulations beyond  
30 corporate limits of municipality.

1           The subdivision regulations adopted by a municipality within the counties of Giles,  
2 Clarke, Culpeper, Loudoun or Mecklenburg shall apply within the corporate limits and may  
3 apply beyond, if the municipal ordinance so provides, within the distance therefrom set out  
4 below:

5           ~~(a)~~ 1. Within a distance of five miles from the corporate limits of cities having a  
6 population of one hundred thousand or more;

7           ~~(b)~~ 2. Within a distance of three miles from the corporate limits of cities having a  
8 population of less than one hundred thousand; and

9           ~~(c)~~ 3. Within a distance of two miles from the corporate limits of incorporated towns.

10          Where the corporate limits of two municipalities are closer together than the sum of the  
11 distances from their respective corporate limits as above set forth, the dividing line of  
12 jurisdiction shall be halfway between the limits of the overlapping boundaries.

13          The foregoing distances may be modified by mutual agreement between the governing  
14 bodies concerned, depending upon their respective areas of interest, provided such modified  
15 limits bear a reasonable relationship to natural geographic considerations or to the  
16 comprehensive plans for the area. Any such modification shall be set forth in the respective  
17 subdivision ordinances, by map or description or both.

18          No such regulations or amendments thereto shall be finally adopted by any such  
19 municipality until the governing body of the county in which such area is located shall have been  
20 duly notified in writing by the governing body of the municipality or its designated agent of such  
21 proposed regulations, and requested to review and approve or disapprove the same; and if such  
22 county fail to notify the governing body of such municipality of its disapproval of such plan  
23 within forty-five days after the giving of such notice, such plan shall be considered approved.  
24 Provided, however, that in any county which has a duly appointed planning commission, the  
25 governing body or the council shall send a copy of such proposed regulations or amendments  
26 thereof to such commission which shall review and recommend approval or disapproval of the  
27 same. The county commission shall not take any such action until notice has been given and a  
28 hearing held as prescribed by § ~~15.1-431~~ 15.2-2204. Such hearing shall be held by the county  
29 commission within sixty days after the giving of notice by the municipality or its agent. Such  
30 commission shall forthwith after such hearing make its recommendations to the governing body  
31 of the county which shall within thirty days after such hearing notify the municipality of its

1 approval or disapproval of such regulations and no regulations effective beyond the corporate  
2 limits shall be finally adopted by the municipality until notification by the governing body of the  
3 county, except that if the county fails to notify the governing body of the municipality of its  
4 disapproval of such regulations within ninety days after copy of the regulations or amendments  
5 thereof are received by the county commission, the regulations shall be deemed to have been  
6 approved.

7 **Drafting note: No change. This section is not set out in the Code; however, the**  
8 **Code Commission believes that it should be set out, due to the subject matter.**

9  
10 § ~~15.1-468~~ 2249. Application of county subdivision regulations in area subject to  
11 municipal jurisdiction.

12 The subdivision regulations adopted by the counties of Giles, Clarke, Culpeper, Loudoun  
13 or Mecklenburg shall apply in all the unincorporated territory of the county; provided, that no  
14 such regulations to be effective in the area of the county subject to municipal jurisdiction shall be  
15 finally adopted by the county until the governing body of the municipality shall have been  
16 notified in writing of such proposed regulations, and requested to review and approve or  
17 disapprove the same, and if such municipality fails to notify the governing body of the county of  
18 its disapproval of such regulations within forty-five days after the giving of such notice, the same  
19 shall be considered approved; and provided further, that if the municipality has a duly appointed  
20 planning commission, the governing body of the county or its agent shall give such notice to  
21 such commission as is required to be given the county planning commission by § ~~15.1-467~~ 15.2-  
22 2248, and the provisions of that section shall apply, mutatis mutandis, to the actions of such  
23 commission and the governing bodies of the county and city, respectively.

24 **Drafting note: No change. This section is not set out in the Code; however, the**  
25 **Code Commission believes that it should be set out, due to the subject matter.**

26  
27 § ~~15.1-469~~ 15.2-2250. Disagreement between county and municipality as to regulations.

28 When a disagreement arises between the counties of Giles, Clarke, Culpeper, Loudoun or  
29 Mecklenburg and a municipality as to what regulations should be adopted for the area, and such  
30 difference cannot be amicably settled, then after ten days' prior written notice by either to the  
31 other, either or both parties may petition the circuit court ~~of~~ for the county wherein the area or a

1 major part thereof lies to decide what regulations are to be adopted. The court shall hear the  
2 matter and enter an appropriate order.

3 **Drafting note: No change. This section is not set out in the Code; however, the**  
4 **Code Commission believes that it should be set out, due to the subject matter.**

5  
6 § ~~15.1-470~~ 15.2-2251. Local planning commission shall prepare and recommend  
7 ordinance; notice and hearing on ordinance.

8 In every ~~county or municipality~~ locality the local planning commission shall prepare and  
9 recommend the subdivision ordinance and transmit ~~same~~ it to the governing body. The governing  
10 body of every ~~county or municipality~~ locality shall approve and adopt a subdivision ordinance  
11 only after a notice ~~of intention so to do~~ has been published, and a public hearing held, in  
12 accordance with § ~~15.1-431~~ 15.2-2204.

13 **Drafting note: No substantive change in the law.**

14  
15 § ~~15.1-471~~ 15.2-2252. Filing and recording of ordinance and amendments thereto.

16 When a subdivision ordinance has been adopted, or amended, a certified copy of the  
17 ordinance and any and all amendments thereto shall be filed in the office of an official of the  
18 ~~municipality or county~~ locality, designated in ~~such~~ the ordinance, and in the clerk's office of the  
19 circuit court or courts in which deeds are admitted to record of ~~for~~ each ~~county or municipality~~  
20 locality in which ~~such~~ the ordinance is applicable.

21 **Drafting note: No substantive change in the law.**

22  
23 § ~~15.1-472~~ 15.2-2253. Preparation and adoption of amendments to ordinance.

24 A local planning commission on its own initiative may or at the request of the governing  
25 body of the ~~county or municipality~~ locality shall prepare and recommend amendments to the  
26 subdivision ordinance. The procedure for ~~such amendment~~ amendments shall be the same as for  
27 the preparation and recommendation and approval and adoption of the original ordinance;  
28 provided that no ~~such~~ amendment shall be adopted by the governing body of a ~~county or~~  
29 ~~municipality~~ locality without a reference of the proposed amendment to the commission for  
30 recommendation, nor until sixty days after such reference, if no recommendation is made by the  
31 commission.



1           **Drafting note: No substantive change in the law.**

2  
3           § ~~15.1-473~~ 15.2-2254. Statutory provisions effective after ordinance adopted.

4           After the adoption of a subdivision ordinance in accordance with this chapter, the  
5 following provisions shall be effective in the territory to which ~~such~~ the ordinance applies:

6           (ⓐ) 1. No person shall subdivide land without making and recording a plat of ~~such~~ the  
7 subdivision and without fully complying with the provisions of this article and of ~~such~~ the  
8 subdivision ordinance.

9           (ⓑ) 2. No ~~such~~ plat of any subdivision shall be recorded unless and until it ~~shall have~~ has  
10 been submitted to and approved by the local planning commission or by the governing body or  
11 its duly authorized agent, of the ~~county or municipality~~ locality wherein the land to be  
12 subdivided is located; or by the commissions, governing bodies or agents, as the case may be, of  
13 each ~~county or municipality~~ locality having a subdivision ordinance, in which any part of the  
14 land lies.

15           (ⓒ) 3. No person shall sell or transfer any land of a subdivision, before ~~such~~ a plat has  
16 been duly approved and recorded as provided herein, unless ~~such~~ the subdivision was lawfully  
17 created prior to the adoption of a subdivision ordinance applicable thereto, ~~provided, that,~~  
18 However, nothing herein contained shall be construed as preventing the recordation of the  
19 instrument by which such land is transferred or the passage of title as between the parties to the  
20 instrument.

21           (ⓓ) 4. Any person violating the foregoing provisions of this section shall be subject to a  
22 fine of not more than \$500 for each lot or parcel of land so subdivided ~~or,~~ transferred or sold; ~~and~~  
23 ~~the.~~ The description of ~~such~~ the lot or parcel by metes and bounds in the instrument of transfer or  
24 other document used in the process of selling or transferring shall not exempt the transaction  
25 from ~~such~~ the penalties or ~~from the~~ remedies herein provided.

26           (ⓔ) 5. No clerk of any court shall file or record a plat of a subdivision required by this  
27 article to be recorded until ~~such~~ the plat has been approved as required herein; ~~and the.~~ The  
28 penalties provided by § 17-59 shall apply to any failure to comply with the provisions of this  
29 subsection.

30           **Drafting note: No substantive change in the law.**

31

1           § ~~15.1-474~~ 15.2-2255. Administration and enforcement of regulations.

2           The administration and enforcement of subdivision regulations insofar as they pertain to  
3 public improvements as authorized in §§ ~~15.1-466~~ 15.2-2241 through 15.2-2245 shall be vested  
4 in the governing body of the ~~political subdivision~~ locality in which the improvements are or ~~are~~  
5 to will be located.

6           Except as provided above, the governing body shall be responsible for administering and  
7 enforcing the provisions of ~~such~~ the subdivision regulations; through its local planning  
8 commission or otherwise.

9           **Drafting note: No substantive change in the law.**

10  
11           § ~~15.1-474.1~~ 15.2-2256. Procedure to account for fees for common improvements.

12           Upon a verified petition signed by the owners, other than the original subdivider, of ten  
13 percent of the lots in any subdivision, the board of directors or other governing body of the  
14 subdivision charged with collection of fees and the maintenance of common improvements shall  
15 render an annual report with a statement of account of all fees collected and the disposition of all  
16 funds derived from any fees assessed for the maintenance of common improvements to the lot  
17 owners. The board of directors or other governing body of the subdivision may charge the lot  
18 owners for the actual cost of copying the annual report.

19           **Drafting note: No change.**

20  
21           § ~~15.1-474.2~~ 15.2-2257. Procedure to modify certain covenants in certain counties.

22           Upon a verified petition signed by the owners, other than the original subdivider, of ten  
23 percent of the lots in any subdivision ~~heretofore~~ previously recorded, the circuit court ~~of~~ for any  
24 county with a 1980 population of more than 27,500 but less than 29,000, in which such  
25 subdivision lies, shall have authority to conduct a hearing and modify any and all covenant  
26 provisions of any ~~heretofore~~ previously recorded deed of dedication or other document relating  
27 to road maintenance fees as to any roads located within the subdivision. Upon receipt of ~~such~~ the  
28 petition, the court shall, if all owners of lots within ~~such~~ the subdivision are not before the court,  
29 enter an order of publication under the provisions of subdivision 3 of § 8.01-316, making the  
30 owners of all lots not owned by petitioners parties to the cause, which shall then be docketed and  
31 set for trial on the chancery side of the court. Should the court, after hearing evidence and

1 argument of counsel, find that the streets and roads in the subdivision require maintenance in  
2 excess of that provided for with the road maintenance funds specified in the covenants to permit  
3 emergency vehicles ready access to the residents of the subdivision to ensure the public health,  
4 safety, and welfare, the court may increase the fees required for road maintenance to the extent  
5 reasonably necessary to permit emergency vehicles ready access to the residents of the  
6 subdivision. The funds ~~so~~ collected shall be accounted for as provided in § ~~15.1-474.1~~ 15.2-  
7 2256. Nothing herein shall be construed to prohibit the members of a subdivision association  
8 from proceeding under the provisions of subsection C of § 55-344.

9 **Drafting note: No substantive change in the law. This section should be carried by**  
10 **reference only.**

11  
12 § ~~15.1-475~~ 15.2-2258. Plat of proposed subdivision and site plans to be submitted for  
13 approval.

14 ~~A.~~ Whenever the owner or proprietor of any tract of land located within any territory to  
15 which a subdivision ordinance applies desires to subdivide the ~~same tract~~, he shall submit a plat  
16 of the proposed subdivision to the ~~local~~ planning commission of the ~~county or municipality~~  
17 locality, or an agent designated by the governing body thereof for such purpose. When any part  
18 of the land proposed for subdivision lies in a drainage district such fact shall be set forth on the  
19 plat of the proposed subdivision. When any grave, object or structure marking a place of burial is  
20 located on the land proposed for subdivision, such grave, object or structure shall be identified  
21 on any plans or site plans required by this article. When the land involved lies wholly or partly  
22 within an area subject to the joint control of more than one ~~political subdivision~~ locality, the plat  
23 shall be submitted to the ~~local~~ planning commission or other designated agent of the ~~political~~  
24 ~~subdivision~~ locality in which the tract of land is located. Site ~~plan~~ plans or plans of development  
25 required by provision 8 of § 15.1-491 15.2-2286 (h) shall also be subject to the provisions of ~~this~~  
26 ~~section~~ §§ 15.2-2258 through 15.2-2261, mutatis mutandis.

27 **Drafting note: No substantive change in the law. § 15.1-475 is split into four**  
28 **sections.**

29  
30 § 15.2-2259. Local planning commission to act on proposed plat.

1           ~~B. 1.~~ A. The local planning commission or other agent shall act on any proposed plat  
2 within sixty days after it has been officially submitted for approval by either approving or  
3 disapproving ~~such~~ the plat in writing, and giving with the latter specific reasons therefor.  
4 Specific reasons for disapproval may be contained in a separate document or may be written on  
5 the plat itself. The reasons for disapproval shall identify deficiencies in the plat which cause the  
6 disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall  
7 generally identify ~~such~~ modifications or corrections as will permit approval of the plat.

8           ~~2.~~ B. If the ~~local~~ commission or other agent fails to approve or disapprove the plat within  
9 sixty days after it has been officially submitted for approval, the subdivider, after ten days'  
10 written notice to the commission, or agent, may petition the circuit court ~~of~~ for the ~~county or~~  
11 ~~municipality~~ locality in which the land involved, or the major part thereof, is located, to decide  
12 whether the plat should or should not be approved. The court shall hear the matter and make and  
13 enter ~~such~~ an order with respect thereto as it deems proper, which may include directing approval  
14 of the plat.

15           ~~3.~~ C. If a ~~local~~ commission or other agent disapproves a plat and the subdivider contends  
16 that ~~such~~ the disapproval was not properly based on the ordinance applicable thereto, or was  
17 arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the  
18 court shall hear and determine the case as soon as may be, provided that his appeal is filed with  
19 the circuit court within sixty days of the written disapproval by ~~such~~ the ~~local~~ commission or  
20 other agent.

21           **Drafting note: No substantive change in the law. § 15.1-475 is split into four**  
22 **sections.**

23  
24           § 15.2-2260. Localities may provide for submission of preliminary subdivision plats.

25           ~~C. 1.~~ A. Nothing in this article shall be deemed to prohibit the local governing body from  
26 providing in its ordinance for the submission of preliminary subdivision plats for tentative  
27 approval. The local planning commission, or an agent designated by the ~~local~~ commission or ~~the~~  
28 ~~agent designated~~ by the governing body to review preliminary subdivision plats ~~or the local~~  
29 ~~commission~~ shall complete action on ~~such~~ the preliminary plats within sixty days of submission  
30 ~~to such agent.~~ However, if approval of a feature or features of the preliminary plat by a state

1 agency is necessary, the ~~local~~ commission or agent shall ~~forthwith~~ forward the preliminary plat  
2 to the appropriate state agency or agencies for review.

3 ~~2.~~ B. Any state agency making ~~such~~ a review of a plat forwarded to it under this section,  
4 including, without limitation, the Virginia Department of Transportation, shall complete its  
5 review within forty-five days of receipt of ~~such~~ the preliminary plat. The Virginia Department of  
6 Transportation shall allow use of its public rights-of-way for placement of utilities by permit  
7 when practical and shall not unreasonably deny plat approval. If a state agency does not approve  
8 the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in ~~the~~  
9 ~~second paragraph of this section~~ § 15.2-2259 A (~~except for~~ with the exception of the time period  
10 therein specified). Upon receipt of the approvals from all state agencies, the local agent shall act  
11 upon a preliminary plat within thirty-five days.

12 ~~3.~~ C. If a ~~planning~~ commission has the responsibility of review of preliminary plats and  
13 conducts a public hearing, it shall act on ~~such~~ the plat within forty-five days after receiving  
14 approval from all state agencies. If the local agent or commission does not approve the  
15 preliminary plat, the local agent or commission shall set forth in writing the reasons for such  
16 denial and shall state what corrections or modifications will permit approval by such agent or  
17 commission; ~~provided, however, that~~ However no ~~local~~ commission or agent shall be required to  
18 approve a preliminary subdivision plat in less than sixty days from the date of its original  
19 submission to the ~~local~~ commission or agent, and ~~that~~ all actions on preliminary subdivision plats  
20 shall be completed by the ~~local~~ agent or commission and, if necessary, state agencies, within a  
21 total of ninety days of submission to the local agent or commission.

22 ~~4.~~ D. If the ~~local~~ commission or other agent fails to approve or disapprove the  
23 preliminary plat within ninety days after it has been officially submitted for approval, the  
24 subdivider after ten days' written notice to the commission, or agent, may petition the circuit  
25 court ~~of for the county or municipality~~ locality in which the land involved, or the major part  
26 thereof, is located to enter ~~such~~ an order with respect thereto as it deems proper, which may  
27 include directing approval of the plat.

28 ~~5.~~ E. If a ~~local~~ commission or other agent disapproves a preliminary plat and the  
29 subdivider contends that ~~such~~ the disapproval was not properly based on the ordinance  
30 applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having  
31 jurisdiction of such land and the court shall hear and determine the case as soon as may be,

1 provided that his appeal is filed with the circuit court within sixty days of the written disapproval  
2 by such ~~the~~ local commission or other agent.

3 **Drafting note: No substantive change in the law. § 15.1-475 is split into four**  
4 **sections.**

5  
6 § 15.2-2261. Recorded plats or final site plans to be valid for not less than five years.

7 ~~D.~~ A. An approved final subdivision plat which has been recorded or an approved final  
8 site plan, hereinafter referred to as "recorded plat or final site plan," shall be valid for a period of  
9 not less than five years from the date of approval thereof or for such longer period as the local  
10 planning commission or other agent may, at the time of approval, determine to be reasonable,  
11 taking into consideration the size and phasing of the proposed development. A site plan shall be  
12 deemed final once it has been reviewed and approved by the locality if the only requirement  
13 remaining to be satisfied in order to obtain a building permit is the posting of any bonds and  
14 escrows.

15 ~~E.~~ B. 1. Upon application of the subdivider or developer filed prior to expiration of a  
16 recorded plat or final site plan, the local planning commission or other agent may grant one or  
17 more extensions of such approval for additional periods as the ~~local~~ commission or other agent  
18 may, at the time the extension is granted, determine to be reasonable, taking into consideration  
19 the size and phasing of the proposed development, the laws, ordinances and regulations in effect  
20 at the time of the request for an extension.

21 2. If the ~~local~~ commission or other agent denies an extension requested as provided  
22 herein and the subdivider or developer contends that such denial was not properly based on the  
23 ordinance applicable thereto, the foregoing considerations for granting an extension, or was  
24 arbitrary or capricious, he may appeal to the circuit court having jurisdiction of land subject to  
25 the recorded plat or final site plan, provided that such appeal is filed with the circuit court within  
26 sixty days of the written denial by the ~~local~~ commission or other agency.

27 ~~F.~~ C. For so long as the final site plan remains valid in accordance with the provisions of  
28 this section, or in the case of a recorded plat for five years after approval, no change or  
29 amendment to any local ordinance, map, resolution, rule, regulation, policy or plan adopted  
30 subsequent to the date of approval of the recorded plat or final site plan shall adversely affect the  
31 right of the subdivider or developer or his successor in interest to commence and complete an

1 approved development in accordance with the lawful terms of the recorded plat or site plan  
2 unless the change or amendment is required to comply with state law or there has been a mistake,  
3 fraud or a change in circumstances substantially affecting the public health, safety or welfare.

4 ~~G.~~ D. Application for minor modifications to recorded plats or final site plans made  
5 during the periods of validity of such plats or plans established in accordance with this section  
6 shall not constitute a waiver of the provisions hereof nor shall the approval of ~~such~~ minor  
7 modifications extend the period of validity of such plats or plans.

8 ~~H.~~ E. The provisions of this section shall be applicable to all recorded plats and final site  
9 plans valid on or after January 1, 1992. Nothing contained in ~~subsections D, E, F, G and H~~ of this  
10 section shall be construed to affect (i) any litigation concerning the validity of a site plan pending  
11 prior to January 1, 1992, or any such litigation nonsuited and thereafter refiled; (ii) the authority  
12 of a governing body to impose valid conditions upon approval of any special use permit,  
13 conditional use permit or special exception; (iii) the application to individual lots on recorded  
14 plats or parcels of land subject to final site plans, to the greatest extent possible, of the provisions  
15 of any local ordinance adopted pursuant to the Chesapeake Bay Preservation Act (§ 10.1-2100 et  
16 seq.); or (iv) the application to individual lots on recorded plats or parcels of land subject to final  
17 site plans of the provisions of any local ordinance adopted to comply with the requirements of  
18 the federal Clean Water Act, Section 402 (p.) of the Stormwater Program and regulations  
19 promulgated thereunder by the Environmental Protection Agency.

20 **Drafting note: No substantive change in the law. Old § 15.1-475 is split into four**  
21 **separate sections.**

22  
23 § ~~15.1-476~~ 15.2-2262. Requisites of plat.

24 Every subdivision plat which is intended for recording shall be prepared by a certified  
25 professional engineer or land surveyor, who shall endorse upon each ~~such~~ plat a certificate  
26 signed by him setting forth the source of title of the owner of the land subdivided and the place  
27 of record of the last instrument in the chain of title; ~~when.~~ When the plat is of land acquired from  
28 more than one source of title, the outlines of the several tracts shall be indicated upon ~~such~~ the  
29 plat. ~~Provided, however, that.~~ However, nothing herein shall be deemed to prohibit the  
30 preparation of preliminary studies, plans, or plats of a proposed subdivision by the owner of the

1 land, city planners, land planners, architects, landscape architects, or others having training or  
2 experience in subdivision planning or design.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-501.1~~ 15.2-2263. Expedited land development review procedure.

6 A. Any county having a population between 80,000 and 90,000 or between 212,000 and  
7 216,000 may establish, by ordinance, a separate processing procedure for the review of  
8 preliminary and final subdivision and site plans and other development plans certified by  
9 licensed professional engineers, architects, certified landscape architects and land surveyors who  
10 are also licensed pursuant to § 54.1-408 and recommended for submission by persons who have  
11 received special training in ~~such~~ the county's land development ordinances and regulations. The  
12 purpose of ~~such~~ the separate review procedure is to provide a procedure to expedite the county's  
13 review of certain qualified land development plans. If a separate procedure is established, the  
14 county shall establish within the adopted ordinance the criteria for qualification of persons and  
15 whose work is eligible to use the separate procedure as well as a procedure for determining if the  
16 qualifications are met by persons applying to use the separate procedure. Persons who satisfy the  
17 criteria of subsection B below shall qualify as plans examiners. Plans reviewed and  
18 recommended for submission by plans examiners and certified by the appropriately licensed  
19 professional engineer, architect, certified landscape architect or land surveyor shall qualify for  
20 the separate processing procedure.

21 B. The qualifications of those persons who may participate in this program shall include,  
22 but not be limited to, the following:

23 1. A bachelor of science degree in engineering, architecture, landscape architecture or  
24 related science or equivalent experience or a land surveyor certified pursuant to § 54.1-408.

25 2. Successful completion of an educational program specified by the ~~board~~ county.

26 3. A minimum of two years of land development engineering design experience  
27 acceptable to the ~~board~~ county.

28 4. Attendance at continuing educational courses specified by the ~~board~~ county.

29 5. Consistent preparation and submission of plans which meet all applicable ordinances  
30 and regulations.

31 ~~The word "board" as used in this subsection shall mean the board of supervisors.~~



1 C. If an expedited review procedure is adopted by the board of supervisors pursuant to  
2 the authority granted by this section, the board of supervisors shall establish an advisory plans  
3 examiner board which shall make recommendations to the board of supervisors on the general  
4 operation of the program, on the general qualifications of those who may participate in the  
5 expedited processing procedure, on initial and continuing educational programs needed to  
6 qualify and maintain qualification for such a program and on the general administration and  
7 operation of ~~such a~~ the program. In addition, the plans examiner board shall submit  
8 recommendations to the board of supervisors as to those persons who meet the established  
9 qualifications for participation in the program, and the plans examiner board shall submit  
10 recommendations as to whether those persons who have previously qualified to participate in the  
11 program should be disqualified, suspended or otherwise disciplined. The plans examiner board  
12 shall consist of six members who shall be appointed by the board of supervisors for staggered  
13 four-year terms. Initial terms may be less than four years so as to provide for staggered terms.  
14 The plans examiner board shall consist of three persons in private practice as licensed  
15 professional engineers or land surveyors certified pursuant to § 54.1-408, at least one of whom  
16 shall be a certified land surveyor; one person employed by the county government; one person  
17 employed by the Virginia Department of Transportation who shall serve as a nonvoting advisory  
18 member; and one citizen member. All members of the board who serve as licensed engineers or  
19 as certified surveyors must maintain their professional license or certification as a condition of  
20 holding office, and ~~all such persons~~ shall have at least two years of experience in land  
21 development procedures of the county. The citizen member of the board shall meet the  
22 qualifications provided in § 54.1-107; ~~provided such member~~ and, notwithstanding the  
23 proscription of clause (i) of § 54.1-107, shall have training as an engineer or surveyor and may  
24 be currently licensed, certified or practicing his profession.

25 D. The expedited land development program shall include an educational program  
26 conducted under the auspices of a state institution of higher education. The instructors in the  
27 educational program shall consist of persons in the private and public sectors who are qualified  
28 to prepare land development plans. The educational program shall include the comprehensive  
29 and detailed study of county ordinances and regulations relating to plans and how they are  
30 applied.

1 E. The separate processing system may include a review of selected or random aspects of  
2 plans rather than a detailed review of all aspects; however, it shall also include a periodic  
3 detailed review of plans prepared by persons who qualify for the system.

4 F. In no event shall this section relieve persons who prepare and submit plans of the  
5 responsibilities and obligations which they would otherwise have with regard to the preparation  
6 of plans, nor shall it relieve the county of its obligation to review other plans in the time periods  
7 and manner prescribed by law.

8 **Drafting note: No substantive change in the law. This section is relocated from**  
9 **Article 9. The definition for “board” is deleted as unnecessary.**

10  
11 § ~~15.1-477~~ 15.2-2264. Statement of consent to subdivision; execution; acknowledgment  
12 and recordation; notice to commissioner of the revenue or board of real estate assessors.

13 Every ~~such~~ plat, or deed of dedication to which the plat is attached, shall contain in  
14 addition to the professional engineer's or land surveyor's certificate a statement as follows: "The  
15 platting or dedication of the following described land (here insert a correct description of the  
16 land subdivided) is with the free consent and in accordance with the desire of the undersigned  
17 owners, proprietors, and trustees, if any." The statement shall be signed ~~by such persons~~ and duly  
18 acknowledged before ~~some~~ an officer authorized to take acknowledgment of deeds. When thus  
19 executed and acknowledged, the plat, subject to the provisions herein, shall be filed and recorded  
20 in the office of the clerk of the circuit court ~~where deeds are admitted to record~~ for the lands  
21 contained in the plat, and indexed in the general index to deeds under the names of the owners of  
22 lands signing ~~such~~ the statement, and under the name of the subdivision. Owners shall notify the  
23 appropriate commissioner of the revenue of improvements to real property situated in platted  
24 subdivisions.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-478~~ 15.2-2265. Recordation of plat as transfer of streets, termination of easements  
28 and rights-of-way, etc.

29 The recordation of ~~such~~ a plat shall operate to transfer, in fee simple, to the respective  
30 ~~counties or municipalities~~ localities in which the land lies ~~such~~ the portion of the premises  
31 platted as is on ~~such~~ the plat set apart for streets, alleys or other public use and to transfer to ~~such~~

1 ~~county or municipality~~ the locality any easement indicated on ~~such the~~ plat to create a public  
2 right of passage over the ~~same;~~ land. The recordation of such plat shall operate to transfer to the  
3 ~~county or municipality~~ locality, or to such association or public authority as the ~~county or~~  
4 ~~municipality~~ locality may provide, such easements shown on the plat for the conveyance of  
5 stormwater, domestic water and sewage, including the installation and maintenance of any  
6 facilities utilized for such purposes, as the ~~county or municipality~~ locality may require. Nothing  
7 contained in this article shall affect any right of a subdivider of land heretofore validly reserved.  
8 The clerk shall index in the name of all the owners of property affected by the recordation in the  
9 grantor's index any plat recorded under this section. Nothing in this section shall obligate the  
10 ~~county, municipality,~~ locality, association or authority to install or maintain such facilities unless  
11 otherwise agreed to by the ~~county, municipality,~~ locality, association or authority.

12 ~~Provided, that where~~ When the authorized officials of a ~~county, town or city~~ locality  
13 within which land is located, approve in accordance with the subdivision ordinances of ~~such the~~  
14 ~~county, town or city~~ locality a plat or replat of land therein, then upon the recording of ~~such the~~  
15 plat or replat in the circuit court clerk's office ~~wherein land records are maintained~~, all rights-of-  
16 way, easements or other interest of the ~~county, town or city~~ locality in the land included on the  
17 plat or replat, except as shown thereon, shall be terminated and extinguished, except that an  
18 interest acquired by the ~~county, town or city~~ locality by condemnation, by purchase for valuable  
19 consideration and evidenced by a separate instrument of record, or streets, alleys or easements  
20 for public passage subject to the provisions of § ~~15.1-481~~ 15.2-2271 or § ~~15.1-482~~ 15.2-2272  
21 shall not be affected thereby.

22 **Drafting note: No substantive change in the law.**

23

24 § ~~15.1-478.1~~ 15.2-2266. Validation of certain plats recorded before January 1, 1953.

25 Any subdivision plat recorded prior to January 1, 1953, if otherwise valid, is hereby  
26 validated and declared effective even though the technical requirements for recordation existing  
27 at the time such plat was recorded were not complied with.

28 **Drafting note: No change.**

29

30 § ~~15.1-478.2~~ 15.2-2267. Petition to restrict access to certain public streets.

1 Notwithstanding the provisions of § ~~15.1-478~~ 15.2-2265, when the streets in a  
2 subdivision have not been accepted into the highway system and serve only, or are primarily for,  
3 the general welfare of the inhabitants of ~~such~~ the subdivision and do not serve as a connector to  
4 other public rights-of-way, then upon petition to the governing body of the ~~county, city or town~~  
5 locality, signed by the owners of two-thirds of the subdivision lots, including the subdivider, if  
6 he has an interest in ~~said~~ the subdivision, ~~in such subdivision~~ requesting that they be allowed to  
7 restrict ingress and egress to the subdivision, the governing body may permit ~~such~~ the restriction  
8 subject to the following conditions:

- 9 1. The restriction may be abolished at any time in the sole discretion of the governing  
10 body,
- 11 2. ~~Such~~ The restriction shall not be asserted in opposition to the public ownership,
- 12 3. The streets shall not be blocked to ingress and egress of government or public service  
13 company vehicles,
- 14 4. Necessary maintenance of ~~such~~ the streets will be paid for by ~~such~~ the owners, and
- 15 5. Such other conditions as may be imposed by the governing body.

16 **Drafting note: No substantive change in the law.**

17  
18 § ~~15.1-479~~ 15.2-2268. ~~Municipality or county~~ Localities not obligated to pay for grading,  
19 paving, etc.

20 Nothing herein shall be construed as creating an obligation upon any ~~municipality or~~  
21 ~~county~~ locality to pay for grading or paving, or for ~~sidewalks~~ sidewalk, ~~sewers~~ sewer, curb and  
22 gutter improvements or construction.

23 **Drafting note: No substantive change in the law.**

24  
25 § ~~15.1-480~~ 15.2-2269. Plans and specifications for utility fixtures and systems to be  
26 submitted for approval.

27 If the owners of any such subdivision desire to construct in, on or under any streets or  
28 alleys located in such subdivision any gas, water, sewer or electric light or power works, pipes,  
29 wires, fixtures or systems, they shall present plans or specifications therefor to the governing  
30 body of the ~~county or municipality~~ locality in which the subdivision is located or its authorized  
31 agent, for approval. If the subdivision is located beyond the corporate limits of a municipality but

1 within the limits set forth in § ~~15.1-467~~ 15.2-2248, such plans and specifications shall be  
2 presented for approval to the governing body of such municipality, or its authorized agent, if the  
3 county has not adopted a subdivision ordinance. The governing body, or agent, shall have thirty  
4 days in which to approve or disapprove the same. In event of the failure of any governing body,  
5 or its agent, to act within such period, such plans and specifications may be submitted, after ten  
6 days' notice to the ~~county or municipality~~ locality, to the ~~judge of the circuit or corporation~~ court  
7 ~~having jurisdiction within~~ for such county or city locality for ~~his~~ its approval or disapproval, and  
8 ~~his~~ its approval thereof shall, for all purposes of this article be treated and considered as ~~the~~  
9 approval of by the county or municipality locality or its authorized agent.

10 **Drafting note: No substantive change in the law.**

11  
12 § ~~15.1-480.1~~ 15.2-2270. Vacation of interests granted to ~~the governing body~~ a locality as  
13 a condition of site plan approval.

14 Any interest in streets, alleys, easements for public rights of passage, easements for  
15 drainage, and easements for a public utility granted to ~~the governing body of a county or~~  
16 ~~municipality~~ locality as a condition of the approval of a site plan may be vacated according to  
17 either of the following methods:

18 1. By a duly executed and acknowledged written instrument of the owner of the land  
19 which has been or is to be developed in accordance with the site plan, declaring ~~such~~ the interest  
20 or interests to be vacated, provided the governing body or authorized agent of the ~~county or~~  
21 ~~municipality~~ locality where the land lies consents to the vacation. The instrument shall be  
22 recorded in the same clerk's office wherein is recorded the written instrument describing the  
23 interest in real property to be vacated. The execution and recordation of ~~such~~ the instrument  
24 shall operate to divest all public rights in, and to reinvest ~~such~~ the owner with the title to the  
25 interests which formerly were held by the governing body; or

26 2. By ordinance of the governing body in the ~~county or municipality~~ locality in which the  
27 property which is the subject of an approved site plan lies, provided that no interest shall be  
28 vacated in an area in which facilities, for which bonding is required pursuant to §§ ~~15.1-466~~  
29 15.2-2241 through 15.2-2245, have been constructed.

30 ~~Such~~ The ordinance shall not be adopted until after notice has been given as required by §  
31 ~~15.1-431~~ 15.2-2204. The notice shall clearly describe the interest of the governing body to be

1 vacated by reference to the recorded instrument on which it was created and state the time and  
2 place of the meeting of the governing body at which the adoption of the ordinance will be voted  
3 upon. Any person may appear at ~~such~~ the meeting for the purpose of objecting to the adoption of  
4 the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of  
5 the adoption of the ordinance with the circuit court having jurisdiction of the land over which the  
6 governing body's interest is located. Upon ~~such~~ appeal, the court may nullify the ordinance if it  
7 finds that the owner of the property, which has been developed or is to be developed in  
8 accordance with the approved site plan, will be irreparably damaged. If no appeal from the  
9 adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on  
10 appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any  
11 court in which the instrument creating the governing body's interest is recorded.

12 The execution and recordation of ~~such~~ an ordinance of vacation shall operate to destroy  
13 the effect of the instrument which created the governing body's interest so vacated and to divest  
14 all public rights in and to ~~such~~ the property and vest title in ~~such~~ the streets, alleys, easements for  
15 public rights of passage, easements for drainage, and easements for a public utility as may be  
16 described in, and in accordance with, the ordinance of vacation.

17 **Drafting note: No substantive change in the law.**

18

19 § ~~15.1-481~~ 15.2-2271. Vacation of plat before sale of lot therein; ordinance of vacation.

20 Where no lot has been sold, the recorded plat, or part thereof, may be vacated according  
21 to either of the following methods:

22 1. With the consent of the governing body, or its authorized agent, of the ~~county or~~  
23 ~~municipality~~ locality where the land lies, by the owners, proprietors and trustees, if any, who  
24 signed the statement required by § ~~15.1-477~~ 15.2-2264 at any time before the sale of any lot  
25 therein, by a written instrument, declaring the ~~same~~ plat to be vacated, duly executed,  
26 acknowledged or proved and recorded in the same clerk's office wherein the plat to be vacated is  
27 recorded and the execution and recordation of such writing shall operate to destroy the force and  
28 effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest  
29 ~~such~~ the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for  
30 public passage and other public areas laid out or described in ~~such~~ the plat; or

1           2. By ordinance of the governing body of the ~~county or municipality~~ locality in which the  
2 property shown on ~~such~~ the plat or part thereof to be vacated lies, provided that no facilities for  
3 which bonding is required pursuant to §§ ~~15.1-466~~ 15.2-2241 through 15.2-2245 have been  
4 constructed on ~~such~~ the property and no ~~such~~ facilities have been constructed on any related  
5 section of the property located in the subdivision within five years of the date on which the plat  
6 was first recorded.

7           ~~Such~~ The ordinance shall not be adopted until after notice has been given as required by §  
8 ~~15.1-431~~ 15.2-2204. ~~Said~~ The notice shall clearly describe the plat or portion thereof to be  
9 vacated and state the time and place of the meeting of the governing body at which the adoption  
10 of the ordinance will be voted upon. Any person may appear at ~~said~~ the meeting for the purpose  
11 of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may  
12 be filed within thirty days of the adoption of the ordinance with the circuit court having  
13 jurisdiction of the land shown on the plat or part thereof to be vacated. Upon ~~such~~ appeal the  
14 court may nullify the ordinance if it finds that the owner of the property shown on the plat will  
15 be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time  
16 above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of  
17 vacation may be recorded in the clerk's office of any court in which the plat is recorded.

18           The execution and recordation of ~~such~~ the ordinance of vacation shall operate to destroy  
19 the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest  
20 all public rights in and to ~~such~~ the property and reinvest ~~such~~ the owners, proprietors and  
21 trustees, if any, with the title to the streets, alleys, and easements for public passage and other  
22 public areas laid out or described in ~~such~~ the plat.

23           **Drafting note: No substantive change in the law.**

24  
25           § ~~15.1-482~~ 15.2-2272. Vacation of plat after sale of lot.

26           In cases where any lot has been sold, the plat or part thereof may be vacated according to  
27 either of the following methods:

28           (↯) 1. By instrument in writing agreeing to the vacation signed by all the owners of lots  
29 shown on the plat and also signed on behalf of the governing body of the ~~county or municipality~~  
30 locality in which the land shown on the plat or part thereof to be vacated lies for the purpose of  
31 showing the approval of ~~such~~ the vacation by the governing body. In cases involving drainage

1 easements or street rights-of-way where the vacation does not impede or alter drainage or access  
2 for any lot owners other than those lot owners immediately adjoining or contiguous to the  
3 vacated area, the governing body shall only be required to obtain the signatures of the lot owners  
4 immediately adjoining or contiguous to the vacated area. The word "owners" shall not include  
5 lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and  
6 shall not include any consort of an owner. The instrument of vacation shall be acknowledged in  
7 the manner of a deed and filed for record in the clerk's office of any court in which ~~said~~ the plat  
8 is recorded.

9 ~~(b)~~ 2. By ordinance of the governing body of the ~~county or municipality~~ locality in which  
10 the land shown on the plat or part thereof to be vacated lies on motion of one of its members or  
11 on application of any interested person. ~~Such~~ The ordinance shall not be adopted until after  
12 notice has been given as required by § ~~15.1-431~~ 15.2-2204. The notice shall clearly describe the  
13 plat or portion thereof to be vacated and state the time and place of the meeting of the governing  
14 body at which the adoption of the ordinance will be voted upon. Any person may appear at ~~such~~  
15 the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the  
16 adoption of the ordinance may be filed within thirty days with the circuit court having  
17 jurisdiction of the land shown on the plat or part thereof to be vacated. Upon ~~such~~ appeal the  
18 court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be  
19 irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time  
20 above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of  
21 vacation may be recorded in the clerk's office of any court in which the plat is recorded.

22 Roads within the secondary system of highways may be vacated under either of the  
23 preceding methods and ~~such~~ the action will constitute abandonment of the road, provided the  
24 land shown on the plat or part thereof to be vacated has been the subject of a rezoning or special  
25 exception application approved following public hearings required by § ~~15.1-431~~ 15.2-2204 and  
26 provided the Commonwealth Transportation Commissioner or his agent is notified in writing  
27 prior to the public hearing, and provided further that the vacation is necessary in order to  
28 implement a proffered condition accepted by the governing body pursuant to §§ ~~15.1-491(a),~~  
29 ~~15.1-491.2 or § 15.1-491.2.1~~ 15.2-2297, 15.2-2298 or 15.2-2303 or to implement a condition of  
30 special exception approval. All abandonments of roads within the secondary system of highways  
31 sought to be effected according to either of the preceding methods before July 1, 1994, are



1 hereby validated, notwithstanding any defects or deficiencies in the proceeding; however,  
2 property rights which have vested subsequent to the attempted vacation are not impaired by such  
3 validation. The manner of reversion shall not be affected by this section.

4 **Drafting note: No substantive change in the law.**

5  
6 § ~~15.1-482.1~~ 15.2-2273. Fee for processing application under § ~~15.1-481~~ 15.2-2271 or §  
7 ~~15.1-482~~ 15.2-2272 .

8 ~~The governing body of any county or municipality~~ Any locality may prescribe and charge  
9 a reasonable fee not exceeding \$150 for processing an application pursuant to § ~~15.1-481~~ 15.2-  
10 2271 or § ~~15.1-482~~ 15.2-2272 for the vacating of any plat.

11 **Drafting note: No substantive change in the law.**

12  
13 § ~~15.1-483~~ 15.2-2274. Effect of vacation under § ~~15.1-482~~ 15.2-2272.

14 The recordation of the instrument as provided under ~~paragraph (a) provision 1~~ of § ~~15.1-~~  
15 ~~482~~ 15.2-2272 or of the ordinance as provided under ~~paragraph (b) provision 2~~ of § ~~15.1-482~~  
16 15.2-2272 shall operate to destroy the force and effect of the recording of the plat or part thereof  
17 so vacated, and to vest fee simple title to the centerline of any streets, alleys or easements for  
18 public passage so vacated in the owners of abutting lots free and clear of any rights of the public  
19 or other owners of lots shown on the plat, but subject to the rights of the owners of any public  
20 utility installations which have been previously erected therein. If any ~~such~~ street, alley or  
21 easement for public passage is located on the periphery of the plat, ~~such~~ the title for the entire  
22 width thereof shall vest in ~~such~~ the abutting lot owners. The fee simple title to any portion of the  
23 plat so vacated as was set apart for other public use shall be revested in the owners, proprietors  
24 and trustees, if any, who signed the statement required by § ~~15.1-477~~ 15.2-2264 free and clear of  
25 any rights of public use in the same.

26 **Drafting note: No substantive change in the law.**

27  
28 § ~~15.1-483.1~~ 15.2-2275. ~~Vacation~~ Relocation of boundary lines.

29 ~~The governing body of any county, city or town~~ Any locality may provide, as a part of its  
30 subdivision ordinance, that the boundary lines of any lot or parcel of land may be relocated or  
31 otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or

1 resubdivision (i) approved as provided in ~~such~~ the subdivision ordinance or (ii) properly  
2 recorded prior to the applicability of a subdivision ordinance, and executed by the owner or  
3 owners of ~~such~~ the land as provided in § ~~15.1-477~~ 15.2-2264, ~~provided such.~~ The action does  
4 shall not involve the relocation or alteration of streets, alleys, easements for public passage, or  
5 other public areas; ~~and provided further, that no.~~ No easements or utility rights-of-way shall be  
6 relocated or altered without the express consent of all persons holding any interest therein.

7 **Drafting note: No substantive change in the law.**

8  
9 § ~~15.1-484~~. Vacation of plats recorded before effective date of chapter.

10 ~~Notwithstanding the provisions of this article, any streets, alleys, easements or public~~  
11 ~~places shown on plats of subdivisions recorded in accordance with the provisions of any statute~~  
12 ~~in effect prior to June 29, 1962, may be vacated according to the provisions of any statute in~~  
13 ~~existence on or before June 29, 1962, notwithstanding that such statute may have been, or is~~  
14 ~~subsequently, repealed.~~

15 **Drafting note: Repealed as unnecessary; § 15.2-2278 (§ 15.1-365) governs this**  
16 **situation.**

17  
18 § ~~15.1-485~~ 15.2-2276. Duty of clerk when plat vacated.

19 The clerk in whose office any plat so vacated has been recorded shall write in plain  
20 legible letters across such plat, or the part thereof so vacated, the word "vacated," and also make  
21 a reference on the ~~same~~ plat to the volume and page in which the instrument of vacation is  
22 recorded.

23 **Drafting note: No substantive change in the law.**

24  
25 § ~~15.1-465.1~~ 15.2-2277. Franklin County may require that notice be given to deed  
26 grantees of certain disclaimers regarding responsibility for roads; county eligible to have certain  
27 streets taken into secondary system.

28 ~~The governing body of~~ Franklin County may by ordinance require that the clerk of the  
29 circuit court for the county, when a division of land creates any parcels equal to or greater than  
30 five acres, notify every grantee shown on the recorded deed for such parcel (i) that any roads  
31 constructed to serve parcels of five acres or more will not be accepted by the Virginia

1 Department of Transportation or by the county unless the roads meet applicable subdivision  
2 street standards of the Department, and (ii) that neither the Department nor the county will  
3 maintain such roads until such time as the roads are brought into compliance with applicable  
4 subdivision street standards of the Department in effect at the time and without cost to funds  
5 administered by the Department or the county. ~~Such~~ The notice shall be by first class mail to the  
6 address shown on the recorded deed.

7 The county shall be deemed to have met the definition of "county" under subsection B of  
8 § 33.1-72.1 upon adoption of such ordinance and shall be eligible to have certain streets taken  
9 into the secondary system pursuant to § 33.1-72.1 without additional action being necessitated  
10 with regard to subdivision ordinances.

11 **Drafting note: No substantive change in the law. This section should be carried in**  
12 **the Code by reference only.**

13

14 § ~~15.1-365~~ 15.2-2278. Vacating plat of subdivision.

15 Any plat of subdivision ~~hereafter~~ recorded in any clerk's office, whether or not pursuant  
16 to §§ ~~15.1-465 through 15.1-485~~ this article, may be vacated in the manner prescribed by § ~~15.1-~~  
17 ~~482~~ 15.2-2272 and the provisions of §§ ~~15.1-483~~ 15.2-2274 and ~~15.1-485~~ 15.2-2276 shall be  
18 applicable to such vacation.

19 **Drafting note: This section is relocated from old Chapter 10.**

20

21 § ~~15.1-29.2~~ 15.2-2279. Ordinances regulating the building of houses and establishing  
22 setback lines.

23 Any locality may by ordinance regulate the building of houses in the locality including  
24 the adoption of off-street parking requirements, minimum setbacks and side yards and the  
25 establishment of minimum lot sizes.

26 ~~The governing body~~ Any locality may ~~require~~ by ordinance require that no building be  
27 constructed ~~in such county or town~~ within thirty-five feet of any street or roadway and may  
28 provide for exceptions to such requirement whenever a large portion of existing buildings along  
29 a section of street or roadway is within thirty-five feet of such street or roadway. The provisions  
30 of such an ordinance shall not apply within the limits of any town which has enacted a zoning  
31 ordinance or has adopted an ordinance establishing minimum setbacks.



1           For the purpose of zoning, the governing body of a county shall have jurisdiction over all  
2 the unincorporated territory in the county, and the governing body of a municipality shall have  
3 jurisdiction over the incorporated area of the municipality.

4           **Drafting note: No substantive change in the law. This section comes from § 15.1-**  
5 **486.**

6  
7           § ~~15.1-488~~ 15.2-2282. Regulations to be uniform.

8           All ~~such~~ zoning regulations shall be uniform for each class or kind of buildings and uses  
9 throughout each district, but the regulations in one district may differ from those in other  
10 districts.

11           **Drafting note: No substantive change in the law.**

12  
13           § ~~15.1-489~~ 15.2-2283. Purpose of zoning ordinances.

14           Zoning ordinances shall be for the general purpose of promoting the health, safety or  
15 general welfare of the public and of further accomplishing the objectives of § ~~15.1-427~~ 15.2-  
16 2200. To these ends, such ordinances shall be designed to give reasonable consideration to each  
17 of the following purposes, where applicable: (i) to provide for adequate light, air, convenience  
18 of access, and safety from fire, flood, crime and other dangers; (ii) to reduce or prevent  
19 congestion in the public streets; (iii) to facilitate the creation of a convenient, attractive and  
20 harmonious community; (iv) to facilitate the provision of adequate police and fire protection,  
21 disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools,  
22 parks, forests, playgrounds, recreational facilities, airports and other public requirements; (v) to  
23 protect against destruction of or encroachment upon historic areas; (vi) to protect against one or  
24 more of the following: overcrowding of land, undue density of population in relation to the  
25 community facilities existing or available, obstruction of light and air, danger and congestion in  
26 travel and transportation, or loss of life, health, or property from fire, flood, panic or other  
27 dangers; (vii) to encourage economic development activities that provide desirable employment  
28 and enlarge the tax base; (viii) to provide for the preservation of agricultural and forestal lands  
29 and other lands of significance for the protection of the natural environment; (ix) to protect  
30 approach slopes and other safety areas of licensed airports, including United States government  
31 and military air facilities; and (x) to promote the creation and preservation of affordable housing

1 suitable for meeting the current and future needs of the locality as well as a reasonable  
2 proportion of the current and future needs of the planning district within which the locality is  
3 situated. Such ordinance may also include reasonable provisions, not inconsistent with  
4 applicable state water quality standards, to protect surface water and ground water as defined in §  
5 62.1-255.

6 **Drafting note: No change.**

7  
8 § ~~15.1-490~~ 15.2-2284. Matters to be considered in drawing and applying zoning  
9 ordinances and districts.

10 Zoning ordinances and districts shall be drawn and applied with reasonable consideration  
11 for the existing use and character of property, the comprehensive plan, the suitability of property  
12 for various uses, the trends of growth or change, the current and future requirements of the  
13 community as to land for various purposes as determined by population and economic studies  
14 and other studies, the transportation requirements of the community, the requirements for  
15 airports, housing, schools, parks, playgrounds, recreation areas and other public services, the  
16 conservation of natural resources, the preservation of flood plains, the preservation of  
17 agricultural and forestal land, the conservation of properties and their values and the  
18 encouragement of the most appropriate use of land throughout the ~~county or municipality~~  
19 locality.

20 **Drafting note: No substantive change in the law.**

21  
22 § ~~15.1-493~~ 15.2-2285. Preparation and adoption of zoning ordinance and map and  
23 amendments thereto; appeal.

24 A. The planning commission of each ~~county or municipality~~ locality may, and at the  
25 direction of the governing body shall, prepare a proposed zoning ordinance including a map or  
26 maps showing the division of the territory into districts and a text setting forth the regulations  
27 applying in each district. The commission shall hold at least one public hearing on ~~such a~~  
28 proposed ordinance or any amendment of an ordinance, after notice as required by § ~~15.1-431~~  
29 15.2-2204, and may make appropriate changes in the proposed ordinance or amendment as a  
30 result of ~~such~~ the hearing. Upon the completion of its work, the commission shall present the

1 proposed ordinance or amendment including the district maps to the governing body together  
2 with its recommendations and appropriate explanatory materials.

3 B. No zoning ordinance shall be amended or reenacted unless the governing body has  
4 referred the proposed amendment or reenactment to the local planning commission for its  
5 recommendations. Failure of the commission to report 100 days after the first meeting of the  
6 commission after the proposed amendment or reenactment has been referred to the commission,  
7 or such shorter period as may be prescribed by the governing body, shall be deemed approval,  
8 unless ~~such~~ the proposed amendment or reenactment has been withdrawn by the applicant prior  
9 to the expiration of ~~such~~ the time period. In the event of and upon such withdrawal, processing  
10 of the proposed amendment or reenactment shall cease without further action as otherwise would  
11 be required by this subsection.

12 C. Before approving and adopting any zoning ordinance or amendment thereof, the  
13 governing body shall hold at least one public hearing thereon, pursuant to public notice as  
14 required by § ~~15.1-431~~ 15.2-2204, after which the governing body may make appropriate  
15 changes or corrections in the ordinance or proposed amendment. In the case of a proposed  
16 amendment to the zoning map, ~~such~~ the public notice shall state the general usage and density  
17 range of ~~such~~ the proposed amendment and the general usage and density range, if any, set forth  
18 in the applicable part of the comprehensive plan. However, no land may be zoned to a more  
19 intensive use classification than was contained in the public notice without an additional public  
20 hearing after notice required by § ~~15.1-431~~ 15.2-2204. ~~Such~~ Zoning ordinances shall be enacted  
21 in the same manner as all other ordinances.

22 D. ~~The governing body of any~~ Any county which has adopted an urban county executive  
23 form of government provided for under Chapter ~~15~~ 8 (§ ~~15.1-722~~ 15.2-800 et seq.) ~~of this title~~  
24 may provide by ordinance for use of plans, profiles, elevations, and other such demonstrative  
25 materials in the presentation of requests for amendments to the zoning ordinance.

26 E. The adoption or amendment prior to March 1, 1968, of any plan or ordinance under  
27 the authority of prior acts shall not be declared invalid by reason of a failure to advertise, give  
28 notice or conduct more than one public hearing as may be required by such act or by this chapter,  
29 provided a public hearing was conducted by the governing body prior to ~~such~~ the adoption or  
30 amendment.

1           ~~F. The adoption of a zoning ordinance prior to July 1, 1968, by the board of supervisors~~  
2 ~~of a county having the county executive form of organization and government shall not be~~  
3 ~~declared invalid by reason of a failure by such board to call for and hold an election in such~~  
4 ~~county for approval of such ordinance, provided that the provisions of this section for~~  
5 ~~advertisement and public hearings were complied with. Nothing herein contained shall be~~  
6 ~~construed so as to affect any litigation pending on March 20, 1970.~~

7           ~~G. E.~~ Every action contesting a decision of the local governing body adopting or failing  
8 to adopt a proposed zoning ordinance or amendment thereto or granting or failing to grant a  
9 special exception shall be filed within thirty days of ~~such~~ the decision with the circuit court  
10 having jurisdiction of the land affected by the decision. However, nothing in this subsection shall  
11 be construed to create any new right to contest the action of a local governing body.

12           **Drafting note: No substantive change in the law. Makes clarifying changes and**  
13 **deletes language in subsection F which is no longer needed.**

14  
15           § ~~15.1-491~~ 15.2-2286. Permitted provisions in zoning ordinances; amendments.

16           A zoning ordinance may include, among other things, reasonable regulations and  
17 provisions as to any or all of the following matters:

18           ~~(a) 1.~~ For variances as ~~defined in § 15.1-430 (p)~~ or special exceptions, as defined in §  
19 ~~15.1-430 (i)~~ 15.2-2201, to the general regulations in any district, ~~in cases of unusual situations or~~  
20 ~~to ease the transition from one district to another, or for buildings, structures or uses having~~  
21 ~~special requirements, and for conditional zoning as defined in § 15.1-430 (q) and for the~~  
22 ~~adoption, in counties, or towns, therein which have planning commissions, wherein the urban~~  
23 ~~county executive form of government is in effect, or in a city adjacent to or completely~~  
24 ~~surrounded by such a county, or in a county contiguous to any such county, or in a city adjacent~~  
25 ~~to or completely surrounded by such a contiguous county, or in any town within such contiguous~~  
26 ~~county, and in the counties east of the Chesapeake Bay as a part of an amendment to the zoning~~  
27 ~~map of reasonable conditions, in addition to the regulations provided for the zoning district by~~  
28 ~~the ordinance, when such conditions shall have been proffered in writing, in advance of the~~  
29 ~~public hearing before the governing body required by § 15.1-493 by the owner of the property~~  
30 ~~which is the subject of the proposed zoning map amendment. Once proffered and accepted as~~  
31 ~~part of an amendment to the zoning ordinance, such conditions shall continue in effect until a~~



1 ~~subsequent amendment changes the zoning on the property covered by such conditions.~~  
2 ~~However, such conditions shall continue if the subsequent amendment is part of a comprehensive~~  
3 ~~implementation of a new or substantially revised zoning ordinance.~~

4 ~~(a1) In the event proffered conditions include a requirement for the dedication of real~~  
5 ~~property of substantial value, or substantial cash payments for or construction of substantial~~  
6 ~~public improvements, the need for which is not generated solely by the rezoning itself, then no~~  
7 ~~amendment to the zoning map for the property subject to such conditions, nor the conditions~~  
8 ~~themselves, nor any amendments to the text of the zoning ordinance with respect to the zoning~~  
9 ~~district applicable thereto initiated by the governing body, which eliminate, or materially restrict,~~  
10 ~~reduce, or modify the uses, the floor area ratio, or the density of use permitted in the zoning~~  
11 ~~district applicable to such property, shall be effective with respect to such property unless there~~  
12 ~~has been mistake, fraud, or a change in circumstances substantially affecting the public health,~~  
13 ~~safety, or welfare.~~

14 ~~(a2) Any landowner who has prior to July 1, 1990, proffered the dedication of real~~  
15 ~~property of substantial value, or substantial cash payments for or construction of substantial~~  
16 ~~public improvements, the need for which is not generated solely by the rezoning itself, but who~~  
17 ~~has not substantially implemented such proffers prior to July 1, 1990, shall advise the local~~  
18 ~~governing body by certified mail prior to July 1, 1991, that he intends to proceed with the~~  
19 ~~implementation of such proffers. Such notice shall identify the property to be developed, the~~  
20 ~~zoning district, and the proffers applicable thereto. Thereafter, any landowner giving such notice~~  
21 ~~shall have until July 1, 1995, substantially to implement such proffers, or such later time as the~~  
22 ~~governing body may allow. Thereafter, the landowner in good faith shall diligently pursue the~~  
23 ~~completion of the development of the property. Any landowner who complies with the~~  
24 ~~requirements of this subdivision shall be entitled to the protection against action initiated by the~~  
25 ~~governing body affecting use, floor area ratio, and density set out in subdivision (a1), unless~~  
26 ~~there has been mistake, fraud, or a change in circumstances substantially affecting the public~~  
27 ~~health, safety, or welfare, but any landowner failing to comply with the requirements of this~~  
28 ~~subdivision shall acquire no rights pursuant to this section.~~

29 ~~(a3) The provisions of subdivisions (a1) and (a2) of this section shall be effective~~  
30 ~~prospectively only, and not retroactively, and shall not apply to any zoning ordinance text~~  
31 ~~amendments which may have been enacted prior to March 10, 1990. Nothing contained herein~~

1 shall be construed to affect any litigation pending prior to July 1, 1990, or any such litigation  
2 nonsuited and thereafter refiled.

3 ~~Nothing in this section shall be construed to affect or impair the authority of a governing~~  
4 ~~body to: 1. Accept proffered conditions which include provisions for timing or phasing of~~  
5 ~~dedications, payments, or improvements; or 2. Accept or impose valid conditions pursuant to~~  
6 ~~subsection (c) of this section, subsection H of § 15.1 466, or other provision of law.~~

7 (b) 2. For the temporary application of the ordinance to any property coming into the  
8 territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the  
9 adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.

10 (e) 3. For the granting of special exceptions under suitable regulations and safeguards;  
11 notwithstanding any other provisions of this article, the governing body of any ~~city, county or~~  
12 ~~town~~ locality may reserve unto itself the right to issue such special exceptions. Conditions  
13 imposed in connection with residential special use permits, wherein the applicant proposes  
14 affordable housing, shall be consistent with the objective of providing affordable housing. When  
15 imposing conditions on residential projects specifying materials and methods of construction or  
16 specific design features, the approving body shall consider the impact of the conditions upon the  
17 affordability of housing.

18 The governing body or the board of zoning appeals of any city with a population between  
19 260,000 and 264,000 according to the 1990 United States Census may impose a condition upon  
20 any special exception relating to alcoholic beverage control licensees which provides that such  
21 special exception will automatically expire upon a change of ownership of the property, a change  
22 in possession, a change in the operation or management of a facility or upon the passage of a  
23 specific period of time.

24 (d) 4. For the administration and enforcement of the ordinance including the appointment  
25 or designation of a zoning administrator who may also hold another office in the ~~county or~~  
26 ~~municipality~~ locality. The zoning administrator shall have all necessary authority on behalf of the  
27 governing body to administer and enforce the zoning ordinance. His authority shall include (i)  
28 ordering in writing the remedying of any condition found in violation of the ordinance; (ii) ~~to~~  
29 ~~insure~~ insuring compliance with the ordinance, bringing legal action, including injunction,  
30 abatement, or other appropriate action or proceeding subject to appeal pursuant to ~~§ 15.1 496.1;~~  
31 §15.2-2311; and (iii) in specific cases, making findings of fact and, with concurrence of the

1 attorney for the governing body, conclusions of law regarding determinations of rights accruing  
2 under ~~§ 15.1-492~~ §15.2-2307. Where provided by ordinance, the zoning administrator may be  
3 authorized to grant a variance from any building setback requirement contained in the zoning  
4 ordinance if the administrator finds in writing that: (i) the strict application of the ordinance  
5 would produce undue hardship; (ii) such hardship is not shared generally by other properties in  
6 the same zoning district and the same vicinity; and (iii) the authorization of the variance will not  
7 be of substantial detriment to adjacent property and the character of the zoning district will not  
8 be changed by the granting of the variance. Prior to the granting of a variance, the zoning  
9 administrator shall give, or require the applicant to give, all adjoining property owners written  
10 notice of the request for variance, and an opportunity to respond to the request within twenty-one  
11 days of the date of the notice. If any adjoining property owner objects to said request in writing  
12 within the time specified above, the request shall be transferred to the Board of Zoning Appeals  
13 for decision.

14 ~~(e)~~ 5. For the imposition of penalties upon conviction of any violation of the zoning  
15 ordinance. Any such violation shall be a misdemeanor punishable by a fine of not less than \$10  
16 nor more than \$1,000.

17 ~~(f)~~ 6. For the collection of fees to cover the cost of making inspections, issuing permits,  
18 advertising of notices and other expenses incident to the administration of a zoning ordinance or  
19 to the filing or processing of any appeal or amendment thereto.

20 ~~(g)~~ 7. For the amendment of the regulations or district maps from time to time, or for  
21 their repeal. Whenever the public necessity, convenience, general welfare, or good zoning  
22 practice require, the governing body may by ordinance amend, supplement, or change the  
23 regulations, district boundaries, or classifications of property. Any such amendment may be  
24 initiated (i) by resolution of the governing body, (ii) by motion of the local planning commission,  
25 or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the  
26 owner's agent therefor, of the property which is the subject of the proposed zoning map  
27 amendment, addressed to the governing body or the local planning commission, who shall  
28 forward such petition to the governing body; however, the ordinance may provide for the  
29 consideration of proposed amendments only at specified intervals of time, and may further  
30 provide that substantially the same petition will not be reconsidered within a specific period, not

1 exceeding one year. Any such resolution or motion by such governing body or commission  
2 proposing the rezoning shall state the above public purposes therefor.

3 In any county having adopted such zoning ordinance, all motions, resolutions or petitions  
4 for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made  
5 within such reasonable time as may be necessary which shall not exceed twelve months unless  
6 the applicant requests or consents to action beyond such period or unless the applicant withdraws  
7 his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the  
8 event of and upon such withdrawal, processing of the motion, resolution or petition shall cease  
9 without further action as otherwise would be required by this subdivision.

10 ~~(h)~~ 8. For the submission and approval of a plan of development prior to the issuance of  
11 building permits to assure compliance with regulations contained in such zoning ordinance.

12 ~~(i)~~ 9. For areas and districts designated for mixed use developments as ~~defined in § 15.1-~~  
13 ~~430 (r) and~~ or planned unit developments as defined in § ~~15.1-430 (s)~~ 15.2-2201.

14 ~~(j)~~ 10. For the administration of incentive zoning as defined in § ~~15.1-430 (t)~~ 15.2-2201.

15 ~~The ordinance may also provide that petitions brought by property owners, contract~~  
16 ~~purchasers or the agents thereof, shall be sworn to under oath before a notary public or other~~  
17 ~~official before whom oaths may be taken, stating whether or not any member of the local~~  
18 ~~planning commission or governing body has any interest in such property, either individually, by~~  
19 ~~ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust,~~  
20 ~~or the settlor of a revocable trust or whether a member of the immediate household of any~~  
21 ~~member of the planning commission or governing body has any such interest.~~

22 ~~The ordinance shall not require that a special exception or special use permit be obtained~~  
23 ~~for any production agriculture or silviculture activity in an area that is zoned as an agricultural~~  
24 ~~district or classification. For the purposes of this section, production agriculture and silviculture~~  
25 ~~is the bona fide production or harvesting of agricultural or silviculture products but shall not~~  
26 ~~include the processing of agricultural or silviculture products or the above ground application or~~  
27 ~~storage of sewage sludge. However, localities may adopt setback requirements, minimum area~~  
28 ~~requirements and other requirements that apply to land used for agriculture or silviculture~~  
29 ~~activity within the locality that is zoned as an agricultural district or classification.~~

30 **Drafting note: No substantive change in the law. Superfluous and inaccurate**  
31 **language is deleted in the first paragraph. Material in old provisions (a) through (a3)**

1 related to conditional zoning are relocated to § 15.2-2303. The last two paragraphs are  
2 relocated as §§ 15.2-2287 and 15.2-2288.

3  
4 § 15.2-2287. Localities may require oath regarding property interest of local officials.

5 The A zoning ordinance may also provide that petitions brought by property owners,  
6 contract purchasers or the agents thereof, shall be sworn to under oath before a notary public or  
7 other official before whom oaths may be taken, stating whether or not any member of the local  
8 planning commission or governing body has any interest in such property, either individually, by  
9 ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust,  
10 or the settlor of a revocable trust or whether a member of the immediate household of any  
11 member of the planning commission or governing body has any such interest.

12 **Drafting note: No substantive change in the law. This section is relocated from old**  
13 **§ 15.1-491 (now § 15.2-2286).**

14  
15 § 15.2-2288. Localities may not require a special use permit for certain agricultural  
16 activities.

17 The A zoning ordinance shall not require that a special exception or special use permit be  
18 obtained for any production agriculture or silviculture activity in an area that is zoned as an  
19 agricultural district or classification. For the purposes of this section, production agriculture and  
20 silviculture is the bona fide production or harvesting of agricultural or silviculture products but  
21 shall not include the processing of agricultural or silviculture products or the above ground  
22 application or storage of sewage sludge. However, localities may adopt setback requirements,  
23 minimum area requirements and other requirements that apply to land used for agriculture or  
24 silviculture activity within the locality that is zoned as an agricultural district or classification.

25 Prior to the initiation of an application for a special exception, special use permit,  
26 variance, rezoning or other land use permit, or prior to the issuance of final approval, the  
27 authorizing body may require the applicant to produce satisfactory evidence that any delinquent  
28 real estate taxes owed to the ~~county, city or town~~ locality which have been properly assessed  
29 against the subject property have been paid.

30 **Drafting note: No substantive change in the law. This section is relocated from old**  
31 **§ 15.1-491 (now § 15.2-2286).**

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§ ~~15.1-486.1~~ 15.2-2289. ~~Certain local governments~~ Localities may provide by ordinance for disclosure of real parties in interest.

In addition to the powers granted by this chapter, ~~the governing bodies of the Counties of Arlington, Chesterfield, Dinwiddie, Fairfax, Frederick, Hanover, Loudoun and Powhatan, the Cities of Fairfax and Suffolk and the Towns of Ashland and Leesburg~~ localities may provide by ordinance that the local planning commission, governing body or zoning appeals board may require any applicant for a special exception, or a special use permit, amendment to the zoning ordinance or variance to make complete disclosure of the equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers and directors and in any case the names and addresses of all of the real parties of interest; ~~however.~~ However, the requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.

**Drafting note: SUBSTANTIVE CHANGE; the authority currently granted to twelve localities is expanded to all localities. This section is currently carried in the Code by reference only, but with these amendments, will now have general applicability.**

§ ~~15.1-486.4~~ 15.2-2290. Uniform regulations for manufactured housing.

A. ~~Counties, cities, and towns~~ Localities adopting and enforcing zoning ordinances under the provisions of this article shall provide that, in all agricultural zoning districts or districts having similar classifications regardless of name or designation where agricultural, horticultural, or forest uses such as but not limited to those described in § 58.1-3230 are the dominant use, the placement of manufactured houses that are on a permanent foundation and on individual lots shall be permitted, subject to development standards that are equivalent to those applicable to site-built single family dwellings within the same or equivalent zoning district.

B. ~~Counties, cities, and towns~~ Localities adopting and enforcing zoning regulations under the provisions of this article may, to provide for the general purposes of zoning ordinances, adopt uniform standards, so long as they apply to all residential structures erected within the agricultural zoning district or other districts identified in subsection A of this section

1 incorporating such standards. ~~Such~~ The standards shall not have the effect of excluding  
2 manufactured housing.

3 C. Local zoning ordinances adopting provisions consistent with this section shall not  
4 relieve lots or parcels from the obligations relating to manufactured housing units imposed by the  
5 terms of a restrictive covenant.

6 **Drafting note: No substantive change in the law.**

7  
8 § ~~15.1-486.3~~ 15.2-2291. Group homes of eight or fewer single-family residence.

9 A. ~~For the purposes of locally adopted zoning~~ Zoning ordinances, for all purposes shall  
10 consider a residential facility in which no more than eight mentally ill, mentally retarded, or  
11 developmentally disabled persons reside, with one or more resident counselors or other staff  
12 persons, ~~shall be considered for all purposes as~~ residential occupancy by a single family. For the  
13 purposes of this subsection, mental illness and developmental disability shall not include current  
14 illegal use of or addiction to a controlled substance as defined in § 54.1-3401. No conditions  
15 more restrictive than those imposed on residences occupied by persons related by blood,  
16 marriage, or adoption shall be imposed on such facility. For purposes of this subsection,  
17 "residential facility" means any group home or other residential facility for which the  
18 Department of Mental Health, Mental Retardation and Substance Abuse Services is the licensing  
19 authority pursuant to this Code.

20 B. ~~For the purposes of locally adopted zoning~~ Zoning ordinances in counties having  
21 adopted the county manager plan of government, for all purposes shall consider a residential  
22 facility in which no more than eight aged, infirm or disabled persons reside, with one or more  
23 resident counselors or other staff persons, ~~shall be considered for all purposes as~~ residential  
24 occupancy by a single family. No conditions more restrictive than those imposed on residences  
25 occupied by persons related by blood, marriage, or adoption shall be imposed on such facility.  
26 For purposes of this subsection, "residential facility" means any group home or residential  
27 facility in which aged, infirm or disabled persons reside with one or more resident counselors or  
28 other staff persons and for which the Department of Social Services is the licensing authority  
29 pursuant to this Code.

30 **Drafting note: No substantive change in the law.**

31

1           § ~~15.1-486.5~~ 15.2-2292. Zoning provisions for family day homes.

2           A. ~~For the purposes of locally adopted zoning~~ Zoning ordinances; for all purposes shall  
3 consider a family day home as defined in § 63.1-195 serving one through five children, exclusive  
4 of the provider's own children and any children who reside in the home, ~~shall be considered to~~  
5 ~~be, for all purposes,~~ as residential occupancy by a single family. No conditions more restrictive  
6 than those imposed on residences occupied by persons related by blood, marriage, or adoption  
7 shall be imposed upon such a home. Nothing in this section shall apply to any county or city  
8 which is subject to ~~§ 15.1-37.3:12 or § 15.1-687.19~~ § 15.2-741 or § 15.2-915.

9           B. A local governing body may by ordinance allow a zoning administrator to use an  
10 administrative process to issue zoning permits for a family day home as defined in § 63.1-195  
11 serving six through twelve children, exclusive of the provider's own children and any children  
12 who reside in the home. The ordinance may contain such standards as the local governing body  
13 deems appropriate and shall include a requirement that notification be sent by registered or  
14 certified letter to the last known address of each adjacent property owner. If the zoning  
15 administrator receives no written objection from a person so notified within thirty days of the  
16 date of sending the letter and determines that the family day home otherwise complies with the  
17 provisions of the ordinance, the zoning administrator may issue the permit sought. The ordinance  
18 shall provide a process whereby an applicant for a family day home that is denied a permit  
19 through the administrative process may request that its application be considered after a hearing  
20 following public notice as provided in ~~§ 15.1-434~~ 15.2-2204. The provisions of this subsection  
21 shall not prohibit a local governing body from exercising its authority, if at all, under ~~subsection~~  
22 ~~(e)~~ provision 3 of ~~§ 15.1-494~~ 15.2-2286.

23           **Drafting note: No substantive change in the law.**

24  
25           § ~~15.1-494.01~~ 15.2-2293. Airspace subject to zoning ordinances.

26           A. A zoning ordinance shall be applicable to the superjacent airspace of any nonpublic-  
27 owned land area.

28           B. Airspace superjacent or subjacent to any public highway, street, lane, alley or other  
29 way in this Commonwealth not required for the purpose of travel, or other public use, by the  
30 Commonwealth or other political jurisdiction owning ~~same~~ it, shall be subject to the zoning  
31 ordinance of the ~~county or municipality~~ locality in which ~~such~~ the airspace is located.



1 C. Airspace not provided for in subsection B herein that is superjacent to any land owned  
2 by the Commonwealth or other political jurisdiction and occupied by a nonpolitical entity or  
3 person shall be subject to the zoning ordinance that would be applicable if the land were owned  
4 by a private person.

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-491.02~~ 15.2-2294. Airport safety zoning.

8 ~~The governing body of any county, city, or town~~ Every locality (i) in whose jurisdiction a  
9 licensed airport or United States government or military air facility is located or (ii) over whose  
10 jurisdiction the approach slopes and other safety zones of a licensed airport, including United  
11 States government or military air facility extend shall, by ordinance, ~~before July 1, 1991,~~ provide  
12 for the regulation of the height of structures and natural growth for the purpose of protecting the  
13 safety of air navigation and the public investment in air navigation facilities. ~~Any such~~ The  
14 ordinance may be adopted regardless of whether the local governing body has adopted a zoning  
15 ordinance applicable to other land uses in the locality. ~~Any such~~ The ordinance may be designed  
16 and adopted by the locality as an overlay zone superimposed on any preexisting base zone.

17 The provisions of the airport safety zoning ordinance shall be in compliance with the  
18 rules of the Virginia Aviation Board.

19 **Drafting note: No substantive change in the law.**

20  
21 § ~~15.1-491.03~~ 15.2-2295. Aircraft noise attenuation features in buildings and structures  
22 within airport noise zones.

23 ~~The governing body of any county, city or town~~ Any locality in whose jurisdiction, or  
24 adjacent jurisdiction, is located a licensed airport or United States government or military air  
25 facility, may enforce building regulations relating to the provision or installation of acoustical  
26 treatment measures in residential buildings and structures, or portions thereof, for which building  
27 permits are issued after January 1, 1995, in areas affected by above average noise levels from  
28 aircraft due to their proximity to flight operations at nearby airports. In establishing ~~such~~ the  
29 regulations, the ~~governing body~~ locality may adopt one or more noise overlay zones as an  
30 amendment to its zoning map and may establish different measures to be provided or installed  
31 within each zone, taking into account the severity of the impact of aircraft noise upon ~~such~~

1 buildings and structures within each zone. Any such regulations or amendments to a zoning map  
2 shall provide a process for reasonable notice to affected property owners. Any regulations or  
3 amendments to a zoning map shall be adopted in accordance with this chapter. A statement shall  
4 be placed on all subdivision plots and site plans approved after January 1, 1995, giving notice  
5 that a parcel of real property either partially or wholly lies within an airport noise overlay zone.  
6 No existing use of property which is affected by the adoption of such regulations or amendments  
7 to a zoning map shall be considered a nonconforming use solely because of ~~such~~ the regulations  
8 or amendments. The provisions of this section shall not affect any local aircraft noise attenuation  
9 regulations or ordinances adopted prior to the effective date of this act, and such regulations and  
10 ordinances may be amended provided ~~such~~ the amendments shall not alter building materials,  
11 construction methods, plan submission requirements or inspection practices specified in the  
12 Virginia Uniform Statewide Building Code.

13 **Drafting note: No substantive change in the law.**

14

15 § ~~45.1-491.4~~ 15.2-2296. Conditional zoning; declaration of legislative policy and  
16 findings; purpose.

17 It is the general policy of the Commonwealth in accordance with the provisions of § ~~45.1-~~  
18 ~~489~~ 15.2-2283 to provide for the orderly development of land, for all purposes, through zoning  
19 and other land development legislation. Frequently, where competing and incompatible uses  
20 conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible  
21 and adaptable zoning methods are needed to permit differing land uses and the same time to  
22 recognize effects of change. It is the purpose of §§ ~~45.1-491.4~~ 15.2-2296 through ~~45.1-491.4~~  
23 15.2-2300 to provide a more flexible and adaptable zoning method to cope with situations found  
24 in such zones through conditional zoning, whereby a zoning reclassification may be allowed  
25 subject to certain conditions proffered by the zoning applicant for the protection of the  
26 community that are not generally applicable to land similarly zoned. The exercise of authority  
27 granted pursuant to §§ 15.2-2296 through 15.2-2302 shall not be construed to limit or restrict  
28 powers otherwise granted to any locality, nor to affect the validity of any ordinance adopted by  
29 any such locality which would be valid without regard to this section. The provisions of this  
30 section and the following ~~five~~ six sections shall not be used for the purpose of discrimination in  
31 housing.

1           **Drafting note: No substantive change in the law; the new sentence sets out a portion**  
2 **of the second enactment clause of Chapter 320 of the Acts of Assembly of 1978. The**  
3 **remainder of the enactment clause is located in § 15.2-2303 F.**

4  
5           § ~~15.1-491.2~~ 15.2-2297. Same; conditions as part of a rezoning or amendment to zoning  
6 map.

7           A. A zoning ordinance may include and provide for the voluntary proffering in writing,  
8 by the owner, of reasonable conditions, prior to a public hearing before the governing body, in  
9 addition to the regulations provided for the zoning district or zone by the ordinance, as a part of a  
10 rezoning or amendment to a zoning map; provided that (i) the rezoning itself must give rise for  
11 the need for the conditions; (ii) ~~such~~ the conditions shall have a reasonable relation to the  
12 rezoning; (iii) ~~such~~ the conditions shall not include a cash contribution to the ~~county or~~  
13 ~~municipality~~ locality; (iv) ~~such~~ the conditions shall not include mandatory dedication of real or  
14 personal property for open space, parks, schools, fire departments or other public facilities not  
15 otherwise provided for in ~~subdivision A (f) of § 15.1-466~~ 15.2-2241; (v) ~~such~~ the conditions  
16 shall not include payment for or construction of off-site improvements except those provided for  
17 in ~~subdivision A (j) of § 15.1-466~~ 15.2-2241; (vi) no condition shall be proffered that is not  
18 related to the physical development or physical operation of the property; and (vii) all such  
19 conditions shall be in conformity with the comprehensive plan as defined in § ~~15.1-446.1~~ 15.2-  
20 2223. Once proffered and accepted as part of an amendment to the zoning ordinance, ~~such~~ the  
21 conditions shall continue in effect until a subsequent amendment changes the zoning on the  
22 property covered by ~~such~~ the conditions; ~~however, such~~ However, the conditions shall continue  
23 if the subsequent amendment is part of a comprehensive implementation of a new or  
24 substantially revised zoning ordinance.

25           B. In the event proffered conditions include a requirement for the dedication of real  
26 property of substantial value or construction of substantial public improvements, the need for  
27 which is not generated solely by the rezoning itself, then no ~~amendment~~ amendments to the  
28 zoning map for the property subject to such conditions, nor the conditions themselves, nor any  
29 amendments to the text of the zoning ordinance with respect to the zoning district applicable  
30 thereto initiated by the governing body, which eliminate, or materially restrict, reduce, or modify  
31 the uses, the floor area ratio, or the density of use permitted in the zoning district applicable to

1 such property, shall be effective with respect to such property unless there has been mistake,  
2 fraud, or a change in circumstances substantially affecting the public health, safety, or welfare.

3 C. Any landowner who has prior to July 1, 1990, proffered the dedication of real  
4 property of substantial value or construction of substantial public improvements, the need for  
5 which is not generated solely by the rezoning itself, but who has not substantially implemented  
6 such proffers prior to July 1, 1990, shall advise the local governing body by certified mail prior  
7 to July 1, 1991, that he intends to proceed with the implementation of such proffers. ~~Such~~ The  
8 notice shall identify the property to be developed, the zoning district, and the proffers applicable  
9 thereto. Thereafter, any landowner giving such notice shall have until July 1, 1995, substantially  
10 to implement ~~such~~ the proffers, or such later time as the governing body may allow. Thereafter,  
11 the landowner in good faith shall diligently pursue the completion of the development of the  
12 property.

13 Any landowner who complies with the requirements of this subsection shall be entitled to  
14 the protection against action initiated by the governing body affecting use, floor area ratio, and  
15 density set out in subsection B, unless there has been mistake, fraud, or a change in  
16 circumstances substantially affecting the public health, safety, or welfare, but any landowner  
17 failing to comply with the requirements of this subsection shall acquire no rights pursuant to this  
18 section.

19 D. The provisions of subsections B and C of this section shall be effective prospectively  
20 only, and not retroactively, and shall not apply to any zoning ordinance text amendments which  
21 may have been enacted prior to March 10, 1990. Nothing contained herein shall be construed to  
22 affect any litigation pending prior to July 1, 1990, or any such litigation nonsuited and thereafter  
23 refiled.

24 Nothing in this section shall be construed to affect or impair the authority of a governing  
25 body to:

26 1. Accept proffered conditions which include provisions for timing or phasing of  
27 dedications, payments, or improvements; or

28 2. Accept or impose valid conditions pursuant to ~~subsection (e)~~ provision 3 of § ~~15.1-491~~  
29 15.2-2286 or other provision of law.

30 **Drafting note: No substantive change in the law.**

31

1           § ~~15.1-491.2-1~~ 15.2-2298. Same; additional conditions as a part of rezoning or zoning  
2 map amendment in certain high-growth localities.

3           A. Except for those localities to which § ~~15.1-491(a)~~ 15.2-2303 is applicable, this section  
4 shall apply to (i) any ~~county, city, or town~~ locality which has had population growth of ten  
5 percent or more from the next-to-latest to latest decennial census year, based on population  
6 reported by the United States Bureau of the Census, ~~provided that until the 1990 census is~~  
7 ~~reported, any county, city, or town instead may qualify only if it has had an estimated population~~  
8 ~~growth of ten percent or more from 1980 to the most recent year for which population estimates~~  
9 ~~are available from the Center for Public Service of the University of Virginia;~~ (ii) any city  
10 adjoining such city or county; (iii) any towns located within such county; and (iv) any county  
11 contiguous with at least three such counties, and any town located in that county.

12           In any such ~~county, city, or town~~ locality, notwithstanding any contrary provisions of §  
13 ~~15.1-491.2~~ 15.2-2297, a zoning ordinance may include and provide for the voluntary proffering  
14 in writing, by the owner, of reasonable conditions, prior to a public hearing before the governing  
15 body, in addition to the regulations provided for the zoning district or zone by the ordinance, as a  
16 part of a rezoning or amendment to a zoning map, provided that (i) the rezoning itself gives rise  
17 to the need for the conditions; (ii) ~~such~~ the conditions have a reasonable relation to the rezoning;  
18 and (iii) all ~~such~~ conditions are in conformity with the comprehensive plan as defined in § ~~15.1-~~  
19 ~~446.1~~ 15.2-2223. Once proffered and accepted as part of an amendment to the zoning ordinance,  
20 ~~such~~ the conditions shall continue in effect until a subsequent amendment changes the zoning on  
21 the property covered by ~~such~~ the conditions; however, ~~such~~ the conditions shall continue if the  
22 subsequent amendment is part of a comprehensive implementation of a new or substantially  
23 revised zoning ordinance.

24           No proffer shall be accepted by a ~~county, city, or town~~ locality unless it has adopted a  
25 capital improvement program pursuant to § ~~15.1-464~~ 15.2-2239 or local charter. In the event  
26 proffered conditions include the dedication of real property or payment of cash, ~~such~~ the  
27 property shall not transfer and ~~such~~ the payment of cash shall not be made until the facilities for  
28 which ~~such~~ the property is dedicated or cash is tendered are included in the capital improvement  
29 program, provided that nothing herein shall prevent a ~~county, city, or town~~ locality from  
30 accepting proffered conditions which are not normally included in ~~such~~ a capital improvement  
31 program. If proffered conditions include the dedication of real property or the payment of cash,

1 the proffered conditions shall provide for the disposition of ~~such~~ the property or cash payment in  
2 the event the property or cash payment is not used for the purpose for which proffered.

3 B. In the event proffered conditions include a requirement for the dedication of real  
4 property of substantial value, or substantial cash payments for or construction of substantial  
5 public improvements, the need for which is not generated solely by the rezoning itself, then no  
6 amendment to the zoning map for the property subject to such conditions, nor the conditions  
7 themselves, nor any amendments to the text of the zoning ordinance with respect to the zoning  
8 district applicable thereto initiated by the governing body, which eliminate, or materially restrict,  
9 reduce, or modify the uses, the floor area ratio, or the density of use permitted in the zoning  
10 district applicable to ~~such~~ the property, shall be effective with respect to ~~such~~ the property unless  
11 there has been mistake, fraud, or a change in circumstances substantially affecting the public  
12 health, safety, or welfare.

13 C. Any landowner who has prior to July 1, 1990, proffered the dedication of real  
14 property of substantial value, or substantial cash payments for or construction of substantial  
15 public improvements, the need for which is not generated solely by the rezoning itself, but who  
16 has not substantially implemented such proffers prior to July 1, 1990, shall advise the local  
17 governing body by certified mail prior to July 1, 1991, that he intends to proceed with the  
18 implementation of such proffers. ~~Such~~ The notice shall identify the property to be developed,  
19 the zoning district, and the proffers applicable thereto. Thereafter, any landowner giving such  
20 notice shall have until July 1, 1995, substantially to implement ~~such~~ the proffers, or such later  
21 time as the governing body may allow. Thereafter, the landowner in good faith shall diligently  
22 pursue the completion of the development of the property. Any landowner who complies with  
23 the requirements of this subsection shall be entitled to the protection against action initiated by  
24 the governing body affecting use, floor area ratio, and density set out in subsection B above,  
25 unless there has been mistake, fraud, or a change in circumstances substantially affecting the  
26 public health, safety, or welfare, but any landowner failing to comply with the requirements of  
27 this subsection shall acquire no rights pursuant to this section.

28 D. The provisions of subsections B and C of this section shall be effective prospectively  
29 only, and not retroactively, and shall not apply to any zoning ordinance text amendments which  
30 may have been enacted prior to March 10, 1990. Nothing contained herein shall be construed to

1 affect any litigation pending prior to July 1, 1990, or any such litigation nonsuited and thereafter  
2 refiled.

3 Nothing in this section shall be construed to affect or impair the authority of a governing  
4 body to:

5 1. Accept proffered conditions which include provisions for timing or phasing of  
6 dedications, payments, or improvements; or

7 2. Accept or impose valid conditions pursuant to ~~subsection (e) provision 3~~ of § ~~15.1-491~~  
8 15.2-2286 or other provision of law.

9 **Drafting note: No substantive change in the law.**

10

11 § ~~15.1-491.3~~ 15.2-2299. Same; enforcement and guarantees.

12 The zoning administrator ~~shall be~~ is vested with all necessary authority on behalf of the  
13 governing body of the ~~county or municipality~~ locality to administer and enforce conditions  
14 attached to a rezoning or amendment to a zoning map, including (i) the ordering in writing of the  
15 remedy of any noncompliance with ~~such~~ the conditions; (ii) the bringing of legal action to insure  
16 compliance with ~~such~~ the conditions, including injunction, abatement, or other appropriate action  
17 or proceeding; and (iii) requiring a guarantee, satisfactory to the governing body, in an amount  
18 sufficient for and conditioned upon the construction of any physical improvements required by  
19 the conditions, or a contract for the construction of ~~such~~ the improvements and the contractor's  
20 guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by  
21 the governing body, or agent thereof, upon the submission of satisfactory evidence that  
22 construction of ~~such~~ the improvements has been completed in whole or in part. Failure to meet  
23 all conditions shall constitute cause to deny the issuance of any of the required use, occupancy,  
24 or building permits, as may be appropriate.

25 **Drafting note: No substantive change in the law.**

26

27 § ~~15.1-491.4~~ 15.2-2300. Same; records.

28 The zoning map shall show by an appropriate symbol on the map the existence of  
29 conditions attaching to the zoning on the map. The zoning administrator shall keep in his office  
30 and make available for public inspection a Conditional Zoning Index. The Index shall provide

1 ready access to the ordinance creating conditions in addition to the regulations provided for in a  
2 particular zoning district or zone.

3 **Drafting note: No change.**

4  
5 § ~~15.1-491.5~~ 15.2-2301. Same; petition for review of decision.

6 Any zoning applicant or any other person who is aggrieved by a decision of the zoning  
7 administrator made pursuant to the provisions of § ~~15.1-491.3~~ 15.2-2299 may petition the  
8 governing body for the review of the decision of the zoning administrator. All ~~such~~ petitions for  
9 review shall be filed with the zoning administrator and with the clerk of the governing body  
10 within thirty days from the date of the decision for which review is sought, and ~~such petitions~~  
11 shall specify the grounds upon which the petitioner is aggrieved.

12 **Drafting note: No substantive change in the law.**

13  
14 § ~~15.1-491.6~~ 15.2-2302. Same; amendments and variations of conditions.

15 There shall be no amendment or variation of conditions created pursuant to the provisions  
16 of § ~~15.1-491.2~~ 15.2-2297 until after a public hearing before the governing body advertised  
17 pursuant to the provisions of § ~~15.1-431~~ 15.2-2204.

18 **Drafting note: No change.**

19  
20 § 15.2-2303. Conditional zoning in certain localities.

21 A. A zoning ordinance may include reasonable regulations and provisions for  
22 conditional zoning as defined in § ~~15.1-430 (e)~~ 15.2-2201 and for the adoption, in counties, or  
23 towns, therein which have planning commissions, wherein the urban county executive form of  
24 government is in effect, or in a city adjacent to or completely surrounded by such a county, or in  
25 a county contiguous to any such county, or in a city adjacent to or completely surrounded by  
26 such a contiguous county, or in any town within such contiguous county, and in the counties east  
27 of the Chesapeake Bay as a part of an amendment to the zoning map of reasonable conditions, in  
28 addition to the regulations provided for the zoning district by the ordinance, when such  
29 conditions shall have been proffered in writing, in advance of the public hearing before the  
30 governing body required by § ~~15.1-493~~ 15.2-2285 by the owner of the property which is the  
31 subject of the proposed zoning map amendment. Once proffered and accepted as part of an



1 amendment to the zoning ordinance, such conditions shall continue in effect until a subsequent  
2 amendment changes the zoning on the property covered by such conditions. However, such  
3 conditions shall continue if the subsequent amendment is part of a comprehensive  
4 implementation of a new or substantially revised zoning ordinance.

5 ~~(a1)~~ B. In the event proffered conditions include a requirement for the dedication of real  
6 property of substantial value, or substantial cash payments for or construction of substantial  
7 public improvements, the need for which is not generated solely by the rezoning itself, then no  
8 amendment to the zoning map for the property subject to such conditions, nor the conditions  
9 themselves, nor any amendments to the text of the zoning ordinance with respect to the zoning  
10 district applicable thereto initiated by the governing body, which eliminate, or materially restrict,  
11 reduce, or modify the uses, the floor area ratio, or the density of use permitted in the zoning  
12 district applicable to such property, shall be effective with respect to such property unless there  
13 has been mistake, fraud, or a change in circumstances substantially affecting the public health,  
14 safety, or welfare.

15 ~~(a2)~~ C. Any landowner who has prior to July 1, 1990, proffered the dedication of real  
16 property of substantial value, or substantial cash payments for or construction of substantial  
17 public improvements, the need for which is not generated solely by the rezoning itself, but who  
18 has not substantially implemented such proffers prior to July 1, 1990, shall advise the local  
19 governing body by certified mail prior to July 1, 1991, that he intends to proceed with the  
20 implementation of such proffers. Such notice shall identify the property to be developed, the  
21 zoning district, and the proffers applicable thereto. Thereafter, any landowner giving such notice  
22 shall have until July 1, 1995, substantially to implement such proffers, or such later time as the  
23 governing body may allow. Thereafter, the landowner in good faith shall diligently pursue the  
24 completion of the development of the property. Any landowner who complies with the  
25 requirements of this ~~subdivision~~ subsection shall be entitled to the protection against action  
26 initiated by the governing body affecting use, floor area ratio, and density set out in ~~subdivision~~  
27 ~~(a1)~~ subsection B, unless there has been mistake, fraud, or a change in circumstances  
28 substantially affecting the public health, safety, or welfare, but any landowner failing to comply  
29 with the requirements of this subdivision shall acquire no rights pursuant to this section.

30 ~~(a3)~~ D. ~~The provisions of subdivisions (a1) Subsections B and (a2) C of this section shall~~  
31 be effective prospectively only, and not retroactively, and shall not apply to any zoning

1 ordinance text amendments which may have been enacted prior to March 10, 1990. Nothing  
2 contained herein shall be construed to affect any litigation pending prior to July 1, 1990, or any  
3 such litigation nonsuited and thereafter refiled.

4 E. Nothing in this section shall be construed to affect or impair the authority of a  
5 governing body to: ~~1. Accept (i) accept~~ proffered conditions which include provisions for timing  
6 or phasing of dedications, payments, or improvements; or ~~2. Accept (ii) accept~~ or impose valid  
7 conditions pursuant to ~~subsection (e) provision 3 of this section § 15.2-2286, subsection H~~  
8 provision 5 of § 15.1-466 15.2-2242, or other provision of law.

9 F. In addition to the powers granted by the preceding subsections, a zoning ordinance  
10 may include reasonable regulations to implement, in whole or in part, the provisions of §§ 15.2-  
11 2296 through 15.2-2302.

12 **Drafting note: No substantive change in the law; relocated from provisions (a)**  
13 **through (a3) of § 15.1-491 (§ 15.2-2286). Subsection F sets out a portion of the second**  
14 **enactment clause of Chapter 320 of the Acts of Assembly of 1978. The remainder of the**  
15 **enactment clause is located in § 15.2-2296.**

16  
17 § ~~15.1-491.8~~ 15.2-2304. Affordable dwelling unit ordinances in certain counties.

18 In furtherance of the purpose of providing affordable shelter for all residents of the  
19 Commonwealth, the governing bodies of counties where the urban county executive form of  
20 government is in effect, may by amendment to the zoning ordinances of such county provide for  
21 an affordable housing dwelling unit program. ~~Such~~ The program shall address housing needs,  
22 promote a full range of housing choices, and encourage the construction and continued existence  
23 of moderately priced housing by providing for optional increases in density in order to reduce  
24 land costs for such moderately priced housing.

25 Any local ordinance of any other locality providing optional increases in density for  
26 provision of low and moderate income housing adopted before December 31, 1988, shall  
27 continue in full force and effect.

28 **Drafting note: No substantive change in the law.**

29  
30 § ~~15.1-491.9~~ 15.2-2305. Affordable dwelling unit ordinances.

1           A. In furtherance of the purpose of providing affordable shelter for all residents of the  
2 Commonwealth, the governing body of any county, other than a county organized under the  
3 urban county executive form of government, city or town may by amendment to the zoning  
4 ordinances of such ~~county, city or town~~ locality provide for an affordable housing dwelling unit  
5 program. Such program shall address housing needs, promote a full range of housing choices,  
6 and encourage the construction and continued existence of moderately priced housing by  
7 providing for optional increases in density in order to reduce land costs for such moderately  
8 priced housing. Any local ordinance of any locality providing optional increases in density for  
9 provision of low and moderate income housing adopted before December 31, 1988, shall  
10 continue in full force and effect. Any local ordinance may authorize the governing body to (i)  
11 establish qualifying jurisdiction-wide affordable dwelling unit sales prices based on local market  
12 conditions, (ii) establish jurisdiction-wide affordable dwelling unit qualifying income guidelines,  
13 and (iii) offer incentives other than density increases, such as reductions or waiver of permit,  
14 development, and infrastructure fees, as the governing body deems appropriate to encourage the  
15 provision of affordable housing. Counties organized under the urban county executive form of  
16 government shall be governed by the provisions of § ~~15.1-491.8~~ 15.2-2304 for purposes of the  
17 adoption of an affordable dwelling unit ordinance.

18           B. A zoning ordinance establishing an affordable housing dwelling unit program may  
19 include, among other things, reasonable regulations and provisions as to any or all of the  
20 following:

21           1. For a definition of affordable housing and affordable dwelling units.

22           2. For application of the requirements of an affordable housing dwelling unit program to  
23 any site, as defined by the ~~county, city or town~~ locality, or a portion thereof at one location  
24 which is the subject of an application for rezoning or special exception or, at the discretion of the  
25 local governing body, site plan or subdivision plat which yields, as submitted by the applicant,  
26 fifty or more dwelling units at an equivalent density greater than one unit per acre and which is  
27 located within an approved sewer area.

28           3. For an increase of up to twenty percent in the developable density of each site subject  
29 to the ordinance and for a provision requiring up to twelve and one-half percent of the total units  
30 approved, including the optional density increase, to be affordable dwelling units, as defined in  
31 the ordinance. In the event a twenty percent increase is not achieved, the percentage of

1 affordable dwelling units required shall maintain the same ratio of twenty percent to twelve and  
2 one-half percent.

3 4. For increases by up to twenty percent of the density or of the lower and upper end of  
4 the density range set forth in the comprehensive plan of such ~~county, city or town~~ locality  
5 applicable to rezoning and special exception applications that request approval of single family  
6 detached dwelling units or single family attached dwelling units, when such applications are  
7 approved after the effective date of a local affordable housing zoning ordinance amendment.

8 5. For a requirement that not less than twelve and one-half percent of the total number of  
9 dwelling units approved pursuant to a zoning ordinance amendment enacted pursuant to  
10 subdivision B 4 of this section shall be affordable dwelling units, as defined by the local zoning  
11 ordinance unless reduced by the twenty to twelve and one-half percent ratio pursuant to  
12 subdivision B 3 of this section.

13 6. For increases by up to ten percent of the density or of the lower and upper end of the  
14 density range, whichever is appropriate, set forth in the comprehensive plan of such ~~county, city~~  
15 ~~or town~~ locality applicable to rezoning and special exception or, at the discretion of the local  
16 governing body, site plan and subdivision plat applications that request approval of nonelevator  
17 multiple family dwelling unit structures four stories or less in height when such applications are  
18 approved after the effective date of a local affordable housing zoning ordinance. However, at the  
19 option of the applicant, the provision pursuant to subdivision B 4 shall apply.

20 7. For a requirement that not less than six and one-quarter percent of the total number of  
21 dwelling units approved pursuant to a zoning ordinance amendment enacted pursuant to  
22 subdivision B 6 of this section shall be affordable dwelling units, as defined in the local zoning  
23 ordinance. In the event a ten percent increase is not achieved, the percentage of affordable  
24 dwelling units required shall maintain the same ratio of ten percent to six and one-quarter  
25 percent.

26 8. For reasonable regulations requiring the affordable dwelling units to be built and  
27 offered for sale or rental concurrently with the construction and certificate of occupancy of a  
28 reasonable proportion of the market rate units.

29 9. For standards of compliance with the provisions of an affordable housing dwelling unit  
30 program and for the authority of the local governing body or its designee to enforce compliance  
31 with such standards and impose reasonable penalties for noncompliance, provided that a local

1 zoning ordinance provide for an appeal process for any party aggrieved by a decision of the local  
2 governing body.

3 C. Nothing contained in this section shall apply to any elevator structure four stories or  
4 above.

5 D. Any ordinance adopted hereunder shall provide that the local governing body shall  
6 have no more than 280 days in which to process site or subdivision plans proposing the  
7 development or construction of affordable housing or affordable dwelling units under such  
8 ordinance. The calculation of such period of review shall include only the time that plans are in  
9 review by the local governing body and shall not include such time as may be required for  
10 revision or modification in order to comply with lawful requirements set forth in applicable  
11 ordinances and regulations.

12 E. A ~~county, city, or town~~ locality establishing an affordable housing dwelling unit  
13 program in its zoning ordinance shall establish in its general ordinances, adopted in accordance  
14 with the requirements of § ~~15.1-504~~ 15.2-1427 B, reasonable regulations and provisions as to  
15 any or all of the following:

16 1. For administration and regulation by a local housing authority or by the local  
17 governing body or its designee of the sale and rental of affordable units.

18 2. For a local housing authority or local governing body or its designee to have an  
19 exclusive right to purchase up to one-third of the for-sale affordable housing dwelling units  
20 within a development within ninety days of a dwelling unit being completed and ready for  
21 purchase, provided that the remaining two-thirds of such units be offered for sale exclusively for  
22 a ninety-day period to persons who meet the income criteria established by the local housing  
23 authority or local governing body or the latter's designee.

24 3. For a local housing authority or local governing body or its designee to have an  
25 exclusive right to lease up to a specified percentage of the rental affordable dwelling units within  
26 a development within a controlled period determined by the housing authority or local governing  
27 body or its designee, provided that the remaining for-rental affordable dwelling units within a  
28 development be offered to persons who meet the income criteria established by the local housing  
29 authority or local governing body or its designee.

30 4. For the establishment of jurisdiction-wide affordable dwelling unit sales prices by the  
31 local housing authority or local governing body or the latter's designee, initially and adjusted

1 semiannually, based on a determination of all ordinary, necessary and reasonable costs required  
2 to construct the affordable dwelling unit prototype dwellings by private industry after  
3 considering written comment by the public, local housing authority or advisory body to the local  
4 governing body, and other information such as the area's current general market and economic  
5 conditions, provided that sales prices not include the cost of land, on-site sales commissions and  
6 marketing expenses, but may include, among other costs, builder-paid permanent mortgage  
7 placement costs and buy-down fees and closing costs except prepaid expenses required at  
8 settlement.

9           5. For the establishment of jurisdiction-wide affordable dwelling unit rental prices by a  
10 local housing authority or local governing body or its designee, initially and adjusted  
11 semiannually, based on a determination of all ordinary, necessary and reasonable costs required  
12 to construct and market the required number of affordable dwelling rental units by private  
13 industry in the area, after considering written comment by the public, local housing authority, or  
14 advisory body to the local governing body, and other information such as the area's current  
15 general market and economic conditions.

16           6. For a requirement that the prices for resales and rerentals be controlled by the local  
17 housing authority or local governing body or designee for a period of fifty years after the initial  
18 sale or rental transaction for each affordable dwelling unit, provided that the ordinance further  
19 provide for reasonable rules and regulations to implement a price control provision.

20           7. For establishment of an affordable dwelling unit advisory board which shall, among  
21 other things, advise the jurisdiction on sales and rental prices of affordable dwelling units; advise  
22 the housing authority or local governing body or its designees on requests for modifications of  
23 the requirements of an affordable dwelling unit program; adopt regulations concerning its  
24 recommendations of sales and rental prices of affordable dwelling units; and adopt procedures  
25 concerning requests for modifications of an affordable housing dwelling unit program. Members  
26 of the board, to be ten in number and to be appointed by the governing body, shall be qualified as  
27 follows: two members shall be either civil engineers or architects, each of whom shall be  
28 registered or certified with the relevant agency of the Commonwealth, or planners, all of whom  
29 shall have extensive experience in practice in the ~~county, city, or town~~ locality; one member  
30 shall be a real estate salesperson or broker, licensed in accordance with Chapter 21 (§ 54.1- 2100  
31 et seq.) of Title 54.1; one member shall be a representative of a lending institution which

1 finances residential development in the ~~county, city, or town~~ locality; four members shall consist  
2 of a representative from a local housing authority or local governing body or its designee, a  
3 residential builder with extensive experience in producing single-family detached and attached  
4 dwelling units, a residential builder with extensive experience in producing multiple-family  
5 dwelling units, and a representative from either the public works or planning department of the  
6 ~~county, city, or town~~ locality; one member may be a representative of a nonprofit housing  
7 organization which provides services in the ~~county, city, or town~~ locality; and one citizen of the  
8 ~~county, city, or town~~ locality. At least four members of the advisory board shall be employed in  
9 the ~~county, city, or town~~ locality.

10 8. The sales and rental price for affordable dwelling units within a development shall be  
11 established such that the owner/applicant shall not suffer economic loss as a result of providing  
12 the required affordable dwelling units. "Economic loss" for sales units means that result when  
13 the owner or applicant of a development fails to recoup the cost of construction and certain  
14 allowances as may be determined by the designee of the governing body for the affordable  
15 dwelling units, exclusive of the cost of land acquisition and cost voluntarily incurred but not  
16 authorized by the ordinance, upon the sale of an affordable dwelling unit.

17 **Drafting note: No substantive change in the law.**

18  
19 § ~~15.1-503.2~~ 15.2-2306. Preservation of historical sites and architectural areas ~~in counties~~  
20 ~~and municipalities~~.

21 A. 1. ~~The governing body of any county or municipality~~ Any locality may adopt an  
22 ordinance setting forth the historic landmarks within the ~~county or municipality~~ locality as  
23 established by the Virginia Board of Historic Resources, and any other buildings or structures  
24 within the ~~county or municipality~~ locality having an important historic, architectural,  
25 archaeological or cultural interest, any historic areas within the ~~county or municipality~~ locality as  
26 defined by § ~~15.1-430 (b)~~ 15.2-2201, and areas of unique architectural value located within  
27 designated conservation, rehabilitation or redevelopment districts, amending the existing zoning  
28 ordinance and delineating one or more historic districts, adjacent to such landmarks, buildings  
29 and structures, or encompassing such areas, or encompassing parcels of land contiguous to  
30 arterial streets or highways (as designated pursuant to Title 33.1, including § 33.1-41.1 of that  
31 title) found by the governing body to be significant routes of tourist access to the ~~county or~~

1 ~~municipality~~ locality or to designated historic landmarks, buildings, structures or districts therein  
2 or in a contiguous ~~county or municipality~~ locality. ~~Such~~ An amendment of the zoning ordinance  
3 and the establishment of ~~such a~~ a district or districts shall be in accordance with the provisions of  
4 Article 8 7 (§ ~~15.1-486~~ 15.2-2280 et seq.) of this chapter. The governing body may provide for a  
5 review board to administer ~~such the~~ the ordinance. ~~Such~~ The ordinance may include a provision that  
6 no building or structure, including signs, shall be erected, reconstructed, altered or restored  
7 within any such district unless ~~the same is~~ approved by the review board or, on appeal, by the  
8 governing body of ~~such county or municipality~~ the locality as being architecturally compatible  
9 with the historic landmarks, buildings or structures therein.

10         2. Subject to the provisions of subdivision 3 ~~hereof~~ of this subsection the governing body  
11 may provide in ~~such the~~ the ordinance that no historic landmark, building or structure within any  
12 ~~such~~ district shall be razed, demolished or moved until the razing, demolition or moving thereof  
13 is approved by the review board, or, on appeal, by the governing body after consultation with  
14 ~~such the~~ the review board.

15         3. The governing body shall provide by ordinance for appeals to the circuit court for such  
16 ~~county or municipality~~ locality from any final decision of the governing body pursuant to  
17 subdivisions 1 and 2 ~~hereof~~ of this subsection and shall specify therein the parties entitled to  
18 appeal ~~such the~~ the decisions, which ~~such~~ parties shall have the right to appeal to the circuit court for  
19 review by filing a petition at law, setting forth the alleged illegality of the action of the governing  
20 body, provided ~~such the~~ the petition is filed within thirty days after the final decision is rendered by  
21 the governing body. The filing of the ~~said~~ petition shall stay the decision of the governing body  
22 pending the outcome of the appeal to the court, except that the filing of ~~such the~~ the petition shall not  
23 stay the decision of the governing body if ~~such the~~ the decision denies the right to raze or demolish a  
24 historic landmark, building or structure. The court may reverse or modify the decision of the  
25 governing body, in whole or in part, if it finds upon review that the decision of the governing  
26 body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it  
27 may affirm the decision of the governing body.

28         In addition to the right of appeal hereinabove set forth, the owner of a historic landmark,  
29 building or structure, the razing or demolition of which is subject to the provisions of subdivision  
30 2 ~~hereof~~ of this subsection, shall, as a matter of right, be entitled to raze or demolish such  
31 landmark, building or structure provided that: ~~(1) He~~ (i) he has applied to the governing body for



1 such right, ~~(2)~~ (ii) the owner has for the period of time set forth in the same schedule hereinafter  
2 contained and at a price reasonably related to its fair market value, made a bona fide offer to sell  
3 ~~such~~ the landmark, building or structure, and the land pertaining thereto, to ~~such county or~~  
4 ~~municipality~~ the locality or to any person, firm, corporation, government or agency thereof, or  
5 political subdivision or agency thereof, which gives reasonable assurance that it is willing to  
6 preserve and restore the landmark, building or structure and the land pertaining thereto, and ~~(3)~~  
7 ~~that~~ (iii) no bona fide contract, binding upon all parties thereto, shall have been executed for the  
8 sale of any such landmark, building or structure, and the land pertaining thereto, prior to the  
9 expiration of the applicable time period set forth in the time schedule hereinafter contained. Any  
10 appeal which may be taken to the court from the decision of the governing body, whether  
11 instituted by the owner or by any other proper party, notwithstanding the provisions heretofore  
12 stated relating to a stay of the decision appealed from shall not affect the right of the owner to  
13 make the bona fide offer to sell referred to above. No offer to sell shall be made more than one  
14 year after a final decision by the governing body, but thereafter the owner may renew his request  
15 to the governing body to approve the razing or demolition of the historic landmark, building or  
16 structure. The time schedule for offers to sell shall be as follows: three months when the  
17 offering price is less than \$25,000; four months when the offering price is \$25,000 or more but  
18 less than \$40,000; five months when the offering price is \$40,000 or more but less than \$55,000;  
19 six months when the offering price is \$55,000 or more but less than \$75,000; seven months when  
20 the offering price is \$75,000 or more but less than \$90,000; and twelve months when the offering  
21 price is \$90,000 or more.

22 4. The governing body is authorized to acquire in any legal manner any historic area,  
23 landmark, building or structure, land pertaining thereto, or any estate or interest therein which, in  
24 the opinion of the governing body should be acquired, preserved and maintained for the use,  
25 observation, education, pleasure and welfare of the people; provide for their renovation,  
26 preservation, maintenance, management and control as places of historic interest by a department  
27 of the ~~county or municipal government~~ locality or by a board, commission or agency specially  
28 established by ordinance for the purpose; charge or authorize the charging of compensation for  
29 the use thereof or admission thereto; lease, subject to such regulations as may be established by  
30 ordinance, any such area, property, lands or estate or interest therein so acquired upon the  
31 condition that the historic character of the area, landmark, building, structure or land shall be

1 preserved and maintained; or to enter into contracts with any person, firm or corporation for the  
2 management, preservation, maintenance or operation of any such area, landmark, building,  
3 structure, land pertaining thereto or interest therein so acquired as a place of historic interest;  
4 however, the ~~county or municipal government~~ locality shall not use the right of condemnation  
5 under this subsection unless the historic value of such area, landmark, building, structure, land  
6 pertaining thereto, or estate or interest therein is about to be destroyed.

7 B. Notwithstanding any contrary provision of law, general or special, in the City of  
8 Portsmouth no approval of any governmental agency or review board shall be required for the  
9 construction of a ramp to serve the handicapped at any structure designated pursuant to the  
10 provisions of this section.

11 **Drafting note: No substantive change in the law. This section is moved from Article**  
12 **9.**

13  
14 § ~~15.1-492~~ 15.2-2307. Vested rights not impaired; nonconforming uses.

15 Nothing in this article shall be construed to authorize the impairment of any vested right,  
16 except that a zoning ordinance may provide that land, buildings, and structures and the uses  
17 thereof which do not conform to the zoning prescribed for the district in which they are situated  
18 may be continued only so long as the then existing or a more restricted use continues and such  
19 use is not discontinued for more than two years, and so long as the buildings or structures are  
20 maintained in their then structural condition; and that the uses of such buildings or structures  
21 shall conform to such regulations whenever they are enlarged, extended, reconstructed or  
22 structurally altered and may further provide that no "~~nonconforming~~" nonconforming building or  
23 structure may be moved on the same lot or to any other lot which is not properly zoned to permit  
24 such "~~nonconforming~~" nonconforming use.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-494~~ 15.2-2308. Boards of zoning appeals to be created; membership, organization,  
28 etc.

29 ~~In and for any county or municipality~~ Every locality which has enacted or enacts a zoning  
30 ordinance pursuant to this chapter or prior enabling laws, ~~there shall be created~~ shall establish a  
31 board of zoning appeals, which shall consist of ~~no more than seven and no less than five~~ either

1 ~~five or seven~~ residents of the ~~county or municipality~~ but shall always be an odd number locality,  
2 appointed by the circuit court ~~of~~ for the ~~county or city~~ locality. Their terms of office shall be for  
3 five years each except that original appointments shall be made for such terms that the term of  
4 one member shall expire each year. The secretary of the board shall notify the court at least  
5 thirty days in advance of the expiration of any term of office, and shall also notify the court  
6 promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired  
7 portion of the term. Members may be reappointed to succeed themselves. Members of the board  
8 shall hold no other public office in the ~~county or municipality~~ locality except that one may be a  
9 member of the local planning commission. A member whose term expires shall continue to serve  
10 until his successor is appointed and qualifies. There shall also be appointed by the circuit court  
11 ~~of~~ for a ~~municipality~~ city having a population of more than 140,000 but less than 170,000 or  
12 more than 390,000 but less than 395,000 not less than one nor more than three alternates to the  
13 board of zoning appeals, whose qualifications, terms and compensation shall be the same as  
14 those of regular members. A regular member when he knows he will be absent from a meeting  
15 shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall  
16 select an alternate to serve in the absent member's place and the records of the board shall so  
17 note.

18 ~~Counties and municipalities~~ Localities may, by ordinances enacted in each jurisdiction,  
19 create a joint board of zoning appeals, which shall consist of two members appointed from  
20 among the residents of each participating jurisdiction by the circuit court ~~of~~ for each county or  
21 city, plus one member from the area at large to be appointed by the circuit court or jointly by  
22 such courts if more than one, having jurisdiction in the area. The term of office of each member  
23 shall be five years except that of the two members first appointed from each jurisdiction, the  
24 term of one shall be for two years and of the other, four years. Vacancies shall be filled for the  
25 unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other  
26 provisions of this article.

27 With the exception of its secretary and the alternates, the board shall elect from its own  
28 membership its officers, who shall serve annual terms as such and may succeed themselves. The  
29 board may elect as its secretary either one of its members or a qualified individual who is not a  
30 member of the board, excluding the alternate members. A secretary who is not a member of the  
31 board shall not be entitled to vote on matters before the board. For the conduct of any hearing

1 and the taking of any action, a quorum shall be not less than a majority of all the members of the  
2 board. The board may make, alter and rescind rules and forms for its procedures, consistent with  
3 ordinances of the ~~county or municipality~~ locality and general laws of the Commonwealth. The  
4 board shall keep a full public record of its proceedings and shall submit a report of its activities  
5 to the governing body or bodies at least once each year.

6 Within the limits of funds appropriated by the governing body, the board may employ or  
7 contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical  
8 services. Members of the board may receive such compensation as may be authorized by the  
9 respective governing bodies. Any board member or alternate may be removed for malfeasance,  
10 misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him,  
11 after a hearing held after at least fifteen days' notice.

12 **Drafting note: No substantive change in the law.**

13  
14 § ~~15.1-495~~ 15.2-2309. Powers and duties of board of zoning appeals.

15 Boards of zoning appeals shall have the following powers and duties:

16 1. To hear and decide appeals from any order, requirement, decision or determination  
17 made by an administrative officer in the administration or enforcement of this article or of any  
18 ordinance adopted pursuant thereto.

19 2. To authorize upon appeal or original application in specific cases such variance as  
20 defined in § ~~15.1-430 (p)~~ 15.2-2201 from the terms of the ordinance as will not be contrary to the  
21 public interest, when, owing to special conditions a literal enforcement of the provisions will  
22 result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and  
23 substantial justice done, as follows:

24 When a property owner can show that his property was acquired in good faith and where  
25 by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of  
26 property at the time of the effective date of the ordinance, or where by reason of exceptional  
27 topographic conditions or other extraordinary situation or condition of ~~such~~ the piece of property,  
28 or of the condition, situation, or development of property immediately adjacent thereto, the strict  
29 application of the terms of the ordinance would effectively prohibit or unreasonably restrict the  
30 utilization of the property or where the board is satisfied, upon the evidence heard by it, that the  
31 granting of ~~such~~ the variance will alleviate a clearly demonstrable hardship approaching

1 confiscation, as distinguished from a special privilege or convenience sought by the applicant,  
2 provided that all variances shall be in harmony with the intended spirit and purpose of the  
3 ordinance.

4 No such variance shall be authorized by the board unless it finds:

5 a. That the strict application of the ordinance would produce undue hardship.

6 b. That ~~such~~ the hardship is not shared generally by other properties in the same zoning  
7 district and the same vicinity.

8 c. That the authorization of ~~such~~ the variance will not be of substantial detriment to  
9 adjacent property and that the character of the district will not be changed by the granting of the  
10 variance.

11 No ~~such~~ variance shall be authorized except after notice and hearing as required by §  
12 ~~15.1-431~~ 15.2-2204. However, when giving any required notice to the owners, their agents or the  
13 occupants of abutting property and property immediately across the street or road from the  
14 property affected, the board may give such notice by first-class mail rather than by registered or  
15 certified mail.

16 No variance shall be authorized unless the board finds that the condition or situation of  
17 the property concerned is not of so general or recurring a nature as to make reasonably  
18 practicable the formulation of a general regulation to be adopted as an amendment to the  
19 ordinance.

20 In authorizing a variance the board may impose such conditions regarding the location,  
21 character and other features of the proposed structure or use as it may deem necessary in the  
22 public interest, and may require a guarantee or bond to ensure that the conditions imposed are  
23 being and will continue to be complied with.

24 3. To hear and decide appeals from the decision of the zoning administrator:

25 ~~No such appeal shall be heard except~~ after notice and hearing as provided by § ~~15.1-431~~  
26 15.2-2204. However, when giving any required notice to the owners, their agents or the  
27 occupants of abutting property and property immediately across the street or road from the  
28 property affected, the board may give such notice by first-class mail rather than by registered or  
29 certified mail.

30 4. To hear and decide applications for interpretation of the district map where there is any  
31 uncertainty as to the location of a district boundary. After notice to the owners of the property

1 affected by ~~any such~~ the question, and after public hearing with notice as required by § ~~15.1-431~~  
2 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of  
3 the ordinance for the particular section or district in question. However, when giving any  
4 required notice to the owners, their agents or the occupants of abutting property and property  
5 immediately across the street or road from the property affected, the board may give such notice  
6 by first-class mail rather than by registered or certified mail. The board shall not have the power  
7 to change substantially the locations of district boundaries as established by ordinance.

8 5. No provision of this section shall be construed as granting any board the power to  
9 rezone property.

10 6. To hear and decide applications for special exceptions as may be authorized in the  
11 ordinance. The board may impose such conditions relating to the use for which a permit is  
12 granted as it may deem necessary in the public interest, including limiting the duration of a  
13 permit, and may require a guarantee or bond to ensure that the conditions imposed are being and  
14 will continue to be complied with.

15 No special exception may be granted except after notice and hearing as provided by §  
16 ~~15.1-431~~ 15.2-2204. However, when giving any required notice to the owners, their agents or the  
17 occupants of abutting property and property immediately across the street or road from the  
18 property affected, the board may give such notice by first-class mail rather than by registered or  
19 certified mail.

20 7. To revoke a special exception if the board determines that there has not been  
21 compliance with the terms or conditions of the permit. No special exception may be revoked  
22 except after notice and hearing as provided by § ~~15.1-431~~ 15.2-2204. However, when giving any  
23 required notice to the owners, their agents or the occupants of abutting property and property  
24 immediately across the street or road from the property affected, the board may give such notice  
25 by first-class mail rather than by registered or certified mail.

26 **Drafting note: No substantive change in the law.**

27  
28 § ~~15.1-496~~ 15.2-2310. Applications for special exceptions and variances.

29 Applications for special exceptions and variances may be made by any property owner,  
30 tenant, government official, department, board or bureau. ~~Such application~~ Applications shall be  
31 made to the zoning administrator in accordance with rules adopted by the board. The application

1 and accompanying maps, plans or other information shall be transmitted promptly to the  
2 secretary of the board who shall place the matter on the docket to be acted upon by the board.  
3 No ~~such~~ special exceptions or variances shall be authorized except after notice and hearing as  
4 required by § ~~15.1-434~~ 15.2-2204. The zoning administrator shall also transmit a copy of the  
5 application to the local planning commission which may send a recommendation to the board or  
6 appear as a party at the hearing. ~~The governing body of any county, city or town~~ Any locality  
7 may provide by ordinance that substantially the same application will not be considered by the  
8 board within a specified period, not exceeding one year.

9 **Drafting note: No substantive change in the law.**

10  
11 § ~~15.1-496.1~~ 15.2-2311. Appeals to board.

12 A. An appeal to the board may be taken by any person aggrieved or by any officer,  
13 department, board or bureau of the ~~county or municipality~~ locality affected by any decision of  
14 the zoning administrator or from any order, requirement, decision or determination made by any  
15 other administrative officer in the administration or enforcement of this article or any ordinance  
16 adopted pursuant thereto. Notwithstanding any charter provision to the contrary, any written  
17 notice of a zoning violation or a written order of the zoning administrator dated on or after July  
18 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the  
19 notice of a zoning violation or a written order within thirty days in accordance with this section,  
20 and that the decision shall be final and unappealable if not appealed within thirty days. The  
21 appeal period shall not commence until ~~such~~ the statement is given. ~~Such~~ The appeal shall be  
22 taken within thirty days after the decision appealed from by filing with the zoning administrator,  
23 and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator  
24 shall forthwith transmit to the board all the papers constituting the record upon which the action  
25 appealed from was taken.

26 B. An appeal shall stay all proceedings in furtherance of the action appealed from unless  
27 the zoning administrator certifies to the board that by reason of facts stated in the certificate a  
28 stay would in his opinion cause imminent peril to life or property, in which case proceedings  
29 shall not be stayed otherwise than by a restraining order granted by the board or by a court of  
30 record, on application and on notice to the zoning administrator and for good cause shown.

1 C. In no event shall a written order, requirement, decision or determination made by the  
2 zoning administrator or other administrative officer be subject to change, modification or  
3 reversal by any zoning administrator or other administrative officer after sixty days have elapsed  
4 from the date of the written order, requirement, decision or determination where the person  
5 aggrieved has materially changed his position in good faith reliance on the action of the zoning  
6 administrator or other administrative officer unless it is proven that such written order,  
7 requirement, decision or determination was obtained through malfeasance of the zoning  
8 administrator or other administrative officer or through fraud. The sixty-day limitation period  
9 shall not apply in any case where, with the concurrence of the attorney for the governing body,  
10 modification is required to correct clerical or other nondiscretionary errors.

11 **Drafting note: No substantive change in the law.**

12  
13 § ~~15.1-496.2~~ 15.2-2312. Procedure on appeal.

14 The board shall fix a reasonable time for the hearing of an application or appeal, give  
15 public notice thereof as well as due notice to the parties in interest and ~~decide the same~~ make its  
16 decision within ninety days of the filing of the application or appeal. In exercising its powers the  
17 board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or  
18 determination appealed from. The concurring vote of a majority of the membership of the board  
19 shall be necessary to reverse any order, requirement, decision or determination of an  
20 administrative officer or to decide in favor of the applicant on any matter upon which it is  
21 required to pass under the ordinance or to effect any variance from the ordinance. The board  
22 shall keep minutes of its proceedings and other official actions which shall be filed in the office  
23 of the board and shall be public records. The chairman of the board, or in his absence the acting  
24 chairman, may administer oaths and compel the attendance of witnesses.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-496.3~~ 15.2-2313. Proceedings to prevent construction of building in violation of  
28 zoning ordinance.

29 Where a building permit has been issued and the construction of the building for which  
30 ~~such~~ the permit was issued is subsequently sought to be prevented, restrained, corrected or  
31 abated as a violation of the zoning ordinance, by suit filed within fifteen days after the start of



1 construction by a person who had no actual notice of the issuance of the permit, the court may  
2 hear and determine the issues raised in the litigation even though no appeal was taken from the  
3 decision of the administrative officer to the board of zoning appeals.

4 ~~The 1975 amendments to §§ 15.1-495 and 15.1-496 shall not be taken into consideration~~  
5 ~~nor be interpreted to have any effect on any litigation instituted prior to January 21, 1975.~~

6 **Drafting note: No substantive change in the law. The last sentence is deleted as it is**  
7 **no longer needed.**

8  
9 § ~~15.1-497~~ 15.2-2314. Certiorari to review decision of board.

10 Any person or persons jointly or severally aggrieved by any decision of the board of  
11 zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the  
12 ~~county or municipality~~ locality, may present to the circuit court ~~of~~ for the county or city a  
13 petition specifying the grounds on which aggrieved within thirty days after the filing of the  
14 decision in the office of the board.

15 Upon the presentation of such petition, the court shall allow a writ of certiorari to review  
16 the decision of the board of zoning appeals and shall prescribe therein the time within which a  
17 return thereto must be made and served upon the relator's attorney, which shall not be less than  
18 ten days and may be extended by the court. The allowance of the writ shall not stay proceedings  
19 upon the decision appealed from, but the court may, on application, on notice to the board and on  
20 due cause shown, grant a restraining order.

21 The board of zoning appeals shall not be required to return the original papers acted upon  
22 by it but it shall be sufficient to return certified or sworn copies thereof or of ~~such~~ the portions  
23 thereof as may be called for by ~~such~~ the writ. The return shall concisely set forth such other facts  
24 as may be pertinent and material to show the grounds of the decision appealed from and shall be  
25 verified.

26 If, upon the hearing, it shall appear to the court that testimony is necessary for the proper  
27 disposition of the matter, it may take evidence or appoint a commissioner to take ~~such~~ evidence  
28 as it may direct and report the ~~same~~ evidence to the court with his findings of fact and  
29 conclusions of law, which shall constitute a part of the proceedings upon which the  
30 determination of the court shall be made. The court may reverse or affirm, wholly or partly, or  
31 may modify the decision brought up for review.

1 Costs shall not be allowed against the board, unless it shall appear to the court that it  
2 acted in bad faith or with malice in making the decision appealed from. In the event the decision  
3 of the board is affirmed and the court finds that the appeal was frivolous, the court may order the  
4 person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in  
5 making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn  
6 subsequent to the filing of the return, the board may request that the court hear the matter on the  
7 question of whether the appeal was frivolous.

8 **Drafting note: No substantive change in the law.**

9  
10 § ~~15.1-498~~ 15.2-2315. Conflict with statutes, local ordinances or regulations.

11 Whenever the regulations made under authority of this article require a greater width or  
12 size of yards, courts or other open spaces, require a lower height of building or less number of  
13 stories, require a greater percentage of lot to be left unoccupied or impose other higher standards  
14 than are required in any other statute or local ordinance or regulation, the provisions of the  
15 regulations made under authority of this article shall govern. Whenever the provisions of any  
16 other statute or local ordinance or regulation require a greater width or size of yards, courts or  
17 other open spaces, require a lower height of building or a less number of stories, require a greater  
18 percentage of lot to be left unoccupied or impose other higher standards than are required by the  
19 regulations made under authority of this article, the provisions of such statute or local ordinance  
20 or regulation shall govern.

21 **Drafting note: No change.**

22  
23 § ~~15.1-503~~ 15.2-2316. Validation of zoning ordinances prior to 1971.

24 All proceedings had in the preparation, certification and adoption of zoning ordinances  
25 by every ~~county, city and town~~ locality prior to January 1, 1971, which shall have been in  
26 substantial compliance with the provisions of this chapter are validated and confirmed, and all  
27 such zoning ordinances adopted or attempted to be adopted pursuant to the provisions of this  
28 chapter are declared to be validly adopted and enacted, notwithstanding any defects or  
29 irregularities in the adoption thereof.

30 **Drafting note: No substantive change in the law. This section is relocated from**  
31 **Article 9.**

1  
2 Article 8.4 §.  
3 Road Impact Fees.  
4

5 § ~~15.1-498.1~~ 15.2-2317. Applicability of article.

6 This article shall apply to (i) any county having a population of 500,000 or more as  
7 determined by the most recent U.S. Census, (ii) any county or city adjacent thereto, (iii) any city  
8 contiguous to such adjacent county or city; and (iv) any town within such county or an adjacent  
9 county.

10 **Drafting note: No substantive change in the law.**

11  
12 § 15.2-2318. Definitions.

13 As used in this article, unless the context requires a different meaning:

14 "Cost" includes, in addition to all labor, materials, machinery and equipment for  
15 construction, (i) acquisition of land, rights-of-way, property rights, easements and interests,  
16 including the costs of moving or relocating utilities, (ii) demolition or removal of any structure  
17 on land so acquired, including acquisition of land to which such structure may be moved, (iii)  
18 survey, engineering, and architectural expenses, (iv) legal, administrative, and other related  
19 expenses, and (v) interest charges and other financing costs if impact fees are used for the  
20 payment of principal and interest on bonds, notes or other obligations issued by the locality to  
21 finance the road improvement.

22 "Impact fee" means a charge or assessment imposed against new development in order to  
23 generate revenue to fund or recover the costs of reasonable road improvements necessitated by  
24 and attributable to the new development. Impact fees may not be assessed and imposed for road  
25 repair, operation and maintenance, nor to expand existing roads to meet demand which existed  
26 prior to the new development.

27 "Impact fee service area" means land designated by ordinance within a locality, having  
28 clearly defined boundaries and clearly related traffic needs and within which development is to  
29 be subject to the assessment of impact fees.

30 "Road improvement" includes construction of new roads or improvement or expansion of  
31 existing roads as required by applicable construction standards of the Virginia Department of

1 Transportation to meet increased demand attributable to new development. Road improvements  
2 do not include on-site construction of roads which a developer may be required to provide  
3 pursuant to §§ 15.2-2241 through 15.2-2245.

4 **Drafting note: This section is moved from § 15.1-498.2 with no change.**

5  
6 § ~~15.1-498.2~~ 15.2-2319. Authority to assess and impose impact fees.

7 Any ~~such county, city or town~~ applicable locality may, by ordinance pursuant to the  
8 procedures and requirements of this article, assess and impose impact fees on new development  
9 to pay all or a part of the cost of reasonable road improvements attributable in substantial part to  
10 ~~such the new~~ the new development.

11 Prior to the adoption of ~~such the~~ the ordinance, ~~any such county, city or town~~ a locality shall  
12 establish an impact fee advisory committee. ~~Such~~ The committee shall be composed of not less  
13 than five nor more than ten members appointed by the governing body of the locality and at least  
14 forty percent of the membership shall be representatives from the development, building or real  
15 estate industries. The planning commission or other existing committee that meets the  
16 membership requirements may serve as the impact fee advisory committee. The committee shall  
17 serve in an advisory capacity to assist and advise the governing body of the locality with regard  
18 to ~~such the~~ the ordinance. No action of the committee shall be considered a necessary prerequisite  
19 for any action taken by the locality in regard to the adoption of ~~such an~~ an ordinance.

20 "~~Cost~~" ~~includes, in addition to all labor, materials, machinery and equipment for~~  
21 ~~construction, (i) acquisition of land, rights of way, property rights, easements and interests,~~  
22 ~~including the costs of moving or relocating utilities, (ii) demolition or removal of any structure~~  
23 ~~on land so acquired, including acquisition of land to which such structure may be moved, (iii)~~  
24 ~~survey, engineering, and architectural expenses, (iv) legal, administrative, and other related~~  
25 ~~expenses, and (v) interest charges and other financing costs if impact fees are used for the~~  
26 ~~payment of principal and interest on bonds, notes or other obligations issued by the county, city~~  
27 ~~or town to finance the road improvement.~~

28 "~~Impact fee~~" ~~means a charge or assessment imposed against new development in order to~~  
29 ~~generate revenue to fund or recover the costs of reasonable road improvements necessitated by~~  
30 ~~and attributable to such new development. Impact fees may not be assessed and imposed for~~

1 road repair, operation and maintenance, nor to expand existing roads to meet demand which  
2 existed prior to the new development.

3 ~~"Impact fee service area" means land designated by ordinance within a county, city or~~  
4 ~~town, having clearly defined boundaries and clearly related traffic needs and within which~~  
5 ~~development is to be subject to the assessment of impact fees.~~

6 ~~"Road improvement" includes construction of new roads or improvement or expansion of~~  
7 ~~existing roads as required by applicable construction standards of the Virginia Department of~~  
8 ~~Transportation to meet increased demand attributable to new development. Road improvements~~  
9 ~~do not include on site construction of roads which a developer may be required to provide~~  
10 ~~pursuant to § 15.1-466.~~

11 **Drafting note: No substantive change in the law; the last four paragraphs are**  
12 **moved to § 15.2-2318.**

13

14 § ~~15.1-498.3~~ 15.2-2320. Impact fee service areas to be established.

15 The ~~county, city or town~~ locality shall delineate one or more impact fee service areas  
16 within its jurisdiction. Impact fees collected from new development within an impact fee service  
17 area shall be expended for road improvements within that impact fee service area. An impact fee  
18 service area may encompass more than one road improvement project.

19 **Drafting note: No substantive change in the law.**

20

21 § ~~15.1-498.4~~ 15.2-2321. Adoption of road improvements program.

22 Prior to adopting a system of impact fees, the ~~county, city or town~~ locality shall conduct  
23 an assessment of road improvement needs within an impact fee service area and in the ~~county,~~  
24 ~~city or town~~ locality and shall adopt a road improvements plan for the area showing the new  
25 roads proposed to be constructed and the existing roads to be improved or expanded and the  
26 schedule for undertaking such construction, improvement or expansion. The road improvements  
27 plan shall be adopted as an amendment to the required comprehensive plan and shall be  
28 incorporated into the capital improvements program or, in the case of the counties where  
29 applicable, the six-year plan for secondary road construction pursuant to § 33.1-70.01.

30 The ~~county, city or town~~ locality shall adopt the road improvements plan after holding a  
31 duly advertised public hearing. The public hearing notice shall identify the impact fee service

1 area or areas to be designated, and shall include a summary of the needs assessment and the  
2 assumptions upon which the assessment is based, the proposed amount of the impact fee, and  
3 information as to how a copy of the complete study may be examined. A copy of the complete  
4 study shall be available for public inspection and copying at reasonable times prior to the public  
5 hearing.

6 The ~~county, city or town~~ locality at a minimum shall include the following items in  
7 assessing road improvement needs and preparing a road improvements plan:

8 1. An analysis of the existing capacity, current usage and existing commitments to future  
9 usage of existing roads, as indicated by (i) current valid building permits outstanding, (ii)  
10 approved conditional rezonings, special exceptions, and special use permits, and (iii) approved  
11 site plans and subdivision plats. If the current usage and commitments exceed the existing  
12 capacity of ~~such~~ the roads, the locality also shall determine the costs of improving ~~such~~ the roads  
13 to meet ~~such~~ the demand. The analysis shall include a plan to fund the current usages and  
14 commitments that exceed the existing capacity of ~~such~~ the roads.

15 2. The projected need for and costs of construction of new roads or improvement or  
16 expansion of existing roads attributable in whole or in part to projected new development. Road  
17 improvement needs shall be projected for the impact fee service area when fully developed in  
18 accord with the comprehensive plan and, if full development is projected to occur more than ten  
19 years in the future, at the end of a ten-year period. The assumptions with regard to land uses,  
20 densities, intensities, and population upon which road improvement projections are based shall  
21 be presented.

22 3. The total number of new service units projected for the impact fee service area when  
23 fully developed and, if full development is projected to occur more than ten years in the future, at  
24 the end of a ten-year period. A "service unit" is a standardized measure of traffic use or  
25 generation. The locality shall develop a table or method for attributing service units to various  
26 types of development and land use, including but not limited to residential, commercial and  
27 industrial uses. The table shall be based upon the ITE manual (published by the Institute of  
28 Transportation Engineers) or locally conducted trip generation studies.

29 **Drafting note: No substantive change in the law.**

30  
31 § ~~15.1-498.5~~ 15.2-2322. Adoption of impact fee and schedule.

1 After adoption of a road improvement program, the ~~county, city or town~~ locality may  
2 adopt an ordinance establishing a system of impact fees to fund or recapture all or any part of the  
3 cost of providing reasonable road improvements required by new development. The ordinance  
4 shall set forth the schedule of impact fees.

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-498.6~~ 15.2-2323. When impact fees assessed and imposed.

8 The amount of impact fees to be imposed on a specific development or subdivision shall  
9 be determined before or at the time the site plan or subdivision is approved. The ordinance shall  
10 specify that the fee is to be collected at the time of the issuance of a certificate of occupancy.  
11 The ordinance shall provide that fees (i) may be paid in lump sum or (ii) be paid on installment  
12 at a reasonable rate of interest for a fixed number of years. The ~~county, city or town~~ locality by  
13 ordinance may provide for negotiated agreements with the owner of the property as to the time  
14 and method of paying the impact fees.

15 The maximum impact fee to be imposed shall be determined (i) by dividing ~~(i)~~ projected  
16 road improvement costs in the service area when fully developed by the number of projected  
17 service units when fully developed, or (ii) for a reasonable period of time, but not less than ten  
18 years, by dividing the projected costs necessitated by development in the next ten years by the  
19 service units projected to be created in the next ten years.

20 The ordinance shall provide for appeals from administrative determinations, regarding  
21 the impact fees to be imposed, to the governing body or such other body as designated in the  
22 ordinance. The ordinance may provide for the resolution of disputes over an impact fee by  
23 arbitration or otherwise.

24 No impact fees shall be assessed or imposed upon a development or subdivision if the  
25 subdivider or developer has proffered conditions pursuant to §§ ~~15.1-491 (a) or § 15.1-491.2:1~~  
26 15.2-2298 or 15.2-2303 for off-site road improvements and ~~such~~ the proffered conditions have  
27 been accepted by the local government.

28 **Drafting note: No substantive change in the law.**

29  
30 § ~~15.1-498.7~~ 15.2-2324. Credits against impact fee.

1 The value of any dedication, contribution or construction from the developer for off-site  
2 road improvements within the impact fee service area shall be treated as a credit against the  
3 impact fees imposed on the developer's project. The ~~local governing body~~ locality may by  
4 ordinance provide for credits for approved on-site improvements in excess of those required by  
5 the development.

6 The locality also shall calculate and credit against impact fees ~~(i)~~ the extent to which (i)  
7 developments have already contributed to the cost of existing roads which will serve the  
8 development, ~~(ii) the extent to which the~~ new development will contribute to the cost of existing  
9 roads, and ~~(iii) the extent to which~~ new development will contribute to the cost of road  
10 improvements in the future other than through impact fees.

11 **Drafting note: No substantive change in the law.**

12  
13 § ~~15.1-498.8~~ 15.2-2325. Updating plan and amending impact fee.

14 The ~~county, city or town~~ locality shall update the needs assessment and the assumptions  
15 and projections at least once every two years. The road improvement plan shall be updated at  
16 least every two years to reflect current assumptions and projections. The impact fee schedule  
17 may be amended to reflect any substantial changes in such assumptions and projections.

18 **Drafting note: No substantive change in the law.**

19  
20 § ~~15.1-498.9~~ 15.2-2326. Use of proceeds.

21 A separate road improvement account shall be established for the impact fee service area  
22 and all funds collected through impact fees shall be deposited in ~~such~~ the interest-bearing  
23 account. Interest earned on deposits shall become funds of the account. The expenditure of  
24 funds from the account shall be only for road improvements within the impact fee service area as  
25 set out in the road improvement plan for the impact fee service area.

26 **Drafting note: No substantive change in the law.**

27  
28 § ~~15.1-498.10~~ 15.2-2327. Refund of impact fees.

29 The ~~county, city or town~~ locality shall refund any impact fee or portion thereof for which  
30 construction of a project is not completed within a reasonable period of time, not to exceed  
31 fifteen years.





1 criminal sanctions, and except for any violation resulting in injury to persons, such designation  
2 shall preclude the prosecution of a violation as a criminal misdemeanor.

3 ~~Any person summoned or issued a ticket for a scheduled violation may make an~~  
4 ~~appearance in person or in writing by mail to the department of finance or the treasurer of the~~  
5 ~~locality prior to the date fixed for trial in court. Any person so appearing may enter a waiver of~~  
6 ~~trial, admit liability, and pay the civil penalty established for the offense charged. Such persons~~  
7 ~~shall be informed of their right to stand trial and that a signature to an admission of liability will~~  
8 ~~have the same force and effect as a judgment of court.~~

9 ~~If a person charged with a scheduled violation does not elect to enter a waiver of trial and~~  
10 ~~admit liability, the violation shall be tried in the general district court in the same manner and~~  
11 ~~with the same right of appeal as provided for by law. In any trial for a scheduled violation~~  
12 ~~authorized by this section, it shall be the burden of the locality to show the liability of the~~  
13 ~~violation by a preponderance of the evidence. An admission of liability or finding of liability shall~~  
14 ~~not be a criminal conviction for any purpose.~~

15 ~~No provision herein shall be construed to allow the imposition of civil penalties (i) for~~  
16 ~~activities related to land development or (ii) for violation of any provision of a local zoning~~  
17 ~~ordinance relating to the posting of signs on public property or public rights of way.~~

18 **Drafting note: This section is relocated in Article 1 as § 15.2-2209.**

19  
20 ~~§ 15.1-499.2. Demolition of historic structures in certain counties; civil penalty.~~

21 ~~The governing body of any county which has adopted the urban county executive form of~~  
22 ~~government may adopt an ordinance which establishes a civil penalty for the demolition, razing~~  
23 ~~or moving of a building or structure which is located in an historic district or which has been~~  
24 ~~designated by the governing body as an historic structure or landmark without the prior approval~~  
25 ~~from either the architectural review board or the governing body as provided by subdivision A 2~~  
26 ~~of § 15.1-503.2.~~

27 ~~The civil penalty imposed for a violation of any such ordinance shall not exceed the~~  
28 ~~market value of the property as determined by the assessed value of the property at the time of~~  
29 ~~the destruction or removal of the building or structure, and that value shall include the value of~~  
30 ~~any structures together with the value of the real property upon which any such structure or~~  
31 ~~structures were located. Such ordinances may be enforced by the county attorney by bringing an~~

1 ~~action in the name of the county in the circuit court. Such actions shall be brought against the~~  
2 ~~party or parties deemed responsible for such violation. It shall be the burden of the county to~~  
3 ~~show the liability of the violator by a preponderance of the evidence.~~

4 ~~Nothing in this section shall preclude action by the zoning administrator under § 15.1 491~~  
5 ~~(d) or action by the governing body under § 15.1 499.~~

6 **Drafting note: This section is relocated to Chapter 8.**

7  
8 ~~§ 15.1 500. Effect on existing resolutions and ordinances.~~

9 ~~This chapter shall not affect any resolution or ordinance enacted under any other law~~  
10 ~~heretofore [prior to June 29, 1962] adopted except as specifically provided.~~

11 **Drafting note: Repealed; the provisions of this section will generally be covered by**  
12 **the seventh enactment clause of the recodification bill.**

13  
14 ~~§ 15.1 501. Effect of chapter on municipal charters.~~

15 ~~No provision in any municipal charter in conflict with this chapter shall be affected~~  
16 ~~hereby. Furthermore, any city exercising zoning authority within the corporate limits of such city~~  
17 ~~pursuant to power expressly set out in the charter of such city may exercise, in addition to those~~  
18 ~~powers so provided in such charter, any or all of the powers and authority granted in Article 8 (§~~  
19 ~~15.1 486 et seq.) of this chapter to municipalities in relation to the zoning of territory under the~~  
20 ~~jurisdiction of such city, to the end that any of the purposes set out in such charter and in § 15.1-~~  
21 ~~489, as from time to time amended, be accomplished.~~

22 **Drafting note: Repealed. With regard to the first sentence, see § 15.2-100 for**  
23 **provisions regarding conflicts between general law and charters. The second sentence is**  
24 **repealed as unnecessary.**

25  
26 ~~§ 15.1 501.1. Expedited land development review procedure.~~

27 ~~A. Any county having a population between 80,000 and 90,000 or between 212,000 and~~  
28 ~~216,000 may establish, by ordinance, a separate processing procedure for the review of~~  
29 ~~preliminary and final subdivision and site plans and other development plans certified by~~  
30 ~~licensed professional engineers, architects, certified landscape architects and land surveyors who~~  
31 ~~are also licensed pursuant to § 54.1 408 and recommended for submission by persons who have~~

1 received special training in such county's land development ordinances and regulations. The  
2 purpose of such separate review procedure is to provide a procedure to expedite the county's  
3 review of certain qualified land development plans. If a separate procedure is established, the  
4 county shall establish within the adopted ordinance the criteria for qualification of persons and  
5 whose work is eligible to use the separate procedure as well as a procedure for determining if the  
6 qualifications are met by persons applying to use the separate procedure. Persons who satisfy the  
7 criteria of subsection B below shall qualify as plans examiners. Plans reviewed and  
8 recommended for submission by plans examiners and certified by the appropriately licensed  
9 professional engineer, architect, certified landscape architect or land surveyor shall qualify for  
10 the separate processing procedure.

11 B. The qualifications of those persons who may participate in this program shall include,  
12 but not be limited to, the following:

13 1. A bachelor of science degree in engineering, architecture, landscape architecture or  
14 related science or equivalent experience or a land surveyor certified pursuant to § 54.1-408.

15 2. Successful completion of an educational program specified by the board.

16 3. A minimum of two years of land development engineering design experience  
17 acceptable to the board.

18 4. Attendance at continuing educational courses specified by the board.

19 5. Consistent preparation and submission of plans which meet all applicable ordinances  
20 and regulations.

21 The word "board" as used in this subsection shall mean the board of supervisors.

22 C. If an expedited review procedure is adopted by the board of supervisors pursuant to  
23 the authority granted by this section, the board of supervisors shall establish an advisory plans  
24 examiner board which shall make recommendations to the board of supervisors on the general  
25 operation of the program, on the general qualifications of those who may participate in the  
26 expedited processing procedure, on initial and continuing educational programs needed to  
27 qualify and maintain qualification for such a program and on the general administration and  
28 operation of such a program. In addition, the plans examiner board shall submit  
29 recommendations to the board of supervisors as to those persons who meet the established  
30 qualifications for participation in the program, and the plans examiner board shall submit  
31 recommendations as to whether those persons who have previously qualified to participate in the

1 program should be disqualified, suspended or otherwise disciplined. The plans examiner board  
2 shall consist of six members who shall be appointed by the board of supervisors for staggered  
3 four-year terms. Initial terms may be less than four years so as to provide for staggered terms.  
4 The plans examiner board shall consist of three persons in private practice as licensed  
5 professional engineers or land surveyors certified pursuant to § 54.1-408, at least one of whom  
6 shall be a certified land surveyor; one person employed by the county government; one person  
7 employed by the Virginia Department of Transportation who shall serve as a nonvoting advisory  
8 member; and one citizen member. All members of the board who serve as licensed engineers or  
9 as certified surveyors must maintain their professional license or certification as a condition of  
10 holding office, and all such persons shall have at least two years of experience in land  
11 development procedures of the county. The citizen member of the board shall meet the  
12 qualifications provided in § 54.1-107; provided such member, notwithstanding the proscription  
13 of clause (i) of § 54.1-107, shall have training as an engineer or surveyor and may be currently  
14 licensed, certified or practicing his profession.

15 D. The expedited land development program shall include an educational program  
16 conducted under the auspices of a state institution of higher education. The instructors in the  
17 educational program shall consist of persons in the private and public sectors who are qualified  
18 to prepare land development plans. The educational program shall include the comprehensive  
19 and detailed study of county ordinances and regulations relating to plans and how they are  
20 applied.

21 E. The separate processing system may include a review of selected or random aspects of  
22 plans rather than a detailed review of all aspects; however, it shall also include a periodic  
23 detailed review of plans prepared by persons who qualify for the system.

24 F. In no event shall this section relieve persons who prepare and submit plans of the  
25 responsibilities and obligations which they would otherwise have with regard to the preparation  
26 of plans, nor shall it relieve the county of its obligation to review other plans in the time periods  
27 and manner prescribed by law.

28 **Drafting note: This section is relocated in Article 6 as § 15.2-2263.**

29  
30 § 15.1-502.1. Duplicate planning commission authorized for certain local governments.

1           ~~Any city with a population between 140,000 and 160,000 which is subject to the~~  
2 ~~provisions of the Chesapeake Bay Preservation Act (§ 10.1-2100 et seq.), by ordinance, may~~  
3 ~~establish a duplicate planning commission solely for the purpose of considering matters arising~~  
4 ~~from such Act. Sections 15.1-437 through 15.1-445 shall apply to such commission, mutatis~~  
5 ~~mutandis.~~

6           ~~The procedure, timing requirements and appeal to the circuit court set forth in § 15.1-475~~  
7 ~~shall apply to the considerations of this commission, mutatis mutandis.~~

8           ~~To distinguish the planning commission authorized by this section from planning~~  
9 ~~commissions required by § 15.1-427.1, the commissions established hereunder shall have the~~  
10 ~~words "Chesapeake Bay Preservation" in their title.~~

11           ~~Every governing body of a municipality that establishes a commission pursuant to this~~  
12 ~~section, in its sole discretion by ordinance, may abolish same.~~

13           **Drafting note: This section is relocated in Article 2 as § 15.2-2220.**

14  
15           ~~§ 15.1-503. Validation of zoning ordinances prior to 1971.~~

16           ~~All proceedings had in the preparation, certification and adoption of zoning ordinances~~  
17 ~~by every county, city and town prior to January 1, 1971, which shall have been in substantial~~  
18 ~~compliance with the provisions of this chapter are validated and confirmed, and all such zoning~~  
19 ~~ordinances adopted or attempted to be adopted pursuant to the provisions of this chapter are~~  
20 ~~declared to be validly adopted and enacted, notwithstanding any defects or irregularities in the~~  
21 ~~adoption thereof.~~

22           **Drafting note: This section is relocated in Article 7 as § 15.2-2316.**

23  
24           ~~§ 15.1-503.2. Preservation of historical sites and areas in counties and municipalities.~~

25           ~~A. 1. The governing body of any county or municipality may adopt an ordinance setting~~  
26 ~~forth the historic landmarks within the county or municipality as established by the Virginia~~  
27 ~~Board of Historic Resources, and any other buildings or structures within the county or~~  
28 ~~municipality having an important historic, architectural, archaeological or cultural interest, and~~  
29 ~~any historic areas within the county or municipality as defined by § 15.1-430 (b), amending the~~  
30 ~~existing zoning ordinance and delineating one or more historic districts, adjacent to such~~  
31 ~~landmarks, buildings and structures, or encompassing such historic areas, or encompassing~~

1 parcels of land contiguous to arterial streets or highways (as designated pursuant to Title 33.1,  
2 including § 33.1-41.1 of that title) found by the governing body to be significant routes of tourist  
3 access to the county or municipality or to designated historic landmarks, buildings, structures or  
4 districts therein or in a contiguous county or municipality. Such amendment of the zoning  
5 ordinance and the establishment of such a district or districts shall be in accordance with the  
6 provisions of Article 8 (§ 15.1-486 et seq.) of this chapter. The governing body may provide for  
7 a review board to administer such ordinance. Such ordinance may include a provision that no  
8 building or structure, including signs, shall be erected, reconstructed, altered or restored within  
9 any such historic district unless the same is approved by the review board or, on appeal, by the  
10 governing body of such county or municipality as being architecturally compatible with the  
11 historic landmarks, buildings or structures therein.

12 2. Subject to the provisions of subdivision 3 hereof the governing body may provide in  
13 such the ordinance that no historic landmark, building or structure within any such historic  
14 district shall be razed, demolished or moved until the razing, demolition or moving thereof is  
15 approved by the review board, or, on appeal, by the governing body after consultation with such  
16 review board.

17 3. The governing body shall provide by ordinance for appeals to the circuit court for such  
18 county or municipality from any final decision of the governing body pursuant to subdivisions 1  
19 and 2 hereof and shall specify therein the parties entitled to appeal such decisions, which such  
20 parties shall have the right to appeal to the circuit court for review by filing a petition at law,  
21 setting forth the alleged illegality of the action of the governing body, provided such petition is  
22 filed within thirty days after the final decision is rendered by the governing body. The filing of  
23 the said petition shall stay the decision of the governing body pending the outcome of the appeal  
24 to the court, except that the filing of such petition shall not stay the decision of the governing  
25 body if such decision denies the right to raze or demolish a historic landmark, building or  
26 structure. The court may reverse or modify the decision of the governing body, in whole or in  
27 part, if it finds upon review that the decision of the governing body is contrary to law or that its  
28 decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the  
29 governing body.

30 In addition to the right of appeal hereinabove set forth, the owner of a historic landmark,  
31 building or structure, the razing or demolition of which is subject to the provisions of subdivision

1 ~~2 hereof, shall, as a matter of right, be entitled to raze or demolish such landmark, building or~~  
2 ~~structure provided that: (1) He has applied to the governing body for such right, (2) the owner~~  
3 ~~has for the period of time set forth in the same schedule hereinafter contained and at a price~~  
4 ~~reasonably related to its fair market value, made a bona fide offer to sell such landmark, building~~  
5 ~~or structure, and the land pertaining thereto, to such county or municipality or to any person,~~  
6 ~~firm, corporation, government or agency thereof, or political subdivision or agency thereof,~~  
7 ~~which gives reasonable assurance that it is willing to preserve and restore the landmark, building~~  
8 ~~or structure and the land pertaining thereto, and (3) that no bona fide contract, binding upon all~~  
9 ~~parties thereto, shall have been executed for the sale of any such landmark, building or structure,~~  
10 ~~and the land pertaining thereto, prior to the expiration of the applicable time period set forth in~~  
11 ~~the time schedule hereinafter contained. Any appeal which may be taken to the court from the~~  
12 ~~decision of the governing body, whether instituted by the owner or by any other proper party,~~  
13 ~~notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from~~  
14 ~~shall not affect the right of the owner to make the bona fide offer to sell referred to above. No~~  
15 ~~offer to sell shall be made more than one year after a final decision by the governing body, but~~  
16 ~~thereafter the owner may renew his request to the governing body to approve the razing or~~  
17 ~~demolition of the historic landmark, building or structure. The time schedule for offers to sell~~  
18 ~~shall be as follows: three months when the offering price is less than \$25,000; four months when~~  
19 ~~the offering price is \$25,000 or more but less than \$40,000; five months when the offering price~~  
20 ~~is \$40,000 or more but less than \$55,000; six months when the offering price is \$55,000 or more~~  
21 ~~but less than \$75,000; seven months when the offering price is \$75,000 or more but less than~~  
22 ~~\$90,000; and twelve months when the offering price is \$90,000 or more.~~

23 ~~4. The governing body is authorized to acquire in any legal manner any historic area,~~  
24 ~~landmark, building or structure, land pertaining thereto, or any estate or interest therein which, in~~  
25 ~~the opinion of the governing body should be acquired, preserved and maintained for the use,~~  
26 ~~observation, education, pleasure and welfare of the people; provide for their renovation,~~  
27 ~~preservation, maintenance, management and control as places of historic interest by a department~~  
28 ~~of the county or municipal government or by a board, commission or agency specially~~  
29 ~~established by ordinance for the purpose; charge or authorize the charging of compensation for~~  
30 ~~the use thereof or admission thereto; lease, subject to such regulations as may be established by~~  
31 ~~ordinance, any such area, property, lands or estate or interest therein so acquired upon the~~



1 ~~condition that the historic character of the area, landmark, building, structure or land shall be~~  
2 ~~preserved and maintained; or to enter into contracts with any person, firm or corporation for the~~  
3 ~~management, preservation, maintenance or operation of any such area, landmark, building,~~  
4 ~~structure, land pertaining thereto or interest therein so acquired as a place of historic interest;~~  
5 ~~however, the county or municipal government shall not use the right of condemnation under this~~  
6 ~~subsection unless the historic value of such area, landmark, building, structure, land pertaining~~  
7 ~~thereto, or estate or interest therein is about to be destroyed.~~

8 ~~B. Notwithstanding any contrary provision of law, general or special, in the City of~~  
9 ~~Portsmouth no approval of any governmental agency or review board shall be required for the~~  
10 ~~construction of a ramp to serve the handicapped at any structure designated pursuant to the~~  
11 ~~provisions of this section.~~

12 **Drafting note: This section is relocated to Article 7 as § 15.2-2306.**

13

14 ~~§ 15.1-503.4. Public notice of juvenile residential care facilities in certain localities.~~

15 ~~In any county, city or town without an applicable zoning ordinance, the local governing~~  
16 ~~body may provide by ordinance that any party desiring to establish a public or private detention~~  
17 ~~home, group home or other residential care facility for children in need of services or for~~  
18 ~~delinquent or alleged delinquent youth must first provide public notice and participate in a public~~  
19 ~~hearing in accordance with § 15.1-431.~~

20 **Drafting note: This section is relocated in Article 1 as § 15.2-2207.**

1 PROPOSED  
2 CHAPTER 24.  
3 SERVICE DISTRICTS; TAXES AND ASSESSMENTS FOR LOCAL  
4 IMPROVEMENTS.  
5

6 Chapter drafting note: Statutes which enable localities to provide additional  
7 services or improvements to a specific portion of the locality (and to collect a tax for such  
8 services or improvements) are consolidated in this chapter.  
9

10 Article 1.  
11 Service Districts.  
12

13 Article drafting note: This article consists of old §§ 15.1-18.2 and 15.1-18.3. Section  
14 15.1-18.2 originally applied only to consolidated cities and required the districts to be  
15 created by court order. Later, § 15.1-18.3 was enacted which allowed any locality to create  
16 a service district by ordinance and which cross-referenced the procedures and powers of §  
17 15.1-18.2. This article attempts to organize the service district procedures in a more logical  
18 manner.  
19

20 § ~~15.1-18.2~~ 15.2-2400. Special Creation of service districts in consolidated cities.

21 ~~A. The city council of any city which results from the consolidation of two or more~~  
22 ~~counties, cities or towns shall have the power to maintain~~ Any locality may by ordinance create  
23 service districts within the city locality in accordance with the provisions of this article. Service  
24 districts may be created to provide additional, more complete or more timely services of  
25 government than are desired in the ~~city~~ locality as a whole.

26 Prior to creating a service district, the locality shall have a public hearing. Notice of such  
27 hearing shall be published once a week for two consecutive weeks in a newspaper of general  
28 circulation within the locality, and the hearing shall be held no sooner than ten days after the date  
29 the second notice appears in the newspaper.

30 Drafting note: SUBSTANTIVE CHANGE; § 15.1-18.2 is divided into three  
31 sections. The public hearing and notice requirement comes from the existing requirements

1 of § 15.1-18.2 A and is changed from three weeks to two. Certain provisions of § 15.1-18.3  
2 are incorporated, without substantive change, by making the section applicable to all  
3 localities rather than only consolidated cities.

4  
5 § 15.2-2401. Creation of service districts by court order in consolidated cities.

6 ~~Service~~ In any city which results from the consolidation of two or more localities, service  
7 ~~districts shall~~ may, in addition to the method prescribed in § 15.2-2400, be created by order of  
8 the circuit court ~~of~~ for the city upon the petition of fifty ~~qualified~~ voters of the proposed district,  
9 which order shall prescribe the metes and bounds of the district.

10 Upon the filing of a petition the court shall fix a date for a hearing on the question of the  
11 proposed service district, which hearing shall embrace a consideration of whether the property  
12 embraced within the proposed district will be benefited by the establishment thereof. Notice of  
13 such hearing shall be ~~given by publication~~ published once a week for ~~three~~ two consecutive  
14 weeks in ~~some~~ a newspaper of general circulation within the city, and the hearing shall not be  
15 held sooner than ten days after ~~completion of such~~ the last publication. Any person interested  
16 may answer the petition and make defense thereto. If upon such hearing the court is of opinion  
17 that any property embraced within the limits of such proposed district will not be benefited by  
18 the establishment thereof, then such property shall not be embraced therein.

19 Upon the petition of the city council and of not less than 50 ~~qualified~~ voters of the  
20 territory proposed to be added, or if such territory contains less than 100 ~~qualified~~ voters, of fifty  
21 percent of the ~~qualified~~ voters of such territory, after notice and hearing as provided above, any  
22 service district may be extended and enlarged by order of the circuit court ~~of~~ for the city which  
23 order shall prescribe the metes and bounds of the territory so added.

24 **Drafting note: SUBSTANTIVE CHANGE; this section comes from the second**  
25 **paragraph of § 15.1-18.2 and preserves the unique manner in which only consolidated cities**  
26 **may create service districts. Paragraph breaks are added. The publication requirement is**  
27 **changed from three weeks to two for greater conformity with similar provisions.**

28  
29 § 15.2-2402. Description of proposed service district.

30 ~~B.~~ The ordinance or petition for the districts to create a service district shall:

1 1. Set forth the name and describe the boundaries of the proposed district and specify any  
2 areas within the district that are to be excluded;

3 2. Describe the facilities and services proposed within the district;

4 3. Describe a proposed plan for providing such facilities and services within the district;  
5 and

6 4. Describe the benefits which can be expected from the provision of such facilities and  
7 services within the district.

8 **Drafting note: No substantive change in the law; this section comes from § 15.1-**  
9 **18.2 B.**

10  
11 § 15.2-2403. Powers of service districts.

12 ~~€~~ After adoption of an ordinance or the entry of such an order creating a service district,  
13 the ~~city council~~ governing body shall have the following powers with respect to the service  
14 districts:

15 1. To construct, maintain and operate such facilities and equipment as may be necessary  
16 or desirable to provide additional, more complete or more timely governmental services within a  
17 service district, including but not limited to water supply, sewerage, garbage removal and  
18 disposal, heat, light, fire-fighting equipment and power and gas systems and sidewalks;  
19 economic development services; promotion of business and retail development services;  
20 beautification and landscaping; beach and shoreline management and restoration; control of  
21 gypsy moth infestations; public parking; extra security, street cleaning, snow removal and refuse  
22 collection services; sponsorship and promotion of recreational and cultural activities; and other  
23 services, events, or activities which will enhance the public use and enjoyment of and the public  
24 safety, public convenience, and public well-being within a service district; ~~provided that any~~  
25 ~~such~~, Such services, events or activities shall not be undertaken for the sole or dominant benefit  
26 of any particular individual, business or other private entity.

27 2. To provide, in addition to services authorized by subdivision ~~€~~ 1, transportation and  
28 transportation services within a service district, including, but not limited to: public  
29 transportation systems serving the district; transportation management services; rehabilitation  
30 and replacement of existing transportation facilities or systems; and sound walls or sound  
31 barriers.

1           3. To acquire ~~by gift, condemnation, purchase, lease or otherwise~~ in accordance with §  
2 15.2-1800, and to maintain and operate any such facilities and equipment and rights, title,  
3 interest or easements therefor in and to real estate in such district and maintain and operate the  
4 same as may be necessary and desirable to provide the governmental services authorized by  
5 subdivisions € 1 and € 2 ~~and to acquire by gift, condemnation, purchase, lease, or otherwise,~~  
6 ~~rights, title, interest, or easements therefor in and to real estate in such district.~~

7           4. To contract with any person, ~~firm, or corporation~~ municipality or state agency to  
8 provide the governmental services authorized by subdivisions € 1 and € 2 and to construct,  
9 establish, maintain and operate any such facilities and equipment as may be necessary and  
10 desirable in connection therewith.

11           5. To require owners or tenants of any property in the district to connect with any such  
12 system or systems, and to contract with the owners or tenants for such connections. The owners  
13 or tenants shall have the right of appeal to the circuit court, ~~or the judge thereof in vacation,~~  
14 within ten days from action by the ~~city council~~ governing body.

15           6. To levy and collect an annual tax upon any property in such service district subject to  
16 local taxation to pay, either in whole or in part, the expenses and charges for providing the  
17 governmental services authorized by subdivisions € 1 and € 2 and for constructing, maintaining  
18 and operating such facilities and equipment as may be necessary and desirable in connection  
19 therewith; however, such annual tax shall not be levied for or used to pay for schools, police or  
20 general government services not authorized by this section, and the proceeds from such annual  
21 tax shall be so segregated as to enable the same to be expended in the district in which raised. In  
22 addition to the tax on property authorized herein, in any city having a population of 350,000 or  
23 more and adjacent to the Atlantic Ocean, the city council shall have the power to impose a tax on  
24 the base transient room rentals, excluding hotels, motels, and travel campgrounds, within such  
25 service district at a rate or percentage not higher than five percent which is in addition to any  
26 other transient room rental tax imposed by the city. The proceeds from such additional transient  
27 room rental tax shall be deposited in a special fund to be used only for the purpose of beach and  
28 shoreline management and restoration.

29           7. To accept the allocation, contribution or funds of, or to reimburse from, any available  
30 source, including, but not limited to, any person, ~~corporation,~~ authority, transportation district, or  
31 state or federal agency for either the whole or any part of the costs, expenses and charges

1 incident to the acquisition, construction, reconstruction, maintenance, alteration, improvement,  
2 expansion and the operation or maintenance of any facilities and services in the district.

3 8. To employ and fix the compensation of any technical, clerical or other force and help  
4 which from time to time, in their judgment may be necessary or desirable to provide the  
5 governmental services authorized by subdivisions € 1 and € 2 or for the construction, operation  
6 or maintenance of any such facilities and equipment as may be necessary or desirable in  
7 connection therewith.

8 9. To create and terminate a development board or other body to which shall be granted  
9 and assigned such responsibilities with respect to a special service district as are delegated to it  
10 by ordinance adopted by the ~~council~~ governing body of such locality. Any such board or  
11 alternative body created shall be responsible for control and management of ~~such funds as may~~  
12 ~~be~~ appropriated for its use by the ~~council~~ governing body and such funds may be used to employ  
13 or contract with, on such terms and conditions as the board or other body shall determine,  
14 persons, ~~firms, corporations,~~ municipal or other governmental entities or such other entities as  
15 the development board or alternative body deems necessary to accomplish the purposes for  
16 which the development board or alternative body has been created.

17 10. To negotiate and contract with any person, ~~firm, corporation~~ or municipality with  
18 regard to the connections of any such system or systems with any other system or systems now  
19 in operation or hereafter established, and with regard to any other matter necessary and proper  
20 for the construction or operation and maintenance of any such system within the district.

21 11. To purchase development rights which will be dedicated as easements for  
22 conservation, open space or other purposes pursuant to the provisions of §§ 10.1-1009 through  
23 10.1-1016. For purposes of this subdivision, "development rights" means the level and quantity  
24 of development permitted by the zoning ordinance expressed in terms of housing units per acre,  
25 floor area ratio or equivalent local measure. Notwithstanding the provisions of subdivision € 3,  
26 the ~~city council~~ governing body shall not use the power of condemnation to acquire development  
27 rights.

28 12. To contract with any state agency or state or local authority for services within the  
29 power of the agency or authority related to the financing, construction or operation of the  
30 facilities and services to be provided within the district; however, nothing in this subdivision  
31 shall authorize a locality to obligate its general tax revenues, or to pledge its full faith and credit.

1           **Drafting note: No substantive change in the law; this section comes from § 15.1-18.2**

2 **C. The last provision is from § 15.1-18.3.**

3  
4           ~~§ 15.1-18.3. Service districts in counties, cities and towns.~~

5           ~~The governing body of any county, city, or town, by duly adopted ordinance, following a~~  
6 ~~public hearing and in accordance with the notice provisions of § 15.1-18.2, may create service~~  
7 ~~districts for the purposes set forth in subsection A of § 15.1-18.2, or may create authorities for~~  
8 ~~the purposes set forth in subsection B of § 15.1-1241 provided that the creation of such authority~~  
9 ~~is undertaken in conformity with the requirements of Chapter 28 (§ 15.1-1239 et seq.) of Title~~  
10 ~~15.1 including the requirement of a petition from landowners, except as to the members of the~~  
11 ~~development authority, who shall be appointed pursuant to § 15.1-1249 and not subsection B-5~~  
12 ~~of § 15.1-1241, and may exercise any or all of the powers with respect to such service districts~~  
13 ~~set forth in subsection C of § 15.1-18.2. In addition, the governing body may contract with any~~  
14 ~~state agency or state or local authority for services within the power of the agency or authority~~  
15 ~~related to the financing, construction or operation of the facilities and services to be provided~~  
16 ~~within the district; however, nothing herein shall authorize a county, city or town to obligate its~~  
17 ~~general tax revenues, or to pledge its full faith and credit.~~

18           ~~The ordinance for the district shall:-~~

19           ~~1. Set forth the name and describe the boundaries of the proposed district and any areas~~  
20 ~~within the district that are to be excluded;-~~

21           ~~2. Describe the facilities and services proposed within the district;-~~

22           ~~3. Describe a proposed plan for providing such facilities and services within the district;~~  
23 ~~and-~~

24           ~~4. Describe the benefits which can be expected from the provision of such facilities and~~  
25 ~~services within the district.~~

26           **Drafting note: The substance of this section is relocated to §§ 15.2-2400, 15.2-2403,**  
27 **15.2-5152 and 15.1-5154; §§ 15.2-2400 and 15.2-2403 cover the subject matter of the**  
28 **provisions of this section which relate to service districts. The provisions of this section**  
29 **relating to community development authorities are reflected in proposed Chapter 51 (see §**  
30 **15.2-5152 and § 15.2-5154.)**

1 Article 2.

2 Taxes or Assessments for Local Improvements.

3  
4 ~~§ 15.1-850. Imposition and apportionment of assessments; delegation of authority.~~

5 ~~A municipal corporation may impose on abutting landowners the assessments for local~~  
6 ~~improvements provided for in Article 2 (§ 15.1-239 et seq.) of Chapter 7 of this title, subject to~~  
7 ~~the limitations prescribed by Article X, Section 3 of the Constitution of Virginia; and all of the~~  
8 ~~provisions of said article with respect to the imposition and apportionment of such assessments,~~  
9 ~~notices, objections, appeals, and liens and judgments with respect thereto and the enforcement~~  
10 ~~thereof, and docketing of instruments and documents, pertaining to such assessments shall be~~  
11 ~~applicable thereto. A municipal corporation may delegate to its chief executive or administrative~~  
12 ~~or other appropriate officer the authority to perform the powers, duties and functions of the~~  
13 ~~council, committee, officer or board conferred and imposed by the provisions of said Article 2 of~~  
14 ~~Chapter 7 of this title.~~

15 **Drafting note: Repealed; the substance of this section is found in § 15.2-2404.**

16  
17 ~~§ 15.1-239~~ 15.2-2404. Authority to impose taxes or assessments for local improvements;  
18 purposes.

19 ~~The governing body of any county, city or town~~ A locality may impose taxes or  
20 assessments upon ~~the abutting property owner or~~ the owners of abutting property owners for  
21 ~~making~~ constructing, improving, replacing or enlarging the ~~walkways~~ sidewalks upon ~~then~~  
22 existing streets, for improving and paving ~~then~~ existing alleys, and for ~~either~~ the construction or  
23 the use of sanitary or storm water ~~sewers~~ management facilities, ~~including~~ retaining walls, curbs  
24 and gutters. Such taxes or assessments may include the legal, financial or other directly  
25 attributable costs incurred by the locality in creating ~~the a~~ district, if a district is created, and  
26 financing the payment of the improvements; ~~however, the~~ The taxes or assessments shall not be  
27 in excess of the peculiar benefits resulting from the improvements to such abutting property  
28 ~~owner or owners and no~~ No tax or assessment for retaining walls shall be imposed upon any  
29 property owner who does not agree to such tax or assessment.

30 In addition to the foregoing, ~~the governing body of any county, city or town~~ a locality  
31 may impose taxes or assessments upon the owners of abutting property owners for the



1 construction, replacement or enlargement of ~~sidewalks, waterlines, sanitary sewers or storm~~  
2 ~~water sewers~~; for the installation of street lights; for the construction or installation of canopies  
3 or other weather protective devices; for the installation of lighting in connection with the  
4 foregoing; and for permanent amenities, including, but not limited to, benches or waste  
5 receptacles. ~~Such taxes or assessments may include the legal, financial or other directly~~  
6 ~~attributable costs incurred by the locality in creating the district and financing the payment of the~~  
7 ~~improvements; however, the taxes or assessments shall not be in excess of the peculiar benefits~~  
8 ~~resulting from the improvements to such abutting property owners.~~

9 In cities with a population in excess of 170,000 according to the 1970 or any subsequent  
10 census, the governing body may impose taxes or assessments upon the ~~abutting property owner~~  
11 ~~or~~ abutting property owners for the initial improving and paving of an existing street provided  
12 not less than fifty percent of such abutting property owners who own not less than fifty percent  
13 of the property abutting such street request the improvement or paving. The taxes or assessments  
14 permitted by this paragraph shall not be in excess of the peculiar benefits resulting from the  
15 improvements to such abutting property owners and in no event shall such amount exceed the  
16 sum of \$10 per front foot of property abutting such street or the sum of \$1,000 for any one  
17 subdivided lot or parcel abutting such street, whichever is the lesser.

18 The governing bodies of the Cities of Buena Vista and Waynesboro and the County of  
19 Augusta may, by duly adopted ordinance, impose taxes or assessments upon abutting property  
20 owners subjected to frequent flooding for special benefits conferred upon that property by the  
21 installation or construction of flood control barriers, equipment or other improvements for the  
22 prevention of flooding in such area and shall provide for the payment of all or any part of the  
23 above projects out of the proceeds of such taxes or assessments, provided that such taxes or  
24 assessments shall not be in excess of the peculiar benefits resulting from the improvements to  
25 such abutting property owners.

26 **Drafting note: No substantive change in the law.**

27  
28 § ~~15.1-240~~ 15.2-2405. How imposed.

29 Such improvements may be ordered by the ~~council or board of supervisors, as the case~~  
30 ~~may be,~~ governing body and the cost thereof apportioned in pursuance of an agreement between  
31 the city, town or county governing body and the abutting landowners, and, in the absence of such

1 an agreement, ~~improvements~~, the cost of improvements which is to be defrayed in whole or in  
2 part by such local tax or assessment, may in cities and towns be ordered on a petition from not  
3 less than ~~three-fourths~~ three-fourths of the landowners to be affected thereby, or in counties on a  
4 petition from not less than sixty ~~per centum~~ percent of the landowners to be affected thereby or  
5 by a two-thirds vote of all the members elected to the ~~council or board of supervisors, as the case~~  
6 ~~may be~~ governing body. ~~But notice~~ Notice shall first be given as ~~hereinafter provided~~ to the  
7 abutting landowners, notifying them when and where they may appear before the ~~council or~~  
8 ~~board~~ governing body, or some committee thereof, or the administrative board or other similar  
9 board of the ~~city, town or county~~ locality to whom the matter may be referred, to be heard in  
10 favor of or against such improvements. ~~When the council consists of two branches, any~~  
11 ~~committee acting under this section or §§ 15.1 241 through 15.1 245 shall be composed of not~~  
12 ~~less than three members from the larger and two members from the smaller branch.~~

13 **Drafting note: No substantive change in the law; obsolete material is deleted.**

14  
15 § ~~15.1 241~~ 15.2-2406. How cost assessed or apportioned.

16 The cost of such improvement, when the same shall have been ascertained, shall be  
17 assessed or apportioned by the ~~council or board~~ governing body, or by some committee thereof,  
18 or by any officer or board authorized by the ~~council~~ governing body to make such assessment or  
19 apportionment, between the ~~city, town or county~~ locality and the abutting property ~~owner or~~  
20 owners when less than the whole is assessed, provided, that in cities and towns, except when it is  
21 otherwise agreed, that portion assessed against the abutting property owner or owners shall not  
22 exceed ~~one-half~~ one-half of the total cost; but in cities and towns having a population of not  
23 exceeding ~~twelve thousand~~ 12,000, the amount assessed shall not exceed ~~three-fourths~~ three-  
24 fourths of the total cost of such improvement, and in cities having a population in excess of  
25 290,000 according to the 1970 or any subsequent census, the amount assessed shall not exceed  
26 the total cost. Notwithstanding any other provision of this article, any portion of the cost of such  
27 improvements not funded by such special assessment may be paid from federal or state funds  
28 received by ~~such county, city or town~~ the locality for such purpose.

29 **Drafting note: No substantive change in the law.**

1           § ~~15.1-242~~ 15.2-2407. Assessments to be reported to collector of taxes; postponement of  
2 payment by certain property owners.

3           The amount assessed against each landowner, or for which he is liable by agreement,  
4 shall be reported as soon as practicable to the collector of taxes, who shall enter the same as  
5 provided for other taxes.

6           The governing body may provide for the postponement of the payment of such  
7 assessment by certain elderly or permanently and totally disabled property owners meeting  
8 certain conditions until the sale of the property or the death of the last eligible owner. Eligibility  
9 for postponement shall be subject to the conditions set forth in § 58.1-3211 for such elderly or  
10 permanently and totally disabled persons. The governing body may provide for the  
11 postponement of the payment of such assessment until the property owner actually connects to  
12 the public utility system. However, if the property is conveyed between the time the assessment  
13 is made and the time the property owner actually connects to the public utility system, then the  
14 entire amount due under the assessment becomes due and payable on the day of the conveyance.  
15 In any event, the entire amount of assessment due shall be paid no later than ten years from the  
16 creation of the district.

17           The collector of taxes shall enter those assessments postponed by the governing body in  
18 accordance with the conditions prescribed as provided for other taxes, but the eligible property  
19 owner shall have the option of payment or postponement

20           **Drafting note: No change.**

21  
22           § ~~15.1-243~~ 15.2-2408. Notice to landowner of amount of assessment.

23           When the assessment or apportionment is not fixed by agreement, notice thereof, and of  
24 the amount so assessed or apportioned, shall be given to each of the ~~then~~ abutting owners ~~and he~~  
25 who shall be cited ~~thereby~~ to appear before the ~~council~~ governing body, committee, officer or  
26 board having charge of the matter ~~in charge~~, not less than ten days thereafter, at a the time and  
27 place ~~to be~~ designated ~~therein~~, to show cause, if ~~any~~ he can, against such assessment or  
28 apportionment.

29           **Drafting note: No substantive change in the law.**

30  
31           § ~~15.1-244~~ 15.2-2409. How notice given; objections.

1           The notice ~~required by § 15.1-243~~ may be given by personal service on all persons  
2 entitled to such notice, except ~~that~~ (i) notice to an infant ~~or insane~~, a mentally incapacitated  
3 person or other person under a disability may be served on his guardian or committee; ~~and~~ (ii)  
4 notice to a nonresident may be mailed to him at his place of residence or served on any agent of  
5 his having charge of the property ~~in charge~~, or on the tenant of the ~~freehold~~, property; or (iii) in  
6 any case when the owner is a nonresident, or when the owner's residence is not known, such  
7 notice may be given by publication in ~~some~~ a newspaper published or having general circulation  
8 ~~in the city or town~~ locality once a week for four successive weeks. ~~Or, in any case, in~~ In lieu of  
9 such personal service on the parties or their agents and of such publication, the notice to all  
10 parties may be given by publishing the same in ~~some~~ a newspaper published or having general  
11 circulation in the city or town locality, once a week for two successive weeks. ~~The; the~~ second  
12 publication shall be made at least seven days before the parties are cited to appear. Any  
13 landowner wishing to make objections to an assessment or apportionment may appear in person  
14 or by counsel and state such objections.

15           **Drafting note: No substantive change in the law.**

16  
17           § ~~15.1-245~~ 15.2-2410. Appeal to court; duty of clerk of ~~council~~ governing body, etc.

18           If ~~his~~ a property owner's objections are overruled, he shall, within thirty days thereafter,  
19 but not afterwards, have an appeal as of right to the ~~corporation or hustings~~ circuit court of ~~of~~ for  
20 the city, or, in case of a county or town, to the circuit court in whose jurisdiction the county or  
21 ~~town is situated~~ locality. When an appeal is taken, the clerk of the ~~council~~ governing body,  
22 committee or board, or the officer having charge of the matter ~~in charge~~, shall immediately  
23 deliver to the clerk of ~~the~~ such court ~~which has cognizance of the appeal~~ the original notice  
24 relating to the assessment, with the judgment of the ~~council~~ governing body, committee, officer  
25 or board endorsed thereon, and the clerk of the court shall docket the same.

26           **Drafting note: No substantive change in the law.**

27  
28           § ~~15.1-246~~ 15.2-2411. How such appeal tried; lien of judgment; when to take effect; how  
29 enforced.

30           Such appeal shall be tried by the court ~~or the judge thereof~~, in a summary way, without  
31 pleadings in writing and without a jury, ~~in term time or in vacation~~, after ten days' notice to the

1 adverse party, and the hearing shall be de novo. The amount finally assessed against or  
2 apportioned to each landowner, or fixed by agreement with him, as hereinbefore provided, shall  
3 be a lien enforceable in equity on his abutting land, from the time when the work of  
4 improvement ~~shall have~~ has been completed, subject, ~~however,~~ to his right of appeal and  
5 objections as aforesaid. Such lien shall be enforceable against any person deemed to have had  
6 notice of the proposed assessment under § ~~15.1-247~~ 15.2-2412, but if no abstract of the  
7 resolution or ordinance authorizing the improvement is docketed as provided in § ~~15.1-247~~ 15.2-  
8 2412, such lien shall be void as to all purchasers for valuable consideration without notice and  
9 lien creditors until and except from the time it is duly admitted to record in the county or  
10 ~~corporation~~ city wherein the land is situated. ~~In counties the board of supervisors may in its~~  
11 ~~discretion cause the payment of the amount finally assessed or apportioned against each~~  
12 ~~landowner or fixed by agreement with him to be divided into two or more, but not exceeding~~  
13 ~~twenty, semiannual installments, bearing an annual interest at the rate of one year United States~~  
14 ~~Treasury Bills at the time the assessment ordinance was adopted; and provided that in cities the~~  
15 ~~council, in its discretion, may cause the payment of the amount finally assessed or apportioned~~  
16 ~~against each landowner, or fixed by agreement with him, for improving walkways upon streets or~~  
17 ~~for improving and paving alleys to be made in such manner divided into such installments as~~  
18 ~~shall be determined by the council, bearing interest at such rate as shall be fixed by the council.~~

19 **Drafting note: No substantive change in the law; the material stricken is generally**  
20 **duplicated by § 15.2-2413.**

21

22 § ~~15.1-247~~ 15.2-2412. Docketing of abstracts of resolutions or ordinances.

23 When any improvement is authorized for which assessments may be made against the  
24 abutting landowners, the governing body ~~of the county, city or town~~ may, before the amount to  
25 be finally assessed against or apportioned to each landowner or fixed by agreement is  
26 determined, cause to be recorded in the deed book of the circuit court clerk's office for such  
27 ~~county, city or town,~~ locality, an abstract of the resolution or ordinance authorizing such  
28 improvement showing the ownership and location of the property to be affected by the proposed  
29 improvement and the estimated amount that will be assessed against or apportioned to each  
30 landowner or fixed by agreement with him and the same shall be indexed in the name of the

1 owner of the property. Such assessment shall be a lien solely on the abutting land as provided in  
2 § ~~15.1-246~~. 15.2-2411.

3 After the completion of the improvement, the estimated amount shall be amended to  
4 show the amount finally assessed against or apportioned to each landowner or fixed by  
5 agreement with him, which final amount shall in no event exceed the estimated amount for the  
6 improvements as initially authorized. The amount finally assessed against or apportioned to each  
7 landowner may be greater than the initially assessed amount when the increased amount is for  
8 additional work being performed when ~~said~~ the work was requested by the landowner and the  
9 additional work and its estimated amount is written into a separate agreement between the  
10 ~~county, city or town~~ locality and the affected landowner. From the time of the docketing of such  
11 abstract, any purchaser of, or creditor acquiring a lien on, any of the property described therein  
12 shall be deemed to have had notice of the proposed assessment.

13

14 **Drafting note: No substantive change in the law.**

15

16 ~~§ 15.1-248. Special provisions for certain cities.~~

17 Chapter 476 of the Acts of 1926, approved March 25, 1926, as amended by chapter 215  
18 of the Acts of 1942, approved March 3, 1942, codified as § 3071a of Michie Code 1942, and  
19 continued in effect by § 15-678 of the Code of 1950 relating to assessments upon abutting  
20 landowners in cities which have a population of not less than 140,000 nor more than 150,000, or  
21 not less than 50,000 nor more than 60,000, is continued in effect.

22 **Drafting note: Repealed; this section, which cross-references certain uncodified**  
23 **acts, is repealed but the referenced Acts of Assembly is not affected.**

24

25 ~~§ 15.1-249. Assessments for construction, etc., of sewer systems and sidewalks in certain~~  
26 ~~counties, etc.~~

27 The following amendments to chapter 230 of the Acts of 1950 are incorporated in this  
28 Code by this reference:-

29 Chapter 312 of the Acts of 1960.-

30 Chapter 211 of the Acts of 1973.-



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~~§ 15.1 251. Purpose.~~

~~The purpose of the reserve fund is to provide for the payment of all or part of the cost of local public improvements and betterments.~~

**Drafting note: Repealed; obsolete.**

~~§ 15.1 252. Use.~~

~~The reserve fund may be used for capital acquisition, replacements, additions, improvements, construction, reconstruction, deferred maintenance and administrative, engineering, legal and other expenses.~~

~~The fund may be used for improvements including blueprints, specifications, engineering, and legal work, and the acquiring of land.~~

**Drafting note: Repealed; obsolete.**

~~§ 15.1 253. Tax for establishment.~~

~~The governing bodies may include as a part of an annual tax levy such sum as deemed necessary for the establishment of such fund.~~

**Drafting note: Repealed; obsolete.**

~~§ 15.1 254. What fund includes.~~

~~The fund shall include moneys appropriated, transferred or credited thereto by budgetary provisions or otherwise, including the transfer of unobligated surpluses or unexpended balances.~~

**Drafting note: Repealed; obsolete.**

~~§ 15.1 255. Charter provisions not to prevent establishment.~~

~~The reserve funds authorized herein may be established, anything in the charter of any city or town to the contrary notwithstanding.~~

**Drafting note: Repealed; obsolete.**

~~§ 15.1 256. Construction of article.~~



1           ~~This article shall be liberally construed as in aid of postwar public works programs and~~  
2 ~~plans therefor and in furtherance of and not in limitation of powers now conferred by law on~~  
3 ~~counties, cities and towns.~~

4           **Drafting note: Repealed; obsolete.**



1 ~~government and school divisions~~ of the estimated amounts of all state moneys they will receive  
2 during the upcoming fiscal year and any other information that may be required for such ~~units of~~  
3 ~~government~~ localities and school divisions to be able to compute amounts of moneys they may  
4 collect.

5 **Drafting note: SUBSTANTIVE CHANGE. Newly applies to towns with a**  
6 **population of less than 3,500.**

7  
8 § ~~15.1-160~~ 15.2-2503. Time for preparation and approval of budget; contents.

9 All officers and heads of departments, offices, divisions, boards, commissions, and  
10 agencies of every ~~county, city and town~~ locality shall, on or before the first day of April of each  
11 year, prepare and submit to the governing body an estimate of the amount of money ~~deemed to~~  
12 ~~be~~ needed during the ensuing fiscal year for his department, office, division, board, commission  
13 or agency; ~~provided, that in any locality where the fiscal year begins on some date other than the~~  
14 ~~first day of July, the estimate shall be submitted at least three months prior to the beginning of~~  
15 ~~the fiscal year.~~ If such person does not submit an estimate in accordance with this section, the  
16 clerk of the governing body or other designated person or persons shall prepare and submit an  
17 estimate for that department, office, division, board, commission or agency.

18 The governing body shall prepare and approve a budget for informative and fiscal  
19 planning purposes only, containing a complete itemized and classified plan of all contemplated  
20 expenditures and all estimated revenues and borrowings for the locality ~~or any subdivision~~  
21 ~~thereof~~ for the ensuing fiscal year, ~~which shall begin for each county on the first day of July of~~  
22 ~~each year or such other date as may be provided by law for the beginning of the fiscal year.~~ The  
23 governing body shall approve ~~such~~ the budget and fix a tax rate for the budget year no later than  
24 the date ~~for the beginning of~~ on which the fiscal year ~~and shall fix a tax rate for the budget year~~  
25 ~~at that time~~ begins.

26 **Drafting note: No substantive change in the law. Stricken language is no longer**  
27 **needed since all localities must adopt the uniform fiscal year.**

28  
29 § ~~15.1-161~~ 15.2-2504. What budget to show.

30 Opposite each item of the contemplated expenditures the budget shall show in separate  
31 parallel columns the aggregate amount appropriated during the preceding fiscal year, the amount

1 expended during that year, the aggregate amount appropriated and expected to be appropriated  
2 during the current fiscal year, and the increases or decreases in the contemplated expenditures for  
3 the ensuing year as compared with the aggregate amount appropriated or expected to be  
4 appropriated for the current year. This budget shall be accompanied by:

5 ~~(1)~~ 1. A statement of the contemplated revenue and disbursements, liabilities, reserves  
6 and surplus or deficit of the ~~county, city or town~~ locality as of the date of the preparation of the  
7 budget; and

8 ~~(2)~~ 2. An itemized and complete financial balance sheet for the locality at the close of the  
9 last preceding fiscal year.

10 **Drafting note: No substantive change in the law.**

11  
12 § ~~15.1-161.1~~ 15.2-2505. Budget may include reserve for contingencies and capital  
13 improvements.

14 ~~Any county, city or town is authorized to budget for and~~ Any locality may include in its  
15 budget a reasonable reserve for contingencies and capital improvements.

16 **Drafting note: Capital improvements is added due to the proposed repeal of §§**  
17 **15.1-250 et seq., which authorized localities to establish and maintain postwar public works**  
18 **reserve funds. The repeal of §§ 15.1-250 et seq. is shown in proposed Chapter 24.**

19  
20 § ~~15.1-802.~~ ~~Disbursement of moneys; claims allowed to be posted and published.~~

21 ~~All moneys collected or received for any city or town shall be applied as the council~~  
22 ~~thereof may direct by duly approved appropriation resolutions; and the council and the clerk of~~  
23 ~~the circuit and corporation courts shall cause to be made out quarterly an itemized statement of~~  
24 ~~all accounts authorized to be paid by the council and by the judge of the circuit and corporation~~  
25 ~~court and cause the same to be posted at the front door of the courthouse or other public place in~~  
26 ~~the city or town and also to be published in such newspaper as the council may direct.~~

27 **Drafting note: Repealed; obsolete.**

28  
29 § ~~15.1-162~~ 15.2-2506. Publication and notice; public hearing; ~~recess;~~ adjournment ~~from~~  
30 ~~day to day;~~ moneys not to be paid out until appropriated.

1 A brief synopsis of the budget which, except in the case of the public school division  
2 budget, shall be for informative and fiscal planning purposes only, shall be published once in a  
3 newspaper having general circulation in the locality affected, and notice given of one or more  
4 public hearings, at least seven days prior to the date set for hearing, at which any citizen of the  
5 locality shall have the right to attend and state his views thereon. ~~The governing body of any~~  
6 ~~county~~ Any locality not having a newspaper of general circulation may in lieu of the foregoing  
7 notice provide for notice by written or printed handbills, posted at such places as it may direct.  
8 The hearing shall be held at least seven days prior to the approval of the budget as prescribed in  
9 § ~~15.1-160~~ 15.2-2503; ~~however, with.~~ With respect to the public school division budget, such  
10 hearing shall be held at least seven days prior to the approval of that budget as prescribed in §  
11 22.1-93. The governing body may ~~recess or adjourn from day to day or time to time during~~ such  
12 hearing ~~or hearings~~ from time to time. The fact of such notice and hearing shall be entered of  
13 record in the minute book.

14 ~~Except in the case of public school budgets, the contemplated expenditure for all~~  
15 ~~purposes as contained in the budget prepared under §§ 15.1-160 and 15.1-161 and published~~  
16 ~~under this section shall be for informative and fiscal planning purposes only.~~ In no event,  
17 including public school division budgets, shall such preparation, publication and, ~~in the case of~~  
18 ~~public school budget~~, approval be deemed to be an appropriation. No money shall be paid out or  
19 become available to be paid out for any contemplated expenditure unless and until there has first  
20 been made an annual, semiannual, quarterly or monthly appropriation for such contemplated  
21 expenditure by the governing body, except funds appropriated in a county having adopted the  
22 county executive form of government, outstanding grants may be carried over for one year  
23 without being reappropriated.

24 **Drafting note: No substantive change in the law. Duplicative language eliminated.**

25  
26 § ~~15.1-162.1~~ 15.2-2507. Amendment of budget.

27 ~~Every county, city and town~~ Any locality may amend its budget ~~from time to time to~~  
28 ~~increase~~ adjust the aggregate amount to be appropriated during the current fiscal year as shown  
29 in the currently adopted budget as prescribed by § ~~15.1-161~~ 15.2-2504. However, any such  
30 amendment which exceeds one percent of the total ~~revenue~~ expenditures shown in the currently  
31 adopted budget or the sum of \$500,000, whichever is lesser, must be accomplished by publishing

1 a notice of a meeting and a public hearing once in a newspaper having general circulation in that  
2 locality at least seven days prior to the meeting date. The notice shall state the ~~local government's~~  
3 governing body's intent to amend the budget and include a brief synopsis of the proposed budget  
4 amendment. ~~The~~ Any local governing body ~~of every county, city and town~~ may adopt such  
5 amendment at the advertised meeting, after first providing a public hearing during such meeting  
6 on the proposed budget amendments.

7 **Drafting note: No substantive change in the law. "Increase" is changed to "adjust"**  
8 **in the first sentence in order to make clear that budget appropriations may need to be**  
9 **adjusted down as well as up. "Expenditures" substituted for "revenue" because it is the**  
10 **spending of public moneys that is of interest to the public.**

11  
12 § ~~15.1-163~~ 15.2-2508. Governing bodies may require information of departments, etc.

13 A. ~~The~~ Local governing bodies ~~of counties, cities and towns~~ may require the heads or  
14 other responsible representatives of all departments, offices, divisions, boards, commissions and  
15 agencies of their ~~respective~~ localities to furnish such information as may be deemed advisable  
16 ~~and in such form as may be required in relation to their respective affairs and activities.~~

17 B. A constitutional officer, as defined in § ~~15.1-167~~ 15.2-2511, for any such locality, to  
18 the extent information is required, shall be subject to the provisions of this section.

19 **Drafting note: No substantive change in the law. Unnecessary language deleted.**

20  
21 § ~~15.1-163.1~~. ~~Consolidation of accounts in certain counties.~~

22 ~~Notwithstanding any provision of law to the contrary, any county using a centralized~~  
23 ~~accounting system may, by resolution adopted by its governing body, consolidate the financial~~  
24 ~~accounting of its department of social services and library system with the general fund of such~~  
25 ~~county.~~

26 **Drafting note: Repealed; obsolete.**

27  
28 § ~~15.1-164~~ 15.2-2509. Auditor to ~~prescribe forms and classifications for county budgets~~  
29 devise ~~certain~~ system of bookkeeping and accounting.

1 The Auditor of Public Accounts shall ~~prescribe for the boards of supervisors forms and~~  
2 ~~classifications to aid in the preparation of county budgets~~ devise a system of bookkeeping and  
3 accounting for use by local governments and others pursuant to § 2.1-156.

4 **Drafting note: No substantive change in the law. Conforms language to § 2.1-156.**  
5 **Section had not been amended since 1968.**

6  
7 ~~§ 15.1-165. Governing body to publish statement showing receipts and disbursements.~~

8 ~~The governing body of the county annually shall cause to be made out within sixty days~~  
9 ~~after the end of the fiscal year a statement showing the aggregate amount of the receipts and~~  
10 ~~itemized disbursements of the twelve months next preceding. A copy of such statement shall be~~  
11 ~~published in one or more newspapers of the county or adjoining county or city. In any county~~  
12 ~~having an accounting system approved by the Auditor of Public Accounts the foregoing~~  
13 ~~requirements shall not be applicable and such county shall publish a condensed statement of~~  
14 ~~receipts and disbursements immediately after receipt of the report of the audit of its accounts,~~  
15 ~~using a form suggested and supplied by the Auditor of Public Accounts for such purpose.~~

16 **Drafting note: Repealed; audit is already required and is available under the FOIA.**

17  
18 ~~§ 15.1-166~~ 15.2-2510. Comparative report of local government revenues and  
19 expenditures.

20 A. ~~The treasurers~~ treasurer or other chief financial ~~officers~~ officer of ~~the local~~  
21 ~~governments of the Commonwealth shall, not later than~~ each locality shall file annually on or  
22 before November 30 ~~after the end of the fiscal year,~~ file with the Auditor of Public Accounts a  
23 detailed statement prepared according to ~~his~~ the Auditor's specifications showing the amount of  
24 revenues, expenditures and fund balances of the ~~local government~~ locality for the preceding  
25 fiscal year, accompanied by ~~their~~ the locality's audited financial report.

26 ~~In the event~~ B. ~~If such annual statements are~~ statement is not filed with the Auditor of  
27 Public Accounts, he may perform such work as is necessary to comply with the provisions of this  
28 section or hire certified public accountants to do such work. In either event the expenses of such  
29 work shall be charged to and paid by the ~~governing body of such local government~~ locality  
30 failing to supply the required information.

1           C. ~~The Auditor of Public Accounts shall prepare and cause to be published~~ publish  
2 annually by January 31 ~~following the close of such fiscal year~~ a statement showing in detail ~~the~~  
3 ~~comparative data of local government among the counties and cities and the per capita data~~  
4 ~~thereof~~ the total and per capita revenues and expenditures of all localities for the preceding fiscal  
5 year. ~~Such~~ The statement shall ~~set forth in detail the several items of revenues and expenditures~~  
6 ~~accompanied by~~ contain such analytical tables, explanations and comparisons as may lead to a  
7 clear understanding of ~~the same~~ such information and ~~to~~ make the information ~~contained therein~~  
8 readily accessible to the readers.

9           ~~And the~~ The Auditor of Public Accounts shall ~~cause~~ mail or deliver by February 1 of  
10 each year a copy of ~~such~~ the statement ~~to be mailed or delivered by February 1 of each year~~ to  
11 the members of the General Assembly, to the members and clerks of the local governing bodies,  
12 and until the supply is exhausted to every citizen who may request a copy.

13           ~~That the~~ The provisions of this section shall apply to all counties and cities, to all towns  
14 having a population of 3,500 or over, and to all towns constituting a separate school division  
15 regardless of their population.

16           **Drafting note: No substantive change in the law.**

17  
18           § ~~15.1-167~~ 15.2-2511. Audit of local government records, etc.; Auditor of Public  
19 Accounts; audit of shortages.

20           A. ~~Local governments~~ Localities shall have all their accounts and records, including all  
21 accounts and records of their constitutional officers, audited annually as of June 30 by an  
22 independent certified public accountant in accordance with the specifications furnished by the  
23 Auditor of Public Accounts, ~~as of June 30 of each year~~. The certified public accountant shall  
24 present a detailed written report to the local governing body at a public session by the following  
25 December 31. Every ~~local government~~ locality shall contract for the performance of the annual  
26 audit not later than April 1 of each fiscal year and such contract shall incorporate the provisions  
27 of this section relating to audit specifications and report date. The report shall be preserved by  
28 the clerk of the local governing body, and shall be open to public inspection at all times by any  
29 qualified voter.



1           The accounts and records of any county or city officer listed in Article VII, Section 4 of  
2 the Constitution of Virginia, hereinafter referred to as "constitutional officers," shall be subject to  
3 the provisions of this section.

4           In the event a locality fails to obtain the annual audit prescribed by this subsection, the  
5 Auditor of Public Accounts may undertake the audit or may employ the services of certified  
6 public accountants and charge the full cost of such services to the locality. However, no part of  
7 the cost and expense of such audit shall be paid by any locality whose governing body has its  
8 accounts audited for the fiscal years in question as prescribed above and furnishes the Auditor of  
9 Public Accounts with a copy of such audit.

10           B. The Auditor of Public Accounts shall audit the accounts of local governments and  
11 constitutional officers only when (i) special circumstances require an audit, or (ii) there is  
12 suspected fraud or inappropriate handling of funds which may affect the financial interests of the  
13 Commonwealth. In all instances, such audits shall be carried out with the approval of the Joint  
14 Legislative Audit and Review Commission.

15           ~~In carrying out the audit activities which may be required for local government and~~  
16 ~~constitutional officer accounts under this subsection, the Auditor of Public Accounts may~~  
17 ~~undertake the audit or may employ the services of certified public accountants and charge the~~  
18 ~~full cost of such services to the respective governments. However, no part of the cost and~~  
19 ~~expense of such audit shall be paid by any local government whose governing body has its~~  
20 ~~accounts audited for the fiscal years in question as prescribed above and furnishes the Auditor of~~  
21 ~~Public Accounts with a copy of such audit.~~

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

27           C. The provisions of this section shall apply to all counties and cities, to all towns having  
28 a population of 3,500 or over, and to all towns constituting a separate school division regardless  
29 of their population.

30           **Drafting note: No substantive change in the law; material is repositioned within the**  
31 **section.**

1  
2           § ~~15.1-557~~ 15.2-2512. Audit of accounts of certain county officers, boards and  
3 commissions.

4           Whenever, upon a petition filed in the circuit court ~~of~~ for any county ~~in this~~  
5 ~~Commonwealth~~ by at least fifty ~~freeholders~~ residents of the county, it is believed by the judge of  
6 the court that the public interests will be promoted by an audit or examination of the whole or  
7 any part ~~or parts~~ of the financial transactions of any county ~~or district~~ officer, board or  
8 commission of the county, the judge may appoint one or more certified public accountants to  
9 make and report to the court the result of such audit or examination ~~and the~~. The court shall fix  
10 the compensation ~~therefor and certify the same to the board of supervisors of the county, which~~  
11 ~~shall forthwith make provision for the compensation of the accountant or~~ to be paid by the board  
12 of supervisors to the accountants.

13           **Drafting note: No substantive change in the law; clarifying changes are made and**  
14 **unnecessary or archaic language is deleted. Since there is no comparable section for**  
15 **municipalities, this is a topic which may warrant further attention in the future so as to**  
16 **provide greater uniformity between localities.**

17  
18           § ~~15.1-541~~. Powers and duties at annual meeting.

19           ~~The board of supervisors of each county shall at the regular meeting in the month of July~~  
20 ~~in each year or as soon thereafter as practicable, audit the accounts of the county, settle with the~~  
21 ~~county treasurer his accounts for the year, settle with the sheriff his accounts upon the collection~~  
22 ~~of fines or other moneys accruing and belonging to the county, audit the accounts of the~~  
23 ~~superintendent of the poor and examine and pass upon his reports and generally settle with any~~  
24 ~~other officer who may have an account with the county and take such steps as may be necessary~~  
25 ~~to secure a full and satisfactory exhibit and settlement of the affairs of the county.~~

26           **Drafting note: Repealed; § 15.2-2511 requires an audit of all accounts.**

27  
28           § ~~15.1-168~~. County having special budget law may elect to comply with chapter.

29           ~~The governing body of any county having a special budget law may elect to comply with~~  
30 ~~the provisions of this chapter rather than those of the special budget law for that county.~~

31           **Drafting note: The substance of this section is included in § 15.2-2513.**

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~~§ 15.1-169. Cities and towns may elect to comply with chapter rather than charter provisions.~~

~~The council of any city or town whose charter contains provisions for a budget may elect to comply with the provisions of this chapter rather than those contained in the charter.~~

**Drafting note: The substance of this section is included in § 15.2-2513.**

§15.2-2513. Special budget provisions.

Every locality having special budget provisions in general or special law may choose, by resolution, to comply with the budget provisions of this chapter rather than those special budget provisions.

**Drafting note: Combines former §§ 15.1-168 and 15.1-169 with no substantive change in the law.**

~~§ 15.1-13.2. Uniform fiscal year and fiscal year accounting procedures for all cities and city and town school boards.~~

~~(1) The fiscal year of every city of the Commonwealth, and every city and town school board, shall begin on July 1 and end on June 30. 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 1, 1968, 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, and every city and town school board, shall, as soon as practicable, but not later than July 1, 1966, 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.~~

**Drafting note: Repealed; the subject matter of this section is duplicated in proposed § 15.2-2500 (§ 15.1-159.8), and the operative dates in this section have passed.**



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§ ~~15.1-227.3~~ 15.2-2602. Definitions.

As used in this chapter, the following words and terms have the following meanings, unless some other meaning is plainly intended:

"Bonds" mean any obligations of a ~~unit~~ locality for the payment of money.

"Cost" as applied to any project or to extensions or additions to any project, includes the purchase price of any project acquired by the ~~unit~~ locality or the cost of acquiring all of the capital stock of the corporation owning the project and the amount to be paid to discharge any obligations in order to vest title to the project or any part of it in the ~~unit~~ locality, the cost of improvements, property or equipment, the cost of construction or reconstruction, the cost of all labor, materials, machinery and equipment, the cost of all land, property, rights, easements and franchises acquired, financing charges, interest before and during construction and for up to one year after completion of construction, start-up costs and operating capital, the cost of plans and specifications, surveys and estimates of cost and of revenues, the cost of engineering, legal and other professional services, expenses incident to determining the feasibility or practicability of the project, payments by a ~~unit~~ locality of its share of the cost of any multi-jurisdictional project, administrative expense, any amounts to be deposited to reserve or replacement funds, and other expenses as may be necessary or incident to the financing of the project. Any obligation or expense incurred by the ~~unit~~ locality in connection with any of the foregoing items of cost may be regarded as a part of the cost and reimbursed to the ~~unit~~ locality out of the proceeds of bonds issued to finance the project.

~~"County" means any county now or hereafter existing in the Commonwealth.~~

"General obligation bonds" mean the bonds of a ~~unit~~ locality for the payment of which the ~~unit~~ locality is required to levy ad valorem taxes, including any obligations which may be additionally secured by a pledge of revenues, special assessments or funds derived from any other source.

"Governing body" means the board of supervisors, council, or other local legislative body, board, commission or authority having charge of the finances of any ~~unit~~ locality, and when the separate concurrence or approval of two or more sets of authorities is required by law for the making of appropriations, to the extent so required "governing body" includes both or all of them.



1  
2 § ~~15.1-227.7~~ 15.2-2604. Powers generally; ~~collection of rents and charges; liens on real~~  
3 ~~estate; discharge and enforcement of liens.~~

4 Subject to the provisions of Articles 3 (§ ~~15.1-227.33~~ 15.2-2632 et seq.) and 4 (§ ~~15.1-~~  
5 ~~227.39~~ 15.2-2638 et seq.) of this chapter, any ~~unit has the power and is authorized~~ locality may:

6 1. ~~To acquire~~ Acquire, construct, reconstruct, improve, extend, enlarge, equip, maintain,  
7 repair and operate any project which is located within or ~~without~~ outside the ~~unit~~ locality;

8 2. ~~To contract~~ Contract debts for any project, ~~to~~ borrow money for any project, and ~~to~~  
9 issue its bonds to pay all or any part of the cost of acquiring, constructing, reconstructing,  
10 improving, extending, enlarging and equipping any project;

11 3. ~~To refund~~ Refund any bonds previously issued by the ~~unit~~ locality or for which the ~~unit~~  
12 locality is responsible or may assume responsibility for payment;

13 4. ~~To provide~~ Provide for the rights of the owners of bonds issued by the ~~unit~~ locality;

14 5. ~~To secure~~ Secure bonds issued by the ~~unit~~ locality as permitted by law;

15 6. ~~To issue~~ Issue bonds to create any self-insurance reserve fund;

16 7. ~~To issue~~ Issue bonds to pay all or any part of the cost of satisfying a final judgment  
17 imposed against the ~~unit~~ locality (including its local school board) by a court of competent  
18 jurisdiction;

19 8. ~~To acquire~~ Acquire in the name of the ~~unit~~ locality, by purchase, gift or the exercise of  
20 the power of eminent domain, land and rights and interests in land, including land under water  
21 and riparian rights, and ~~to~~ acquire personal property as the governing body of the ~~unit~~ locality  
22 may deem necessary in connection with any project;

23 9. ~~To enter~~ Enter on any land, water or premises located within or ~~without~~ outside the  
24 ~~unit~~ locality for the purpose of making surveys, borings, soundings or examinations in  
25 connection with any project; any such entry shall not be deemed a trespass or an entry under any  
26 eminent domain proceedings, but the ~~unit~~ locality shall make reimbursement for any actual  
27 damages resulting from the entry;

28 10. ~~To receive~~ Receive and accept from any federal or state agency grants for or in aid of  
29 the construction of any project, and ~~to~~ receive and accept aid or contributions from any source of  
30 money, property, labor or other things of value, to be held, used and applied for the purposes for  
31 which the aid or contributions may be made; and ~~to~~ comply with any conditions not inconsistent

1 with the Constitution of Virginia or provision of law imposed by any federal or state agency as a  
2 prerequisite to obtaining any grant, including, but not limited to, the execution of any required  
3 contracts or arrangements;

4 11. ~~To employ~~ Employ consulting engineers, attorneys, accountants, construction and  
5 financial experts, superintendents, managers, and other employees and agents as may be  
6 necessary;

7 12. ~~To acquire~~ Acquire, hold and dispose of real and personal property in the exercise of  
8 its powers and the performance of its duties under this chapter;

9 13. ~~To enter~~ Enter into all contracts and agreements necessary or incidental to the  
10 performance of its duties and the execution of its powers under this chapter;

11 14. ~~To do~~ Do all things necessary or convenient to carry out the powers expressly given  
12 in this chapter and to carry out any project;

13 15. ~~To assess~~ Assess, levy and collect unlimited ad valorem taxes on all property subject  
14 to taxation to pay the principal of and premium, if any, and interest on any bonds issued under  
15 the provisions of this chapter, subject to and in accordance with the provisions of any ordinance,  
16 resolution, trust agreement, indenture or other instrument providing for the issuance of the  
17 bonds; and

18 16. ~~To fix~~ Fix and collect rates, rents, fees and other charges for the services and facilities  
19 furnished by, or for the use of, or in connection with any revenue-producing undertaking or  
20 undertakings, subject to and in accordance with the provisions of any ordinance, resolution, trust  
21 agreement, indenture or other instrument providing for the issuance of the bonds.

22 ~~The rates, rents, fees or charges when made for the use of any revenue producing~~  
23 ~~undertaking may be collected by distress, levy, garnishment, attachment or as otherwise provided~~  
24 ~~by law. Any unpaid rate, rent, fee or charge shall become a lien superior to the interest of any~~  
25 ~~owner, lessee or tenant, and next in succession to taxes, on the real property on or for which the~~  
26 ~~use of any such undertaking was made and for which the rate, rent, fee or charge was imposed.~~  
27 ~~However, the lien shall not bind or affect a subsequent bona fide purchaser of the real estate for~~  
28 ~~valuable consideration without actual notice of the lien, until amount of the rate, rent, fee or~~  
29 ~~charge is entered in the judgment records kept in the clerk's office where deeds are recorded with~~  
30 ~~respect to the real estate against which the lien is asserted. It shall be the duty of the clerk in such~~  
31 ~~office to keep, preserve and hold available for public inspection the judgment records and to~~



1 ~~cause entries to be made and indexed in them from time to time upon certification by the unit.~~  
2 ~~The clerk shall be entitled to a fee of fifty cents per entry to be paid by the unit and added to the~~  
3 ~~amount of the lien.~~

4 ~~The lien on any real estate may be discharged by the payment to the unit of the total~~  
5 ~~amount of the lien, plus interest at the judgment rate of interest provided for in § 6.1-330.54 from~~  
6 ~~the date the rate, rent, fee or charge was due and payable to the date of payment, and the entry~~  
7 ~~fee of fifty cents. It shall be the duty of the unit to deliver a certificate of payment to the person~~  
8 ~~paying the lien. Upon presentation of the certificate, and the payment of a fee of twenty five~~  
9 ~~cents, the clerk having the record of the lien shall mark the lien satisfied.~~

10 ~~Jurisdiction to enforce any lien shall be in equity, and the court may order any real estate~~  
11 ~~subject to the lien, or any part of it, sold and the proceeds applied to the payment of the lien and~~  
12 ~~the interest which may accrue to the date of payment.~~

13 ~~Nothing contained in this section shall be construed to prejudice the right of the unit to~~  
14 ~~recover the amount of any lien, or of the rate, rent, fee or charge, and the interest which may~~  
15 ~~accrue, by action at law or otherwise.~~

16 **Drafting note: No substantive change in the law. Stricken language moved to §**  
17 **15.2-2605.**

18  
19 § 15.2-2605. Collection of rents and charges; liens on real estate; discharge and  
20 enforcement of liens.

21 The rates, rents, fees or charges when made for the use of any revenue-producing  
22 undertaking may be collected by distress, levy, garnishment, attachment or as otherwise provided  
23 by law. Any unpaid rate, rent, fee or charge shall become a lien superior to the interest of any  
24 owner, lessee or tenant, and next in succession to taxes, on the real property on or for which the  
25 use of any such undertaking was made and for which the rate, rent, fee or charge was imposed.  
26 However, the lien shall not bind or affect a subsequent bona fide purchaser of the real estate for  
27 valuable consideration without actual notice of the lien, until amount of the rate, rent, fee or  
28 charge is entered in the judgment records kept in the clerk's office where deeds are recorded with  
29 respect to the real estate against which the lien is asserted. It shall be the duty of the clerk in such  
30 office to keep, preserve and hold available for public inspection the judgment records and to  
31 cause entries to be made and indexed in them from time to time upon certification by the unit

1 locality. The clerk shall be entitled to a fee of fifty cents per entry to be paid by the ~~unit~~ locality  
2 and added to the amount of the lien.

3 The lien on any real estate may be discharged by the payment to the ~~unit~~ locality of the  
4 total amount of the lien, plus interest at the judgment rate of interest provided for in § 6.1-330.54  
5 from the date the rate, rent, fee or charge was due and payable to the date of payment, and the  
6 entry fee of fifty cents. It shall be the duty of the ~~unit~~ locality to deliver a certificate of payment  
7 to the person paying the lien. Upon presentation of the certificate, and the payment of a fee of  
8 twenty-five cents, the clerk having the record of the lien shall mark the lien satisfied.

9 Jurisdiction to enforce any lien shall be in equity, and the court may order any real estate  
10 subject to the lien, or any part of it, sold and the proceeds applied to the payment of the lien and  
11 the interest which may accrue to the date of payment.

12 Nothing contained in this section shall be construed to prejudice the right of the ~~unit~~  
13 locality to recover the amount of any lien, or of the rate, rent, fee or charge, and the interest  
14 which may accrue, by action at law or otherwise.

15 **Drafting note: No substantive change in the law. Formerly part of § 15.1-227.7.**

16

17 § ~~15.1-227.8~~ 15.2-2606. Public hearing before issuance of bonds.

18 A. Notwithstanding any contrary provision of law, general or special, but subject to  
19 subsection B of this section, before the final authorization of the issuance of any bonds by a ~~unit~~  
20 locality, the governing body of the ~~unit~~ locality shall hold a public hearing on the proposed bond  
21 issue. Notice of the hearing shall be published once a week for two successive weeks in a  
22 newspaper published or having general circulation in the ~~unit~~ locality. The notice shall state the  
23 general purpose or purposes and the estimated maximum amount of the bonds proposed to be  
24 issued and shall specify the time and place of the hearing at which persons may appear and  
25 present their views. The hearing shall not be held less than six nor more than twenty-one days  
26 after the date the second notice appears in the newspaper.

27 B. No notice or public hearing shall be required for (i) bonds which have been approved  
28 by a majority of the ~~qualified~~ voters of the issuing ~~unit~~ locality voting on the issuance of such  
29 bonds or (ii) obligations issued pursuant to §§ ~~15.1-227.30~~ 15.2-2629, ~~15.1-227.31~~ 15.2-2630 or  
30 § ~~15.1-227.44~~ 15.2-2643.

31 **Drafting note: No substantive change in the law.**

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§ ~~15.1-227.9~~ 15.2-2607. Provisions which may be embodied in bond ordinances or resolution; adoption; filing copy with court.

The governing body of any ~~unit~~ locality, subject to the approval of a majority of the qualified voters of the ~~unit~~ locality voting on the issuance of such bonds if required by the Constitution of Virginia or by this chapter, is authorized to provide by ordinance or resolution for the issuance, at one time or from time to time, of bonds of the ~~unit~~ locality for the purposes set forth in and subject to the provisions of this chapter.

Any such ordinance or resolution may contain provisions which shall be a part of the contract with the owners of the bonds as to:

1. The payment of the principal of and premium, if any, and the interest on bonds from ad valorem taxes to be levied without limitation as to rate or amount on all property subject to taxation and the pledging of the full faith and credit of the ~~unit~~ locality to secure the payment of bonds;

2. The pledge of specified revenues of the ~~unit~~ locality, other than taxes, ad valorem or otherwise, including, without limitation, the pledge of the revenues of any revenue-producing undertaking or undertakings, to the payment of the principal of and premium, if any, and interest on bonds;

3. The granting of a mortgage or deed of trust lien on any specific revenue-producing undertaking or undertakings to secure the payment of the principal of and premium, if any, and interest on bonds issued to finance in whole or in part the costs of the undertaking or undertakings, but only if the full faith and credit of the ~~unit~~ locality is not pledged to the payment of the bonds;

4. The securing of the payment of the principal of and premium, if any, and interest on bonds by an ordinance resolution, trust agreement, indenture or other instrument, which may (i) appoint any trust company or bank having the powers of a trust company within or ~~without~~ outside the Commonwealth as corporate trustee, (ii) set forth the rights and remedies of the bondholders and of the trustee, (iii) restrict the individual right of action by bondholders, and (iv) contain any other provisions as the governing body of the ~~unit~~ locality deems reasonable and proper for the security of the bondholders;

1           5. The payment of the principal of and premium, if any, and the interest on bonds from  
2 any one or more of the sources of funds provided for in this section or any combination of them  
3 and the pledging of any one or more of the sources of funds or any combination of them to  
4 secure the payment of the principal of and premium, if any and interest on bonds;

5           6. The rates, rents, fees, charges, taxes and other revenues or receipts of any revenue-  
6 producing undertaking or undertakings and the amounts to be raised in each year by them, and  
7 the use and disposition of such rates, rents, fees, charges, taxes and other revenues and receipts  
8 of any undertaking or undertakings;

9           7. The setting aside of reserves or sinking funds and the regulation and disposition of  
10 them;

11           8. Limitations on the right of the ~~unit~~ locality to restrict and regulate the use of any  
12 project;

13           9. Limitations on the purpose to which the proceeds of sale of any bonds may be applied;

14           10. Limitations on issuance of additional revenue bonds;

15           11. The procedure, if any, by which the terms of any contract with bondholders may be  
16 amended or discharged, the amount of bonds the owners of which shall consent to the  
17 amendment or abrogation, and the manner in which the consent must be given;

18           12. Conferring upon the bondholders or the trustee under any ordinance, resolution, trust  
19 agreement, indenture or other instrument remedies for enforcing the rights of the bondholders  
20 and requiring the governing body to carry out any agreement with the bondholders;

21           13. Any other matter required by any state or federal agency as a condition precedent to  
22 the obtaining of a direct grant or grants of money for or in aid of any project or to defray or  
23 partially to defray the cost of the labor and materials employed upon any project, or to obtain a  
24 loan or loans of money for or in aid of any project from any state or federal agency; and

25           14. Any provisions necessary to qualify the interest on the bonds for exclusion from gross  
26 income for federal income tax purposes and to maintain that exclusion.

27           Any ordinance or resolution authorizing the issuance of bonds may be finally adopted at  
28 the meeting at which it is introduced, which may be a regular or special meeting, by a majority of  
29 the members of the governing body. A certified copy of each such ordinance or resolution shall  
30 be filed in the circuit court having jurisdiction over the ~~unit~~ locality. When any town is situated  
31 partly in two or more counties, the certified copy of the ordinance or resolution may be presented

1 to the circuit court ~~of~~ for any of the counties. Except as expressly required by this article, the  
2 ordinance or resolution need not be published, posted or advertised.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-227.10~~ 15.2-2608. Bonds for revenue-producing undertakings.

6 The governing body of any ~~unit~~ locality may, in accordance with the provisions of Article  
7 VII, Section 10 of the Constitution of Virginia, issue bonds for any revenue-producing  
8 undertaking.

9 **Drafting note: No substantive change in the law.**

10  
11 § ~~15.1-227.11~~ 15.2-2609. Covenants relating to issuance of revenue bonds.

12 The governing body of any ~~unit~~ locality proposing to issue bonds for any revenue-  
13 producing undertaking may covenant in the ordinance, resolution, trust agreement, indenture or  
14 other instrument providing for the issuance of the bonds that the rates, rents, fees or other  
15 charges for the services and facilities furnished by, for the use of, or in connection with the  
16 undertaking shall be fixed and maintained at the level that will produce sufficient revenue to pay  
17 the cost of operation and administration, the cost of insurance against loss by injury to persons or  
18 property, and the principal of and premium, if any, and interest on the bonds when due and  
19 payable, and to provide reserves for such purposes. The ordinance, resolution, trust agreement,  
20 indenture or other instrument, in order to assure the faithful observance of such covenant, may  
21 provide for the creation of a commission, or the appointment of a receiver, vested with such  
22 powers as to the management of the undertaking, or the fixing of rates, rents, fees or other  
23 charges, or both, as the governing body may deem proper.

24 **Drafting note: No substantive change in the law.**

25  
26 § ~~15.1-227.12~~ 15.2-2610. Request for referendum filed with court; order for election;  
27 notice.

28 If voter approval of any bond issue by a ~~unit~~ locality is required by the Constitution of  
29 Virginia or this chapter or any charter provision, a copy of the resolution or ordinance adopted  
30 by the governing body of the ~~unit~~ locality, certified by the clerk of the governing body,  
31 requesting that a referendum on the question of the issuance of the bonds be held, shall be filed

1 with the circuit court ~~of~~ for the ~~unit~~ locality or in the case of a town the circuit court ~~of~~ for the  
2 ~~unit~~ county in which the town is located. The circuit court shall order a special election, in  
3 accordance with § ~~24.1-165~~ 24.2-681 et seq., requiring the election officers of the ~~unit~~ locality on  
4 the day fixed in the order to open the polls and take the sense of the ~~qualified~~ voters of the ~~unit~~  
5 locality on the question of contracting the debt and issuing bonds for the purpose or purposes set  
6 forth in the resolution or ordinance. When any town is situated partly in two or more counties,  
7 the certified copy of the resolution or ordinance may be presented to the circuit court ~~of~~ for any  
8 of the counties and the court shall order an election to be held in the town in accordance with the  
9 provisions of § ~~24.1-93~~ §§ 24.2-601 and 24.2-681 et seq. Notice of the election in the form  
10 prescribed by the court shall be published at least once but not less than ten days before the  
11 election in a newspaper published or having general circulation in the ~~unit~~ locality.

12 Where voter approval is required by the Constitution of Virginia, this chapter or any  
13 charter provision, a ~~unit~~ locality may, at its option, provide in the ordinance or resolution that  
14 any two or more purposes and amounts of the bonds proposed to be issued for such purposes be  
15 combined into a single question for the election and referred to as "capital improvement bonds"  
16 in an aggregate principal amount equal to the sum of the amounts for the purposes so combined.

17 **Drafting note: No substantive change in the law.**

18  
19 § ~~15.1-227.13~~ 15.2-2611. Holding of election; order authorizing bonds; authority of  
20 governing body.

21 The regular election officers of the ~~unit~~ locality at the time designated in the order  
22 authorizing the vote shall open the polls at the various voting places in the ~~unit~~ locality and  
23 conduct the election in the manner provided by law for other elections. At the election, each  
24 ~~qualified~~ voter may cast his or her vote for or against the bond issue. The votes shall be counted,  
25 the returns made and canvassed and the results certified as provided in § ~~24.1-165~~ 24.2-681 et  
26 seq. If it appears from the returns that a majority of the ~~qualified~~ voters of the ~~unit~~ locality  
27 voting on the question at the election are against the proposed bond issue, an order shall be  
28 entered by the court to such effect. If a majority of the ~~qualified~~ voters of the ~~unit~~ locality voting  
29 on the question approve the bond issue, the court shall enter an order to such effect, a copy of  
30 which shall be promptly certified by the clerk of the court to the governing body of the ~~unit~~  
31 locality. The ~~unit~~ locality may then proceed to prepare, issue and sell its bonds up to the amount

1 so authorized and in doing so shall have all of the powers granted to the ~~unit~~ locality by this  
2 chapter with respect to incurring debt and issuing bonds. Bonds authorized by a referendum may  
3 not be issued by a ~~unit~~ locality more than eight years after the date of the referendum; however,  
4 this eight-year period may, at the request of the governing body of the ~~unit~~ locality, be extended  
5 to up to ten years after the date of the referendum by order of the circuit court ~~of~~ for the ~~unit~~  
6 locality, or in the case of a town the circuit court ~~of~~ for the ~~unit~~ county in which the town is  
7 located, entered before the expiration of the eight-year period. The court shall grant such  
8 extension unless the court is shown by clear and convincing evidence that the extension is not in  
9 the best interests of the ~~unit~~ locality.

10 **Drafting note: No substantive change in the law.**

11  
12 § ~~15.1-227.14~~ 15.2-2612. Dating; rate of interest; maturity; denomination; place of  
13 payment.

14 The bonds of a ~~unit~~ locality may be dated, may mature at such time or times not  
15 exceeding forty years from their date or dates, may be subject to redemption or repurchase, at  
16 such price or prices and under such terms and conditions, and may contain such other provisions,  
17 all as determined before their issuance by the governing body or in such manner as the governing  
18 body may provide. The bonds may bear interest payable at such time or times and at such rate or  
19 rates as determined by the governing body or in such manner as the governing body may  
20 provide, including the determination by reference to indices or formulas or by agents designated  
21 by the governing body under guidelines established by it. The governing body may fix the  
22 denomination or denominations of the bonds and the place or places of payment.

23 **Drafting note: No substantive change in the law.**

24  
25 § ~~15.1-227.15~~ 15.2-2613. Form and manner of execution; signature of person ceasing to  
26 be officer.

27 The governing body shall determine the form and the manner of execution of bonds. Any  
28 bonds issued under the provisions of this chapter, and any bonds previously or hereafter  
29 authorized to be issued by any ~~unit~~ locality under the provisions of any general or special law, if  
30 so authorized by the governing body of the ~~unit~~ locality, may bear or be executed with the  
31 facsimile signature of any official authorized to sign or execute them. If any law provides for the

1 sealing of bonds with the official or corporate seal of the ~~unit~~ locality or of its governing body, a  
2 facsimile of the seal may be imprinted on the bonds, if so authorized by the governing body of  
3 the ~~unit~~ locality, and it will not be necessary in such case to impress the seal physically on the  
4 bonds.

5 In case any officer whose signature or a facsimile of whose signature appears on any  
6 bonds ceases to be such officer before the delivery of the bonds, the signature or facsimile will  
7 nevertheless be valid and sufficient for all purposes the same as if the officer had remained in  
8 office until the delivery. Any bond may bear the facsimile signature of, or may be signed by, the  
9 person who at the actual time of the execution of the bond is the proper officer to sign the bond  
10 although at the date of the bond the person may not have been such officer.

11 When all signatures on bonds are facsimiles, the bonds must be authenticated by an agent  
12 appointed by the governing body of the ~~unit~~ locality issuing the bonds or in such manner as the  
13 governing body may provide.

14 **Drafting note: No substantive change in the law.**

15

16 § ~~15.1-227.16~~ 15.2-2614. Bearer, registered or book entry form.

17 The bonds may be issued in bearer, registered or book entry form, or any combination of  
18 such forms, as the governing body may determine.

19 **Drafting note: No change.**

20

21 § ~~15.1-227.17~~ 15.2-2615. Bonds deemed negotiable instruments.

22 Notwithstanding any of the foregoing provisions of this chapter or any recitals in any  
23 bonds issued under the provisions of this chapter, all bonds shall be deemed to be negotiable  
24 instruments under the laws of the Commonwealth.

25 **Drafting note: No change.**

26

27 § ~~15.1-227.18~~ 15.2-2616. Interim receipts or temporary bonds exchangeable for definitive  
28 bonds.

29 Before the preparation of definitive bonds, the governing body of a ~~unit~~ locality may,  
30 subject to the same provisions of this chapter as are applicable to the issuance of definitive



1 bonds, issue interim receipts or temporary bonds, exchangeable for definitive bonds when such  
2 bonds have been executed and are available for delivery.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-227.19~~ 15.2-2617. Sale of bonds.

6 Any ~~unit~~ locality may sell any bonds authorized under the provisions of this chapter in  
7 such manner, either at public or private sale, and for such price as the governing body of the ~~unit~~  
8 locality may determine.

9 **Drafting note: No substantive change in the law.**

10  
11 § ~~15.1-227.20~~ 15.2-2618. Disposition of proceeds; separate fund.

12 Unless otherwise specifically provided by the governing body of a ~~unit~~ locality or in the  
13 ordinance, resolution, trust agreement, indenture or other instrument authorizing the issuance of  
14 bonds, all proceeds received from the sale of the bonds of any ~~unit~~ locality issued under the  
15 provisions of this chapter shall be paid to, or at the direction of, the treasurer or chief financial  
16 officer of the ~~unit~~ locality who shall promptly deposit the funds in a bank or other depository to  
17 the credit of the ~~unit~~ locality as prescribed by general law or the provisions of the charter  
18 applicable to the ~~unit~~ locality. The treasurer or chief financial officer shall account for the  
19 money through a fund, separate from all other funds, in the system of accounting of the ~~unit~~  
20 locality.

21 **Drafting note: No substantive change in the law.**

22  
23 § ~~15.1-227.21~~ 15.2-2619. Investment of proceeds pending application to authorized  
24 purpose.

25 Pending the application of the proceeds of any bonds authorized under the provisions of  
26 this chapter to the purpose or purposes for which the bonds have been authorized, all or any part  
27 of the proceeds may be invested, in accordance with Chapter 18 (§ 2.1-327 et seq.) of Title 2.1.  
28 Any security purchased as an investment of the proceeds of bonds shall be deemed at all times to  
29 be a part of the proceeds, and the interest accruing on the investment and any profit realized from  
30 it shall be credited to the proceeds; provided, however, if authorized by resolution of the

1 governing body, the ~~unit~~ locality may apply the interest accruing on the investment and any  
2 profit realized from it to pay costs as defined by this chapter.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-227.22~~ 15.2-2620. Bonds made legal investments.

6 Bonds issued under this chapter are made securities in which public officers and bodies  
7 of the Commonwealth, counties, cities and towns and municipal subdivisions of the  
8 Commonwealth, insurance companies and associations, savings banks, savings institutions,  
9 savings and loan associations, trust companies, beneficial and benevolent associations,  
10 administrators, guardians, executors, trustees and other fiduciaries in the Commonwealth may  
11 properly and legally invest funds under their control.

12 **Drafting note: No change.**

13  
14 § ~~15.1-227.23~~ 15.2-2621. Bonds mutilated, lost or destroyed.

15 If any bond is mutilated, destroyed or lost, the governing body of the ~~unit~~ locality  
16 obligated to pay the bond may cause a new bond of like date, number and tenor to be executed  
17 and delivered in exchange and substitution for and upon the cancellation of the mutilated bond,  
18 or in lieu of and in substitution for the bond destroyed or lost, upon the owner paying the  
19 reasonable expense and charges in connection therewith. In the case of a bond destroyed or lost,  
20 its owner may be required to file with the person having custody of the funds from which the  
21 bond is to be paid evidence satisfactory to that person that the bond was destroyed or lost, and  
22 evidence of the ownership of the bond and may be required to furnish indemnity satisfactory to  
23 that person.

24 **Drafting note: No substantive change in the law.**

25  
26 § ~~15.1-227.24~~ 15.2-2622. Destruction of bonds and coupons after payment in full.

27 A. Whenever the fiscal agent for any ~~unit~~ locality pays in full any bonds representing an  
28 obligation of the ~~unit~~ locality, the fiscal agent may, by agreement with the ~~unit~~ locality, destroy  
29 the bond and certify the facts of the payment and destruction to the treasurer or director of  
30 finance, as the case may be, of the ~~unit~~ locality.

1 B. The certification required by this section shall set forth the issue, series, number and  
2 maturity date of each bond, together with any additional facts as are necessary to specifically  
3 identify each bond paid and destroyed. However, the treasurer or director of finance may waive  
4 the requirement that the number of each interest coupon be supplied.

5 C. Every certification shall be in such form as is prescribed by the Auditor of Public  
6 Accounts and shall be acknowledged in the manner prescribed by law for the acknowledgment of  
7 deeds.

8 D. Whenever any certification, appearing on its face to have been executed and  
9 acknowledged as prescribed by this section, has been delivered to the treasurer or director of  
10 finance of any ~~unit~~ locality by the fiscal agent, the treasurer or director of finance shall, in the  
11 absence of actual knowledge of any misrepresentation or irregularity as to the certification, be  
12 relieved of all further liability for all the bonds represented in the certificate to have been paid  
13 and destroyed. For accounting purposes, every such certification which appears on its face to  
14 have complied with the requirements of this section shall constitute sufficient evidence of the  
15 facts set forth in it.

16 **Drafting note: No substantive change in the law.**

17  
18 § ~~15.1-227.24:1~~ 15.2-2623. Defeasance of indebtedness; rights of owners.

19 The governing body of any ~~unit~~ locality is authorized to provide by resolution or  
20 ordinance for the defeasance of any bonds of the ~~unit~~ locality now or hereafter outstanding, to  
21 the extent that the defeasance of such bonds is not otherwise provided for in the resolution,  
22 ordinance, indenture or other document governing the issuance of such bonds. Bonds to be  
23 defeased pursuant to this section shall be deemed defeased and no longer outstanding when there  
24 has been established with a bank or trust company designated by the ~~unit~~ locality an escrow or  
25 sinking fund consisting of cash and noncallable obligations of, or unconditionally guaranteed by,  
26 the United States of America or noncallable obligations of, or unconditionally guaranteed by, the  
27 Commonwealth of ~~Virginia~~ in an amount which together with interest to be earned on such  
28 obligations will be sufficient to pay all bonds to be defeased either at maturity or upon  
29 redemption; however, if such bonds are to be defeased either at maturity or upon redemption,  
30 notice of the redemption of such bonds shall have been duly given or irrevocable instructions to  
31 redeem such bonds shall have been given by the ~~unit~~ locality.

1 Any escrow fund established pursuant to this section shall be irrevocably pledged to the  
2 payment of the bonds to be defeased and shall be used solely to pay such bonds at maturity or  
3 upon earlier redemption. It is the intent that any escrow fund established pursuant to this section  
4 shall constitute a special fund for the payment of the defeased bonds and that the defeased bonds  
5 shall not be included for the purpose of determining any limitation upon the amount of  
6 indebtedness of the ~~unit~~ locality which is imposed by law.

7 The owners of any outstanding bonds to be defeased shall be divested of all rights and  
8 security relating to the bonds, except the right to payment due to principal, premium, if any, and  
9 interest, which shall be paid solely from the escrow fund.

10 **Drafting note: No substantive change in the law.**

11  
12 § ~~15.1-227.25~~ 15.2-2624. Tax to pay principal and interest.

13 Notwithstanding any other provision of law or any charter provision, the governing body  
14 is authorized and required to levy and collect annually, at the same time and in the same manner  
15 as other taxes of the ~~unit~~ locality are assessed, levied and collected, a tax upon all taxable  
16 property within the ~~unit~~ locality, over and above all other taxes, authorized or limited by law and  
17 without limitation as to rate or amount, sufficient to pay when due the principal of and premium,  
18 if any, and interest on any general obligation bonds of the ~~unit~~ locality issued under the  
19 provisions of this chapter to the extent other funds of the ~~unit~~ locality are not lawfully available  
20 and appropriated for such purpose.

21 **Drafting note: No substantive change in the law.**

22  
23 § ~~15.1-227.26~~ 15.2-2625. Deposit of funds; security; investment of funds.

24 Unless otherwise provided in the ordinance, resolution, trust agreement, indenture or  
25 other instrument authorizing the issuance of bonds, all money collected and required to be set  
26 aside for the payment of bonds issued under the provisions of this chapter, whether from the  
27 proceeds of taxes levied for such purpose or from revenues or special assessments pledged for  
28 such purpose, shall be deposited in escrow with some solvent bank or trust company in ~~this~~ the  
29 Commonwealth which is acceptable to the governing body and shall be secured pursuant to the  
30 Virginia Security for Public Deposits Act, Chapter 23 (§ 2.1-359 et seq.) of Title 2.1. In lieu of  
31 retaining the money on deposit, all or part of the money may be invested in securities that are

1 legal investments under the laws of the Commonwealth, which mature, or which are subject to  
2 redemption by the owner at the option of the owner, not later than the date upon which the  
3 money shall be required to make the payments for which it has been designated.

4 **Drafting note: No substantive change in the law.**

5  
6 § ~~15.1-227.27~~ 15.2-2626. Contracts concerning interest rates, currency, cash flow or  
7 other basis.

8 A. Any ~~unit~~ locality may enter into any contract which the governing body of the ~~unit~~  
9 locality determines to be necessary or appropriate to place the obligation or investment of the  
10 ~~unit~~ locality, as represented by the bonds or the investment of their proceeds, in whole or in part,  
11 on the interest rate, cash flow or other basis desired by the ~~unit~~ locality, which contract may  
12 include without limitation, contracts commonly known as interest rate swap agreements, and  
13 futures or contracts providing for payments based on levels of, or changes in, interest rates.  
14 These contracts or arrangements may be entered into by the ~~unit~~ locality in connection with, or  
15 incidental to, entering into, or maintaining any (i) agreement which secures bonds or (ii)  
16 investment, or contract providing for investment, otherwise authorized by law. These contracts  
17 and arrangements may contain such payment, security, default, remedy, and other terms and  
18 conditions as determined by the governing body of the ~~unit~~ locality, after giving due  
19 consideration to the creditworthiness of the counterparty or other obligated party, including any  
20 rating by any nationally recognized rating agency, and any other criteria as may be appropriate.

21 B. Any money set aside and pledged to secure payments of bonds or any of the contracts  
22 entered into pursuant to this section, may be invested in accordance with Chapter 18 (§ 2.1-327  
23 et seq.) of Title 2.1 and may be pledged to and used to service any of the contracts or agreements  
24 entered into pursuant to this section.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-227.28~~ 15.2-2627. Time for contesting validity of proposed bond issue; when  
28 bonds presumed valid.

29 For a period of thirty days after the date of the filing with the circuit court having  
30 jurisdiction over the ~~unit~~ locality of a certified copy of the initial ordinance or resolution of the  
31 governing body of the ~~unit~~ locality authorizing the issuance of bonds, any person in interest has

1 the right to contest the validity of the bonds, the taxes to be levied for the payment of the bonds,  
2 the rates, rents, fees and other charges for the services and facilities furnished by, for the use of,  
3 or in connection with, any revenue-producing undertaking, the pledge of the revenues of any  
4 revenue-producing undertaking, any provisions which may be recited in any ordinance,  
5 resolution, trust agreement, indenture or other instrument authorizing the issuance of bonds, or  
6 any matter contained in, provided for or done or to be done pursuant to the foregoing. If such  
7 contest is not begun within the thirty-day period, the authority to issue the bonds, the validity of  
8 the taxes or the pledge of revenues necessary to pay the bonds, the validity of any other provision  
9 contained in the ordinance, resolution, trust agreement, indenture or other instrument, and all  
10 proceedings in connection with the authorization and the issuance of the bonds shall be  
11 conclusively presumed to have been legally taken and no court shall have authority to inquire  
12 into such matters and no such contest shall thereafter be instituted.

13 Upon the delivery of any bonds reciting that they are issued pursuant to this chapter and  
14 an election held or ordinance or resolution adopted under this chapter, the bonds shall be  
15 conclusively presumed to be fully authorized by all the laws of the Commonwealth and to have  
16 been sold, executed and delivered by the ~~unit~~ locality in conformity with such laws, and the  
17 validity of the bonds shall not be questioned by a party plaintiff, a party defendant, the ~~unit~~  
18 locality, any taxpayer of the ~~unit~~ locality, or any other interested party in any court, anything in  
19 this chapter or in any other statutes to the contrary notwithstanding.

20 **Drafting note: No substantive change in the law.**

21

22 § ~~15.1-227.29~~ 15.2-2628. Notes in anticipation of bond issue.

23 In anticipation of the issuance of bonds under the provisions of this chapter and of the  
24 receipt of the proceeds from the sale of bonds, any ~~unit~~ locality may borrow money and issue its  
25 notes for any purpose for which bonds of the ~~unit~~ locality have been authorized in a principal  
26 amount not to exceed the principal amount of the authorized bonds. The notes shall mature and  
27 be paid within five years of the date of their original issuance. Any notes may be extended or  
28 refinanced from time to time, provided that no extension or refinancing matures later than five  
29 years from the date of the original issuance of the notes.

30 The ~~unit~~ locality may, in its discretion, retire any notes by means of current revenues,  
31 special assessments, or other funds, in lieu of retiring them by the issuance of bonds, provided

1 that the maximum amount of bonds that has been authorized must be reduced by the amount of  
2 the notes retired in such manner.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-227.30~~ 15.2-2629. Loans to meet appropriations for current year.

6 Any ~~unit~~ locality may borrow money and issue its notes in anticipation of the collection  
7 of the taxes and revenues of the ~~unit~~ locality for the current year, but the principal amount of the  
8 notes may not exceed the anticipated revenues for such year. Such notes shall mature and be  
9 paid within one year from the date they are issued. No extension of such notes shall be valid and  
10 no additional notes shall be issued under this section until all notes issued during preceding years  
11 ~~shall~~ have been paid.

12 **Drafting note: No substantive change in the law.**

13  
14 § ~~15.1-227.31~~ 15.2-2630. Loans in anticipation of federal and state funds.

15 Any ~~unit is empowered to~~ locality may borrow money and issue its notes in advance of  
16 grants and reimbursements due the ~~unit~~ locality from the federal or state government for the  
17 purpose of meeting appropriations made for the then fiscal year. "Grants" ~~mean~~ means grants  
18 which the ~~unit~~ locality has been formally advised in writing it will receive and "reimbursements"  
19 ~~mean~~ means money which either the federal or state government is obligated to pay the ~~unit~~  
20 locality on account of expenditures made in anticipation of receiving the payment from the  
21 federal or state government. The ~~unit~~ locality may borrow the full amount of the grant or  
22 reimbursement that the federal or state government is obligated to pay at the time the notes are  
23 issued. The notes shall be repaid by the earlier of thirty days after the grant or reimbursement is  
24 received or one year from the date of their issuance.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-227.32~~ 15.2-2631. Terms of temporary loans.

28 The temporary loans authorized by §§ ~~15.1-227.29~~ 15.2-2628, ~~15.1-227.30~~ 15.2-2629,  
29 and ~~15.1-227.31~~ 15.2-2630, shall be evidenced by bonds or notes issued under and governed by  
30 the provisions of this chapter insofar as they are applicable. The bonds or notes may be extended

1 or refinanced from time to time, but shall mature within the time limits prescribed by §§ ~~15.1-~~  
2 ~~227.29~~ 15.2-2628, ~~15.1-227.30~~ 15.2-2629, and ~~15.1-227.31~~ 15.2-2630.

3 **Drafting note: No change.**

4  
5 Article 3.

6 Bonds Issued by Municipalities.

7  
8 § ~~15.1-227.33~~ 15.2-2632. Certain debts that may be contracted by city on transition from  
9 town.

10 Any city may, within one year from the date of its transition from a town to a city  
11 pursuant to the provisions of Chapter ~~22~~ 38 (§ ~~15.1-982.1~~ 15.2-3800 et seq.) of this title, contract  
12 debts, borrow money, and authorize the issuance of its bonds in the principal amount of its  
13 proportionate share of all state, county, and district levies on property within the territory  
14 occupied by the city actually collected by the county treasurer pursuant to § ~~15.1-1002~~ 15.2-3828  
15 in the year in which the transition takes place, and which does or would constitute credit against  
16 the amount of the assumption of county indebtedness by the city pursuant to § ~~15.1-1003~~ 15.2-  
17 3829.

18 **Drafting note: No change.**

19  
20 § ~~15.1-227.34~~ 15.2-2633. Borrowing by certain cities to pay expenses.

21 Notwithstanding any provision of law to the contrary, any city may contract debts by  
22 borrowing money and authorizing the issuance of its bonds maturing more than one year after  
23 their date to pay the expenses associated with it becoming a city, including without limitation,  
24 payments to any county for educational services pending the establishment of its school system,  
25 provided:

- 26 1. The debts shall not be created after five years from the date it became a city, and  
27 2. The debts shall not at any time during the five-year period exceed one percent of the  
28 assessed valuation of the real estate in the city subject to taxation, as shown by the last preceding  
29 assessment for taxes.

30 **Drafting note: No change.**



1           § ~~15.1-227.35~~ 15.2-2634. Limitation on amount of outstanding bonds.

2           Subject to §§ ~~15.1-227.2~~ 15.2-2601 and ~~15.1-227.36~~ 15.2-2635, no municipality may  
3 issue any bonds or other interest-bearing indebtedness which, including existing indebtedness, at  
4 any time exceeds ten percent of the assessed valuation of the real estate in the municipality  
5 subject to taxation, as shown by the last preceding assessment for taxes.

6           **Drafting note: No change.**

7  
8           § ~~15.1-227.36~~ 15.2-2635. What indebtedness not included in determining limitation.

9           In determining the limitation contained in § ~~15.1-227.35~~ 15.2-2634, there shall not be  
10 included the classes of indebtedness described in clauses (1) through (4) of Article VII, Section  
11 10 (a) of the Constitution of Virginia.

12           **Drafting note: No change.**

13  
14           § ~~15.1-227.37~~ 15.2-2636. Ordinance or resolution to provide for issue of bonds.

15           Except as otherwise provided in this section, whenever any municipality proposes to  
16 borrow money and issue its bonds under the provisions of Article VII, Section 10 (a), of the  
17 Constitution of Virginia and this chapter, the governing body shall adopt an ordinance or  
18 resolution, stating the maximum principal amount of the bonds to be issued and in brief and  
19 general terms the purpose or purposes for which the proceeds of the bonds are to be used.  
20 Subject to § ~~15.1-227.2~~ 15.2-2601, if the proposed bond issue is pursuant to the provisions of  
21 Article VII, Section 10 (a) of the Constitution of Virginia (other than subsection (2) thereof), the  
22 governing body may authorize and issue bonds in accordance with the applicable provisions of  
23 this chapter, without submission of the question of the issuance of the bonds to the ~~qualified~~  
24 voters for approval. If the bonds are being issued under the provisions of Article VII, Section 10  
25 (a) (2) of the Constitution of Virginia, and are not to be included within the otherwise authorized  
26 indebtedness of the municipality, the bonds shall be authorized by an ordinance which shall state  
27 that fact, as well as the specific undertaking for which the money is proposed to be borrowed and  
28 the bonds are to be issued, and request that a referendum on the issuance of the bonds be held in  
29 accordance with §§ ~~15.1-227.12~~ 15.2-2610 and ~~15.1-227.13~~ 15.2-2611. Any ordinance or  
30 resolution authorizing the issuance of bonds by a municipality must be passed by the recorded  
31 affirmative vote of a majority of all the members elected to its governing body. If the ordinance

1 or resolution is vetoed by the mayor, where the power of veto exists, it may be adopted  
2 notwithstanding the veto in the manner prescribed by Article VII, Section 7 of the Constitution  
3 of Virginia.

4 **Drafting note: No substantive change in the law.**

5  
6 § ~~15.1-227.38~~ 15.2-2637. Danville to incur indebtedness only in accordance with charter.

7 In the City of Danville no money shall be borrowed, no bonds issued and no indebtedness  
8 incurred under this chapter except in accordance with the terms of its charter.

9 **Drafting note: No change.**

10  
11 Article 4.

12 Bond Issues by Counties.

13  
14 § ~~15.1-227.39~~ 15.2-2638. Powers of counties generally; approval of voters required.

15 A. Except as provided in subsection B of this section, no county has the power to  
16 contract any debt or to issue its bonds unless a majority of the ~~qualified~~ voters of the county  
17 voting on the question at an election held in accordance with §§ ~~15.1-227.12~~ 15.2-2610 and ~~15.1-~~  
18 ~~227.13~~ 15.2-2611 approve contracting the debt, borrowing the money and issuing the bonds.

19 B. Voter approval is not required for a county (i) to contract debt or to issue bonds  
20 described in Article VII, Section 10 (a) (1) and (3) of the Constitution of Virginia, (ii) to issue  
21 refunding bonds, or (iii) to issue bonds, with the consent of the school board and the governing  
22 body of the county, for capital projects for school purposes which are sold to the Literary Fund,  
23 the Virginia Retirement System, or other state agency prescribed by law.

24 **Drafting note: No substantive change in the law.**

25  
26 § ~~15.1-227.40~~ 15.2-2639. County may elect to be treated as city for issuing bonds.

27 Any county may, upon approval by the affirmative vote of the ~~qualified~~ voters of the  
28 county voting in an election on the question, elect to be treated as a city for the purpose of  
29 incurring debt and issuing bonds under this chapter. If a county so elects, it will thereafter be  
30 subject to all of the benefits and limitations of Article VII, Section 10 (a) of the Constitution of  
31 Virginia and all provisions of this chapter relating to bonded indebtedness applicable to

1 municipalities, but in determining the debt limitation for such county under § ~~15.1-227.35~~ 15.2-  
2 2634 there shall be included, unless otherwise excluded under Article VII, Section 10 (a) of the  
3 Constitution of Virginia, indebtedness of any town or district in that county empowered to levy  
4 taxes on real estate.

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-227.41~~ 15.2-2640. Resolution for bond issue; contents; request for bonds for  
8 school purposes.

9 Whenever the governing body of any county determines that it is advisable to contract a  
10 debt and issue general obligation bonds of the county, it shall adopt an ordinance or resolution  
11 setting forth in brief and general terms the purpose or purposes for which the bonds are to be  
12 issued and the maximum amount of the bonds to be issued.

13 Where voter approval is required or permitted by the Constitution of Virginia or this  
14 chapter, the ordinance or resolution shall request the circuit court to order an election to be held  
15 pursuant to §§ ~~15.1-227.12~~ 15.2-2610 and ~~15.1-227.13~~ 15.2-2611 on the question of contracting  
16 the debt and issuing the proposed bonds.

17 Before the adoption of an ordinance or resolution by the governing body of any county  
18 requesting the ordering of an election on the question of contracting a debt and issuing bonds for  
19 school purposes, or, if no referendum is required, adopting an ordinance or resolution authorizing  
20 the issuance of bonds for school purposes, the school board of the county must first request, by  
21 resolution, the governing body of the county to take such action.

22 If voter approval is not required by the Constitution of Virginia or the provisions of this  
23 chapter, the governing body of the county has all the powers granted by this chapter to the  
24 governing bodies of municipalities with respect to incurring debt and issuing bonds.

25 **Drafting note: No change.**

26  
27 § ~~15.1-227.42~~ 15.2-2641. Subsequent resolutions.

28 If the question of contracting a debt, borrowing money and issuing bonds for the purpose  
29 or purposes set forth in the ordinance or resolution is approved at the election called and held for  
30 such purpose, the governing body of the county, subsequent to the recording of the results of the  
31 election, may, by ordinance or resolution, at one time or from time to time, authorize the

1 issuance of bonds. A copy of each ordinance or resolution authorizing the issuance of bonds,  
2 certified by the clerk of the governing body of the county, shall be filed with the clerk of the  
3 circuit court ~~of~~ for the county.

4 **Drafting note: No substantive change in the law.**

5  
6 § ~~15.1-227.43~~ 15.2-2642. School district bonds.

7 The governing body of any county, acting for and on behalf of any school district in the  
8 county, or acting for and on behalf of two or more school districts jointly, may provide for the  
9 issuance of general obligation bonds of the school district or districts for school purposes.  
10 Where voter approval is required by the Constitution of Virginia or the provisions of this chapter,  
11 the bonds shall not be issued unless a majority of the ~~qualified~~ voters of the district voting in the  
12 election held pursuant to §§ ~~15.1-227.12~~ 15.2-2610 and ~~15.1-227.13~~ 15.2-2611 on the question  
13 in the district, or in each of the districts separately, approve the contracting of the debt and the  
14 issuing of the bonds. The bonds of two or more school districts shall be issued as joint  
15 obligations of such school districts. Any school district, or any school districts jointly, shall  
16 constitute a ~~unit~~ locality. For the purpose of this section, each magisterial district in each county  
17 shall constitute a school district, but any such school district shall not include a town constituting  
18 a separate school district. In any county where an incorporated town constitutes both a school  
19 district and an entire magisterial district, the remaining magisterial districts shall, upon the  
20 adoption of resolutions by the governing body and the school board, constitute a single school  
21 district which may thereafter issue general obligation bonds for school purposes after approval  
22 by a majority of all the ~~qualified~~ voters of the district voting in an election on the question. The  
23 issuance of the bonds shall be governed by the provisions of this chapter.

24 **Drafting note: No substantive change in the law.**

25  
26 Article 5.

27 Refunding Bonds.

28  
29 § ~~15.1-227.44~~ 15.2-2643. Authority for issuance; resolutions or ordinances.

30 The governing body of any ~~unit~~ locality is authorized to provide by resolution or  
31 ordinance for the issuance of bonds of the ~~unit~~ locality for the purpose of refunding any or all

1 bonds of the ~~unit~~ locality now or hereafter outstanding, other than obligations issued in  
2 anticipation of the collection of the revenue of the ~~unit~~ locality for the then current year, and for  
3 the purpose of paying the cost of issuing the refunding bonds, whether the ~~unit~~ locality created  
4 the indebtedness or assumed or became liable for it and whether or not the indebtedness to be  
5 refunded has matured or is then subject to redemption.

6 This article shall without reference to any other sections of the Code or acts of the  
7 General Assembly be full authority for the issuance, sale, or exchange of bonds authorized under  
8 it, and no order, resolution or proceeding in respect of the issuance of the bonds shall be  
9 necessary except as required by this article. No approval of the authorization, sale, or exchange  
10 of bonds under this article shall be required by any official, court, board, or body and no  
11 publication of any notice, order, resolution, or proceeding relating to the issuance of refunding  
12 bonds shall be necessary, except as expressly required in this article. The authorization and  
13 issuance of refunding bonds shall not be subject to referendum.

14 **Drafting note: No substantive change in the law.**

15  
16 § ~~15.1-227.45~~ 15.2-2644. Issuance or exchange for indebtedness to be retired; sale and  
17 disposition of proceeds; rights of owners.

18 Any refunding bonds may be issued or exchanged for the indebtedness to be retired by  
19 them, including indebtedness not matured, redeemable or surrendered for retirement. Unless so  
20 exchanged, any ~~unit~~ locality may sell refunding bonds authorized under the provisions of this  
21 article in such manner, either at public or private sale, and for such price as the governing body  
22 of the ~~unit~~ locality may determine. The proceeds of any refunding bonds may be applied to (i)  
23 the payment of matured or redeemable indebtedness, including any redemption premium, (ii) the  
24 payment of unmatured indebtedness the evidences of which are on deposit with a bank or trust  
25 company designated by the ~~unit~~ locality for surrender to the ~~unit~~ locality upon receipt of payment  
26 in an amount not exceeding the amount of the indebtedness, or (iii) the establishment of an  
27 escrow or sinking fund consisting of cash and noncallable obligations of the United States of  
28 America or noncallable obligations of the Commonwealth of ~~Virginia~~ in an amount which  
29 together with interest to be earned on such obligations shall be sufficient to pay all indebtedness  
30 to be refunded either at maturity or upon redemption as provided for upon the creation of the  
31 escrow or sinking fund. Any escrow or sinking fund established, in whole or in part, from the

1 proceeds of the sale of refunding bonds shall be irrevocably pledged to the payment of the  
2 indebtedness to be refunded and shall be used solely to pay the indebtedness at maturity or upon  
3 redemption or for the purchase of not less than all of the indebtedness to be refunded. It is the  
4 intent that any escrow or sinking fund established pursuant to this section shall constitute a  
5 special fund for the payment of the refunded indebtedness and that the refunded indebtedness  
6 shall not be included for the purpose of determining any limitation upon the amount of  
7 indebtedness of the ~~unit~~ locality which is imposed by law.

8 The owners of any outstanding indebtedness to be refunded shall be divested of all rights  
9 and security relating to the indebtedness, except the right to payment when due of principal,  
10 premium, if any, and interest, which shall be paid solely from the escrow or sinking fund;  
11 provided that, in the case of debt issued before March 27, 1977, the governing body of the ~~unit~~  
12 locality may provide that if the escrow or sinking fund is in any respect insufficient to make  
13 payment of principal, premium, if any, and interest, the original rights and security relating to the  
14 indebtedness shall be restored to the extent necessary to provide full payment.

15 **Drafting note: No substantive change in the law.**

16

17 § ~~15.1-227.47~~ 15.2-2645. Amount of bonds.

18 No refunding bonds shall be issued in a principal amount exceeding that necessary to  
19 amortize the principal of and premium, if any, and interest on the bonds to be refunded and pay  
20 all expenses reasonably incurred in the issuance of the refunding bonds less the amount then in  
21 any sinking, escrow and other funds which are available for the payment of the principal,  
22 premium, if any, or interest on the bonds to be refunded.

23 **Drafting note: No change.**

24

25 § ~~15.1-227.48~~ 15.2-2646. Participation in funds donated by Commonwealth.

26 The issuance of refunding bonds for the retirement of bonds which are now or may  
27 hereafter be entitled to participate in funds donated by the Commonwealth, or funds receivable  
28 from any source other than local taxes levied for such purposes, shall not be construed to deprive  
29 the bonds of the right to continue to participate in the distribution of those funds, and the  
30 refunding bonds after their issuance shall enjoy all rights as would have been enjoyed by the  
31 bonds refunded.



1           The provisions of this article apply to all suits, actions and proceedings of whatever  
2 nature involving the validity of bonds of any ~~unit~~ locality or other political subdivision, agency  
3 or instrumentality of the Commonwealth, whether the bonds are to be issued following an  
4 election on the question of their issuance or without necessity of an election. These provisions  
5 supersede all other acts and statutes on the subject and are controlling in all cases,  
6 notwithstanding the provisions of any other law or charter to the contrary.

7           **Drafting note: No substantive change in the law.**

8  
9           § ~~15.1-227.53~~ 15.2-2651. Proceeding by political subdivision to establish validity;  
10 procedure; parties defendant.

11           The governing body of any ~~unit~~ locality or other political subdivision, agency or  
12 instrumentality of the Commonwealth proposing to issue bonds may bring at any time a  
13 proceeding in any court of the county or city having general jurisdiction and in which the issuer  
14 is located to establish the validity of the bonds, the legality of all proceedings taken in  
15 connection with the authorization or issuance of the bonds, the validity of the tax or other means  
16 provided for the payment of the bonds, and the validity of all pledges of revenues and of all  
17 covenants and provisions which constitute a part of the contract between the issuer and the  
18 owners of the bonds. The proceeding shall be brought by filing a motion for judgment  
19 describing the bonds and the proceedings taken in connection with their issuance and alleging  
20 that the bonds when issued shall be valid and legal obligations of the issuer. In the motion for  
21 judgment the taxpayers, property owners and citizens of the jurisdiction where the issuer is  
22 located, including nonresidents owning property in or subject to taxation by it, and all other  
23 persons interested in or affected in any way by the issuance of the bonds shall be made parties  
24 defendant.

25           **Drafting note: No substantive change in the law.**

26  
27           § ~~15.1-227.54~~ 15.2-2652. Service by publication of motion for judgment; parties  
28 defendant.

29           Upon the filing of the motion for judgment the court shall fix the time and place for  
30 hearing the proceeding and shall enter an order requiring the publication of the motion for  
31 judgment or a summary of it approved by the court, together with the order setting forth the time



1 and place of the hearing, once a week for two consecutive weeks in a newspaper published or  
2 having general circulation in the jurisdiction where the issuer is located. The date fixed for the  
3 hearing shall not be sooner than ten days after the date the second publication of the motion for  
4 judgment or summary and the order appears in the newspaper.

5 By the publication of the motion for judgment or summary and the order, all taxpayers,  
6 property owners and citizens of the jurisdiction where the issuer is located, including  
7 nonresidents owning property in or subject to taxation by it, and all other persons having or  
8 claiming any right, title or interest in any property or funds affected in any way by the issuance  
9 of the bonds, or having or claiming to have any right or interest in the subject matter of the  
10 motion for judgment, shall be considered parties defendant in the proceedings, and the court shall  
11 have jurisdiction of them the same as if each of them were named individually as a defendant in  
12 the motion for judgment and personally served with process.

13 **Drafting note: No change.**

14  
15 § ~~15.1-227.55~~ 15.2-2653. Contesting issuance of bonds; notice and hearing; service on  
16 member of governing body, etc.

17 Any person, corporation, or association desiring to contest the issuance of any bonds  
18 pursuant to the provisions of this chapter, or any other law, general or special, shall proceed by  
19 filing a motion for judgment within thirty days after the filing of the resolution or ordinance  
20 authorizing the issuance of the bonds with the circuit court having jurisdiction over the issuer, or  
21 in contesting the validity of a petition for or the results of a referendum, within thirty days after  
22 the date that the result of the election for the issuance of the bonds is certified, in the court  
23 having jurisdiction as provided in § ~~15.1-227.53~~ 15.2-2651. For bonds which are not authorized  
24 pursuant to a referendum, or for which the authorizing resolution or ordinance is not required to  
25 be filed with the circuit court, the contestant shall proceed by filing a motion for judgment within  
26 thirty days after the adoption of the authorizing resolution or ordinance. Upon the filing of a  
27 motion for judgment, the court shall fix a time and place for hearing the proceeding and shall  
28 enter an order requiring the publication of the motion for judgment or a summary of it approved  
29 by the court, together with the order setting forth the time and place of the hearing, once a week  
30 for two consecutive weeks in a newspaper published or having general circulation in the  
31 jurisdiction where the issuer is located. The date fixed for the hearing shall not be sooner than ten

1 days after the date the second publication of the motion for judgment or summary and the order  
2 appears in the newspaper. In addition to such publication, the plaintiff shall secure personal  
3 service on at least one member of the governing body of the issuer.

4 **Drafting note: No change.**

5  
6 § ~~15.1-227.56~~ 15.2-2654. Reply by party defendant; intervention by interested parties;  
7 determination of questions; orders; precedence over other business.

8 Any party defendant may reply to the motion for judgment within ten days after its  
9 second publication as required by §§ ~~15.1-227.54~~ 15.2-2652 and ~~15.1-227.55~~ 15.2-2653 but not  
10 thereafter. Any property owner, taxpayer, citizen or other person in interest may become a party  
11 to the proceedings by pleading to the motion for judgment on or before the time set for hearing  
12 as provided by § ~~15.1-227.54~~ 15.2-2652 or § ~~15.1-227.55~~ 15.2-2653, or such earlier time as may  
13 be specified in the order of the court, or thereafter by intervention upon leave of the court. At the  
14 time and place designated in the order for the hearing as provided for in § ~~15.1-227.54~~ 15.2-2652  
15 or § ~~15.1-227.55~~ 15.2-2653, the judge shall proceed to hear and determine all questions of law  
16 and fact in the proceeding and may make such orders as to the proceeding and such  
17 adjournments as will enable the judge properly to try and determine the proceeding and to render  
18 a final decree with the least possible delay. The proceeding shall take precedence over all other  
19 business of the court.

20 **Drafting note: No change.**

21  
22 § ~~15.1-227.57~~ 15.2-2655. Consolidation of actions or proceedings.

23 Upon motion of the plaintiff or the issuer, the court in which the first proceeding to  
24 invalidate or sustain the bonds was instituted may enjoin the commencement by any person,  
25 corporation, or association of any other action or proceeding involving the validity of the bonds  
26 or any matter recited in the motion for judgment. The court may order a joint hearing before it of  
27 all issues then pending in any actions or proceedings in any court in the Commonwealth, may  
28 order all such actions or proceedings consolidated with the validation proceeding pending before  
29 it, and may make such orders as may be necessary or proper to effect consolidation and as may  
30 tend to avoid unnecessary costs or delays. Such orders shall not be appealable.

31 **Drafting note: No change.**

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§ ~~15.1-227.58~~ 15.2-2656. Appeals.

An appeal shall lie to the Supreme Court of Virginia from the final judgment of the court. No appeal shall be allowed unless the petition for it is filed within fifteen days after the date on which the judgment of the court is entered and only if the party taking the appeal has the record certified to the Supreme Court of Virginia and the appealing party's brief is filed within thirty days after the date on which the judgment of the court is entered. If the appeal is timely and otherwise in conformity with this article and if the Supreme Court of Virginia allows the appeal, it shall be placed on the privileged docket.

**Drafting note: No change.**

§ ~~15.1-227.59~~ 15.2-2657. Decree validating bonds binding and conclusive.

In the event the decree of the court validates the bonds and no appeal is taken within the time prescribed in § ~~15.1-227.58~~ 15.2-2656, or if an appeal is taken and the decree of the court is affirmed, the decree shall be forever binding and conclusive as to the validity of the bonds, the validity of the tax or other means provided for the payment of the bonds, and the validity of all pledges of revenues and of all covenants and provisions contained in any ordinance, resolution, trust agreement, indenture, or other instrument authorizing or providing for the issuance of the bonds, the legality of proceedings taken in connection with the issuance of the bonds, and all matters adjudicated and all objections presented or which might have been presented in the proceeding, and shall constitute a permanent injunction against the institution by any person of any action or proceeding contesting the validity of the bonds or any other matter adjudicated or which might have been called in question in such proceedings.

**Drafting note: No change.**

§ ~~15.1-227.60~~ 15.2-2658. Bonds invalidated only for substantial defects, etc.; matters of form disregarded.

No court in which a proceeding to invalidate or sustain bonds is brought shall invalidate the bonds unless it finds substantial defects, material errors, and omissions in the bond issue. Matters of form shall be disregarded.

**Drafting note: No change.**

1  
2 Article 7.

3 Miscellaneous.  
4

5 § ~~15.1-227.61~~ 15.2-2659. Investigation by Governor of alleged defaults; withholding  
6 state funds from defaulting ~~unit~~ locality; payment of funds withheld; receipts, reports, etc.;  
7 magisterial and school district defaults included.

8 Whenever it appears to the Governor from an affidavit filed with him by or on behalf of  
9 the owner or owners of any general obligation bonds of any ~~unit~~ locality, or by any paying agent  
10 for the bonds that the ~~unit~~ locality has defaulted in the payment of the principal of or premium, if  
11 any, or interest on any of its outstanding general obligation bonds, the Governor shall  
12 immediately make a summary investigation into the facts set forth in the affidavit.

13 If it is established to the satisfaction of the Governor that the ~~unit~~ locality is in default in  
14 the payment of its bonds or the interest on them, the Governor shall immediately make an order  
15 directing the Comptroller to withhold all further payment to the ~~unit~~ locality of all funds, or of  
16 any part of them, appropriated and payable by the Commonwealth to the ~~unit~~ locality for any and  
17 all purposes, until the default is cured. The Governor shall, while the default continues, direct in  
18 writing the payment of all sums withheld by the Comptroller, or as much of them as is necessary,  
19 to the owners of the bonds in default, or the paying agent for the bonds, so as to cure, or cure  
20 insofar as possible, the default as to the bonds or interest on them.

21 The Governor shall, as soon as practicable, give notice of the default and of the  
22 availability of funds with the paying agent or with the Comptroller by publication one time in a  
23 daily newspaper of general circulation in the City of Richmond and in the case of registered  
24 bonds, by mail, to the registered owners of the bonds. The cost of the publication and mailing  
25 shall be a further charge against the funds in the hands of the Comptroller payable to the ~~unit~~  
26 locality. Any payment so made by the Comptroller to the owners of the bonds in default, or to  
27 the paying agent for the bonds, shall be credited as if made directly by the ~~unit~~ locality and shall  
28 be charged by the Comptroller against the first appropriations otherwise payable to the ~~unit~~  
29 locality as if paid to the ~~unit~~ locality. The owners of the bonds in default, or the paying agent for  
30 the bonds, at the time of payment or at the time of each payment shall receipt for the payment  
31 and deliver to the Comptroller all bonds and interest coupons or assignments, in a form

1 satisfactory to the Comptroller, of the right to receive the principal or interest satisfied by the  
2 payment. The Comptroller shall report each payment made to the governing body of the  
3 defaulting ~~unit~~ locality and deliver or send by registered mail to the governing body all bonds,  
4 interest coupons, and assignments received by the Comptroller under the provisions of this  
5 section.

6 If there is no paying agent for the bonds, the Comptroller shall hold for the benefit of the  
7 owners of the bonds in default who do not present their bonds, coupons or assignments for  
8 payment their pro rata share of the amounts so withheld and shall pay their share of such  
9 amounts when the bonds, coupons or assignments are presented.

10 For the purpose of this section, bonds of any magisterial district or school district of any  
11 county shall be treated as bonds of the county in which the magisterial district or school district  
12 is located.

13 Nothing in this section shall be construed to create any obligation on the part of the  
14 Comptroller or the Commonwealth to make any payment on behalf of the defaulting ~~unit~~ locality  
15 other than from funds appropriated and payable to the defaulting ~~unit~~ locality.

16 **Drafting note: No substantive change in the law.**

17  
18 § ~~15.1-227.62~~ 15.2-2660. Bonds not affected by project undertaken.

19 The authorization and issuance of the bonds under this chapter shall not be dependent on  
20 or affected in any way by proceedings taken, contracts made, or acts performed or done in  
21 connection with, or in furtherance of, the project undertaken by the ~~unit~~ locality authorizing and  
22 issuing the bonds.

23 **Drafting note: No substantive change in the law.**

24  
25 § ~~15.1-227.63~~ 15.2-2661. Provisions of chapter controlling; powers conferred are  
26 additional.

27 Insofar as the provisions of this chapter are inconsistent with the provisions of any law,  
28 the provisions of this chapter shall be controlling. The powers conferred by this chapter are in  
29 addition to the powers conferred by any other law. Bonds may be issued under this chapter for  
30 any permitted purpose notwithstanding that any other law may provide for the issuance of bonds  
31 for like purposes and without regard to the requirements, restrictions or other provisions

1 contained in any other law. Bonds may be issued under this chapter notwithstanding any debt or  
2 other limitation prescribed by any other law. The mode and method of procedure for the  
3 issuance of bonds under this chapter need not conform to the provisions of any other law.

4 Bonds may be issued under the provisions of this chapter without obtaining the consent  
5 of any commission, board, bureau or agency of the Commonwealth, and without any other  
6 proceeding or the happening of any other condition or thing except those proceedings, conditions  
7 or things which are specifically required by this chapter.

8 Notwithstanding anything in this section to the contrary, any referendum requirement for  
9 the issuance of bonds or debt limitation contained in any charter or local or special act shall  
10 control over the provisions of this chapter after July 1, 1992.

11 **Drafting note: No substantive change in the law.**

12  
13 § ~~15.1-227.64~~ 15.2-2662. Validation of bonds.

14 All proceedings taken before July 1, 1991, for or with respect to the authorization,  
15 issuance, sale, execution or delivery of bonds by or on behalf of any ~~unit~~ locality are validated,  
16 ratified, approved and confirmed, and any bonds so issued are valid, legal, binding and  
17 enforceable obligations of the ~~unit~~ locality.

18 **Drafting note: No substantive change in the law.**

19  
20 § ~~15.1-227.64:1~~ 15.2-2663. Validation of bonds.

21 All proceedings taken before July 1, 1992, for or with respect to the authorization,  
22 issuance, sale, execution or delivery of bonds by or on behalf of any ~~unit~~ locality are validated,  
23 ratified, approved and confirmed, and any bonds so issued, are valid, legal, binding and  
24 enforceable obligations of the ~~unit~~ locality.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-227.65~~ 15.2-2664. Transition.

28 If any proceedings with respect to the authorization, issuance, sale, execution or delivery  
29 of bonds have been commenced before July 1, 1991, the bonds may, at the election of the  
30 governing body of the ~~unit~~ locality issuing the bonds, be issued under the provisions of this  
31 chapter or under the provisions of law in effect immediately before July 1, 1991.

1

**Drafting note: No substantive change in the law.**





1 chapter where, pursuant to the provisions of Article 5.1 (§ 2.1-526.1 et seq.) of Chapter 32 of  
2 Title 2.1, the Division of Risk Management has established an insurance plan providing the type  
3 of insurance coverage that would be provided to such state agency under the provisions of this  
4 chapter. However, nothing contained in this chapter shall affect any insurance plan now or  
5 hereafter adopted pursuant to the provisions of Article 5.1 (§ 2.1-526.1 et seq.) of Chapter 32 of  
6 Title 2.1.

7 **Drafting note: No change.**

8

9 § ~~15.1-503.4:3~~ 15.2-2703. Group self-insurance pools authorized.

10 A. Any political subdivision of this Commonwealth may, by contract with one or more  
11 political subdivisions of this Commonwealth or of another state, form a group self-insurance  
12 pool to provide for joint or cooperative action relative to their financial and administrative  
13 resources for the purpose of providing to the participating political subdivisions risk management  
14 and liability insurance coverage for pool members and employees of pool members, for acts or  
15 omissions arising out of the scope of their employment, including any or all of the following:

16 1. Casualty insurance, including general and professional and public officials liability  
17 coverage;

18 2. Property insurance, including marine insurance and inland marine and transportation  
19 insurance coverage;

20 3. Group life, accident and health coverages including hospital, medical, surgical and  
21 dental benefits to the employees of member political subdivisions and their dependents;

22 4. Automobile insurance, including motor vehicle liability insurance coverage and  
23 collision and security for motor vehicles owned or operated, as required by Title 46.2, and  
24 protection against other liability and loss associated with the ownership and use of motor  
25 vehicles;

26 5. Surety and fidelity insurance coverage; and

27 6. Umbrella and excess insurance coverages.

28 B. A group self-insurance pool may obtain excess insurance or reinsurance of risks, and  
29 may cede and sell the risks for coverages set forth in this section.

30 **Drafting note: No change.**

31

1           § ~~15.1-503.4:4~~ 15.2-2704. Powers of group self-insurance pool; self-insurer for motor  
2 vehicle security; surety.

3           A group self-insurance pool, for the purposes of carrying on the business of the group  
4 self-insurance pool whether or not a body corporate, shall have the power to sue and be sued, to  
5 make contracts, to hold and dispose of real and personal property, and to borrow money, contract  
6 debts, and pledge assets in the name of the group self-insurance pool. The assets of any group  
7 self-insurance pool established pursuant to this chapter shall be invested in those securities and  
8 investments permitted by regulation adopted by the State Corporation Commission for group  
9 self-insurance workers' compensation plans pursuant to § 65.2-802.

10           A group self-insurance pool shall be deemed a self-insurer for motor vehicle security  
11 under § 46.2-368. Members of the pool participating in the motor vehicle self-insurance provided  
12 by the pool shall be deemed to meet the requirements of security as required and an application  
13 for a certificate of self-insurance under § 46.2-368 shall not be required. Additionally, a group  
14 self-insurance pool shall not be subject to the provisions of § 38.2-2206 relating to uninsured  
15 motorist coverage unless it elects by resolution of its governing authority to provide such  
16 coverage to its pool members.

17           The provisions of any statute or charter requiring a public official to post bond or obtain a  
18 surety bond, the premium on which may lawfully be paid by a public agency of ~~this~~ the  
19 Commonwealth, may be satisfied with surety or fidelity insurance coverage furnished by a group  
20 self-insurance pool organized under this chapter, including any deductible amount or other  
21 portion self-insured by the public agency itself.

22           The power to enter into intergovernmental contracts under § ~~15.1-503.4:3~~ 15.2-2703  
23 specifically includes the power to establish the pool as a separate legal or administrative entity  
24 for purposes of effectuating group self-insurance pool agreements.

25           **Drafting note: No substantive change in the law.**

26  
27           § ~~15.1-503.4:5~~ 15.2-2705. Required provisions in contract; election of governing  
28 authority; financial plan; management plan.

29           Any intergovernmental contract entered into pursuant to this chapter for the purpose of  
30 establishing a group self-insurance pool shall provide:

1           1. For election by pool members of a governing authority for the pool, which may be a  
2 board of directors, a majority of whom shall be elected or appointed officials of pool members.

3           2. A financial plan setting forth in general terms:

4           a. The insurance coverages to be offered by the group self-insurance pool, applicable  
5 deductible levels, and the maximum level of claims which the pool will self-insure;

6           b. The amount of cash reserves to be set aside for the payment of claims;

7           c. The amount of insurance to be purchased by the pool to provide coverage over and  
8 above the claims which are not to be satisfied directly from the pool's resources; and

9           d. The amount, if any, of aggregate excess insurance coverage to be purchased and  
10 maintained in the event that the group self-insurance pool's resources are exhausted in a given  
11 fiscal period.

12          3. A plan of management which provides for all of the following:

13          a. The means of establishing the governing authority of the pool;

14          b. The responsibility of the governing authority for fixing contributions to the pool,  
15 maintaining reserves, levying and collecting assessments for deficiencies, disposing of surpluses,  
16 and administration of the pool in the event of termination or insolvency;

17          c. The basis upon which new members may be admitted to, and existing members may  
18 leave, the pool;

19          d. The identification of funds and reserves by exposure areas; and

20          e. Such other provisions as are necessary or desirable for the operation of the pool.

21          **Drafting note: No change.**

22  
23          § ~~15.1-503.4:6~~ 15.2-2706. State Corporation Commission approval required.

24          The formation and operation of a group self-insurance pool under this section shall be  
25 subject to approval by the State Corporation Commission which may, after notice and hearing,  
26 establish reasonable requirements and regulations for the approval and monitoring of such pools,  
27 including prior approval of pool administrators and provisions for periodic examinations of  
28 financial condition.

29          The Commission may disapprove an application for the formation of a group self-  
30 insurance pool, and may suspend or withdraw such approval whenever it finds that such  
31 applicant or pool:

1           1. Has refused to submit its books, papers, accounts, or affairs to the reasonable  
2 inspection of the Commission or its representative;

3           2. Has refused, or its officers or agents have refused, to furnish satisfactory evidence of  
4 its financial and business standing or solvency;

5           3. Is insolvent, or is in such condition that its further transaction of business in ~~this~~ the  
6 Commonwealth is hazardous to its members and creditors in ~~this~~ the Commonwealth, and to the  
7 public;

8           4. Has refused or neglected to pay a valid final judgment against it within sixty days after  
9 its rendition;

10          5. Has violated any law of ~~this~~ the Commonwealth or has violated or exceeded the  
11 powers granted by its members;

12          6. Has failed to pay any fees, taxes or charges imposed in ~~this~~ the Commonwealth within  
13 sixty days after they are due and payable, or within sixty days after final disposition or any legal  
14 contest with respect to liability therefor; or

15          7. Has been found insolvent by a court of any other state, or by the Insurance  
16 Commissioner or other proper officer or agency of any other state, and has been prohibited from  
17 doing business in such state.

18           **Drafting note: No substantive change in the law.**

19  
20           § ~~15.1-503.4:7~~ 15.2-2707. Filing of annual financial statements, deficit correction  
21 financial plan with State Corporation Commission required.

22           Each group self-insurance pool created in ~~this~~ the Commonwealth shall file with the State  
23 Corporation Commission and with the members of the pool audited financial statements certified  
24 by an independent certified public accountant within 120 days after the end of the pool's fiscal  
25 year. If a group self-insurance pool fails to file the audited financial statements as required, the  
26 Commission may perform the audit and the group self-insurance pool shall reimburse the  
27 Commission for the cost of the audit.

28           The Commission shall prescribe a uniform reporting format for the preparation of pool-  
29 audited financial statements and shall also devise a uniform accounting system to be used by  
30 group self-insurance pools. The working papers of the certified public accountant and other

1 records pertaining to the preparation of the audited financial statements may be reviewed by the  
2 Commission.

3 If a group self-insurance pool is in a deficit condition, the group self-insurance pool shall  
4 promptly file with the Commission a financial plan to correct the deficit condition. If the plan is  
5 found to be unacceptable by the Commission and written notice thereof is given to the governing  
6 authority of the pool, delinquency proceedings may be commenced and conducted by the  
7 Commission in accordance with the provisions of Chapter ~~3~~ 5 of Title 38.2.

8 **Drafting note: No substantive change in the law.**

9

10 § ~~15.1-503.4:8~~ 15.2-2708. Exemptions from disclosure.

11 Information regarding that portion of the funds or liability reserve of a pool established  
12 for purposes of satisfying a specific pending and unresolved claim or cause of action shall be  
13 exempt from disclosure under the Virginia Freedom of Information Act (§ 2.1-340 et seq.).

14 In a claim or action against any group self-insurance pool, a person shall not be entitled  
15 to discover that portion of the funds or liability reserve established for purposes of satisfying a  
16 claim or cause of action, except that the reserve is discoverable in any supplemental or ancillary  
17 proceeding to enforce a judgment.

18 **Drafting note: No change.**

19

20 § ~~15.1-503.4:9~~ 15.2-2709. Group self-insurance pool not an insurer.

21 Any group self-insurance pool organized pursuant to this chapter is not an insurance  
22 company or insurer under the laws of ~~this~~ the Commonwealth. The development, administration,  
23 and provision of group self-insurance programs and coverages authorized by this chapter by the  
24 governing authority created to administer the pool does not constitute doing an insurance  
25 business.

26 However, a group self-insurance pool shall be subject to the provisions of Chapters 5,  
27 Unfair Trade Practices and 6, Insurance Information and Privacy Protection Act of Title 38.2.

28 **Drafting note: No substantive change in the law.**



1 ~~county, city, or town~~ locality, public conveyance or public vehicle, restaurant, educational  
2 facility, hospital, nursing facility or nursing home, other health care facility, library, retail store  
3 of 15,000 square feet or more, auditorium, arena, theater, museum, concert hall, or other area  
4 used for a performance or an exhibit of the arts or sciences, or any meeting room.

5 "Recreational facility" means any enclosed, indoor area used by the general public and  
6 used as a stadium, arena, skating rink, video game facility, or senior citizen recreational facility.

7 "Restaurant" means any building, structure, or area, excluding a bar or lounge area as  
8 defined in this chapter, having a seating capacity of fifty or more patrons, where food is available  
9 for eating on the premises, in consideration of payment.

10 "Smoke" or "smoking" means the carrying or holding of any lighted pipe, cigar, or  
11 cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling, or  
12 exhaling of smoke from a pipe, cigar, or cigarette of any kind.

13 "Theater" means any indoor facility or auditorium, open to the public, which is primarily  
14 used or designed for the purpose of exhibiting any motion picture, stage production, musical  
15 recital, dance, lecture, or other similar performance.

16 **Drafting note: No substantive change in the law. The definition of person is deleted**  
17 **as the word is defined in § 1-13.19.**

18  
19 § ~~15.1-291.2~~ 15.2-2801. Statewide regulation of smoking.

20 A. The Commonwealth or any agency thereof and every ~~county, city, or town~~ locality  
21 shall provide reasonable no-smoking areas, considering the nature of the use and the size of the  
22 building, in any building owned or leased by the Commonwealth or any agency thereof or a  
23 ~~county, city, or town~~ locality. The provisions of this chapter shall not apply to office, work or  
24 other areas of the Department of Corrections which are not entered by the general public in the  
25 normal course of business or use of the premises.

26 B. Smoking shall be prohibited in (i) elevators, regardless of capacity, except in any  
27 open material hoist elevator, not intended for use by the public; (ii) public school buses; (iii) the  
28 interior of any public elementary, intermediate, and secondary school; however, smoking may be  
29 allowed by a local school division in a designated area which is not a common area, including  
30 but not limited to, a classroom, library, hallway, restroom, cafeteria, gymnasium, or auditorium  
31 after regular school hours so long as all student activities in the building have been concluded;

1 (iv) hospital emergency rooms; (v) local or district health departments; (vi) polling rooms; (vii)  
2 indoor service lines and cashier lines; (viii) public restrooms in any building owned or leased by  
3 the Commonwealth or any agency thereof; (ix) the interior of a child day center licensed  
4 pursuant to § 63.1-196 that is not also used for residential purposes; however, this prohibition  
5 shall not apply to any area of a building not utilized by a child day center, unless otherwise  
6 prohibited by this chapter; and (x) public restrooms of health care facilities.

7 C. Any restaurant having a seating capacity of fifty or more persons shall have a  
8 designated no-smoking area sufficient to meet customer demand. In determining the extent of the  
9 no-smoking area, the following shall not be included as seating capacity: (i) seats in any bar or  
10 lounge area of a restaurant and (ii) seats in any separate room or section of a restaurant which is  
11 used exclusively for private functions.

12 D. The proprietor or other person in charge of an educational facility, except any public  
13 elementary, intermediate, or secondary school, health care facility, or a retail establishment of  
14 15,000 square feet or more serving the general public, including, but not limited to, department  
15 stores, grocery stores, drug stores, clothing stores, shoe stores, and recreational facilities shall  
16 designate reasonable no-smoking areas, considering the nature of the use and the size of the  
17 building.

18 E. The proprietor or other person in charge of a space subject to the provisions of this  
19 chapter shall post signs conspicuous to public view stating "Smoking Permitted" or "No  
20 Smoking," and in restaurants, signs conspicuous to ordinary public view at or near each public  
21 entrance stating "No-Smoking Section Available." Any person failing to post such signs may be  
22 subject to a civil penalty of not more than twenty-five dollars.

23 F. No person shall smoke in a designated no-smoking area and any person who continues  
24 to smoke in such area after having been asked to refrain from smoking may be subject to a civil  
25 penalty of not more than twenty-five dollars.

26 G. Any law-enforcement officer may issue a summons regarding a violation of this  
27 chapter.

28 H. The provisions of this chapter shall not be construed to regulate smoking in retail  
29 tobacco stores, tobacco warehouses or tobacco manufacturing facilities.

30  
31 **Drafting note: No substantive change in the law.**



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§ ~~15.1-291.3~~ 15.2-2802. Responsibility of building proprietors and managers.

The proprietors or person who manages or otherwise controls any building, structure, space, place, or area governed by this chapter in which smoking is not otherwise prohibited may designate rooms or areas in which smoking is permitted as follows:

1. Designated smoking areas shall not encompass so much of the building, structure, space, place, or area open to the general public that reasonable no-smoking areas, considering the nature of the use and the size of the building, are not provided;

2. Designated smoking areas shall be separate to the extent reasonably practicable from those rooms or areas entered by the public in the normal use of the particular business or institution; and

3. In designated smoking areas, ventilation systems and existing physical barriers shall be used when reasonably practicable to minimize the permeation of smoke into no-smoking areas. However, this chapter shall not be construed as requiring physical modifications or alterations to any structure.

**Drafting note: No change.**

§ ~~15.1-291.4~~ 15.2-2803. ~~Local ordinances~~ Ordinances regulating smoking.

A. No ordinances enacted by a ~~county, city, or town~~ locality prior to January 1, 1990, shall be deemed invalid or unenforceable because of lack of consistency with the provisions of this chapter.

B. Unless specifically permitted ~~herein~~ in this chapter, ~~local~~ ordinances adopted after January 1, 1990, shall not contain provisions or standards which exceed those established in this chapter.

**Drafting note: No substantive change in the law. The word “local” is deleted where it appears before the word “ordinance” throughout the chapter, since all ordinances are local.**

§ ~~15.1-291.5~~ 15.2-2804. Mandatory provisions of ~~local~~ ordinances.

Any ~~local~~ ordinance shall provide that it is unlawful for any person to smoke in any of the following places:

- 1           1. Elevators, regardless of capacity;
- 2           2. Common areas in an educational facility, including, but not limited to, classrooms,
- 3 hallways, auditoriums, and public meeting rooms;
- 4           3. Any part of a restaurant designated a "no-smoking" area pursuant to the provisions of
- 5 this chapter;
- 6           4. Indoor service lines and cashier areas; and
- 7           5. School buses and public conveyances.

8           **Drafting note: No substantive change in the law.**

9  
10           § ~~15.1-291.6~~ 15.2-2805. Optional provisions of ~~local~~ ordinances.

11           Any ~~local~~ ordinance may provide that management shall designate reasonable no-

12 smoking areas, considering the nature of the use and the size of the building, in the following

13 places:

- 14           1. Retail and service establishments of 15,000 square feet or more serving the general
- 15 public, including, but not limited to, department stores, grocery stores, drug stores, clothing
- 16 stores, and shoe stores;
- 17           2. Rooms in which a public meeting or hearing is being held;
- 18           3. Places of entertainment and cultural facilities, including, but not limited to, theaters,
- 19 concert halls, gymnasiums, auditoriums, other enclosed arenas, art galleries, libraries, and
- 20 museums;
- 21           4. Indoor facilities used for recreational purposes;
- 22           5. Other public places; and
- 23           6. Any restaurant having a seating capacity of fifty or more persons shall have a
- 24 designated no-smoking area sufficient to meet customer demand. In determining the extent of
- 25 the no-smoking area, the following shall not be included as seating capacity: (i) seats in any bar
- 26 or lounge area of a restaurant and (ii) seats in any separate room or section of a restaurant which
- 27 is used exclusively for private functions.

28           **Drafting note: No substantive change in the law.**

29  
30           § ~~15.1-291.7~~ 15.2-2806. Exceptions.

1           The provisions of §§ ~~15.1-291.4~~ 15.2-2803 through ~~15.1-291.6~~ 15.2-2805 shall not be  
2 construed to allow ~~local~~ ordinances to regulate smoking in:

3           1. Bars and lounge areas;

4           2. Retail tobacco stores;

5           3. Restaurants, conference or meeting rooms, and public and private assembly rooms  
6 while these places are being used for private functions;

7           4. Office or work areas which are not entered by the general public in the normal course  
8 of business or use of the premises;

9           5. Areas of enclosed shopping centers or malls that are external to the retail stores  
10 therein, are used by customers as a route of travel from one store to another, and consist  
11 primarily of walkways and seating arrangements; and

12           6. Lobby areas of hotels, motels, and other establishments open to the public for  
13 overnight accommodation.

14           **Drafting note: No substantive change in the law.**

15  
16           § ~~15.1-291.8~~ 15.2-2807. Chapter's application to certain ~~local~~ ordinances.

17           ~~Local ordinances~~ Ordinances adopted after January 1, 1990, shall not contain provisions  
18 or standards which exceed those established in this chapter. However, any ~~local~~ ordinance may  
19 provide that employers may regulate smoking in the private work place as they deem appropriate  
20 under the following circumstances: (i) if the designation of smoking and no-smoking areas is the  
21 subject of a written agreement between the employer and his employees, the provisions of the  
22 written agreement shall control such designation and (ii) a total ban on smoking in any work  
23 place shall only be enforced by the employer upon an affirmative vote of a majority of the  
24 affected employees voting, unless such ban is the subject of a contract of employment between  
25 the employer and the employees as a prior condition of employment. No such ordinance shall  
26 affect no-smoking policies established by employers prior to the adoption of such ordinance.

27           **Drafting note: No substantive change in the law.**

28  
29           § ~~15.1-291.9~~ 15.2-2808. Posting of signs.

30           Any person who owns, manages, or otherwise controls any building or area in which  
31 smoking is regulated by a ~~local~~ an ordinance shall post in an appropriate place, in a clear,

1 conspicuous, and sufficient manner, "Smoking Permitted" signs, "No Smoking" signs, or "No-  
2 Smoking Section Available" signs.

3 **Drafting note: No substantive change in the law.**

4

5 § ~~15.1-291.10~~ 15.2-2809. Enforcement of ~~local~~ ordinances.

6 A. Any ~~local~~ ordinance may provide a civil penalty of not more than twenty-five dollars  
7 for violations of any provision of such ~~local~~ ordinance.

8 B. Any ~~local~~ ordinance may provide that no person shall smoke in a designated no-  
9 smoking area and any person who continues to smoke in such area after being asked to refrain  
10 from smoking may be subject to a civil penalty of not more than twenty-five dollars.

11 C. Any ~~local~~ ordinance shall provide that any law-enforcement officer may issue a  
12 summons regarding a violation of the ordinance.

13 **Drafting note: No substantive change in the law.**

14

15 § ~~15.1-291.11~~ 15.2-2810. Construction of chapter with respect to other applicable law.

16 This chapter shall not be construed to permit smoking where it is otherwise prohibited or  
17 restricted by other applicable provisions of law.

18 **Drafting note: No change.**



1 Any vacancy in the membership of the Commission shall be filled for the unexpired term  
2 in the same manner in which the original appointment was made.

3 The Governor shall appoint an Executive Director, to serve at his pleasure, who shall  
4 employ such personnel as may be required to carry out the purposes of this chapter. The  
5 Executive Director shall also (i) make and enter into contracts as necessary or incidental to the  
6 performance of ~~Commission~~ the Commission's duties; (ii) accept grants from the United States  
7 or other sources; (iii) exercise supervision of the administration of Commission affairs; and (iv)  
8 prepare and submit a budget to the Governor as requested.

9 **Drafting note: No substantive change in the law.**

10  
11 § ~~15.1-945.2:1~~ 15.2-2902. Continuing temporary membership for purposes of  
12 Commission reports.

13 A member whose term expires ~~on or after January 1, 1984~~, and who is not reappointed  
14 may continue to serve as a temporary member of the Commission if a final report has not been  
15 made on an issue with respect to which he has participated in previous hearings, presentations, or  
16 investigations prior to the expiration of his term. Such continuing temporary membership shall  
17 be solely for the purpose of and limited to participation in the specific report. The beginning of  
18 the term of, and the rights, powers, and duties of the successor to the member whose term has  
19 expired shall not be affected by such continuing temporary membership.

20 **Drafting note: No substantive change in the law.**

21  
22 § ~~15.1-945.3~~ 15.2-2903. General powers and duties of Commission.

23 The Commission shall have the following general powers and duties:

- 24 1. To make regulations, including rules of procedure for the conducting of hearings;
- 25 2. To keep a record of its proceedings and to be responsible for the custody and  
26 preservation of its papers and documents;
- 27 3. To serve as a mediator between ~~local governments~~ localities;
- 28 4. To investigate, analyze, and make findings of fact, as directed by law, as to the  
29 probable effect on the people residing in any area of the Commonwealth of any proposed action  
30 in that area:
  - 31 a. To annex territory,

- 1           b. To ~~be~~ have an area declared immune from annexation,
- 2           c. To establish a town or independent city,
- 3           d. To settle or adjust ~~boundary disputes among local governments~~ boundaries between
- 4 localities,
- 5           e. To make a transition from city status to town status,
- 6           f. To make a transition from a county to a city,
- 7           g. To consolidate two or more ~~local governments~~ localities, at least one of which is a
- 8 county, into a single city, or
- 9           h. To enter into economic growth-sharing agreements among ~~local governments~~
- 10 localities;
- 11           5. To conduct investigations, analyses and determinations, in the sole discretion of the
- 12 Commission, for the guidance of ~~local governments~~ localities in the conduct of their affairs upon
- 13 the request of such ~~local governments~~ localities;
- 14           6. To receive from all agencies, as defined in § 2.1-8.2, assessments of all mandates
- 15 imposed on ~~local governments~~ localities administered by such agencies. The assessments shall
- 16 be conducted on a schedule to be set by the Commission, with the approval of the Governor and
- 17 the Secretary of Administration, provided that the assessments shall not be required to be
- 18 performed more than once every four years. The purpose of the assessments shall be to
- 19 determine which mandates, if any, may be altered or eliminated. If an assessment reveals that
- 20 such mandates may be altered or eliminated without interruption of local service delivery and
- 21 without undue threat to the health, safety and welfare of the residents of the Commonwealth, the
- 22 Commission shall so advise the Governor and the General Assembly;
- 23           7. To prepare and annually update a catalog of state and federal mandates imposed on
- 24 ~~local governments~~ localities including, where available, a summary of the fiscal impact on ~~local~~
- 25 ~~governments~~ localities of all new mandates. All departments, agencies of government, and ~~all~~
- 26 ~~local governmental units of the Commonwealth~~ localities are directed to make available such
- 27 information and assistance as the Commission may request in maintaining the catalog; and
- 28           8. To perform such other duties as may be imposed upon it, from time to time, by law.
- 29           **Drafting note: No substantive change in the law; clarifies in provision 4(g) that the**
- 30 **Commission is involved in a consolidated city only when at least one of the consolidating**
- 31 **localities is a county.**

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§ ~~15.1-945.4~~ 15.2-2904. Meetings; quorum; majority vote; panel to conduct investigation and make report; compensation and expenses.

The Commission shall fix the time and place for holding regular meetings, which shall be held at least once every two months. Special meetings of the Commission may be called by any member and shall be held on such occasions as may be reasonably necessary to carry out the duties imposed by this chapter. The chairman shall cause to be mailed to all members, at least five days in advance of a special meeting, written notice fixing the time ~~and~~, place, and purpose of such meeting ~~and the purpose thereof~~. Written notice of a special meeting shall not be required if the time of the special meeting has been fixed at a regular meeting or if all members file a written waiver of notice. A majority of the members shall constitute a quorum, and no action of the Commission shall be valid unless authorized by a majority vote of those present.

The Commission may appoint a panel of three members of the Commission to conduct any hearing and investigation and make any report required by this chapter. Any vote taken or report made shall be only by those members of the Commission who sat on the panel that heard the evidence. Any temporary absence of a panel member from a hearing will not disqualify such member from participation in ~~said~~ the vote or discussion, deliberation, drafting or approval of a report.

Notwithstanding the provisions of Chapter 2.1 (§ 2.1-20.2 et seq.) of Title 2.1, each member of the Commission shall be compensated at the rate of \$100 per day, plus reasonable and necessary expenses, for each day or portion thereof in which the member is engaged in the business of the Commission.

**Drafting note: No substantive change in the law.**

§ ~~15.1-945.5~~ 15.2-2905. Officers.

The members of the Commission shall elect from their number a chairman and vice-chairman whose terms shall be for one year. The Commission may create and fill such other offices as it may deem necessary.

**Drafting note: No change.**

§ ~~15.1-945.6~~ 15.2-2906. Disqualification of Commissioners.



1 No member of the Commission shall participate in the discussion, deliberation, drafting  
2 or approval of any report or finding required to be made under this chapter when any of the  
3 parties to the proceeding to which such report relates is a ~~political subdivision~~ locality in which  
4 such member presently resides or owns an interest in real property, or in which such member has  
5 resided or owned any interest in real property within the preceding five years.

6 **Drafting note: No substantive change in the law.**

7  
8 § ~~15.1-945.7~~ 15.2-2907. Actions for annexation, immunity, establishment of city, etc.;  
9 investigations and reports by Commission; negotiation.

10 A. No ~~local government, locality or person or persons in Virginia~~ shall file any action in  
11 any court in Virginia to annex territory, to ~~be~~ have an area declared immune from annexation  
12 based upon ~~provisions~~ provision of urban-type services, to establish an independent city, to  
13 consolidate two or more ~~local governments~~ localities, at least one of which is a county, into a  
14 ~~single~~ city, to make a transition from a county to a city or to make a transition from city status to  
15 town status, without first notifying the Commission and all local governments located within or  
16 contiguous to, or sharing functions, revenue, or tax sources with, the ~~local government~~ locality  
17 proposing such action. Upon receipt of the notice the Commission shall ~~proceed to~~ hold hearings,  
18 make investigations, analyze local needs and make findings of facts and recommendations,  
19 which may, in cases where immunity or annexation is sought, recommend a grant of immunity or  
20 annexation of a greater or smaller area than that proposed by the locality pursuant to the  
21 procedures of this chapter. Such findings shall be rendered within six months after the  
22 Commission receives notice from the ~~local government~~ locality intending to file court action,  
23 provided that the Commission on its own motion may extend the period for filing its report by no  
24 more than sixty days. No further extension thereafter of the time for filing shall be made by the  
25 Commission without the agreement of the parties. No court action may be filed until the  
26 Commission has made its findings of facts ~~nor, unless,~~ Unless the parties agree otherwise, ~~may~~  
27 ~~any~~ no court action may be filed more than 180 days after the Commission renders its final  
28 report as provided for in this section, ~~except with respect to any final report rendered by the~~  
29 ~~Commission prior to January 1, 1985~~. While the matter is before the Commission, the  
30 Commission may actively seek to negotiate a settlement of the proposed action between the  
31 affected ~~local governments~~ localities. The Commission may direct that the conduct of the

1 negotiations be in executive session. In addition, the Commission may, with the agreement of the  
2 parties, appoint an independent ~~negotiator~~ mediator, who shall be compensated as agreed to by  
3 the parties. Offers and statements made in negotiations shall not be reported in the finding of  
4 facts or introduced in evidence in any subsequent court proceedings between the parties.

5 B. The Commission shall report, in writing, its findings and recommendations to the  
6 affected ~~local governments~~ localities, any other ~~local governments~~ localities likely to be affected  
7 by such proposed action, and to any court which may subsequently consider the action. The  
8 report shall be based upon the criteria and standards established by law for any such proposed  
9 action. The report, or any copy thereof, bearing the signature of the chairman of the Commission  
10 shall be admissible in evidence in any subsequent proceeding relating to the subject matter  
11 thereof. The court in any such proceeding shall consider the report but shall not be bound by the  
12 report's findings or recommendations.

13 ~~The report, upon proper authentication, shall be admissible in evidence in any subsequent~~  
14 ~~proceeding relating to the subject matter thereof. The report, or any copy thereof, bearing the~~  
15 ~~signature of the chairman of the Commission may be authenticated by the custodian of the~~  
16 ~~records of the party seeking to introduce the same in accordance with § 8.01-391 as being a true~~  
17 ~~copy of the report made by the Commission.~~

18 Before making the report, ~~however~~, the Commission shall conduct hearings at which any  
19 interested person may testify. Prior to the hearing, the Commission shall publish a notice of the  
20 ~~impending~~ hearing once a week for two successive weeks in a newspaper of general circulation  
21 in the affected counties and cities. The second advertisement shall appear not less than six days  
22 nor more than twenty-one days prior to the hearing.

23 C. A court on motion of any party or of the Commission may for cause shown extend the  
24 time for filing of the Commission's report but no such extension of time shall exceed ninety days  
25 unless the parties agree otherwise. ~~The original or any copy bearing the signature of the chairman~~  
26 ~~of the Commission shall be received by a court in any judicial proceeding without further~~  
27 ~~authentication. A court shall consider such reports but shall not be bound by its findings or~~  
28 ~~recommendations.~~

29 D. Except for any hearing or meeting specifically required by law, Chapter 21 (§ 2.1-340  
30 et seq.) of Title 2.1 shall not be applicable to the Commission nor meetings convened by  
31 members of the Commission, its employees, or by its designated mediators with local governing

1 bodies or members thereof, nor shall such chapter be applicable to meetings of local governing  
2 bodies, or members thereof, held for purpose of negotiating any issues which are or would be  
3 subject to the Commission's review. Offers and statements made in any negotiation or mediation  
4 activity conducted under the direction of the Commission shall not be recorded in any report  
5 issued by the Commission, nor shall they be introduced in evidence in any subsequent court  
6 proceeding by the Commission or any other party.

7 E. Notwithstanding any other provision of law, any ~~county, city or town~~ locality, either  
8 prior or subsequent to the filing of any annexation or partial immunity suit in any court of this  
9 Commonwealth in which it is one of the parties, may notify the Commission on Local  
10 Government that it desires to attempt to negotiate an agreement with one or more adjacent  
11 ~~political subdivisions~~ localities relative to annexation or partial immunity under the direction of  
12 the Commission. A copy of the notice shall be served on all adjacent ~~political subdivisions~~  
13 localities. The affected ~~units of local government~~ localities shall then attempt to resolve their  
14 differences relative to annexation or partial immunity, and shall keep the Commission advised of  
15 the progress being made. The Commission, or its designee, may serve as a mediator and the  
16 Commission's staff and resources shall be available to the negotiating ~~political subdivisions~~  
17 localities. All expenses of the negotiations, including expenses of the Commission or its staff  
18 incurred in the negotiations, shall be borne by the parties initiating the notice unless otherwise  
19 agreed by the parties. All suits for either annexation or partial immunity by or against any ~~unit of~~  
20 ~~local government~~ locality involved in such negotiations shall be stayed while the negotiations are  
21 in progress. If, after a hearing, the Commission finds that none of the parties is willing to  
22 continue to negotiate, or if it finds that three months have elapsed with no substantial progress  
23 toward settlement, it shall declare the negotiations to be terminated. Unless the parties agree  
24 otherwise, negotiations shall in any event terminate twelve months from the date the initial  
25 notice was given to the Commission. Immediately upon such finding and declaration by the  
26 Commission, or upon the expiration of twelve months from the initial notice or any agreed  
27 extension thereof, whichever ~~shall first occur~~ occurs, any stay of a pending suit for annexation or  
28 partial immunity entered under this section shall automatically terminate and no new notice to  
29 negotiate shall thereafter be filed by any party.

30 F. A ~~county, city or town~~ locality may proceed simultaneously under subsections A and  
31 E of this section.

1           **Drafting note: No substantive change in the law; clarifies that the Commission is**  
2 **involved in a consolidated city only when at least one of the consolidating localities is a**  
3 **county. Conflicting provisions of subsections B and C are made consistent.**

4

5           § ~~15.1-945.8~~ 15.2-2908. Notice to Commission deemed to institute action or proceeding.

6           An action or proceeding to which the Commission on Local Government has jurisdiction  
7 shall be deemed to have been instituted upon the initial notice to the Commission required by  
8 subsection A of § ~~15.1-945.7~~ 15.2-2907.

9           **Drafting note: No change.**

**PROPOSED**  
**CHAPTER ~~26.2~~ 30.**  
**SPECIAL COURTS.**

**Chapter drafting note: Proposed Chapter 30 contains no substantive change in the law.**

~~§ 15.1-1168~~ 15.2-3000. Special court to hear certain cases.

Notwithstanding any contrary provision of law, whenever any matter provided for in Chapters ~~20.2~~ 32 (§ ~~15.1-965.9~~ 15.2-3200 et seq.), ~~21~~ 33 (§ ~~15.1-966~~ 15.2-3300 et seq.), ~~21.1~~ 34 (§ ~~15.1-977.1~~ 15.2-3400 et seq.), ~~21.2~~ 35 (§ ~~15.1-977.19.1~~ 15.2-3500 et seq.), ~~22~~ 36 (§ ~~15.1-982.1~~ 15.2-3600 et seq.), ~~25~~ 38 (§ ~~15.1-1032~~ 15.2-3800 et seq.), ~~26~~ 39, (§ ~~15.1-1071~~ 15.2-3900 et seq.), ~~40~~ 40 (§ 15.2-4000 et seq.) and ~~26.1.1~~ 41 (§ ~~15.1-1167.1~~ 15.2-4100 et seq.) of this title, ~~with the exception of §§ 15.1-977.21 and 15.1-1167.2~~, is required to be decided by a court, the court, ~~unless a different intent appears from the context~~, shall be composed of three circuit court judges appointed by the Supreme Court of Virginia. Such special court shall sit without a jury. The three judges shall be chosen from a panel of fifteen judges selected to hear such matters by the Supreme Court. Such judges shall remain on the panel for a period of time determined by the Chief Justice of the Supreme Court unless otherwise provided by law. When any petition or other matter required by the above-stated chapters to be decided by a the special court is filed in a circuit court, the chief circuit court judge shall certify the filing to the Supreme Court and request the appointment of three members from the panel to hear the matter. No judge may be appointed to hear a matter involving jurisdictions in his own circuit.

**Drafting note: No substantive change in the law. In the first sentence, the specific exceptions are deleted but the distinction between circuit court and special court responsibilities are clarified in those sections and elsewhere in this subtitle. The old chapter and section references do not match up with the new references so that the new references will be in numerical order. The reference to Chapter 40 is added in order to reflect the proposed changes to that chapter. The reference to a jury comes from § 15.1-1038.**

1           § ~~15.1-1168.1~~ 15.2-3001. Priority of proceedings in special courts.

2           Any proceeding heard by a special court appointed pursuant to §§ ~~15.1-1168~~ 15.2-3000  
3 and ~~15.1-1169~~ 15.2-3002 shall have priority over all other cases, including criminal cases, on the  
4 docket of the court in which such proceeding is pending or on the docket of each judge  
5 designated to hear the case.

6           **Drafting note: No change.**

7  
8           § ~~15.1-1169~~ 15.2-3002. Designation of judges for panel.

9           ~~Within ninety days of July 1, 1979, the~~ The Supreme Court of Virginia shall designate  
10 fifteen circuit court judges to compose the panel of judges provided for in this chapter. All  
11 special courts hearing matters provided for in Chapters 20.2 ~~31~~ (§ 15.1-965.9 et seq.), 21 (§ 15.1-  
12 966 et seq.), 21.1 (§ 15.1-977.1 et seq.), 21.2 (§ 15.1-977.19:1 et seq.), 22 (§ 15.1-982.1 et seq.),  
13 25 (§ 15.1-1032 et seq.), 26 (§ 15.1-1071 et seq.) and 26.1:1 (§ 15.1-1167.1) of this title, ~~except~~  
14 § 15.1-977.21, appointed pursuant to § 15.2-3000 shall be composed of three judges appointed  
15 from this panel. The chief justice shall designate one of the judges as chief judge.

16           **Drafting note: No substantive change in the law. Existing language is simplified**  
17 **with a cross reference. The last sentence states the current practice.**

18  
19           § ~~15.1-1170~~ 15.2-3003. Service on special court.

20           Judges selected for the panel shall continue to perform their regular duties as required by  
21 law. Appointment by the Supreme Court to sit on a three-judge court shall relieve the judge of  
22 his other duties to the extent necessary to serve on the three-judge court and participate in the  
23 proceedings and decision.

24           ~~In addition to all other preliminary matters required to be done before a formal hearing on~~  
25 ~~any matter provided for in Chapter 19.1 (§ 15.1-945.1 et seq.) of this title, the court shall enter an~~  
26 ~~order requiring the Commission on Local Government to prepare and file with the court a report~~  
27 ~~as provided for in such chapter. Such report shall not be binding upon the court but it shall be~~  
28 ~~received in evidence upon proper authentication and made a part of the record in the case.~~

29           **Drafting note: No substantive change in the law. The second paragraph appears to**  
30 **be superfluous and possibly inconsistent with § 15.2-2907.**

31

1           ~~§§ 15.1-1171 through 15.1-1227.~~

2           Reserved.

3  
4           ~~§ 15.1-1039~~ 15.2-3004. Vacancies on court occurring during trial.

5           If a vacancy occurs on such court at any time prior to the final disposition of the case and  
6 the completion of all duties required to be performed by it, the court shall not be dissolved and  
7 the proceeding shall not fail; ~~but~~ the vacancy shall be filled by designation of another judge,  
8 from the panel provided for in ~~Chapter 26.2 (§ 15.1-1168 et seq.) of this title~~ this chapter. Such  
9 substitute judge shall have all the power and authority of his predecessor, and the court shall  
10 proceed as so constituted to hear and determine the case and do all things necessary to  
11 accomplish its final disposition and the completion of all the duties of the court, including such  
12 matters as the certification of evidence and exceptions; ~~provided, that no.~~ No decision shall be  
13 rendered or action taken after such designation with respect to any question previously submitted  
14 to but not decided by the court except after a full hearing in open court by the court as  
15 reconstituted of all the evidence theretofore introduced before the court and a hearing of all  
16 arguments theretofore made with reference to such question.

17           **Drafting note: No substantive change in the law; the substance of this section is**  
18 **shown stricken in proposed Chapters 32, 33, 38, 39 and 41.**





1 through or by which it passes as, in the opinion of the commissioners, will best designate the  
2 line.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-1028~~ 15.2-3102. Report of commissioners.

6 The commissioners shall return such plats ~~respectively~~ to the respective courts by which  
7 they were appointed, together with their report of the performance of their duties in ascertaining  
8 and establishing the line, which report shall fully describe the line. ~~The courts, after inspecting~~  
9 ~~such reports and ascertaining whether the same meet the requirements of this section, shall, if~~  
10 ~~such~~ If the report ~~meet such~~ meets the requirements of this article and if it be is unanimous, the  
11 courts shall approve the same and report. The courts shall direct it that the approved report,  
12 together with the plat, ~~to~~ be recorded in the deed books of their respective clerks' offices and  
13 indexed in the name of each ~~county or city and~~ locality. The courts shall certify a copy of the  
14 report to the Secretary of the Commonwealth; and in. In all controversies thereafter ~~touching~~  
15 concerning the location of ~~such~~ the line, the reports and plats shall be taken as conclusive  
16 evidence of its location.

17 **Drafting note: No substantive change in the law. The section is rewritten for**  
18 **clarity.**

19  
20 § ~~15.1-1029~~ 15.2-3103. Compensation of commissioners, etc.

21 The circuit court ~~of~~ for each ~~county, city and town~~ locality shall allow a reasonable  
22 compensation to the commissioners of such ~~counties, cities or towns~~ localities respectively, and  
23 to the surveyor and ~~chain-carriers~~ his assistants, to be paid ~~out of the county, city or town levies~~  
24 ~~of the counties and cities respectively~~ by the localities.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-1030~~ 15.2-3104. Procedure when commissioners fail to agree.

28 If the commissioners ~~shall~~ fail to agree upon the location of ~~such~~ the line, they shall so  
29 report to the circuit courts ~~of~~ for their respective ~~counties, cities or towns~~ localities, stating in  
30 their reports the points and grounds of disagreement and describing fully the conflicting lines.  
31 ~~Thereupon either of the counties, cities or towns, upon~~ Either locality may file a petition filed in

1 ~~its own name~~ in the circuit court ~~of~~ for either ~~county, city or town,~~ or at ~~rules in the clerk's office~~  
2 ~~thereof, shall have the right~~ locality to have ascertained and established, by a court, constituted as  
3 hereinafter provided, ascertain and establish the true boundary line ~~so~~ in doubt or dispute. Such  
4 petition shall describe, with reasonable certainty, the location contended for and shall state the  
5 grounds of such contention. A plat, showing the location contended for, filed with the petition,  
6 may serve the purposes of such description. The petitioner shall make the other ~~of such counties,~~  
7 ~~cities or towns~~ locality the party defendant, and the case shall be commenced by serving a copy  
8 of the petition upon the county attorney, if any, or the attorney for the Commonwealth of such  
9 county, the city attorney of such city or the town attorney of such town. No formal plea or  
10 answer to the petition shall be necessary, but the defendant shall state its grounds of defense in  
11 writing, ~~if any it has,~~ describing, with the same degree of certainty required of the petitioner, the  
12 line as contended for by the defendant, and the ~~county, city or town~~ locality shall be deemed to  
13 be at issue, ~~which.~~ The issue shall be the true location of the boundary line so in doubt or  
14 dispute.

15         The case shall be heard and decided by a court, without a jury, ~~held and~~ presided over by  
16 three judges as follows: the judge of the circuit court ~~of~~ for the petitioning ~~county, city or town~~  
17 locality, the judge of the circuit court ~~of~~ for the defendant ~~county, city or town~~ locality, and a  
18 judge of some circuit court in this Commonwealth remote from the ~~counties, cities or towns~~  
19 localities, to be designated by the Chief Justice. When ~~such counties, cities or towns~~ the localities  
20 are within the same circuit, the Chief Justice shall designate a third judge from an adjoining  
21 circuit. ~~Such~~ The court shall hear the case upon the evidence introduced in the manner in which  
22 evidence is introduced in common-law cases and shall ascertain and establish the true boundary  
23 line by a majority decision, and shall give judgment accordingly. Costs shall be awarded as the  
24 court shall determine. The judgment of the court shall be recorded in the common-law order  
25 book and in the current deed book of the court and indexed in the names of the ~~counties, cities~~  
26 ~~and towns~~ localities, and, unless reversed, shall forever settle, determine, designate and establish  
27 the true boundary line. A copy of any final judgment shall be certified to the Secretary of the  
28 Commonwealth. An appeal may be granted by the Supreme Court, or any justice thereof, to  
29 either party from the judgment of the court, and the cost of such appeal shall be awarded to the  
30 party substantially prevailing.

31         **Drafting note: No substantive change in the law.**

1  
2 § ~~15.1-1031~~ 15.2-3105. Boundaries to embrace wharves, piers, docks and certain other  
3 structures.

4 The boundary of every ~~county, city or town in this Commonwealth~~ locality bordering on  
5 the Chesapeake Bay, including its tidal tributaries (the Elizabeth River, among others), or the  
6 Atlantic Ocean shall embrace all wharves, piers, docks and other structures, except bridges and  
7 tunnels that have been or may hereafter be erected along the waterfront of ~~said county, city or~~  
8 ~~town~~ such locality, and extending into the Chesapeake Bay, including its tidal tributaries (the  
9 Elizabeth River, among others), or the Atlantic Ocean; ~~provided, however, that.~~ However, only  
10 ~~so much of said~~ the wharves, piers, docks, or other structures as which lie within the territorial  
11 jurisdiction of this Commonwealth shall be embraced within the boundary of ~~any county, city or~~  
12 ~~town~~ such locality.

13 **Drafting note: No substantive change in the law.**

14  
15 Article 2.

16 Relocation or Change, by Agreement, of Boundary Line Between ~~Political Subdivisions~~  
17 Localities; Adjustment by Court.

18  
19 § ~~15.1-1031.1~~ 15.2-3106. Establishment by agreement.

20 Whenever any two or more ~~counties, cities or towns~~ localities wish to relocate or change  
21 the boundary line between them, the governing bodies of such ~~political subdivisions~~ localities  
22 may, by agreement, establish, relocate or change such boundary line between them.

23 **Drafting note: No substantive change in the law.**

24  
25 § ~~15.1-1031.2~~ 15.2-3107. Publication of agreed boundary line.

26 Before adopting ~~such~~ an agreement pursuant to § 15.2-3106, each ~~local~~ governing body  
27 shall advertise its intention to approve such an agreement at least once a week for two successive  
28 weeks in a newspaper ~~published in or~~ having a general circulation in its ~~jurisdiction~~ locality, and  
29 such notice shall include a descriptive summary of the proposed agreement. ~~That~~ The summary  
30 shall describe the new boundary, but ~~it~~ need not include a metes and bounds ~~boundary~~  
31 description. The publication shall include a statement that a ~~true~~ copy of the agreement is on file

1 in the office of the clerk of the governing body which is considering the proposed agreement. A  
2 joint publication of ~~such an~~ the proposed agreement by ~~more than one~~ political subdivision  
3 ~~considering such an agreement, and~~ the localities which otherwise meets the requirements of this  
4 section, shall satisfy this requirement. If joint publication is used, the ~~costs of such~~ publication  
5 costs shall be apportioned between the participating ~~subdivisions~~ localities in the manner agreed  
6 upon by them. After providing the notice required by this section, each ~~political subdivision~~  
7 locality shall hold at least one public hearing on ~~such~~ the agreement prior to ~~the~~ its adoption of  
8 ~~the agreement.~~

9 **Drafting note: No substantive change.**

10  
11 § ~~15.1-1031.3~~ 15.2-3108. Petition and hearing; recordation of order; costs.

12 Within a reasonable time after a voluntary boundary agreement is ~~entered into~~ adopted by  
13 the affected ~~political subdivisions~~ localities, each affected ~~political subdivision~~ locality shall  
14 petition the circuit court of ~~for~~ one of the affected ~~political subdivisions~~ localities to approve the  
15 boundary agreement. The petition shall set forth the facts pertaining to the desire to relocate or  
16 change the boundary line between the ~~political subdivisions~~ localities, and the petition shall  
17 include or have attached to it a plat depicting the change in the boundaries of the localities as  
18 agreed or a metes and bounds description of the new boundary line as agreed upon by the  
19 ~~respective two~~ political subdivisions localities. If the court finds that the procedures required by  
20 § ~~15.1-1031.2~~ 15.2-3107 have been complied with and that the petition is otherwise in proper  
21 order, the court shall enter an appropriate order establishing the new boundary. ~~That~~ The order  
22 shall include a plat depicting the change in the boundaries of the locality or a metes and bounds  
23 description of the ~~voluntary boundary change,~~ new boundary line of the locality, and that order  
24 shall be entered ~~among~~ in the land records of the court and indexed in the names of the ~~political~~  
25 ~~subdivisions~~ localities which were involved. Costs shall be awarded as the court may determine.  
26 Whenever such an order is entered, a certified copy of the order shall be sent to the Secretary of  
27 the Commonwealth by the clerk of the court.

28 **Drafting note: This section is amended to reflect the current practice of allowing a**  
29 **plat to be used to show boundaries rather than requiring a metes and bounds description.**

30  
31 § ~~15.1-1031.4~~ 15.2-3109. Court-ordered ~~minor~~ adjustment of boundary lines.

1           A. Whenever any two ~~of the following political subdivisions, a county, or a city or a~~  
2 ~~town~~ localities have agreed that a change should be made as to their common boundary line so  
3 that public services in an area may be provided more effectively and more efficiently, but are  
4 unable to agree as to the proper location for ~~such~~ the new boundary line, ~~the~~ their governing  
5 bodies ~~of such political subdivisions~~ may petition jointly either of the circuit courts ~~of~~ for their  
6 respective ~~jurisdictions~~ localities for an order establishing the new boundary line within the  
7 terms of the petition. The court shall refer the petition to the Commission on Local Government,  
8 and shall also certify the filing of the petition to the Supreme Court with a request that a three-  
9 judge court be convened pursuant to § ~~15.1-1168~~ 15.2-3000 to decide the matter. The  
10 Commission shall conduct a hearing to receive evidence concerning the location of the new  
11 boundary line. Any interested persons may present evidence. The Commission shall publish  
12 notice of its hearing at least once a week for two successive weeks in newspapers of general  
13 circulation in each ~~political subdivision~~ locality. Based upon the evidence and the report of its  
14 staff, the Commission shall determine a new boundary line that best promotes the more effective  
15 and efficient provision of public services. The Commission shall transmit its findings to the court  
16 in writing, where they ~~will~~ shall be received in evidence. The court shall hear evidence with  
17 respect to relocating the boundary line ~~to be relocated~~ and shall enter an order establishing the  
18 new boundary line so as to promote, to the extent possible, the more effective and more efficient  
19 provision of public services. Such order shall set forth the terms for the transfer of territory and  
20 shall be recorded in the common-law order book and in the current deed book ~~of~~ for both  
21 ~~jurisdictions'~~ localities' courts and indexed in the name of the ~~counties, cities, and towns~~  
22 localities as the case may be. A certified copy of the order shall be sent to the Secretary of the  
23 Commonwealth by the clerk of the circuit court.

24           B. Notice of any application as provided in subsection A hereof shall be served upon the  
25 ~~residents~~ property owners, if any, of the area affected by the agreement, and if such ~~residents~~  
26 ~~make objection~~ property owners object to ~~such~~ the change, they shall be permitted to intervene in  
27 the proceedings; and show cause why the boundary line should not be changed.

28           **Drafting note: The word “minor” is stricken from the catchline since it does not**  
29 **appear in this section. “Residents” is changed to “property owners” since it may be**  
30 **impossible to determine the residents of an area while property owners are a matter of**  
31 **public record.**

1  
2           § 15.1-1031.5. Relocation or change of boundary line by certain towns.

3           A. ~~The governing body of any town having a population between 3,400 and 3,500,~~  
4 ~~located within a county having a population between 14,500 and 15,000, may by agreement~~  
5 ~~entered into prior to or after the effective date of this section, with the county in which it lies,~~  
6 ~~relocate the existing boundary line between the town and county so that the town's boundary~~  
7 ~~lines may be changed to take into the town's boundary no more than 3.0 additional square miles~~  
8 ~~of territory.~~

9           B. ~~The town and county shall comply with the provisions of § 15.1-1031.2 prior to or~~  
10 ~~after the effective date of this section.~~

11           C. ~~An agreement to change a boundary line entered into by a town and county referred to~~  
12 ~~in subsection A, need not comply with the provisions of § 15.1-1031.3 and shall be valid and~~  
13 ~~effective according to its terms upon the effective date of this section or the date of the last~~  
14 ~~newspaper advertisement called for in § 15.1-1031.2. A boundary agreement entered into prior~~  
15 ~~to the effective date of this section between a town and county described in subsection A above~~  
16 ~~shall be valid and effective according to its terms upon the effective date of this section~~  
17 ~~notwithstanding that a petition filed prior to the effective date of this section pursuant to § 15.1-~~  
18 ~~1031.3 shall have been denied. A copy of such boundary line change shall be recorded as~~  
19 ~~provided for in § 15.1-1031.3 and a certified copy of such recorded agreement shall be mailed to~~  
20 ~~the Secretary of the Commonwealth.~~

21           **Drafting note: Repealed; this section, which is limited to the Town of Blackstone**  
22 **and Nottoway County, is no longer needed.**



1 regarded as pending litigation for the purpose of considering whether a city charter shall be  
2 granted to the county against which such suit has been filed.

3 B. ~~No application for city status, as provided in Chapters 21 (§ 15.1-966 et seq.) and 22~~  
4 ~~(§ 15.1-982.1 et seq.) of this title, shall be made by a town or thickly settled community nor shall~~  
5 ~~any pending applications filed after January 16, 1975, be implemented until and after July 1,~~  
6 ~~1980.~~

7 ~~No agreement executed after January 16, 1975, for consolidation of any governmental~~  
8 ~~units into a city as provided by Chapter 26 (§ 15.1-1071 et seq.) of this title shall be undertaken~~  
9 ~~or implemented prior to July 1, 1980, provided, however, that this subsection shall not apply~~  
10 ~~where the governing bodies prior to January 16, 1975, have passed a resolution or signed~~  
11 ~~agreements of intention to prepare consolidation agreements, or passed resolutions of intention to~~  
12 ~~submit to their respective voters the question of consolidation.~~

13 C. ~~Nothing herein shall be construed to affect the validity of any city charter heretofore~~  
14 ~~approved by the General Assembly.~~

15 **Drafting note: Repealed; section has not been amended since 1980 and subject**  
16 **matter is covered by § 15.2-3201. The reason for enacting § 15.1-1032.2 in 1987 rather than**  
17 **amending this section in 1987 is not known.**

18  
19 § ~~15.1-1032.2~~ 15.2-3201. Temporary restrictions on granting of city charters, filing  
20 annexation notices, institutions of annexation proceedings and county immunity proceedings.

21 Beginning January 1, 1987, and terminating July 1, 2000, no city shall file against any  
22 county an annexation notice with the Commission on Local Government pursuant to § ~~15.1-~~  
23 ~~945.7~~ 15.2-2907, and no city shall institute an annexation court action against any county except  
24 ~~any~~ a city that filed an annexation notice before the Commission on Local Government prior to  
25 January 1, 1987; ~~and during.~~ During the same period, with the exception of a charter for a  
26 proposed consolidated city, no city charter shall be granted or come into force and no suit or  
27 notice shall be filed to secure a city charter. However, the foregoing shall not prohibit the  
28 institution of nor require the stay of an annexation proceeding or the filing of an annexation  
29 notice for the purpose of implementing an annexation agreement, the extent, terms and  
30 conditions of which have been agreed upon by a county and city; nor shall the foregoing prohibit  
31 the institution of or require the stay of an annexation proceeding by a city which, prior to January



1 1, 1987, commenced a proceeding before the Commission on Local Government to review a  
2 proposed voluntary settlement pursuant to § ~~15.1-1167.1~~ 15.2-3400; nor shall the foregoing  
3 prohibit the institution of or require the stay of any annexation proceeding commenced ~~by a~~  
4 ~~majority of the owners of real estate and a majority of the qualified voters of the territory~~  
5 pursuant to § ~~15.1-945.7~~ 15.2-2907 or § ~~15.1-1034~~ 15.2-3203.

6 Beginning January 1, 1988, and terminating July 1, 2000, no county shall file a notice or  
7 petition pursuant to the provisions of Chapter ~~19.1~~ 29 (§ ~~15.1-945.1~~ 15.2-2900 et seq.) or  
8 Chapter ~~21.2~~ 33 (§ ~~15.1-977.19.1~~ 15.2-3300 et seq.) ~~of this title~~ requesting total or partial  
9 immunity from city-initiated annexation and from the incorporation of new cities within its  
10 boundaries. However, the foregoing shall not prohibit the institution of nor require the stay of an  
11 immunity proceeding or the filing of an immunity notice for the purpose of implementing an  
12 immunity agreement, the extent, terms and conditions of which have been agreed upon by a  
13 county and city.

14 **Drafting note: No substantive change in the law. The deleted language is**  
15 **unnecessary.**

16  
17 § ~~15.1-1033~~ 15.2-3203. Ordinance for annexation by city or town; appointment of special  
18 court.

19 The council of any city or town may by an ordinance passed by a recorded affirmative  
20 vote of a majority of all the members elected to the council, ~~or to each branch thereof, if there are~~  
21 ~~two~~, petition the circuit court ~~of~~ for the county in which any territory adjacent to ~~such~~ the city or  
22 town lies, for the annexation of such territory. The circuit court with which the petition is filed  
23 shall notify the Supreme Court, which shall appoint a special court to hear the case as prescribed  
24 by Chapter 30 (§ 15.2-3000 et seq.) of this title.

25 ~~Such~~ The ordinance shall set forth the necessity for or expediency of annexation and shall  
26 contain the following detailed information:

27 ~~(a)~~ 1. Metes and bounds and size of area sought;

28 ~~(b)~~ 2. Information, which may be shown on a map annexed to the ordinance, of the area  
29 sought to be annexed, indicating generally subdivisions, industrial areas, farm areas, vacant areas  
30 and others, together with any other information deemed relevant as to possible future uses of

1 property within the area. If a map is not annexed as part of the ordinance, then such information  
2 shall be set forth in the ordinance;

3 ~~(e)~~ 3. A general statement of the terms and conditions upon which annexation is sought,  
4 and the provisions planned for the future improvement of the annexed territory, including the  
5 provision of public utilities and services therein.

6 **Drafting note: No substantive change in the law; obsolete language is deleted.**

7  
8 § ~~15.1-1034~~ 15.2-3203. Petition by voters of adjacent territory, or governing body of  
9 adjacent county or town, for annexation; voluntary agreement by governing body to reject  
10 annexation.

11 A. Whenever fifty-one percent of the ~~qualified~~ voters of any territory adjacent to any city  
12 or town or fifty-one percent of the owners of real estate in number and land area in a designated  
13 area, or the governing body of the county in which such territory is located, or of the town  
14 ~~comprising such territory shall petition~~ desiring to annex such territory petition the circuit court  
15 ~~of~~ for the county, stating that it is desirable that such territory be annexed to the city or town and  
16 setting forth the metes and bounds thereof, a copy of such petition shall be served on the city or  
17 town council, and published in the manner prescribed in § ~~15.1-1035~~ 15.2-3204, ~~and the~~ The  
18 case shall, except as otherwise provided in this chapter, proceed in all respects as though  
19 instituted in the manner prescribed in § ~~15.1-1033~~ 15.2-3202; however, the special court shall  
20 not increase the area of the territory described in the petition.

21 B. Any city or town to which the annexation is proposed may reject such annexation by  
22 ordinance, duly adopted by a majority of the elected members of the governing body of the city  
23 or town, if such ordinance is adopted either prior to the pretrial conference provided for in §  
24 ~~15.1-1040~~ 15.2-3207 or within the time limits set forth in § ~~15.1-1044~~ 15.2-3213.

25 C. Any county, city or town may enter into a voluntary agreement with any other county,  
26 city or town or combination thereof, whereby such city or town agrees to reject any annexations  
27 initiated under subsection A. Such agreement may be for such period of time as specified by the  
28 parties to such agreement with respect to all or a portion of the county.

29 **Drafting note: No substantive change in the law.**

30  
31 § ~~15.1-1035~~ 15.2-3204. Notice of motion; service and publication; ~~docketing~~.

1           ~~In~~ At least thirty days before instituting any annexation proceedings instituted by it the  
2 proceeding under this chapter, a city or town shall serve notice and a certified copy of the  
3 ordinance on the attorney for the Commonwealth, or on the county attorney, if there ~~be~~ is one,  
4 and on the chairman of the governing body of the county wherein such territory lies that it will,  
5 on a given day, ~~not less than thirty days thereafter, move the judges designated to hear the case,~~  
6 petition the circuit court to grant the annexation requested in the ordinance, with which notice  
7 shall be served a certified copy of the ordinance. A copy of the notice and ordinance, or a  
8 descriptive summary of the notice and ordinance and a reference to the place within the city or  
9 town where copies of the notice and ordinance may be examined, shall be published at least once  
10 a week for four successive weeks in some newspaper published in such city or town, and when  
11 there is no newspaper published therein, then in a newspaper having general circulation in the  
12 county whose territory is affected. The proof of service or certificate of service of the notice and  
13 ordinance shall be returned after service to the clerk of the circuit court ~~and when the publication~~  
14 ~~is completed, of which the certificate of the owner, editor or manager of the newspaper~~  
15 ~~publishing it shall be proof, the case shall be docketed for hearing.~~ Certification from the owner,  
16 editor or manager of the newspaper publishing the notice and ordinance or descriptive summary  
17 shall be proof of publication.

18           **Drafting note: Rewritten to clarify what is believed to be the intent of the section.**  
19 **Language regarding when the case will be docketed is deleted, as such scheduling matters**  
20 **are more logically related to the appointment of the special court rather than to the**  
21 **publication of the petition, which occurs before the petition is even filed. As a practical**  
22 **matter, the case will be docketed by the special court when it is appointed. Section 15.2-**  
23 **3001 says that cases heard by the special court have priority over all other cases.**

24  
25           § ~~15.1-1036~~ 15.2-3205. Additional parties.

26           A. In any proceedings hereunder any qualified voters or property owners in the territory  
27 proposed to be annexed or any adjoining city or town may, by petition, become parties to such  
28 proceeding as provided in subsection B hereof. Any county whose territory is affected by the  
29 proceedings, or any city, town or persons affected thereby, may appear and shall be made parties  
30 defendant to the case, and be represented by counsel.

1 B. The special court shall by order, fix a time within which such additional parties not  
2 served may become defendants to such proceeding, and thereafter, no such petition shall be  
3 received, except for good cause shown. A copy of the order ~~fixing such time for parties not~~  
4 ~~previously served~~ shall be published at least once a week for two successive weeks in a  
5 newspaper of general circulation in the city or town seeking the territory and in the territory  
6 sought to be annexed.

7 C. The cost of such publication shall be paid by the petitioner or applicant.

8 **Drafting Note: No substantive change in the law.**

9  
10 § ~~15.1-1037~~ 15.2-3206. Conflicting petitions for same territory; petition seeking territory  
11 lying in two or more counties; procedure.

12 ~~(a)~~ A. When proceedings for the annexation of territory to a city or town are pending and  
13 a petition is filed seeking the annexation of the same territory or a portion thereof to another city  
14 or town the case shall be heard by the court in which the original proceedings are pending. The  
15 court shall consolidate the cases ~~and~~, hear them together, and ~~shall~~ make such decision as is just,  
16 taking into consideration the interests of all parties to each case.

17 ~~(b)~~ B. When the territory sought by a city or town lies in two or more counties, all such  
18 counties shall be made parties defendant to the case. The motion or petition shall be addressed to  
19 the circuit court ~~of~~ for the county in which the larger part of the territory is located. The  
20 provisions of this article shall apply, mutatis, mutandis, to any such proceedings.

21 **Drafting note: No substantive change.**

22  
23 § ~~15.1-1038~~. ~~Constitution of court.~~

24 ~~The court, without a jury, shall be held by three judges, to be designated by the Supreme~~  
25 ~~Court for such purpose. The justices shall designate one of the judges as Chief Judge.~~

26 **Drafting note: Repealed; covered in § 15.2-3203.**

27  
28 § ~~15.1-1039~~. ~~Vacancies on court occurring during trial.~~

29 ~~If a vacancy occurs on such court at any time prior to the final disposition of the case and~~  
30 ~~the completion of all duties required to be performed by it, the court shall not be dissolved and~~  
31 ~~the proceeding shall not fail; but the vacancy shall be filled by designation of another judge,~~

1 from the panel provided for in Chapter 26.2 (§ 15.1-1168 et seq.) of this title. Such substitute  
2 judge shall have all the power and authority of his predecessor and the court shall proceed as so  
3 constituted to hear and determine the case and do all things necessary to accomplish its final  
4 disposition and the completion of all the duties of the court, including such matters as the  
5 certification of evidence and exceptions; provided, that no decision shall be rendered or action  
6 taken after such designation with respect to any question previously submitted to but not decided  
7 by the court except after a full hearing in open court by the court as reconstituted of all the  
8 evidence theretofore introduced before the court and a hearing of all arguments theretofore made  
9 with reference to such question.

10 **Drafting note: Relocated to Chapter 30 as § 15.2-3004.**

11  
12 §~~15.1-1040~~ 15.2-3207. Pretrial conference; matters considered.

13 The special court shall, prior to hearing any case under this chapter, direct the attorneys  
14 for the parties to appear before it, or in its discretion before a single judge for a conference to  
15 consider:

16 (a) ~~1. The simplification~~ Simplification of the issues;

17 (b) ~~2.~~ Amendment of pleadings and filing of additional pleadings;

18 (c) ~~3.~~ Stipulations as to facts, documents, records, photographs, plans and like matters,  
19 which will dispense with formal proof thereof, including:

20 (1) ~~a.~~ Assessed values and the ratio of assessed values to true values as determined by the  
21 State Department of Taxation in the area sought to be annexed, city or town and county,  
22 including real property, personal property, machinery and tools, merchants' capital and public  
23 service corporation assessment for each year of the five years immediately preceding;

24 (2) ~~b.~~ Tax rate for the five years next preceding in the area sought, including any sanitary  
25 district therein, and in the city or town;

26 (3) ~~c.~~ ~~The school~~ School population and school enrollment in the county, in the area  
27 sought, and in the city or town, as shown, respectively, by the triennial census of school  
28 population and by the records in the office of the division superintendent of schools; and the cost  
29 of education per pupil in average daily membership as shown by the last preceding report of the  
30 Superintendent of Public Instruction;

1           ~~(4)~~ 4. The estimated Estimated population of the county, the area sought and ~~of~~ the city or  
2 town;

3           ~~(d)~~ 5. Limitation on the number of expert witnesses, as well as requiring; each expert  
4 witness who will testify ~~to~~ shall file a statement of his qualifications;

5           ~~(e)~~ 6. Such other matters as may aid in the disposition of the case.

6           The court, or judge as the case may be, shall make an appropriate order which will  
7 control the subsequent conduct of the case unless modified before or at the trial or hearing to  
8 prevent manifest injustice.

9           **Drafting note: No substantive change in the law.**

10  
11           ~~§ 15.1-1040.1~~ 15.2-3208. Assistance of state agencies.

12           The special court may, in its discretion, direct any appropriate state agency, in addition to  
13 the Commission on Local Government, to gather and present evidence, including statistical data  
14 and exhibits, for the guidance of the court. The court shall determine the actual expense of  
15 preparing such evidence, other than that secured by the Commission on Local Government, and  
16 shall tax such expense as costs in this case, ~~which;~~ the costs shall be paid by the clerk into the  
17 general fund of the state treasury, and credited to the appropriation of the agency furnishing the  
18 evidence.

19           **Drafting note: No substantive change in the law.**

20  
21           ~~§ 15.1-1041~~ 15.2-3209. Hearing and decision.

22           ~~(a)~~ The special court shall hear the case upon the evidence introduced as evidence is  
23 introduced in civil cases.

24           ~~(b)~~ The court shall determine the necessity for and expediency of annexation,  
25 considering the best interests of the people of the county and the city or town, services to be  
26 rendered and needs of the people of the area proposed to be annexed, ~~the~~ the best interests of the  
27 people in the remaining portion of the county and the best interests of the Commonwealth in  
28 promoting strong and viable units of government.

29           ~~(b1) In considering~~ Related to the best interests of the people of the county and city or  
30 town, as set out in (b) hereof, the court shall consider to the extent relevant:

1           (†) 1. The need for urban services in the area proposed for annexation, the level of  
2 services provided in the county, city or town, and the ability of such county, city or town to  
3 provide services in the area sought to be annexed, including, but not limited to: ~~(a) Sewerage~~  
4 sewage treatment, ~~(b) Water water~~, ~~(c) Solid solid~~ waste collection and disposal, ~~(d) Public~~  
5 public planning, ~~(e) Subdivision~~ subdivision regulation and zoning, ~~(f) Crime crime~~ prevention  
6 and detection, ~~(g) Fire fire~~ prevention and protection, ~~(h) Public public~~ recreational facilities, ~~(i)~~  
7 Library library facilities, ~~(j) Curbs curbs~~, gutters, sidewalks, storm drains, ~~(k) Street street~~  
8 lighting, ~~(l) Snow snow~~ removal, and ~~(m) Street street~~ maintenance;

9           (†) 2. The current relative level of services provided by the county and the city or town;

10          (†) 3. The efforts by the county and the city or town to comply with applicable state  
11 policies with respect to environmental protection, public planning, education, public  
12 transportation, housing, or other state service policies promulgated by the General Assembly;

13          (†) 4. The community of interest which may exist between the petitioner, the territory  
14 sought to be annexed and its citizens as well as the community of interest that exists between  
15 such area and its citizens and the county. The term "community of interest" may include, but not  
16 be limited to, the consideration of natural neighborhoods, natural and ~~man-made~~ manmade  
17 boundaries, and the similarity of needs of the people of the annexing area and the area sought to  
18 be annexed;

19          (†) 5. Any arbitrary prior refusal by the governing body of the petitioner or the county  
20 whose territory is sought to be annexed to enter into cooperative agreements providing for joint  
21 activities which would have benefited citizens of both ~~political subdivisions~~ localities; however,  
22 the court shall draw no adverse inference from joint activities undertaken and implemented  
23 pursuant to cooperative agreements of the parties. It is the purpose of this ~~subsection~~ subdivision  
24 to encourage adjoining ~~political subdivisions~~ localities to enter into such cooperative agreements  
25 voluntarily, and without apprehension of prejudice;

26          (†) 6. The need for the city or town seeking to annex to expand its tax resources,  
27 including its real estate and personal property tax base;

28          (†) 7. The need for the city or town seeking to annex to obtain land for industrial or  
29 commercial use, together with the adverse effect on a county of the loss of areas suitable and  
30 developable for industrial or commercial uses; and

1           ~~(viii)~~ 8. The adverse effect of the loss of tax resources and public facilities on the ability  
2 of the county to provide service to the people in the remaining portion of the county.

3           ~~(e)~~ If a majority of the court is of the opinion that annexation is not necessary or  
4 expedient, the petition for annexation shall be dismissed. If a majority of the court is satisfied of  
5 the necessity for and expediency of annexation, it shall determine the terms and conditions upon  
6 which annexation is to be had, and shall enter an order granting the petition. In all cases, the  
7 court shall render a written opinion.

8           ~~(d)~~ The order granting the petition shall set forth in detail all such terms and conditions  
9 upon which the petition is granted. Every annexation order shall be effective ~~at midnight~~ on  
10 ~~December 31 of January 1 following~~ the year in which issued; or, in the discretion of the court, ~~at~~  
11 ~~midnight on December 31 of the year~~ the second January 1 following the year in which issued;  
12 ~~or however,~~ the court, upon joint petition of the parties, may order an annexation effective ~~at~~  
13 ~~midnight of on~~ any other date ~~or dates~~. Unless the parties otherwise agree, all taxes assessed in  
14 the territory annexed for the year at the end of which annexation becomes effective and for all  
15 prior years shall be paid to the county.

16           ~~(e)~~ In any proceedings instituted by a city or town, no annexation shall be decreed unless  
17 the court is satisfied that the city or town has substantially complied with the conditions of the  
18 last preceding annexation by such city or town, or that compliance therewith was impossible, or  
19 that sufficient time for compliance has not elapsed.

20           ~~(f)~~ In the event that the court enters an order granting the petition, a copy of the order  
21 shall be certified to the Secretary of the Commonwealth. The Secretary shall immediately  
22 transmit a copy of such order to the State Comptroller for his use in complying with § ~~4-22~~ 4.1-  
23 117.

24           **Drafting note: No substantive change in the law. The third paragraph from the end**  
25 **of the section is rewritten to better express its intent.**

26  
27           § ~~15.1-1041.1~~ 15.2-3210. Boundary line where territory fronts on river, bay, etc.

28           A. In any proceeding under the provisions of this chapter to annex territory, when such  
29 territory fronts on a river or creek, the petition may ask that the boundary line be established  
30 along the centerline of such river or creek. If any territory ~~be~~ is awarded in such proceeding that



1 borders on a river or creek ~~then~~, the decision may order that the boundary line is ~~is~~ be the centerline  
2 of the river or creek that flows beside such territory.

3 B. If the territory sought to be annexed fronts on a bay, lake or similar type body of  
4 water, the boundary line shall be by metes and bounds in such bay, lake or similar type body of  
5 water. If a river or creek flows into such bay, lake or similar type body of water and such river or  
6 creek fronts all or a portion of the territory sought to be annexed, ~~then~~ the metes and bounds shall  
7 run only to the point where such river or creek enters the bay, lake or similar type body of water  
8 and thereafter the centerline of the river or creek may be the boundary line to the extent  
9 applicable.

10 ~~The General Assembly hereby establishes (1) that where~~

11 C. For purposes of this article, if any city is bisected by a river or any branch thereof then  
12 such river or branch shall lie within the boundaries of such city to the extent that there are  
13 portions of such city on both opposite shores of such river or branch; ~~and (2) where.~~

14 D. For purposes of this article, if any river in the Commonwealth is bordered on both  
15 sides by cities of a population of 100,000 or more, according to the ~~last official enumeration of~~  
16 ~~the United States Bureau of the Census at the time of the passage of this section, then~~ 1970  
17 census, to the extent that ~~said~~ such cities' borders along ~~said~~ the river are in opposition, including  
18 the border across any branch as provided in ~~(1) above~~ subsection C, the boundaries of ~~said~~ such  
19 cities shall be the centerline of ~~said~~ the river and ~~said~~ such cities shall be contiguous one to the  
20 other, notwithstanding any judicial decree to the contrary entered prior to ~~the date of this section;~~  
21 ~~provided, however, nothing~~ 1976. Nothing in this ~~paragraph~~ subsection shall apply to that body  
22 of water known as Hampton Roads, located between Norfolk, Portsmouth and Suffolk on the  
23 south and Newport News and Hampton on the north.

24 **Drafting note: No substantive change in the law.**

25  
26 § ~~15.1-1042~~ 15.2-3211. Powers of court and rules of decision; terms and conditions.

27 The special court, in making its decision, shall balance the equities in the case, ~~and~~ shall  
28 enter an order setting forth what it deems fair and reasonable terms and conditions, and shall  
29 direct the annexation in conformity therewith. It shall have power to:

30 ~~(a) 1. To determine~~ Determine the metes and bounds of the territory to be annexed, and  
31 may include a greater or smaller area than that described in the ordinance or petition; the court

1 shall so draw the lines of annexation as to have a reasonably compact body of land, and so that  
2 no land shall be taken into the city which is not adapted to city improvements, or which the city  
3 will not need in the reasonably near future for development, unless necessarily embraced in such  
4 compact body of land;

5 ~~(b) 2. To require~~ Require the assumption by the city or town of a just proportion of any  
6 existing debt of the county or any district therein;

7 ~~(e) 3. To require~~ Require the payment by the city of a sum to be determined by the court,  
8 payable on the effective date of annexation, to compensate the county for the value of public  
9 improvements, including but not limited to the paving of public roads and streets, the  
10 construction of sidewalks thereon, the installation of water mains, or sewers, garbage disposal  
11 systems, fire protection facilities, bridges, public schools and equipment thereof, or any other  
12 permanent public improvements owned and maintained by the county at the time of annexation;  
13 and further to compensate the county, in not more than five annual installments, for the  
14 prospective loss of net tax revenues during the next five years, to such extent as the court in its  
15 discretion may determine, because of the annexation of taxable values to the city;

16 ~~(d) 4. To require~~ Require the payment by a town of a sum to be determined by the court,  
17 payable on the effective date of annexation to compensate the county for any such public  
18 improvement which becomes the property of the town by annexation; ~~provided, that~~ the order  
19 may provide that if, within five years after the order, such town becomes a city, it shall, from and  
20 after it becomes a city, make such payments as are provided for in subdivision ~~(e) 3~~ 3 for a period  
21 not to exceed five years from the date of such order;

22 ~~(e) 5.~~ 5. In lieu of providing for compensation of the county for any public improvement, ~~to~~  
23 provide that any such improvement shall remain the property of the county, or ~~to~~ provide for  
24 joint use thereof by the county the and city or town under such conditions as the court may  
25 prescribe with the consent of the ~~governing bodies~~ affected localities;

26 ~~(f) 6. To prescribe~~ Prescribe what capital outlays shall be made by the city in the area  
27 after annexation; ~~provided, that~~ the court shall require of the city the provision of any capital  
28 improvements which in its judgment are essential to meet the needs of the annexed area and to  
29 bring the same up to a standard equal to that of the remainder of the city; and ~~provided further,~~  
30 ~~that~~ the court may, in its discretion, require as a condition of annexation the provision of capital

1 improvements in addition to those specified in the annexation ordinance when the same are  
2 required to meet the needs of the area annexed;

3 ~~(g) 7. To require~~ Require the payment by the city or town to any common carrier of  
4 passengers by motor bus, who may become a party to ~~said the~~ annexation proceeding, of a sum  
5 to be determined by the court to compensate such carrier for any loss or damage such carrier may  
6 suffer from the effects of the annexation order upon ~~the its~~ operations ~~of such carrier; provided,~~  
7 ~~however.~~ However, the ~~said~~ city or town may elect to permit ~~such the~~ carrier to continue to  
8 operate within the annexed area for such period of time, to be determined by the court, as will  
9 permit ~~such the~~ carrier to liquidate and recover its investment through depreciation.

10 **Drafting note: No substantive change in the law; unnecessary language is deleted.**

11  
12 § ~~15.1-1043~~ 15.2-3212. Determination of value of public improvements.

13 (a) In ~~the determination of~~ determining the value of any public improvement for the  
14 purposes set forth in § ~~15.1-1042~~ 15.2-3211 the special court shall take into consideration the  
15 original cost thereof less depreciation, reproduction cost at the time of annexation less  
16 depreciation, as well as present value.

17 (b) The city or town shall receive credit, upon a basis to be determined by the court, for  
18 any sums it may have contributed to such public improvement and may in the discretion of the  
19 court be allowed credit for any portion of the cost thereof contributed by any federal, state or  
20 other agency and not borne by the county; ~~provided that when.~~ When such improvements  
21 consist of a school financed in part from county funds and in part from a state grant, the city or  
22 town shall receive such credit only upon that portion of the cost paid for by the state grant and  
23 only then upon the ratio that children residing in the area annexed and enrolled in such school  
24 therein bears to the total attendance of school children in the county.

25 (c) The governing body of the county, or any town therein, portions of which are  
26 proposed to be annexed, shall not between the entry of the decree of annexation and the date  
27 when the same becomes effective, make or contract for any permanent public improvements, to  
28 be paid for by the city or town seeking annexation, without the consent of the corporate  
29 authorities of the city or town and the supervision of the official thereof charged with ~~the~~ making  
30 of similar public improvements within the city or town.

31 **Drafting note: No substantive change in the law.**

1  
2 § ~~15.1-1044~~ 15.2-3213. Declining to accept annexation on terms and conditions imposed  
3 by court.

4 In any annexation proceedings instituted by a city or town, the council thereof may,  
5 subject to the approval of the special court in which the case is pending, and prior to twenty-one  
6 days after entry of an annexation order, or within twenty-one days after denial of a petition for  
7 appeal or within twenty-one days after the entry of the mandate in an appeal which has been  
8 granted, by ordinance duly adopted decline to accept annexation on the terms and conditions  
9 imposed by such court. In such case the court shall enter an order dismissing the motion to  
10 annex, and shall direct the payment of the entire costs of the proceedings by the city or town,  
11 including reimbursement of the county of costs incurred by it in defending the suit, including  
12 such reasonable attorneys' fees, engineering fees, witness fees and other costs as such court shall  
13 determine and allow.

14 **Drafting note: No substantive change in the law.**

15  
16 § ~~15.1-1045~~ 15.2-3214. Costs.

17 The costs in annexation proceedings shall be paid by the ~~city, town or county~~ locality  
18 instituting the proceedings and shall be the same as in other civil cases; ~~provided, that~~ however,  
19 in proceedings instituted by a town, in assessing the costs, the special court shall consider the  
20 extent to which county revenues are derived from within the town, the relative financial abilities  
21 of the parties and the relative merits of the case; ~~and provided that the~~. The costs shall include  
22 the per diem and expenses of the court reporter, if any, and, in the discretion of the court, a  
23 reasonable allowance to the court for secretarial services in connection with the preparation of  
24 the written opinion. If the proceedings ~~be~~ are instituted otherwise than by a city, town or county,  
25 such costs shall be paid as the court directs considering the relative merits of the case.

26 On appeal, the appellate court shall determine by whom the appellate costs shall be paid.

27 **Drafting note: No substantive change in the law.**

28  
29 § ~~15.1-1045.1~~ 15.2-3215. County reimbursement for town annexation proceedings.

30 In any annexation ~~proceeding~~ proceedings in which a town participates, except those in  
31 which a town declines to accept an award by the special court, in which case § ~~15.1-1044~~ 15.2-

1 3213 shall apply, the court may direct the county within which the town is located to reimburse  
2 the town, as hereinafter provided, for reasonable costs incurred by it in presenting its case. Such  
3 costs shall include attorneys' fees, engineering fees, witness fees, and other reasonable costs as  
4 the court shall determine and allow. The court shall hear evidence regarding the costs incurred by  
5 the town in presenting its annexation case and may order part payment by the county to the town  
6 based upon a consideration of the extent to which county revenues are derived from within the  
7 town, the relative financial ability of the town and county, and the relative merits of the case.

8 **Drafting note: No substantive change in the law.**

9  
10 § ~~15.1-1046~~ 15.2-3216. Proceedings not to fail for technical or procedural defects or  
11 errors.

12 No proceedings brought under this chapter shall fail because of a defect, imperfection or  
13 omission in the annexation ordinance or the pleadings which does not affect the substantial rights  
14 of the parties or any other technical or procedural defect, imperfection or error, but the special  
15 court shall at any time allow amendment of the ordinance or the pleadings or make any other  
16 order necessary to ~~insure~~ ensure the hearing of the case on its merits. ~~The 1979 amendments to~~  
17 ~~this section shall not affect litigation pending on or before January 1, 1979.~~

18 **Drafting note: No substantive change in the law; obsolete language is deleted.**

19  
20 § ~~15.1-1047~~ 15.2-3217. Court granting annexation to exist for ten years.

21 (a) The special court ~~created by § 15.1-1038~~ shall not be dissolved after rendering a  
22 decision granting any motion or petition for annexation, but shall remain in existence for a period  
23 of ten years from the effective date of any annexation order entered, or from the date of any  
24 decision of the Supreme Court affirming such an order. Vacancies occurring in the court during  
25 such ten-year period shall be filled as provided in § ~~15.1-1039~~ 15.2-3004.

26 (b) The court may be reconvened at any time during the ten-year period on its own  
27 motion, or on motion of the governing body of the county, or of the city or town, or on petition  
28 of not less than fifty registered voters or property owners in the area annexed; ~~provided,~~  
29 however, if the area annexed contains ~~less~~ fewer than 100 registered voters or property owners,  
30 ~~then~~ a majority of such registered voters or property owners may petition for the reconvening of  
31 the court.

1           (e) The court shall have power and it shall be its duty, at any time during such period, to  
2 enforce the performance of the terms and conditions under which annexation was granted, and to  
3 issue appropriate process to compel such performance. The court, may, in its discretion, award  
4 attorneys' fees, and court and other reasonable costs to the party or parties on whose motion the  
5 court is reconvened.

6           (d) Any such action of the court shall be subject to review by the Supreme Court in the  
7 same manner as is provided with respect to the original decision of the court.

8           **Drafting note: No substantive change in the law.**

9  
10           § ~~15.1-1047.2~~ 15.2-3218. Continued existence of court under certain conditions.

11           Notwithstanding the provisions of § ~~15.1-1047~~ 15.2-3217, ~~in the event~~ if a decision  
12 granting any motion or petition for annexation is subjected to collateral attack in any court, state  
13 or federal, the special court ~~created by § 15.1-1038~~ shall not be dissolved; or, if heretofore or  
14 hereafter dissolved at the time such attack is made or is pending, shall be revived. The court shall  
15 thereafter continue in existence ~~until such time as~~ for one year after all collateral issues have  
16 been resolved, ~~and until one year thereafter~~, and shall have the same powers and duties as set out  
17 in § ~~15.1-1047~~ 15.2-3217. In addition, it shall have the power to fully implement any order or  
18 decision of any court of competent jurisdiction with respect to such collateral attack.

19           **Drafting note: No substantive change in the law.**

20  
21           § ~~15.1-1047.1~~ 15.2-3219. Reduced taxation on real estate in territory added to corporate  
22 limits.

23           The council of any city or town to which territory has been added may, by ordinance,  
24 allow a lower rate of taxation to be imposed for a period not to exceed ten years after the  
25 effective date of the annexation upon the real estate or any portion thus added to its corporate  
26 limits, than is imposed on similar property within its limits at the time such territory was added.

27           Such differences in the rate of taxation hereafter shall be established annually and shall  
28 bear a reasonable relationship to differences between nonrevenue-producing governmental  
29 services giving land urban character which are furnished in the area added as compared to other  
30 areas in the city or town.

31           **Drafting note: No change.**

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§ ~~15.1-1048~~ 15.2-3220. Mandamus and prohibition.

Mandamus and prohibition shall lie from the Supreme Court or any circuit court to compel a city or town to carry out the provisions of this article or to forbid any violation of the same.

**Drafting note: No change.**

§ ~~15.1-1049~~ 15.2-3221. Appeals; how heard.

An appeal may be granted by the Supreme Court, or any ~~judge~~ justice thereof, ~~to any 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 ~~trial~~ 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 Title 25. In any case, by consent of all parties of record, the motion to annex may be dismissed at any time before final judgment on appeal.

**Drafting note: No substantive change in the law; outdated language is deleted.**

§ ~~15.1-1050~~ 15.2-3222. What order to be entered by Supreme Court.

If the judgment of the ~~circuit~~ special court ~~be~~ is reversed on appeal, or if the judgment ~~be~~ is modified, the Supreme Court shall enter such order as the ~~circuit~~ 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.

**Drafting note: No substantive change in the law. It is believed that the references to the circuit court were an error.**

§ ~~15.1-1051~~ 15.2-3223. What order and proceedings clerk to certify, and where same shall be recorded; fees.

The clerk of the court wherein an order is entered for the annexation of territory shall make and certify copies of so much of the order and proceedings as shall show the authorization of the transfer of territory from the county or town to the city or town, as the case may be. He shall transmit one copy ~~and,~~ along ~~therewith~~ with a full description of the territory so annexed, to

1 the county clerk of the county whose territory is affected, who shall forthwith record the same in  
2 the name of the city or town to which the territory is annexed, and one copy to the clerk of the  
3 court of such city in which deeds are recorded, who shall likewise record and index the same.  
4 The fees of the clerk for such recordation shall be the same as for recording a deed and such fees,  
5 as well as the fees of the clerk for making the copies aforesaid, shall be paid by the city or town.

6 **Drafting note: No substantive change in the law.**

7  
8 § ~~15.1-1052~~ 15.2-3224. Commissioner of revenue for the county to certify list of real  
9 estate in annexed territory to commissioner of revenue.

10 The commissioner of the revenue of such county shall forthwith make from the land  
11 books and certify to the commissioner of the revenue of the city a list of all real estate within the  
12 annexed territory as it appears on such land books, embracing every entry thereon in regard  
13 thereto, for which service he shall be paid by such city a reasonable fee.

14 **Drafting note: No change.**

15  
16 § ~~15.1-1053~~ 15.2-3225. County or district officers resident in annexed territory to remain  
17 in office; reelection.

18 If a county or district officer resides in a territory annexed to a city, such officer may  
19 continue in office until the end of the term for which he was elected or appointed. The provisions  
20 of § ~~15.1-995~~ 15.2-3823 shall prevail with respect to successive reelections of such officers  
21 ~~reelection~~. Removal of such officer, during his term of office from any such territory, to another  
22 part of the city or town to which it is annexed shall not vacate his office, but residence in any  
23 part of such city or town shall during his term of office be deemed residence in the county or  
24 district.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-1054~~ 15.2-3226. ~~How new territory organized; to what wards attached; transfer of~~  
28 ~~electors, elections~~ Redistricting and elections in city or town following annexation; registration  
29 and transfer of registration of voters in annexed territory.

30 ~~Whenever, by extension of its territorial limits as aforesaid, territory is annexed to a city~~  
31 ~~or town, the council thereof shall, if the city or town is divided into wards, by ordinance~~



1 immediately organize the same into a new ward or wards and forthwith select the proper number  
2 of councilmen from the residents and qualified voters of such new ward or wards to serve until  
3 the next general election, or attach the same to an existing ward or wards, under such regulations  
4 as are provided by law. Whether the city or town is divided into wards or not, all electors  
5 residing in the annexed territory shall be entitled to transfers to the proper pollbooks in the city  
6 or town without again registering therein. Any person residing in the territory who has not  
7 registered shall be entitled to register and vote in the city or town, if he would have been entitled  
8 to register and vote at the next succeeding election in the county. For the purposes of this section,  
9 any person residing in the annexed territory who was qualified to register and vote in the county  
10 prior to annexation, shall be deemed to be a resident of the city or town and qualified to vote in  
11 the next general or special election therein. The failure of the council to so district the territory  
12 shall invalidate an election held in the city or town following annexation.

13 A. Whenever the boundaries of a city or town, which elects its council by wards or  
14 districts, have been expanded through annexation, subject to the provisions of § 24.2-304.1, the  
15 council of the city or town shall redistrict the municipality into wards or districts, change the  
16 boundaries of existing wards or districts, or increase or diminish the number of wards or districts  
17 to incorporate the additional territory.

18 B. Notwithstanding any provision of law to the contrary the provisions of § 24.2-312  
19 there shall be an election for members of council on the first Tuesday in May following the  
20 effective date of annexation. If council members are chosen on an at-large basis the election shall  
21 be held for the unexpired portion of the term of each council member whose term extends  
22 beyond July 1, or September 1, whichever date by law applies to such council terms,  
23 immediately following the effective date of annexation. If council members are chosen on a ward  
24 basis, the election shall be held for each ward affected by the annexation. However, no such  
25 election shall be held as a result of an annexation instituted under § 15.1-1033 15.2-3202 or §  
26 15.1-1034 15.2-3203, unless the city or town ~~shall increase~~ increases its population by more than  
27 five percent due to the annexation.

28 C. The registration records of voters residing in the annexed areas shall be transferred,  
29 and the appropriate notice given, in accordance with § 24.2-114. Any person residing in the  
30 annexed territory who has not registered shall be entitled to register and vote in the city or town  
31 if he would have been entitled to register and vote at the next election of the county.

1           **Drafting note: The section is conformed to applicable law found in recently**  
2 **recodified Title 24.2 (election laws) with the exception of subsection B, which retains the**  
3 **provisions for a special election.**

4  
5           § ~~15.1-1055~~ 15.2-3227. Annexation proceedings final for ten years; ~~exceptions;~~  
6 ~~proceedings pending on June 28, 1952.~~

7           Except by mutual agreement of the governing bodies affected, no city or town, having  
8 instituted proceedings to annex territory of a county, shall again seek to annex territory of such  
9 county within the ten years next succeeding the effective date of annexation in any proceeding  
10 under this article or previous acts. In the event annexation is denied, such prohibition shall begin  
11 with the date of the final order of the court denying annexation or, in the case of an appeal to the  
12 Supreme Court of Virginia, with the date of the final order of the Supreme Court. However a city  
13 or town moving to dismiss the proceedings before a hearing on its merits may file a new petition  
14 five years after the filing of the petition in the prior suit. No county shall, except with the consent  
15 of ~~the county~~ its governing body, be made defendant in any annexation proceeding brought by  
16 any city within such ten-year period.

17           Notwithstanding the foregoing provisions, a city shall have the right to file and maintain  
18 an annexation proceeding against any county against which it has not filed such a proceeding  
19 during the preceding thirteen years.

20           The provisions of this section shall not apply to any petition for annexation brought by a  
21 city or town, within such ten-year period, if the previous petition was dismissed due to a  
22 procedural defect, lack of jurisdiction, or any defense other than the merits of the case. ~~No city~~  
23 ~~which filed a petition for the annexation of territory of a county within the five years preceding~~  
24 ~~the enactment of this section which was dismissed due to procedural defect, lack of jurisdiction,~~  
25 ~~or any defense, other than the merits of the case, may file another petition for the annexation of~~  
26 ~~territory of such county within the five years next preceding the dismissal of the previous~~  
27 ~~petition.~~

28           The provisions of this section ~~further~~ shall not apply to a city or town which institutes an  
29 annexation proceeding by filing notice with the Commission on Local Government but which  
30 subsequently fails to petition the court to grant such annexation. In that event, however, the city

1 or town shall not again institute proceedings for annexation against the county for at least two  
2 years after the date the Commission renders its final report on the initial proceeding.

3 ~~In any annexation proceeding pending on June 28, 1952, the party seeking annexation~~  
4 ~~may proceed therein, in which event the proceedings thereafter to be taken shall conform, so far~~  
5 ~~as practicable, to those herein prescribed, provided, that any such proceeding in which there shall~~  
6 ~~not have been a hearing on the merits shall, on motion of the city or town, or the county~~  
7 ~~involved, be dismissed at the cost of the moving party, including such reasonable attorneys' fees,~~  
8 ~~engineering fees, witness fees, and other costs as the court may determine and allow, in which~~  
9 ~~event the party seeking annexation may, notwithstanding any other provision of this article,~~  
10 ~~institute new proceedings hereunder for the annexation of any territory included in the~~  
11 ~~proceeding so dismissed.~~

12 This section shall also apply to any city which was a town at the time of the filing of such  
13 petition.

14 **Drafting note: No substantive change in the law; obsolete language is deleted.**

15  
16 ~~§ 15.1-1055.1. Priority of annexation proceeding.~~

17 ~~Any proceeding brought under the provisions of this chapter shall have priority over all~~  
18 ~~other cases including criminal cases, on the docket of the court in which such proceeding is~~  
19 ~~pending, or on the docket of each judge designated to hear the case.~~

20 **Drafting note: Repealed; covered in § 15.2-3001.**

21  
22 ~~§ 15.1-1056~~ 15.2-3228. County not to be reduced to insufficient area, population or  
23 sources of revenue.

24 ~~Whenever~~ If, as the result of ~~any an~~ an annexation ~~proceedings~~, the area remaining in a  
25 county (i) would, ~~after annexation of the territory sought~~, be reduced below sixty square miles,  
26 excluding property owned by the United States of America, or ~~shall~~, (ii) would otherwise, be  
27 insufficient in area, population, or sources of revenue, to adequately ~~to~~ support the county  
28 government and schools, then the annexation shall not be decreed unless the whole county ~~be~~ is  
29 annexed.

30 **Drafting note: No substantive change in the law.**

31



1 the county and the town once a week for two successive weeks, stating the time and place of the  
2 hearing, and summarizing the terms of the proposed agreement. The second advertisement shall  
3 appear not less than six days nor more than twenty-one days prior to the hearing. The  
4 Commission shall then determine whether the proposed agreement provides for the orderly and  
5 regular growth of the town and county together, for an equitable sharing of the resources and  
6 liabilities of the town and the county, and whether the agreement is in the best interest of the  
7 community at large, and shall so advise the governing bodies in a written opinion.

8 **Drafting note: No substantive change in the law.**

9  
10 § ~~15.1-1058.3~~ 15.2-3233. Adoption of agreement.

11 After the Commission has advised the governing bodies of the two jurisdictions of its  
12 determination, and regardless of whether its determination is favorable, such bodies may adopt  
13 the agreement. If the Commission's determination is unfavorable, however, the governing bodies  
14 shall first conduct an additional joint public hearing advertised as provided in § ~~15.1-1058.2~~  
15 15.2-3232. Adoption of the agreement by both governing bodies will operate permanently to  
16 divest the town of its right to become a city.

17 **Drafting note: No change.**

18  
19 § ~~15.1-1058.4~~ 15.2-3234. Inability to agree; petition to Commission on Local  
20 Government.

21 In the event the governing bodies of the town and county cannot reach a voluntary  
22 agreement as to future annexation rights, the town may, by ordinance duly adopted by a majority  
23 vote of its governing body, petition the Commission on Local Government for an order  
24 establishing the rights of the town to annex territory by ordinance under specified agreed terms.  
25 A copy of such petition and ordinance shall be served on the attorney for the Commonwealth, or  
26 county attorney, if there ~~be~~ is one, and on the chairman of the board of supervisors of the county.  
27 The county shall file its response to such petition with the Commission within sixty days after  
28 receipt of service thereof.

29 After the time for filing of a response by the county has elapsed, the Commission shall  
30 establish a date, time and place for a hearing, to be conducted in the county or the town, at which  
31 the parties, and any resident or property owner of either the county or the town may appear and

1 present evidence or comment on the rights petitioned for by the town. After receiving such  
2 evidence, and making such further investigation as it ~~shall deem~~ deems appropriate, and based  
3 upon the criteria set forth in § ~~15.1-1041~~ 15.2-3209, the Commission shall enter an order which  
4 grants such rights to the town, either upon the terms set forth in the petition or upon some  
5 modified basis. ~~Such~~ The order shall in no event grant to the town the right to annex county  
6 territory by ordinance more frequently than once every five years.

7 **Drafting note: No substantive change in the law.**

8  
9 § ~~15.1-1058.5~~ 15.2-3235. Appeal.

10 Any order of the Commission regarding future annexation rights of a town shall become  
11 final unless either the town or the county or five ~~per centum~~ percent of the registered voters in  
12 either jurisdiction ~~shall~~, within thirty days of its the entry of the order, petition the circuit court to  
13 review such order. ~~In the event of such a petition, the~~ The circuit court with which the petition is  
14 filed shall notify the Supreme Court, which shall appoint a special court to hear the case as  
15 provided by Chapter 30 (§ 15.2-3000 et seq.) of this title. The special court shall review such  
16 decision and enter any order it deems appropriate. A final order of either the Commission or the  
17 court granting the town the right to future annexation through the periodic adoption of  
18 ordinances shall operate permanently to divest the town of its rights to become a city.

19 **Drafting note: No substantive change in the law.**

20  
21 Article ~~2~~ 3.

22 Contraction of Corporate Limits.

23  
24 § ~~15.1-1059~~ 15.2-3236. ~~What council shall do when corporation limits are to be~~  
25 ~~contracted~~ Council may enact ordinance.

26 Whenever it is deemed desirable to contract the corporate limits of any city or town the  
27 council thereof may enact an ordinance defining accurately the boundary of the territory  
28 proposed to be ~~stricken off~~ abandoned. ~~Such~~ The ordinance, or a descriptive summary of the  
29 ordinance along with a reference of the place in the city or town where the ordinance may be  
30 examined, shall ~~thereupon~~ be published in at least ten issues of a daily paper ~~published in and~~  
31 having ~~the largest~~ general circulation in the city or town, if there ~~be~~ is such a paper, or in two

1 successive issues of a weekly newspaper ~~published~~ having general circulation in such city or  
2 town, if there ~~be is~~ such a paper ~~and if.~~ If there be is no daily newspaper ~~published~~ having  
3 general circulation therein, ~~and the ordinance~~ shall be conspicuously posted in at least ten public  
4 places in the territory for at least ten days before the application to the circuit court ~~of~~ for the city  
5 or town ~~or to the judge in vacation~~ as provided for in § ~~15.1-1060~~ 15.2-3237 in addition to the  
6 publication in the weekly newspaper. A copy of ~~such~~ the ordinance shall be served by ~~such~~ the  
7 city or town upon the chairman of the board of supervisors of the contiguous county or counties  
8 of which ~~such~~ the territory may become a part.

9 **Drafting note: No substantive change in the law.**

10  
11 § ~~15.1-1060~~ 15.2-3237. Application to be made to circuit court; appointment of special  
12 court; who may appear against.

13 ~~Thirty~~ Within thirty days ~~after~~ of the enactment of an ordinance proposing to reduce the  
14 corporate limits of a city or town, the city or town shall apply to the circuit court ~~of~~ for the city,  
15 or to the circuit court for the city or town, for an order confirming the ordinance, ~~or to the judge~~  
16 ~~thereof in vacation~~. The circuit court with which the petition is filed shall notify the Supreme  
17 Court, which shall appoint a special court to hear the case as prescribed by Chapter 30 (§ 15.2-  
18 3000 et seq.) of this title. One or more residents or ~~freeholders~~ landowners of the territory  
19 proposed to be ~~stricken off~~ abandoned, or the ~~attorney for~~ governing body of the Commonwealth  
20 ~~of the~~ county or counties contiguous thereto, may appear and by petition set forth reasons why  
21 the corporate limits should not be reduced.

22 **Drafting note: No substantive change in the law.**

23  
24 § ~~15.1-1061~~ 15.2-3238. What court ~~or judge~~ may do.

25 If the special court ~~or the judge thereof~~, as the case may be, ~~shall be~~ is satisfied that: (i)  
26 such contraction of the corporate limits will not leave the bonded debt of the city or town in  
27 excess of ~~eighteen per centum~~ ten percent of the assessed valuation of the real estate that will be  
28 left in the city or town after the proposed contraction ~~proposed~~, which debt shall be determined  
29 as is provided in Article VII, Section 10 of the Constitution of Virginia, ~~and if the court or judge~~  
30 ~~shall be satisfied that~~; (ii) less than three fourths of the ~~freeholders~~ landowners in that territory  
31 oppose the contraction ~~proposed and that~~; (iii) no substantial injury damage to persons owning

1 real estate in the territory proposed to be ~~stricken off~~ abandoned, or to the county of which it will  
2 become a part, will be caused ~~thereby, but that~~ by the contraction; and (iv) the striking off  
3 abandonment of such territory will be ~~for~~ in the best interest of the city or town, the court ~~or~~  
4 ~~judge, as the case may be,~~ shall render an order confirming the ordinance contracting the limits  
5 of the city or town and declaring the territory ~~so stricken off~~ abandoned to be a part of ~~some~~ the  
6 contiguous county designated in the order. Such contraction shall thereupon become final and be  
7 taken cognizance of by all public officers, and the territory ~~so stricken off~~ abandoned shall  
8 become a part of the county so designated. Whenever such an order is rendered, a copy of the  
9 order shall be certified to the Secretary of the Commonwealth.

10 **Drafting note: In the first sentence, eighteen percent is changed to ten percent in**  
11 **order to conform to current constitutional provisions.**

12  
13 § ~~15.1-1062~~ 15.2-3239. Certification of real estate list.

14 ~~The~~ Upon entry of the order under § 15.2-3238, the proper city officers shall ~~thereupon~~  
15 certify to the ~~county~~ clerk of the county a list of all real estate within the territory, with every  
16 entry in regard thereto, as it appears on the city land books, ~~by whom the~~. The list and entries so  
17 certified shall be entered upon the county land books.

18 **Drafting note: No substantive change in the law.**

19  
20 § ~~15.1-1063~~ 15.2-3240. ~~Reregistration unnecessary; new registrations~~ Transfer of  
21 registration records.

22 ~~Every registered voter in the territory shall be entitled, without again registering, to a~~  
23 ~~transfer and to vote at his proper precinct in the county to which the territory is annexed, or to~~  
24 ~~register and vote at such precinct if he was entitled to register and vote in the city or town, or if~~  
25 ~~he would have been entitled to register and vote in the county had the territory of which he is a~~  
26 ~~resident always been a part of the county and never a part of an incorporated city or town.~~ Upon  
27 entry of the court order under § 15.2-3238, the registration records of voters residing within the  
28 territory shall be transferred, and the appropriate notice given, in accordance with § 24.2-114.

29 **Drafting note: No substantive change in the law; existing language is replaced by**  
30 **the appropriate cross-reference.**



1           § ~~15.1-1064~~ 15.2-3241. Petition for contraction of towns located in two or more counties;  
2 appointment of special court.

3           Whenever it is deemed desirable to contract the corporate limits of a town located  
4 partially in one county and partially in another, a majority of voters ~~qualified~~ registered to vote at  
5 the preceding November general election residing in that part of the town which ~~it~~ is proposed  
6 ~~shall to be stricken-off~~ abandoned may petition the circuit court ~~of~~ for the county in which that  
7 part of the town is located to amend the charter of the town so as to exclude from the corporate  
8 limits of the town that part of the town which is located in such county.

9           Such petition shall be signed by the petitioners. It shall accurately define the boundary of  
10 the territory proposed to be ~~stricken-off~~ abandoned and shall pray that the charter of the town  
11 may be amended so as to exclude such territory from the corporate limits of the town ~~such~~  
12 ~~territory~~. The circuit court with which the petition was filed shall notify the Supreme Court  
13 which shall appoint a special court to hear the case as prescribed by Chapter 30 (§ 15.2-3000 et  
14 seq.) of this title.

15           **Drafting note: No substantive change in the law.**

16  
17           § ~~15.1-1065~~ 15.2-3442. Parties defendant and publication of such petition.

18           The ~~board of supervisors of the county in which is located~~ the part of the town proposed  
19 to be ~~stricken-off~~ abandoned under § 15.2-3241 is located shall be named as ~~defendants~~  
20 defendant to the petition ~~and a copy thereof shall be served on the board~~. Satisfactory proof that  
21 the petition, or a descriptive summary of the petition along with a reference to the place in the  
22 town where the petition may be examined, has been published in ~~some~~ a newspaper ~~published~~  
23 having general circulation in the county or town once a week for four successive weeks and has  
24 been posted at the front door of the courthouse of the county for a like period shall be filed with  
25 the petition. A statement in the publication to the effect that a certain number of ~~qualified~~  
26 registered voters of the territory proposed to be ~~stricken-off~~ abandoned signed the petition shall  
27 be sufficient in lieu of the names of the signers.

28           **Drafting note: No substantive change in the law. Unnecessary language is deleted**  
29 **in the first sentence.**

30  
31           § ~~15.1-1066~~ 15.2-3243. Hearing and order upon such petition.

1           The special court shall fix a day on which the petition filed pursuant to § 15.2-3241 shall  
2 be heard and shall direct the clerk of the court to cause to be summoned the chairman of the  
3 board of supervisors of the county and the mayor of the town, who without formal pleadings  
4 shall make such defense against the prayer of the petition as they may have. ~~And one~~ One or  
5 more residents or ~~freeholders~~ landowners of the territory proposed to be ~~stricken off~~ abandoned  
6 may appear and set forth reasons why the same should not be done.

7           If the court ~~shall be~~ is satisfied that it will be ~~to~~ in the best interest of a majority of the  
8 people of the territory proposed to be ~~stricken off~~ abandoned and that the general good of the  
9 community will not be materially affected, it shall by an order entered in its common-law order  
10 book, reciting the fact of the due publication of the petition, that it is ~~to~~ in the best interest of a  
11 majority of the people of that part of the town proposed to be ~~stricken off~~ abandoned, and that  
12 the general good of the community will not be materially affected by ~~the~~ amendment of the  
13 charter, order that the charter of such town ~~by name and style of "The town of . . . . ."~~ (naming  
14 ~~it~~) be amended accordingly. Whenever such an order is entered, a copy of the order shall be  
15 certified to the Secretary of the Commonwealth.

16           The court in its order may make such disposition of the corporate property of the town as  
17 may seem to it just and equitable and shall also make such provision as to the payment of any  
18 debts or obligations of the town as between the county and the inhabitants of the town as to the  
19 court may seem just and equitable.

20           At the next session of the General Assembly following the final determination of such  
21 order, the town shall request that the General Assembly amend its charter in accordance with the  
22 court order. The effective date of the transfer of territory shall be the effective date of the court  
23 order and not the effective date of the Act of Assembly.

24           **Drafting note: No substantive change in the law; the last paragraph is added in**  
25 **order to clarify that, although the General Assembly has granted to the judicial branch the**  
26 **practical authority to amend the charter, for the purpose of maintaining a central record of**  
27 **town boundaries, etc., the General Assembly shall make the physical charter amendment.**

28  
29           § ~~15.1-1067~~ 15.2-3244. Appeal from such order.

30           Any one or more of the petitioners, or the defendants, or any inhabitants of the town, who  
31 may feel themselves aggrieved by ~~the~~ an order ~~amending the charter~~ declaring territory to be

1 abandoned as provided by this article, or by the refusal to enter such order, may, at any time  
2 within sixty days from the date of the order, upon giving bond for costs, the amount thereof to be  
3 fixed by the court, apply to the Supreme Court for a writ of error and supersedeas according to  
4 the general law.

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-1067.1~~ 15.2-3245. Validation of proceedings.

8 All proceedings heretofore taken in contraction of the corporate limits of the City of  
9 Fairfax, are hereby validated, ratified, approved and confirmed, and all such contractions or  
10 attempted contractions of the corporate limits of such city are hereby declared to have been  
11 validly created and established, notwithstanding any defects or irregularities in the creation  
12 thereof.

13 **Drafting note: No change. The section, which applies to the City of Fairfax, should**  
14 **be carried by reference only.**

15  
16 ~~Article 3.~~

17 ~~Establishment of True Boundary Line Between Cities.~~

18  
19 § ~~15.1-1068~~. ~~Establishment by agreement.~~

20 ~~Whenever a doubt shall exist or dispute arise as to the true boundary line between two~~  
21 ~~cities, or when two cities wish to relocate the true boundary line, the governing bodies of such~~  
22 ~~cities may by agreement establish and locate the true boundary line between such cities.~~

23 **Drafting note: Repealed; subject matter of this section is covered in proposed**  
24 **Chapter 31 of Title 15.2.**

25  
26 § ~~15.1-1069~~. ~~Publication of agreed boundary line; posting copy of agreement.~~

27 ~~The governing body of each city shall cause a description of the true boundary line~~  
28 ~~between said cities as agreed upon, to be published in each city at least once a week for four~~  
29 ~~consecutive weeks in some newspaper published or having general circulation in said cities. A~~  
30 ~~copy of the said agreement shall be posted at the front door of the courthouse of each city in the~~  
31 ~~same manner that other public notices are posted.~~

1           **Drafting note: Repealed; subject matter of this section is covered in proposed**  
2 **Chapter 31 of Title 15.2.**

3  
4           ~~§ 15.1-1070. Petition and hearing; recordation of order; costs.~~

5           ~~Notice having been given in accordance with § 15.1-1069 above, the city attorney for~~  
6 ~~each city shall petition one of the circuit courts of the city having jurisdiction over the property~~  
7 ~~in question, setting forth the facts pertaining to the doubt, dispute or desire to relocate the~~  
8 ~~boundary line between two cities, as well as the true boundary line as agreed upon by the~~  
9 ~~respective cities. The judge to whom the petition is filed shall, after hearing the evidence on the~~  
10 ~~boundary line in dispute or to be relocated, enter the appropriate order which shall be recorded in~~  
11 ~~the common law order book of his court and in the current deed book of the courts of each city~~  
12 ~~and indexed in the names of the cities, and shall settle, determine, designate and establish the~~  
13 ~~true boundary line. Costs shall be awarded as the court may determine. Whenever such an order~~  
14 ~~is entered, a copy of the order shall be certified to the Secretary of the Commonwealth.~~

15           **Drafting note: Repealed; subject matter of this section is covered in proposed**  
16 **Chapter 31 of Title 15.2.**

1 **PROPOSED**

2 **CHAPTER ~~21.2~~ 33.**

3 **IMMUNITY OF COUNTIES OR PARTS OF COUNTIES FROM CITY-**  
4 **INITIATED ANNEXATION AND CITY INCORPORATION.**

5  
6 **Chapter drafting note: Proposed Chapter 33 contains no substantive change in the**  
7 **law.**

8  
9 § ~~15.1-977.19~~:~~1~~ 15.2-3300. Purposes of chapter.

10 The purposes of this chapter are: (i) to provide complete immunity from annexation and  
11 incorporation of new cities for those counties or tier-cities which by reason of their population  
12 density and numbers ~~and by reason of the urban services provided by them~~ are providing urban  
13 services; and (ii) to provide a system by which portions of counties may receive immunity from  
14 annexation and incorporation of new cities in the future if qualified pursuant to this chapter.

15 **Drafting note: No substantive change in the law.**

16  
17 § ~~15.1-977.20~~ 15.2-3301. Initiation of proceeding for declaration of immunity.

18 The governing body of any county or tier-city may, by ordinance passed by a recorded  
19 affirmative vote of a majority of the members thereof, petition the circuit court ~~of~~ for the county  
20 for an order declaring the county or tier-city totally or partially immune, as the case may be,  
21 from city-initiated annexation and from the incorporation of new cities within its boundaries.  
22 ~~Where such petition for total or partial immunity has been received by the circuit court, it shall~~  
23 ~~proceed in all respects as is provided in this title.~~

24 ~~Where such petitions~~ If the petition for total or partial county immunity ~~are~~ is filed  
25 ~~subsequent to~~ after the institution of ~~proceedings~~ a proceeding for city-initiated annexation of  
26 county or tier-city territory or for the incorporation of a new city within the county's or tier-city's  
27 boundaries under the provisions of Chapters ~~22~~ 32 (§ ~~15.1-982.1~~ 15.2-3200 et seq.) ~~and 25 or 38~~  
28 (§ ~~15.1-1032~~ 15.2-3800 et seq.) ~~of this title, and where such petitions for immunity precede~~  
29 before the time ~~limits~~ limit for pleadings ~~as may be established by the court pursuant to § 15.1-~~  
30 ~~982.5~~ 15.2-3204 or § ~~15.1-1035~~ 15.2-3805, ~~such proceedings~~ the proceeding for annexation or  
31 incorporation, ~~and any other such proceedings filed prior to the enactment of this section, shall~~

1 be stayed until ~~such time as the court shall determine~~ determines the question of total or partial  
2 county immunity. The clerk of the circuit court shall give notice of its receipt of a county's or  
3 tier-city's petition for immunity to each court ~~wherein~~ in which the county or tier-city may be a  
4 party to a city-initiated annexation proceeding or to a proceeding for the incorporation of a new  
5 city.

6 **Drafting note: No substantive change in the law. The old chapter and section**  
7 **references do not match up with the new references so that the new references will be in**  
8 **numerical order. The second sentence is deleted as unnecessary. In the third sentence,**  
9 **“and” is changed to “or” in order to correct an existing error. Language deleted from the**  
10 **second paragraph is obsolete.**

11  
12 § ~~15.1-977.21~~ 15.2-3302. Criteria for total immunity; judicial determination.

13 A. If, after receipt of a petition for immunity, the circuit court determines that the county  
14 or tier-city has a population at the time of the filing of the petition of at least 20,000 persons and  
15 a population density of at least 300 persons per square mile, or a minimum population of at least  
16 50,000 persons and a population density of at least 140 persons per square mile, based either on  
17 the latest United States census, on the latest population estimates of the Weldon Cooper Center  
18 for Public Service of the University of Virginia, or on a special census conducted under court  
19 supervision, it shall enter an order declaring the total county or tier-city immune from city-  
20 initiated annexation and incorporation of new cities.

21 B. If the court determines that the county or tier-city has not met the criteria for  
22 immunity as set forth in this section, it shall deny the county's or tier-city's petition.

23 C. In the determination of its population density, a county or tier-city may elect to have  
24 excluded from consideration the area of property within its boundaries which is owned by the  
25 federal and state governments and the area covered by bodies of water of forty acres or more in  
26 size. If a county or tier-city elects to exclude such areas from consideration, any county or tier-  
27 city residents residing in such areas must also be excluded in determining the county's or tier-  
28 city's population and population density.

29 **Drafting note: No substantive change in the law. According to § 15.1-1168 (15.2-**  
30 **3000), the circuit court (rather than the special court) makes determinations under this**  
31 **section.**

1  
2 § ~~15.1-977.22~~ 15.2-3303. Notice of determination by court; effect on other proceedings.

3 The clerk of the circuit court shall give notice of the court's determination of a county's or  
4 tier-city's eligibility for immunity to any court ~~wherein~~ in which proceedings were stayed  
5 pending a determination of county or tier-city immunity. ~~Where~~ If county or tier-city immunity  
6 is granted by order of the court, any suits stayed pending a determination of such immunity shall  
7 be dismissed. ~~Where~~ If county or tier-city immunity is not granted by order of the court, such  
8 stays shall be dissolved.

9 **Drafting note: No substantive change in the law.**

10  
11 § ~~15.1-977.22:1~~ 15.2-3304. Immunity based upon provision of urban-type services.

12 The governing body of any county which feels appropriate urban-type services are being  
13 provided, exclusive of those services which are provided by a city but inclusive of those services  
14 provided by cooperative agreement between the county and city, in the part of the county  
15 proposed for immunity may, by ordinance passed by a recorded affirmative vote of a majority of  
16 the members thereof, petition the circuit court ~~of~~ for the county for an order declaring some part  
17 or parts of the county immune from city-initiated annexation and from incorporation of new  
18 cities within such part or parts. The ordinance passed by the governing body of the county shall  
19 designate the area or areas for which the county desires such partial immunity. The circuit court  
20 with which the petition is filed shall notify the Supreme Court, which shall appoint a special  
21 court to hear the case as prescribed by Chapter 30 (§ 15.2-3000 et seq.) of this title.

22 In considering the petition, the special court shall use the list of services set out in ~~§ 15.1-~~  
23 ~~1041(b1)(i)~~ subdivision 1 of § 15.2-3209 as a guide in determining whether appropriate urban-  
24 type services are being provided in such part or parts of the county. The court shall also consider  
25 (i) whether the county has made efforts to comply with applicable state policies with respect to  
26 environmental protection, public planning, education, public transportation, housing, and other  
27 state service policies promulgated by the General Assembly; (ii) whether a community of interest  
28 exists between that part of the county for which immunity is sought and the remainder of the  
29 county that is greater than the community of interest that exists between that part of the county  
30 for which the immunity is sought and the adjoining municipality; and (iii) whether either party  
31 has arbitrarily refused to cooperate in the joint provision of services. Unless the population of a

1 city adjoining a county which is seeking partial immunity exceeds 100,000 persons, the court  
2 shall not grant partial immunity to such county which would result in substantially foreclosing  
3 such a city from expanding its boundaries by annexation. The court may include a greater or  
4 smaller area than the area for which immunity is sought.

5 Any city or town adjoining or within the county, or the parts proposed for immunity,  
6 shall be made parties to the action. The finding of the Commission on Local Government shall  
7 be received into evidence, and the court shall receive such additional evidence as the parties may  
8 introduce. The court may limit additional evidence to those kinds of services considered by the  
9 Commission. If, after consideration of the evidence, the court finds that the county has  
10 appropriate urban-type services, comparable to the type and level of services furnished in the city  
11 from which the county seeks immunity, within such parts of the county that are proposed for  
12 immunity and that the other conditions in this section are satisfied, the court shall enter an order  
13 declaring such part or parts of the county to be immune from city-initiated annexation and  
14 incorporation of new cities.

15 **Drafting note: No substantive change in the law.**

16  
17 § ~~15.1-977.22:2~~ 15.2-3305. Duration of immunity.

18 After a county or tier-city or part of a county is once granted immunity as provided by  
19 this chapter, it shall thereafter retain it.

20 **Drafting note: No change.**

21  
22 § ~~15.1-977.23~~ 15.2-3306. Limitations to immunity.

23 A. Immunity granted by this chapter shall not be interpreted to prohibit any town  
24 annexations, or to prohibit annexations to a city initiated under the provisions of § ~~15.1-1034~~  
25 15.2-3203.

26 B. Notwithstanding other provisions of law, including § ~~15.1-982.1~~ 15.2-3800, no grant  
27 of county immunity shall be interpreted to deny the right of any town, which ~~at the time of~~  
28 ~~enactment of this section in 1979~~ possessed a population in excess of 5,000 persons and was  
29 situated in a county possessing a population of 20,000 or more persons and a population density  
30 of 300 or more persons per square mile, or a population of 50,000 or more persons and a  
31 population density of 140 persons or more per square mile, based either on the ~~latest~~ United



1 States census, on ~~the latest~~ population estimates of the Weldon Cooper Center for Public Service  
2 of the University of Virginia, or on a special census conducted under court supervision, to obtain  
3 city status. Where a town seeks to become a city under the provisions of this section, the special  
4 court shall be limited in its review to a determination of the town's population and population  
5 density. Where the court determines that such town has a population of at least 5,000 persons and  
6 a density of 200 persons per square mile, it shall enter an order granting the town city status.

7 **Drafting note: No substantive change in the law.**

8  
9 § ~~15.1-977.24~~ 15.2-3307. Election of city barred from annexation to be treated as  
10 immune county.

11 Notwithstanding any other provision of law, any city that is barred or that may hereafter  
12 become barred from further annexation may, by resolution passed by a majority vote of its  
13 governing body, elect to be treated the same as an immune county for purposes of state police  
14 services and for the maintenance and construction of streets and highways. Such election ~~must~~  
15 shall be exercised by notifying the Governor of ~~said~~ the election at least two years prior to the  
16 beginning of the biennium in which it takes effect. If, after a minimum period of eight years  
17 following the date upon which such treatment has become effective, a city wishes to terminate  
18 such treatment as an immune county, it shall notify the Governor of its intention to return to  
19 being treated as a city for such purposes. Such return shall become effective two years after such  
20 notification to the Governor.

21 **Drafting note: No substantive change in the law.**

22  
23 § ~~15.1-977.25~~ 15.2-3308. Partial immunity proceedings final for five years; exceptions.

24 No county, having instituted proceedings for immunity for part or parts of the county,  
25 shall again seek immunity for substantially the same part or parts of the county within the next  
26 five years.

27 Such prohibition shall begin with the date of the final order of the court granting or  
28 denying immunity or, in the case of an appeal to the Supreme Court ~~of Virginia~~, with the date of  
29 the final order of the Supreme Court. The provisions of this section shall not apply to a petition  
30 for partial immunity if the previous petition was withdrawn, or was dismissed for any reason  
31 other than the merits of the case.

1           The provisions of this section further shall not apply to a county which institutes an  
2 immunity proceeding by filing notice with the Commission on Local Government but  
3 subsequently fails to petition the court to grant such immunity. In that event, however, the county  
4 shall not again institute proceedings for immunity for substantially the same part or parts of the  
5 county for at least two years after the date the Commission renders its final report on the initial  
6 proceeding.

7           **Drafting note: No substantive change in the law.**

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**PROPOSED**  
**CHAPTER ~~26.1:1~~ 34.**

**VOLUNTARY SETTLEMENT OF ANNEXATION, TRANSITION OR  
IMMUNITY ISSUES.**

**Chapter drafting note: Proposed Chapter 34 contains no substantive change in the law.**

§ ~~15.1-1167.1~~ 15.2-3400. Voluntary settlements among local governments.

Recognizing that the ~~counties, cities and towns~~ localities of the Commonwealth may be able to settle the matters provided for in Chapters ~~20.2 (§ 15.1-965.9 et seq.), 21 (§ 15.1-966 et seq.), 21.1 (§ 15.1-977.1 et seq.), 21.2 (§ 15.1-977.19:1 et seq.), 22 (§ 15.1-982.1 et seq.) and 25 (§ 15.1-1032 et seq.)~~ of this title this subtitle through voluntary agreements and further recognizing that such a resolution can be beneficial to the orderly growth and continued viability of the ~~counties, cities and towns~~ localities of the Commonwealth the following provisions are made:

1. Any ~~county, city or town~~ locality may enter voluntarily into agreement with any other ~~county, city or town~~ locality or combination ~~thereof~~ of localities whereby any rights provided for its benefit in ~~the aforementioned chapters~~ this subtitle may be modified or waived in whole or in part, as determined by its governing body, provided that the modification or waiver does not conflict with the Constitution of Virginia.

2. The terms of the agreement may include fiscal arrangements, land use arrangements, zoning arrangements, subdivision arrangements and arrangements for infrastructure, revenue and economic growth sharing, dedication of all or any portion of tax revenues to a revenue and economic growth sharing account, boundary line adjustments, acquisition of real property and buildings and the joint exercise or delegation of powers as well as the modification or waiver of specific annexation, transition or immunity rights as determined by the local governing body including opposition to petitions filed pursuant to § ~~15.1-1034~~ 15.2-3203, and such other provisions as the parties deem in their best interest. The terms of the agreement may also provide for subsequent court review, instituted pursuant to provisions contained in the agreement, by a special court convened under Chapter ~~26.2~~ 30 (§ ~~15.1-1168~~ 15.2-3000 et seq.) of this title.

1           3. ~~In the event~~ If a voluntary agreement is reached pursuant to this chapter, the governing  
2 bodies shall present to the Commission the proposed settlement. The Commission shall conduct  
3 a hearing pursuant to § ~~15.1-945.7~~ 15.2-2907 A. The Commission shall report, in writing, its  
4 findings and recommendations as to whether the proposed settlement is in the best interest of the  
5 Commonwealth. Such report shall not be binding upon any court but shall be advisory in nature  
6 only.

7           4. Upon receipt of the Commission report, the ~~local governments~~ localities, by ordinance  
8 passed by a recorded affirmative vote of a majority of the members of each governing body  
9 thereof, may adopt either the original or a modified agreement acceptable to all parties ~~and may~~  
10 ~~thereafter petition the circuit court for an order establishing the rights of the local governments as~~  
11 ~~set forth under the specified agreed terms.~~ Before adopting such ordinance each local governing  
12 body shall advertise its intention to approve such agreement, or modified agreement, at least  
13 once a week for two successive weeks in a newspaper ~~published in or~~ having a general  
14 circulation in its jurisdiction and such advertisements shall contain a descriptive summary of  
15 ~~such the~~ the agreement or modified agreement. Each locality shall hold at least one public hearing on  
16 ~~such the~~ the agreement or modified agreement prior to the adoption of ~~such the~~ the ordinance. The  
17 publication shall include a statement that a ~~true~~ copy of the agreement, or modified agreement, is  
18 on file in the office of the clerk of the circuit court ~~of~~ for each of the affected jurisdictions.

19           5. The governing bodies shall ~~present to a special petition a circuit court convened under~~  
20 ~~Chapter 26.2 (§ 15.1-1168 et seq.) of this title~~ having jurisdiction in one or more of the localities  
21 for an order affirming the proposed settlement. The circuit court with which the petition is filed  
22 shall notify the Supreme Court, which shall appoint a special court to hear the case as prescribed  
23 by Chapter 30 (§ 15.2-3000 et seq.) of this title. The special court shall be limited in its decision  
24 to either affirming or denying the voluntary agreement and shall have no authority, without the  
25 express approval of each local governing body, to amend or change the terms or conditions of  
26 the agreement, but shall have the authority to validate the agreement and give it full force and  
27 effect. The court shall affirm the agreement unless the court finds either that the agreement is  
28 contrary to the best interests of the Commonwealth or that it is not in the best interests of each of  
29 the parties thereto. In determining whether such agreement should be affirmed, the court shall  
30 consider, among other things, whether the interest of the Commonwealth in promoting orderly  
31 growth and the continued viability of ~~local governments~~ localities has been met. ~~In the event~~ If

1 the agreement is validated and provides for annexation by a city or town, the ~~same~~ agreement  
2 shall take effect ~~at midnight on December 31~~ on January 1 of the year set forth in the agreement  
3 unless the agreement stipulates that the annexation shall be effective ~~at midnight of~~ on some  
4 other date ~~or dates~~.

5 6. ~~Upon affirmation of the~~ The agreement by the court, it shall not become binding ~~on~~  
6 ~~future local governing bodies~~ until affirmed by the special court under this section.

7 7. The applicable provisions of this chapter shall be deemed to have been met with regard  
8 to any voluntary fiscal agreement or voluntary agreement in settlement of an annexation,  
9 transition or immunity petition or voluntary settlement agreement entered into pursuant to this  
10 chapter (i) which ~~has been previously~~ was entered into ~~or~~ before July 1, 1990, (ii) which ~~has had~~  
11 ~~been reviewed or is~~ was in the process of review by the Commission on Local Government ~~or~~ on  
12 or before July 1, 1990, (iii) which ~~has had~~ been or is was the subject of review by a special court  
13 convened under Chapter ~~26.2~~ 30 of this title on or before July 1, 1990, or (iv) which ~~has had~~  
14 ~~been or is~~ was approved by a special court convened under Chapter ~~26.2~~ 30 of this title on or  
15 before July 1, 1990.

16 8. The provisions of § ~~15.1-1054~~ 15.2-3226 shall apply when a voluntary agreement  
17 made under this section includes the annexation of territory by a city or town. No election for  
18 members of council shall be held as a result of such annexation unless the city or town increases  
19 its population by more than five percent due to the annexation.

20 **Drafting note: The effective date language of subdivision 5 is rewritten to clarify the**  
21 **existing intent of the section. Subdivision 6 has been rewritten to clarify its intent. Dates**  
22 **have been added to subdivision 7 to clarify when the grandfather provisions apply. July 1,**  
23 **1990, is the date that the most recent amendments to subdivision 7 became effective.**

24  
25 § ~~15.1-1167.2~~ 15.2-3401. Referendum on contracting of debt by counties in voluntary  
26 settlement agreements.

27 Before a county, under the terms of a voluntary agreement pursuant to this chapter,  
28 contracts a debt pursuant to Article VII, Section 10 (b) of the Constitution of Virginia, the board  
29 of supervisors shall, in conformity with Article VII, Section 10 (b) of the Constitution of  
30 Virginia, petition the circuit court ~~of~~ for the county for an order calling for a special election in  
31 the county on the question of contracting such debt.

1           The question on the ballot shall be as follows, provided that the circuit court in its order  
2 calling for the election may substitute alternative language necessary to specify the type of  
3 agreement or the particular debt which the county proposes to contract under an agreement:

4           "Shall (name of county) be authorized to contract a debt by entering into a contract for  
5 the payment (describe the debt or payment) to (name of ~~local government~~ locality to whom  
6 payments are to be made) as a part of the proposed voluntary annexation and immunity  
7 settlement agreement between the county and (name of other ~~local government~~ locality)?"

8            Yes

9            No"

10           The clerk of the county shall cause a notice of the referendum to be published in a  
11 newspaper having general circulation in the county once a week for three consecutive weeks, the  
12 first such notice of which must be published not more than sixty days prior to the election and  
13 shall post a copy of the notice at the door of the county courthouse.

14           The election shall be held and the results thereof ascertained and certified in accordance  
15 with ~~§ 24.1-165~~ Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2. If a majority of the  
16 ~~qualified~~ voters of the county voting in such election approve the contracting of such debt, the  
17 county may proceed to adopt, by ordinance, the agreement.

18           **Drafting note: No substantive change in the law.**

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**PROPOSED**

**CHAPTER ~~26~~ 35.**

**CONSOLIDATION OF ~~GOVERNMENTAL UNITS~~ LOCALITIES.**

**Chapter drafting note: The present five articles are reduced to two. The first three present articles, each dealing with consolidation of like units of government into a like unit of local government, are combined into one article having standard terminology and procedure. Certain **SUBSTANTIVE CHANGES** are necessarily made throughout proposed Article 1 in order to achieve this result. The primary distinction between the three articles, the requirement of a county referendum in present Article 1, is retained. The last time any of these three articles appears to have been used was in 1958 when the Cities of Warwick and Newport News consolidated as the City of Newport News.**

**Proposed Article 2 concerning consolidation of unlike units of local government is the article most used. Its provisions are adopted with a minimum of change.**

**Present Article 5 (page 65 et seq.) is recommended for deletion since it has limited applicability and has not been used in over 25 years.**

Article 1.

Consolidation of ~~Counties~~ Like Units of Local Government.

§ 15.2-3500. Application of article.

The provisions of this article shall be applicable only to the consolidation of like units of local government into a consolidated like unit of local government. As used in this article “like unit” means the consolidation of (i) two or more counties into a consolidated county, (ii) two or more cities into a consolidated city or (iii) two or more towns into a consolidated town.

**Drafting note: New; states purpose of article.**

§ ~~15.1-1071~~ 15.2-3501. Authority to consolidate counties, cities or towns.

Any two or more adjoining ~~counties in the Commonwealth~~ like units of local government are hereby authorized to consolidate into a single ~~county by complying with the requirements and procedure herein specified~~ consolidated like unit of local government.

1           **Drafting note: Section is expanded to include cities and towns.**

2  
3           § ~~15.1-1072~~ 15.2-3502. Agreement for consolidation.

4           The ~~boards of supervisors governing bodies~~ governing bodies of any two or more adjoining ~~counties~~  
5 localities desiring to consolidate ~~their respective counties~~ into a ~~single county~~ consolidated  
6 locality in accordance with this article may enter into a ~~joint an~~ agreement for the consolidation  
7 ~~of such counties~~, setting forth in such consolidation agreement:

8           ~~(1)~~ 1. The names of the ~~several counties~~ localities which ~~they propose~~ are proposed to be  
9 consolidated;

10           ~~(2)~~ 2. The name ~~under which it is~~ of the proposed to ~~consolidate the counties~~ consolidated  
11 locality, which name shall be such as to distinguish it from the name of any other ~~county~~ like  
12 unit of government in Virginia, ~~other than the consolidating counties~~;

13           ~~(3)~~ 3. The property, real and personal, belonging to each ~~county~~ locality and the fair value  
14 thereof in current money of the United States;

15           ~~(4)~~ 4. The indebtedness, bonded and otherwise, of each ~~county~~ locality;

16           ~~(5)~~ 5. The proposed name and location of the county seat of the consolidated county or  
17 the address of the administrative offices of the city or town;

18           ~~(6)~~ 6. If the counties have different forms of county organization and government, the  
19 proposed form of county organization and government of the consolidated county, or if the cities  
20 or towns are to adopt the charter of one of the cities or towns, the name of the city or town whose  
21 charter is adopted; and

22           ~~(7)~~ 7. The other terms of the agreement.

23           The ~~board of supervisors governing body~~ governing body of each of the ~~counties~~ localities may appoint  
24 an advisory committee composed of three persons to assist ~~the board~~ in the preparation of such  
25 agreement and may pay the members of such advisory committee reasonable compensation,  
26 approved by the judge of the circuit court ~~of~~ for the ~~county~~ locality.

27           In counties, no consolidation agreement shall become effective unless approved by a  
28 referendum. In cities and towns, the consolidation agreement may include a provision requiring  
29 approval by referendum.

30           The original of the consolidation agreement, ~~together with~~ and, if appropriate, a petition  
31 on behalf of the several ~~boards,~~ governing bodies asking for a referendum on the question of



1 consolidation of the several counties, shall be filed with the judge or one of the judges of the  
2 circuit courts of for the counties localities; there shall be filed with each of the other judges a  
3 copy of the consolidation agreement and of the petition.

4 **Drafting note: Section expanded to include cities and towns. Language is added to**  
5 **clarify that counties must have a referendum while cities and towns may, if they desire,**  
6 **have a referendum. This reflects the current law.**

7  
8 § ~~15.1-1073~~ 15.2-3503. Petition requesting agreement.

9 The ~~qualified~~ voters of any county locality whose ~~board of supervisors governing body~~  
10 has not taken the initiative under the preceding section (~~§15.1-1072 15.2-3502~~) may require the  
11 governing body to do so by filing a petition with the ~~board of supervisors of the county a~~  
12 ~~petition, governing body.~~ The petition shall be signed by not less than ten percent of the  
13 ~~qualified~~ voters of the county locality registered as of January 1 of the year in which the petition  
14 is filed, which in no case shall be less than ~~one hundred qualified~~ 100 voters, ~~asking and shall ask~~  
15 the ~~board governing body~~ to effect, in accordance with the preceding section § 15.2-3502, a  
16 consolidation agreement with ~~such county or counties as shall be~~ the locality named in the  
17 petition and to petition the judge for a referendum on the question, ~~require the board to so~~  
18 ~~proceed.~~ A copy of the petition of the voters shall also be filed with the judge of the circuit court  
19 of for the county locality. If the board of supervisors is able within six months thereafter to effect  
20 such consolidation agreement, the procedure shall be the same as hereinbefore set forth. If the  
21 ~~board governing body~~ within ~~such period of time~~ six months is unable or for any reason fails to  
22 perfect such consolidation agreement, then the judge of the circuit court of for the county locality  
23 shall appoint a committee of five representative citizens of the county locality to act for and in  
24 lieu of the ~~board of supervisors governing body~~ in perfecting the consolidation agreement and in  
25 petitioning for a referendum.

26 **Drafting note: Section expanded to include cities and towns thereby granting**  
27 **authority for a voter-initiated process in municipalities. This authority currently exists for**  
28 **all localities for consolidations initiated under proposed Article 2; the stricken sentence is**  
29 **unnecessary.**

30  
31 § ~~15.1-1074~~ 15.2-3504. Publication of agreement.

1           The ~~board of supervisors~~ governing body of each of the consolidating localities shall  
2 cause a copy of the consolidation agreement ~~thereafter,~~ or a descriptive summary of the  
3 agreement and a reference to the place within the locality where a copy of the agreement may be  
4 examined, to be published in each ~~county~~ locality with which it is proposed to consolidate at  
5 least once a week for four successive weeks in ~~some a~~ a newspaper ~~published or~~ having a general  
6 circulation ~~in the county and a,~~ therein. A copy of the agreement ~~to~~ shall be ~~posted at the front~~  
7 ~~door of the courthouse of each county~~ available for public inspection at the circuit court clerk's  
8 office of each of the consolidating localities.

9           **Drafting note: SUBSTANTIVE CHANGE; the notice requirement is amended to**  
10 **permit a descriptive summary to be published rather than the entire agreement. Section**  
11 **expanded to include cities and towns.**

12  
13           § ~~15.1-1075~~ 15.2-3505. Order for election.

14           When the publication of the consolidation agreement in each of the ~~counties~~ localities is  
15 completed, ~~of which the certificate to the judge or judges of the circuit courts of the counties~~  
16 ~~from the owner, editor or manager of each newspaper publishing the same shall be proof,~~ the  
17 judge or judges of the circuit courts ~~of~~ for the counties and, if appropriate, for the cities or towns  
18 shall by order entered of record, in accordance with § ~~24.1-165~~ Article 5 (§ 24.2-681 et seq.) of  
19 Chapter 6 of Title 24.2, ~~in each of such counties~~ require the regular election officers of such  
20 ~~county~~ localities on the day fixed in the order, which day shall be the same in each of the  
21 ~~counties~~ localities proposing to consolidate, to open a poll and take the sense of the qualified  
22 voters ~~of the county~~ therein on the question submitted as hereinafter provided. Certification  
23 from the owner, editor or manager of each newspaper publishing the agreement shall be proof of  
24 publication.

25           **Drafting note: Section expanded to include cities and towns; Code reference is**  
26 **updated.**

27  
28           § ~~15.1-1076~~ 15.2-3506. Conduct of election.

29           The ~~regular election officers at the time designated in the order authorizing the vote shall~~  
30 ~~open the polls at the various voting places in their respective counties and conduct the election in~~  
31 ~~such manner as is provided by general law for other elections, insofar as the same is applicable.~~

1 ~~The election shall be by secret ballot. The ballots for each county shall be prepared by the~~  
2 ~~electoral board thereof and distributed to the various election precincts therein as provided by~~  
3 ~~law. The election authorized by § 15.2-3505 shall be conducted in accordance with general law.~~

4 The ballots used shall be printed and shall contain the following:

5 Shall . . . . . (here insert names of counties, cities or towns proposing to  
6 consolidate) ~~counties~~ consolidate pursuant to the consolidation agreement?

7  ~~For~~ Yes

8  Against No

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

10 **Drafting note: Section expanded to include cities and towns; unnecessary language**  
11 **is deleted.**

12

13 § ~~15.1-1077~~ 15.2-3507. Result of election.

14 The ballots shall be counted, returns made and canvassed as in other elections and the  
15 results certified by the ~~commissioners of election~~ electoral boards to the judge or judges of the  
16 circuit courts ~~of~~ for the ~~counties~~ localities. If it ~~shall appear~~ appears by the report of the  
17 ~~commissioners of election~~ electoral boards that a majority of the qualified voters of each ~~county~~  
18 locality proposing to consolidate voting on the question submitted are in favor of the  
19 consolidation ~~of the counties~~, the judge or judges shall enter of record ~~in each county~~ such fact  
20 and shall notify the Secretary of the Commonwealth of such fact.

21 **Drafting note: Section expanded to include cities and towns; language updated.**

22

23 § ~~15.1-1078~~ 15.2-3508. Election or appointment of county officers.

24 At the next ~~succeeding~~ regular November election held at least sixty days after the  
25 election at which the consolidation is approved by the voters ~~there~~, all county officers provided  
26 for by general law shall be elected for the consolidated county ~~and for the magisterial districts~~  
27 ~~thereof all county and district officers provided for or by general law~~. Their terms shall begin on  
28 ~~the first day of~~ January 1 next succeeding their election, at which time they shall replace all  
29 elective county ~~and district~~ officers of the consolidated counties ~~consolidated into the~~  
30 ~~consolidated county~~ whose terms shall terminate on such day ~~terminate~~. The terms of the new

1 officers shall expire on ~~the first day~~ of January 1 next succeeding the regular election of county  
2 ~~and district~~ officers in the Commonwealth.

3 All appointive county ~~and district~~ officers shall be appointed by the person, board or  
4 authority upon whom the power to appoint such officers in other counties is conferred. The terms  
5 of such officers shall commence on ~~the first day~~ of January 1 next succeeding the first election of  
6 officers for the consolidated county and shall continue, unless otherwise removed, until their  
7 successors have been appointed and qualified.

8 The successors of all such officers whose first election or appointment is herein provided  
9 for shall thereafter be elected or appointed at the time, in the manner and for the terms provided  
10 by general law.

11 **Drafting note: No substantive change in the law.**

12

13 § 15.2-3509. Election or appointment of city or town officers.

14 At the next regular May election held at least sixty days after the adoption of the  
15 consolidation ordinance by the governing bodies or, if applicable, the election at which the  
16 consolidation is approved by the voters, such officers as are provided for by general or special  
17 law shall be elected for the consolidated city or town. Their terms shall begin on July 1 next  
18 succeeding their election, at which time they shall replace all elective city or town officers of the  
19 consolidated cities or towns whose terms shall terminate on such day. The terms of the new  
20 officers shall expire on January 1 for constitutional officers next succeeding the regular election  
21 of city constitutional officers in the Commonwealth and July 1 next succeeding the regular  
22 election of all other city and town officers.

23 All appointive city and town officers shall be appointed by the person, board or authority  
24 upon whom the power to appoint such officers in other cities and towns is conferred. The terms  
25 of such officers shall commence on January 1 next succeeding the first election of officers for the  
26 consolidated city or town and shall continue, unless otherwise removed, until their successors  
27 have been appointed and qualified.

28 The successors of all such officers whose first election or appointment is herein provided  
29 for shall thereafter be elected or appointed at the time, in the manner and for the terms provided  
30 by general or special law.

1           **Drafting note: Companion section to preceding one; section is necessary because**  
2 **the article is expanded to include cities and towns.**

3  
4           § ~~15.1-1079~~ 15.2-3510. General effect of consolidation.

5           Upon the first day of ~~January~~ office following the first election of county ~~and district, city~~  
6 ~~or town~~ officers for the consolidated ~~county~~ localities, the several ~~counties~~ localities shall be  
7 thereafter for all purposes treated and considered as one county, city or town, as the case may be,  
8 under the name and upon the terms and conditions set forth in the consolidation agreement and in  
9 §§ ~~15.1-1071 to 15.1-1083, both inclusive~~ accordance with the provisions of this article. All the  
10 rights, privileges and franchises of each of the several ~~counties~~ localities and all property, real  
11 and personal, and all debts due on whatever account, as well as other things in action, belonging  
12 to each of such ~~counties~~, localities shall be deemed as transferred to and vested in the  
13 consolidated ~~county~~, locality without further act or deed. All property, all rights-of-way and all  
14 ~~and every~~ other ~~interest~~ interests shall be as effectually the property of the consolidated ~~county~~,  
15 locality as they were of the several ~~counties~~, localities prior to ~~the~~ their consolidation. The title to  
16 real estate, either by deed or otherwise, under the laws of this Commonwealth vested in any of  
17 the ~~counties~~ localities shall not be deemed to revert or be in any way impaired by reason of the  
18 consolidation. ~~But the~~ The rights of creditors and all liens upon the property of any of the  
19 ~~counties~~ localities shall be preserved unimpaired; ~~and~~ the respective ~~counties~~, localities shall be  
20 deemed to continue in existence to preserve ~~the same~~ such rights and liens, and all debts,  
21 liabilities and duties of any of the ~~counties~~ localities shall thenceforth attach to the consolidated  
22 ~~county~~ locality and be enforced against it to the same extent as if such debts, liabilities and duties  
23 had been incurred or contracted by it.

24           Such consolidated ~~county~~ locality shall in all respects, except as otherwise provided  
25 herein, be subject to all the obligations and liabilities imposed, and shall possess all the rights,  
26 powers, and privileges vested by law in other ~~counties~~ localities.

27           **Drafting note: Section expanded to include cities and towns.**

28  
29           § ~~15.1-1123~~ 15.2-3511. ~~City liabilities~~ Liabilities.

30           All valid and lawful charges and liabilities existing against ~~either city so annexed or~~  
31 ~~consolidated~~ a consolidated locality, or which may thereafter arise or accrue against such ~~cities~~

1 locality, which, but for such ~~annexation or~~ consolidation would be valid, and lawful charges or  
2 liabilities against them, or either of them, shall be deemed and taken to be like charges against or  
3 liabilities of the ~~united or consolidated municipality~~ locality and shall accordingly be defrayed  
4 and answered ~~unto~~ to by it to the same extent, and no further; than, the several ~~cities~~ localities  
5 would have been bound if no ~~annexation or~~ consolidation had taken place. ~~As a portion of such~~  
6 ~~liabilities shall be reckoned and included the salaries or other compensation of all officers, whose~~  
7 ~~incumbents are not removable at the pleasure of the council or appointing power, or who are not,~~  
8 ~~in fact, removed by the ordinance.~~ All stocks, bonds, contracts and obligations of the ~~cities~~  
9 localities which exist as legal obligations shall be deemed like obligations of the ~~united or~~  
10 ~~consolidated municipality~~ locality, and all such obligations as are authorized or required to be  
11 ~~thereafter~~ issued or entered into shall be issued or entered into by and in the name of such  
12 ~~municipality~~ consolidated jurisdictions.

13 **Drafting note: Section expanded to include counties and towns; language**  
14 **concerning accrued salaries is deleted since it is not necessary. Reference to stocks is**  
15 **deleted since localities do not issue stocks.**

16

17 § ~~15.1-1126~~ 15.2-3512. Suits and prosecutions.

18 From and after the date when ~~annexation or~~ consolidation shall ~~become~~ becomes  
19 effective, all indictments and prosecutions for crimes committed or ordinances violated and all  
20 suits or causes of action arising within the territory of the ~~united or consolidated municipality~~  
21 locality may be instituted in the county, city or town with the same force and effect as if  
22 ~~annexation or~~ consolidation had always been effective. ~~But in case the corporation or other~~  
23 ~~courts of any city whose charter is surrendered are retained as courts of concurrent jurisdiction~~  
24 ~~with any of the courts of the united or consolidated city, prosecutions for crimes committed or~~  
25 ~~ordinances violated and suits or causes of action arising within the territory of the city whose~~  
26 ~~charter is surrendered shall be apportioned, as far as possible, to the corporation or other courts~~  
27 ~~so retained, for trial, and all cases arising therein which are properly triable by a magistrate's~~  
28 ~~court shall be tried before some civil justice or civil and police justice resident in the territory,~~  
29 ~~unless otherwise provided by the consolidation or annexation ordinance.~~

30 § ~~15.1-1080~~. Effect on suits and actions.

1 Suits may be brought and maintained against ~~such a~~ consolidated ~~county~~ locality in any  
2 of the courts of this Commonwealth in the same manner as against any other ~~county~~ locality.

3 Any action or proceeding pending by or against ~~either any~~ of the ~~counties consolidated~~  
4 consolidating localities may be prosecuted to judgment as if such consolidation had not taken  
5 place; or the consolidated ~~county~~ locality may be substituted in its place.

6 **Drafting note: Combines §§ 15.1-1126 and 15.1-1080; section expanded to include**  
7 **all localities; obsolete material is deleted.**

8  
9 § ~~15.1-1081~~ 15.2-3513. Magisterial, school and election districts, etc.

10 The magisterial districts in a county, and the school districts, election districts and voting  
11 places in the consolidated county, city or town shall continue as in the several counties, cities or  
12 towns prior to consolidation, unless and until changed in accordance with law.

13 **Drafting note: Section expanded to include cities and towns.**

14  
15 § ~~15.1-1082~~ 15.2-3514. Courts and judicial circuits.

16 Until changed by law, the same judicial circuits shall continue, though ~~it~~ this may result  
17 in the consolidated county or city being a part of two or more circuits. All such courts shall,  
18 however, be held at the place designated as the ~~county~~ seat of the consolidated county or  
19 administrative offices of the city, and each such court ~~and the judge thereof~~ shall continue to  
20 have and exercise the same jurisdiction as it ~~or he~~ had and exercised before such consolidation. If  
21 two or more judges have jurisdiction in any consolidated county or city, they or a majority of  
22 them shall exercise the power to appoint officers and fill vacancies as is vested in judges of  
23 circuit courts of other counties and cities.

24 **Drafting note: Cities added; towns are not affected.**

25  
26 § ~~15.1-1083~~ 15.2-3515. Congressional and assembly districts.

27 For the purpose of representation in Congress and in the General Assembly, the existing  
28 congressional, senatorial and house districts shall continue until changed in accordance with law.

29 **Drafting note: No change.**

30  
31 Article 2.

Consolidation of Towns.

**Article drafting note: Most of the statutes are repealed since the subject matter is included in the provisions of Article 1.**

~~§ 15.1-1084. Initiation of proceeding.~~

~~Whenever two towns are coterminous to each other and either of such towns desires to form one consolidated town with the other, with a common name and seal, it shall be lawful for the council of such town so to declare by an ordinance which shall be adopted by a recorded affirmative vote of a majority of all the members elected to the council.~~

**Drafting note: Repealed; see § 15.2-3501.**

~~§ 15.1-1085. Ordinance proposing consolidation.~~

~~Such ordinance shall be approved by the mayor of such town, or may be passed notwithstanding his objections in the manner prescribed for passing ordinances over the veto of the mayor. It shall contain declaratory provisions on the following subject, to wit:~~

~~(1) The name suggested for the proposed municipal government.~~

~~(2) Whether it is desired that the proposed municipality shall adopt the charter and seal of either of the municipalities interested, naming the municipality whose charter and seal it is proposed to adopt.~~

~~(3) Setting forth the particular inducements for consolidation, if any such there be, over and above the incidental and ordinary benefits of citizenship in the proposed municipality.~~

~~(4) Appointing a committee whose duty it shall be to present a certified copy of the ordinance to the council of the town with which consolidation is proposed and to confer with a similar committee therefrom, if such committee be appointed, and in conjunction with such committee to adjust and settle the terms and conditions of consolidation and to prepare and perfect an ordinance designed to effect the desired consolidation.~~

**Drafting note: Repealed; see § 15.2-3502.**

~~§ 15.1-1086. Acceptance or rejection of such proposal.~~



1           ~~If the council of the town with which consolidation is proposed does not agree to a~~  
2 ~~conference upon the subject, it shall adopt a resolution declaring it inexpedient to do so. If it does~~  
3 ~~agree thereto, it shall pass an ordinance in the manner hereinabove prescribed, which shall recite~~  
4 ~~the passage of such an ordinance by the council of the other town, the receipt of a certified copy~~  
5 ~~and the terms and conditions thereof and shall appoint a committee of the same number as that~~  
6 ~~appointed by the other town and charged with similar duties.~~

7           **Drafting note: Repealed; see § 15.2-3502.**

8  
9           ~~§ 15.1-1087. Plan of consolidation.~~

10           ~~The two committees thus appointed shall meet in joint session as soon as may be and, a~~  
11 ~~majority of each committee being present and acting as separate units, shall proceed, with such~~  
12 ~~adjournments from time to time as may be desirable, to prepare and perfect an ordinance to be~~  
13 ~~adopted by their respective municipalities, providing for the consolidation proposed upon such~~  
14 ~~terms and conditions as the committee may agree and may set forth therein. Such ordinance may~~  
15 ~~provide, among other things, for the surrender upon such consolidation of the charter of one of~~  
16 ~~the towns and the continuance of the charter of the other in effect for the consolidated town. And~~  
17 ~~such ordinance shall be reported by each committee to the council by which it was appointed and~~  
18 ~~shall thereafter be designated as the consolidation ordinance.~~

19           **Drafting note: Repealed; see § 15.2-3502.**

20  
21           ~~§ 15.1-1088. Election may be called when agreement not reached.~~

22           ~~If the committee of the town first proposing such consolidation shall by resolution~~  
23 ~~determine that it is impossible to agree upon an ordinance of consolidation with the committee of~~  
24 ~~the other town or if the council of the town with which consolidation is proposed shall not,~~  
25 ~~within thirty days of the receipt of the certified copy of the ordinance proposing consolidation,~~  
26 ~~appoint a committee as herein provided, then the town making overtures of consolidation may~~  
27 ~~pass an ordinance providing for the consolidation of the municipalities and petitioning the circuit~~  
28 ~~court of the county in which is situated the town receiving such overtures to call a special~~  
29 ~~election. Such court shall by an order, issued in accordance with § 24.1-165, direct the proper~~  
30 ~~election officers of the town to take such steps and prepare such means as may be necessary to~~  
31 ~~submit to the qualified electors of the town the question whether the proposed ordinance of~~

1 consolidation shall be effective or not. In case such ordinance shall be ratified by a majority vote  
2 of the qualified voters of the town participating in such election, the proposed consolidation shall  
3 be as effective as if the councils of the two municipalities had themselves agreed upon the terms  
4 so provided hereinabove.

5 **Drafting note: Repealed; see § 15.2-3503.**

6  
7 § 15.1-1089. Passage of consolidation ordinance by councils; referendum.

8 The consolidation ordinance, when consolidation is determined by action of the councils  
9 alone, to be effective must be passed by the respective councils of each municipality by a  
10 recorded affirmative vote of the majority of the members elected to the council; and it shall be  
11 approved by the mayor of each of the municipalities, or passed over the mayor's veto in the  
12 manner provided by law. But if by its terms the proposed consolidation is made dependent upon  
13 an election, or if prior to the consideration for passage of the consolidation ordinance one fourth  
14 of the qualified voters of either municipality shall petition the council thereof for an election, to  
15 be held to determine whether such consolidation shall take effect, such council shall petition the  
16 court as hereinbefore provided, to call a special election and in the case of the filing of such a  
17 petition prior to consideration of the proposed consolidation ordinance by the council of such  
18 town no such consideration or passage by such council shall be necessary.

19 Upon the filing of a petition for an election, the court shall by an order, issued in  
20 accordance with § 24.1-165, direct the proper election officers of the town to take such steps and  
21 prepare such means as may be necessary to submit to the qualified electors of the town the  
22 question whether the proposed consolidation ordinance shall be effective or not. In case such  
23 ordinance shall be ratified by a majority vote of the qualified voters of the town participating in  
24 such election, the proposed consolidation, as far as concerns the town, shall be as effective as if  
25 passed by the council thereof as herein provided.

26 **Drafting note: Repealed; see §§ 15.2-3502 and 15.2-3505.**

27  
28 § 15.1-1090. Notice of proposed ordinance; when consolidation effective.

29 Before the consolidation ordinance shall be voted on by the council of either town, unless  
30 by its terms the proposed consolidation is made dependent upon an election, notice thereof shall  
31 be given by publication of such ordinance in a newspaper published in each of the towns at least

1 once a week for four successive weeks, or, if there be no such newspaper published in the towns,  
2 or in either of them, then in some newspaper having general circulation in the town concerned. A  
3 printed copy of such consolidation ordinance shall be posted conspicuously throughout the towns  
4 in not less than ten public places in each voting precinct thereof at least thirty days before the  
5 councils thereof shall vote thereon, bearing the attestation of the clerk of the council, and shall  
6 designate the day upon which the council will proceed to consider the ordinance. Upon the  
7 passage of the consolidation ordinance by the councils of the towns as herein provided the  
8 consolidation shall be effective, unless by the terms of the ordinance the proposed consolidation  
9 shall be made dependent upon an election.

10 **Drafting note: Repealed; see §§ 15.2-3504 and 15.2-3510.**

11  
12 ~~§ 15.1-1091. Conduct of election.~~

13 ~~The election herein provided for shall be held within sixty days of the filing of the~~  
14 ~~petition therefor and its returns shall be made to and be canvassed and certified by the same~~  
15 ~~officials and in the same manner as is provided by law for special elections, conforming thereto~~  
16 ~~as nearly as may be practicable. The ballots to be used shall be prepared, printed, stamped and~~  
17 ~~distributed as in other special elections marked as follows: "For consolidation" and "Against~~  
18 ~~consolidation," and the voter shall indicate his preference by erasing one or the other marking in~~  
19 ~~the manner provided by law for voting. The certificate of the judges of election shall be in the~~  
20 ~~usual form, except that it shall certify . . . . . votes were cast for consolidation and that . . . .~~  
21 ~~. . . . . votes were cast against consolidation.~~

22 **Drafting note: Repealed; see § 15.2-3506.**

23  
24 ~~§ 15.1-1092. Election contests.~~

25 ~~Contests of such election shall be held in the manner provided by law for determining~~  
26 ~~contested elections, conforming therewith as nearly as may be practicable.~~

27 **Drafting note: Repealed; see § 15.2-3506.**

28  
29 ~~§ 15.1-1093. Certification of proceedings to Secretary of Commonwealth.~~

30 ~~Upon the adoption of such consolidation ordinance by both municipalities, whether by~~  
31 ~~their councils or by election, or by both, as herein provided, a copy thereof duly attested by the~~

1 clerk of the council and by the mayor thereof shall be certified to the Secretary of the  
2 Commonwealth, by whom it shall be certified to all departments of the state government.

3 **Drafting note: Repealed; see § 15.2-3507.**

4  
5 § 15.1-1094. Government of consolidated town.

6 The consolidation ordinance may contain any provision for the economical and  
7 convenient organization for the consolidated government of the office or offices of the previous  
8 organizations of the municipalities, and the extension of the jurisdiction of such as may be  
9 retained or continued to the consolidated area or jurisdiction, not inconsistent with the  
10 Constitution and laws of the Commonwealth.

11 **Drafting note: Repealed; see § 15.2-3502.**

12  
13 § 15.1-1095. Name and status of consolidated town.

14 Whenever two towns shall have effected consolidation in the manner herein prescribed,  
15 they shall be and become consolidated into one town upon the terms set forth in the  
16 consolidation ordinance and shall be known and thenceforth called by the name designated in the  
17 ordinance and the boundaries, jurisdiction and powers of such town shall, for purposes of local  
18 administration and government, be coextensive with the territory formerly included within the  
19 boundaries of each of the consolidating towns.

20 **Drafting note: Repealed; see § 15.2-3510.**

21  
22 § 15.1-1096 15.2-3516. Registration of voters.

23 No new registration shall be necessary in case of ~~such~~ consolidation, but all ~~electors of~~  
24 ~~both municipalities~~ voter registrations of the localities shall be transferred to the proper  
25 registration books of the consolidated ~~municipality~~ locality, and new registrations shall be made  
26 as provided by law just as if no consolidation had taken place.

27 **Drafting note: Section expanded to include counties and cities.**

28  
29 § 15.1-1097 15.2-3517. Existing ordinances.

30 The ordinances in force in the ~~towns~~ localities at the time of consolidation, insofar as they  
31 are not in conflict with the ~~fact and ordinance of consolidation~~ agreement, shall be continued in

1 force and effect within the ~~former~~ limits of the ~~towns~~ consolidated localities, subject to repeal or  
2 amendment by the ~~council~~ governing bodies of the consolidated ~~municipality~~ localities;  
3 ~~provided, however, that~~ in case of a conflict between the ordinances of ~~the two municipalities~~  
4 localities when the charter of one of them has been retained, the ordinances of ~~that~~ the one whose  
5 charter has been surrendered shall to the extent of such conflict be void and of no effect.  
6 Localities may also provide in the consolidation agreement for an alternative procedure for  
7 resolving conflicts between ordinances.

8 **Drafting note: Section is expanded to include counties and cities. The final sentence**  
9 **is added in order to allow localities to provide a method for resolving conflicts between**  
10 **ordinances when charters are not involved.**

11  
12 § ~~15.1-1098~~ 15.2-3518. Determination of rights.

13 If any right, title, interest, claim or case ~~arise~~ arises out of ~~such~~ any consolidation or by  
14 reason thereof which is not determinable by reference to the provisions of this ~~chapter~~ article or  
15 by the Constitution and other laws of the Commonwealth, the ~~council~~ governing body of the  
16 consolidated ~~municipality~~ locality may by ordinance ~~make provision~~ provide therefor in ~~such a~~  
17 manner ~~as may not be in contravention of~~ conforming to law.

18 **Drafting note: Section is expanded to include counties and cities.**

19  
20 **Article 3.**  
21 **Consolidation of Cities.**

22  
23 **Article drafting note: Most of the statutes are repealed since the subject matter is**  
24 **included in the provisions of Article 1.**

25  
26 § ~~15.1-1099~~. ~~Initiation of proceeding.~~

27 ~~Whenever two cities coterminous or adjacent to each other desire to be consolidated with~~  
28 ~~each other or whenever one of such cities desires to annex or to be annexed to the other, for the~~  
29 ~~purpose in either case of forming one municipal government, with a common name, to be~~  
30 ~~governed under and controlled by either the general laws of the Commonwealth enacted for the~~  
31 ~~government of cities or by the provisions of the charter of either of the two cities, it shall be~~

1 lawful for the councils of the two cities, or of the one city, as the case may be, so as to declare by  
2 an ordinance which shall be adopted by a recorded affirmative vote of a majority of all the  
3 members elected to the council and to each branch thereof when the council is composed of more  
4 than one branch.

5 **Drafting note: Repealed; see § 15.2-3501.**

6  
7 ~~§ 15.1-1100. Ordinance proposing consolidation.~~

8 Such ordinance shall be approved by the mayor of such city or may be passed  
9 notwithstanding his objections in the manner prescribed for passing ordinances over the veto of  
10 the mayor. It shall contain declaratory provisions on the following subjects, to wit:

11 (1) The name suggested for the proposed municipal government.

12 (2) Whether it is desired that the proposed municipality shall be governed by the general  
13 laws governing cities or by the charter of one of the cities interested in the proposed  
14 consolidation or annexation, naming the city, if any, whose charter and name it is proposed to  
15 adopt.

16 (3) The particular inducements to annexation or consolidation, if any such there be, over  
17 and above the incidental and ordinary benefits of citizenship in the proposed municipality—such  
18 as the erection of schoolhouses or other public buildings or the devotion of a named sum to  
19 street, sewer or other public improvements for a stated period or to be expended within a stated  
20 time; and

21 (4) Appointing a committee of not more than five whose duty it shall be to present a  
22 certified copy of the ordinance to the council of the city with which consolidation or annexation  
23 is proposed and to confer with a similar committee therefrom, if such committee be appointed,  
24 and in conjunction with such committee to adjust and settle the terms and conditions of  
25 annexation or consolidation and to prepare and perfect an ordinance designed to effect the  
26 desired annexation or consolidation.

27 **Drafting note: Repealed; see § 15.2-3502.**

28  
29 ~~§ 15.1-1101. Acceptance of such proposition.~~

30 If the council of the city with which consolidation or annexation is proposed agrees  
31 thereto, it shall pass an ordinance, in the manner hereinbefore prescribed, which shall recite the

1 fact of the passage of such an ordinance by the council of the city taking the initiative, the  
2 reception of a certified copy and the terms and provisions thereof and shall appoint a committee  
3 of the same number as the committee appointed by the council of the other city, which shall be  
4 charged with similar duties.

5 **Drafting note: Repealed; see § 15.2-3502.**

6  
7 § 15.1-1102. Plan of consolidation.

8 The two committees thus appointed shall meet in joint session as soon as may be and, a  
9 majority of each committee being present and acting as separate units, shall proceed, with such  
10 adjournments from time to time as may be desirable, to prepare and perfect an ordinance  
11 designed to be adopted by the councils of the cities concerned, providing therein for the  
12 consolidation or annexation proposed upon such terms and conditions as the committees may  
13 agree upon. Such terms and conditions shall be set forth in the ordinance, which shall be reported  
14 by each committee to the council by which it was appointed and shall hereafter be designated as  
15 the consolidation or annexation ordinance.

16 **Drafting note: Repealed; see § 15.2-3502.**

17  
18 § 15.1-1103. Election under certain circumstances.

19 If (1) the committee of the city first proposing such consolidation, appointed under the  
20 provisions of § 15.1-1100, shall, by resolution, determine that it is impossible to agree upon an  
21 ordinance of consolidation with the committee of the council receiving the overtures, (2) the  
22 committees from the two cities fail to agree on a consolidation ordinance within sixty days after  
23 the ordinance proposing consolidation is presented to the council of the city to which overtures  
24 are made, or (3) the council of the city with which consolidation or annexation is proposed does  
25 not, within thirty days from the receipt of the certified copy of the ordinance proposing  
26 consolidation, appoint a committee as herein provided, the city making the overtures of  
27 consolidation may, and shall, in the case mentioned in clause (2) of this sentence, pass an  
28 ordinance providing for the consolidation of the cities, and petitioning the circuit court of the city  
29 receiving the overtures, if the city be a city of the first class, and, if not, then the circuit court of  
30 the county wherein the city receiving the overture lies, to call a special election. Thereupon such  
31 court shall, in the case mentioned in clause (2) of the preceding sentence, enter an order, in

1 accordance with § 24.1-165, directing the proper election officers of the municipality to take  
2 such steps and prepare such means as may be necessary to submit to the qualified electors of the  
3 city the question whether the proposed ordinance of consolidation shall be effective or not.

4 In case such ordinance is ratified by the qualified voters of such city receiving the  
5 overtures at such election after having been adopted by the council of the other city and ratified  
6 by the qualified voters of such other city if such other city has the smaller population of the two  
7 or if one fourth of the qualified voters thereof have petitioned the council asking that an election  
8 be held therein, the proposed consolidation and annexation shall be effective as if the councils of  
9 the two cities had themselves agreed upon its terms as provided in this article.

10 **Drafting note: Repealed; see § 15.2-3503.**

11  
12 § 15.1-1104. Optional provisions of consolidation or annexation ordinance.

13 The consolidation or annexation ordinance may contain the following provisions, to wit:

14 (1) Election.— It may provide that consolidation or annexation shall take effect only upon  
15 condition that the ordinance providing therefor is ratified by the duly registered and qualified  
16 voters at an election to be held for that purpose in either or both of the cities concerned;  
17 provided, however, that such ordinance must so provide for an election in the city having the  
18 smaller population or in any city in which one fourth of the qualified voters petition the council  
19 asking that such an election be held.

20 (2) Public improvements.— It may provide for the erection of public buildings or other  
21 works of improvement, which shall be specified, in either of the cities, or, when the two cities  
22 are separated by water, for the construction of bridges between them. It may also provide for the  
23 setting apart of the taxes or revenues of either city, either in whole or in part, or of a stated sum  
24 in lieu thereof, for a fixed period, not, however, exceeding five years, for the improvement of  
25 streets or the providing of light, water or other public works or improvements, as may be agreed  
26 upon by the two cities or, in the absence of such agreement, as the council of the consolidated  
27 municipality shall determine.

28 (3) Courts.— It may provide for the abolition of the corporation or other courts of the city  
29 whose charter is surrendered upon securing the payment of the salaries of the judge thereof and  
30 any other court official whose salary cannot be or is not designed to be cut off during the term of  
31 office for which he was elected or appointed, or it may provide that the corporation or other



1 courts of the city whose charter is surrendered shall be continued and shall continue to exercise  
2 the same jurisdiction belonging to it or them under the statutes previous to annexation or  
3 consolidation. The clerk and sheriff of such court shall be continued in office for and during the  
4 term for which they shall have been elected, and thereafter until the election and qualification of  
5 their successors, and they shall be entitled to the same compensation and fees as if annexation or  
6 consolidation had not taken place; provided, however, that the courts thus retained shall be  
7 designated by the title of the corresponding courts of the united or consolidated municipality,  
8 with the added designation, part two; and the judges thereof, who shall serve to the end of the  
9 terms for which they were severally elected or appointed, and whose successors shall then be  
10 elected, appointed and commissioned in the manner prescribed by law and for the same term, as  
11 in the case of other judges of cities of the first class, shall receive the same compensation, which  
12 shall be paid in the same manner as in the case of other city judges. The amount of compensation  
13 for each judge so retained is hereby fixed at a sum equal to the salary fixed by law for the judge  
14 of the court of which the retained judge's court becomes a division; and provided that the courts  
15 of the municipality, so far as they have concurrent jurisdiction, shall apportion and divide  
16 between them all cases coming up for trial.

17 (4) Civil and police justices.— It may provide for a police justice and a civil justice, if the  
18 combined population of the cities will be over 45,000, or a civil and police justice, if such  
19 population will be less than 45,000, to hold court within the former territory of either of the cities  
20 in which there was no police justice, civil justice or civil and police justice at the time of  
21 annexation or consolidation, notwithstanding the adopted charter may provide for only one such  
22 justice in the former territory of the city whose charter is adopted. Such civil justice, police  
23 justice or civil and police justice and their successors shall be appointed or elected in the manner  
24 and shall exercise the powers, duties and jurisdiction prescribed by the charter of the united or  
25 consolidated municipality. But if such charter makes no provision therefor, such justices and  
26 their successors shall be appointed in the manner and for the term, and shall be clothed with the  
27 powers, duties and jurisdiction prescribed by general law; provided, that such justice may be  
28 elected or appointed as soon as the annexation or consolidation has been declared effective, and  
29 his term of office shall begin as soon as he has qualified; and provided, that the salary of such  
30 justice, which shall be paid by the city, shall be fixed by its council according to the population  
31 contained in the former territory of the city in which he is to hold court, as provided in Title 16.1.

1 ~~If at the time of annexation or consolidation there is a civil or a police justice or a civil and police~~  
2 ~~justice, in either or both of the cities, such justice or justices shall continue to exercise the duties~~  
3 ~~of their offices and shall be clothed with the powers, duties and jurisdiction of such justices of~~  
4 ~~the consolidated city as if originally elected or appointed therein. Their court shall be designated~~  
5 ~~as "the police court" or "the police court, part two," "the civil justice court" or "the civil justice~~  
6 ~~court, part two," or "the civil and police justice court" or "the civil and police justice court, part~~  
7 ~~two" of the municipality, according to the relative population contained within the territory of the~~  
8 ~~former city in which they hold court, respectively, and their successors shall be elected or~~  
9 ~~appointed as if such justices had always been justices of the consolidated municipality. All cases,~~  
10 ~~civil and criminal, which arise within the former territory of either of the cities shall, upon~~  
11 ~~motion of the accused or of the defendant, be certified for trial to the justice whose court is held~~  
12 ~~in the territory within which such case arose. If, however, at the time of annexation or~~  
13 ~~consolidation the mayor of either city shall be clothed with the jurisdiction and powers of a~~  
14 ~~police justice, the ordinance may provide that such mayor shall be and become the police justice~~  
15 ~~designated for the trial of cases, civil and criminal, arising within the territory of his former city,~~  
16 ~~and he shall thereupon be vested with all the powers, duties, and jurisdiction conferred by law or~~  
17 ~~by the adopted charter upon a police justice to the same extent as if he had been selected or~~  
18 ~~appointed in and for the consolidated municipality. His term of office shall begin on the day~~  
19 ~~when annexation or consolidation is declared effective and end with the term for which he was~~  
20 ~~elected mayor. His salary shall be determined and his successors shall be elected or appointed in~~  
21 ~~the manner and for the term hereinbefore prescribed. The court of any police justice appointed or~~  
22 ~~elected in the manner herein provided shall be designated as "part two" of the police court of the~~  
23 ~~consolidated municipality, if either of the cities had a police justice at the time of annexation or~~  
24 ~~consolidation.~~

25 ~~(5) Assistant attorney for the Commonwealth and city attorney.—It may provide for an~~  
26 ~~assistant to the attorney for the Commonwealth and to the city attorney of the united or~~  
27 ~~consolidated municipality and may continue in office as such assistant or assistants for the terms~~  
28 ~~for which they were respectively elected or appointed the attorney for the Commonwealth and~~  
29 ~~city attorney of the city whose charter is surrendered.~~

30 ~~(6) Transfer of police, boards, officials, etc.—It may transfer members of the police or~~  
31 ~~fire department or of any other department of the city government whose charter is surrendered~~

1 to the corresponding department of the government of the united or consolidated municipality  
2 and the several boards, commissioners and officials, respectively, and such boards,  
3 commissioners and officials, respectively, may fix and assign the rank, title, duties and powers of  
4 such transferred members, except that the place of service of transferred members of the police  
5 and fire departments shall remain in the territory of the city whose charter is surrendered as long  
6 as they remain members of the departments, unless in an emergency they are ordered to other  
7 territory; provided, however, that the rank, title, duties and powers of the transferred members of  
8 the police and fire departments shall remain the same until the governing authorities of such  
9 departments provide otherwise.

10 (7) Other provisions. — It may contain any other special provisions agreed upon by the  
11 cities which are not inconsistent with the Constitution and laws of the Commonwealth and which  
12 are permitted by the charter of either city.

13 **Drafting note: Repealed; see § 15.2-3502.**

14  
15 § 15.1-1105. Required provisions of consolidation or annexation ordinance.

16 But the consolidation or annexation ordinance shall contain provisions ordaining:-

17 (1) Name. — The name adopted for the consolidated municipality constituted by the  
18 consolidation or annexation ordinance, by which name the municipality shall be a body, politic  
19 and corporate in fact and in law, with all the rights, powers, privileges, duties, properties,  
20 interests, claims, demands and jurisdiction held by each of the cities or under the general laws of  
21 the Commonwealth. And the ordinance shall also name the cities intended to be consolidated or  
22 annexed and define the metes and bounds of the united municipality which may be so designated  
23 as to annex or consolidate all or a part of the city to be annexed or consolidated to another city  
24 leaving a part of such in the county in which the territory is situated.

25 (2) Charter. — The consolidation or annexation desired and containing an explicit  
26 surrender and annulment of the charter of the city or cities whose charter or charters are proposed  
27 to be surrendered, together with an explicit adoption of the charter of the city whose charter is  
28 adopted, if such there be, and of its seal.

29 (3) Transfer of rights, etc. — A clear transfer of all the charter rights, privileges, duties,  
30 powers, obligations, properties, interests and jurisdiction of the city or cities whose charter is  
31 surrendered to the city whose name and charter are adopted, if such there be, or to the

1 consolidated municipality and a clear acceptance by such city or by the consolidated  
2 municipality and assumption of the rights, duties, powers, obligations, interests, properties,  
3 claims, demands, privileges and jurisdiction thus transferred and of all valid debts and liabilities  
4 of the first mentioned city.

5 (4) Wards.— Unless wards and ward lines shall have been abolished in the city whose  
6 charter is adopted, provisions for the organization of the smaller city thus annexed or  
7 consolidated into a new ward or wards, according to its population and according to the  
8 requirements of law. It shall also provide for the proper legal representation of such ward or  
9 wards in the council of the united or consolidated municipality.

10 (5) Council members.— Provisions for the election of such members of the council and of  
11 each branch thereof as may be legally apportioned to the new ward or wards, if any, in the  
12 council of the municipality, by the council of the consolidated municipality at its first session  
13 after consolidation, to serve until the next regular election for members of the council and until  
14 their successors are elected and qualified.

15 (6) Abolition of offices.— The abolition of such city offices and the termination of the  
16 salaries thereof as may be agreed upon by the cities, and the time at which such abolition shall  
17 take effect.

18 (7) Debt.— A prohibition against the further creation of debt by the city whose charter is  
19 surrendered and the further levying of taxes, assessments or licenses upon persons or property  
20 within the united or consolidated municipality.

21 (8) Funds.— The transfer of all former funds and the payment of all outstanding dues,  
22 revenues, debts and obligations to and by the united or consolidated municipality.

23 (9) Expenses.— The expenses of any city which may be absorbed by such consolidation or  
24 annexation and for the maintenance of its public schools until such times as new funds shall be  
25 received by the united or consolidated municipality, but no such provision shall interfere with the  
26 appropriation of any specific fund or sum for public works or improvements that may be agreed  
27 upon between the two cities under subdivision (2) of § 15.1-1104.

28 (10) Education.— A provision for the maintenance of a department of education in the  
29 municipality and for the support and management of a system of public free schools, if the  
30 adopted charter does not contain adequate provisions, and for the continuance in office and of the  
31 official duties of such superintendent of schools and school trustees as may be in office when

1 consolidation or annexation is effected during the term for which they were elected or appointed  
2 and for the salaries and compensation allowed them by law.

3 (11) ~~Police and fire departments, health, streets, etc.—The maintenance of a police force~~  
4 ~~and of a fire department, a board of health, with such city physicians, pharmacies, and hospitals~~  
5 ~~as are agreed upon, the care of public grounds and buildings and of streets and sewers, and the~~  
6 ~~maintenance of a department of water and of light, and the care of the poor. In all of these~~  
7 ~~particulars, however, the ordinance may adopt the provisions of the charter so to be adopted if a~~  
8 ~~charter is adopted.~~

9 (12) ~~Jail.—The jail or station house in which offenders are to be confined who are~~  
10 ~~arrested for offenses committed within the former territory of the city whose charter is~~  
11 ~~surrendered, and its proper care and maintenance.~~

12 (13) ~~Records, etc.—The transfer of such records, papers and deeds of the city whose~~  
13 ~~charter is surrendered as may be necessary to the proper officer or officers of the municipality.~~

14 (14) ~~Pay of officials.—The maintenance and pay of all necessary magistrates, constables~~  
15 ~~and subordinate officials, and such justices of the peace and constables as are in office when~~  
16 ~~consolidation or annexation is effected shall continue in office until the expiration of the term for~~  
17 ~~which they were elected or appointed, and shall be vested with the same rights, powers and~~  
18 ~~duties as if they had been elected or appointed in and for the united or consolidated municipality.~~

19 (15) ~~Election officials.—The continuance in office for the term for which they were~~  
20 ~~appointed, and the compensation of all registrars, judges and clerks of election, subject to control~~  
21 ~~and removal by proper authority. Such officers shall hold, conduct and certify all elections~~  
22 ~~during their continuance in office as if no consolidation or annexation had taken place, except so~~  
23 ~~far as a change in the name of the city or of the corporation court of the city, for which they were~~  
24 ~~originally appointed, or their respective wards or precincts require a change in their official titles,~~  
25 ~~acts or certificates.~~

26 (16) ~~Salaries.—The salary or average annual compensation of any officer of the city~~  
27 ~~whose charter is surrendered who is retained in office, or whose salary or other compensation is~~  
28 ~~not by the ordinance of consolidation cut off or discontinued, and who receives as salary, or~~  
29 ~~whose compensation is determined in whole or in part by fees allowed by law and the payment~~  
30 ~~of such salaries to such officers at stated periods or for the payment of an amount which shall be~~

1 at least equal to their average annual compensation as so ascertained, during the term of office  
2 for which they were severally elected or appointed.

3 **Drafting note: Repealed; see § 15.2-3502.**

4  
5 ~~§ 15.1-1106. Passage of such ordinance.~~

6 ~~The consolidation or annexation ordinance to be effective, when such consolidation or~~  
7 ~~annexation ordinance has been agreed to by the committee from the councils of both cities, must~~  
8 ~~be passed by the council of each city participating in the consolidation or annexation, by a~~  
9 ~~recorded affirmative vote of a majority of the members elected to the council and to each branch~~  
10 ~~thereof, when there are two. It shall be approved by the mayor of each city or passed over the~~  
11 ~~mayor's veto as in case of other ordinances and shall not be voted upon by both branches of the~~  
12 ~~council of any city on the same day.~~

13 **Drafting note: Repealed; see § 15.2-3502.**

14  
15 ~~§ 15.1-1107. Notice of such ordinance.~~

16 ~~The consolidation or annexation ordinance shall not be voted on by the council of either~~  
17 ~~of the cities interested in the proposed consolidation or annexation, unless by its terms the~~  
18 ~~proposed consolidation or annexation is made dependent upon an election in such city, until~~  
19 ~~notice thereof shall have been given by publication of such ordinance once a week for four~~  
20 ~~successive weeks in at least one daily newspaper published in each of the cities or, if there be no~~  
21 ~~such newspaper published in such cities or in one of them, then in some daily newspaper which~~  
22 ~~has a substantial circulation in the city or cities in which no such newspaper is published. A~~  
23 ~~printed copy of the consolidation or annexation ordinance shall be posted conspicuously in each~~  
24 ~~voting precinct of each of the cities, at least thirty days before the council is called upon to vote~~  
25 ~~thereon. The posted notice herein required shall be signed by the clerk of the council and shall~~  
26 ~~designate the day upon which the council will proceed to consider the ordinance.~~

27 **Drafting note: Repealed; see § 15.2-3504.**

28  
29 ~~§ 15.1-1108. Notice when election called.~~

30 ~~In case the consolidation or annexation ordinance provides that an election shall be held~~  
31 ~~in both of the cities before consolidation or annexation shall be effective, the notice and~~

1 ~~publication hereinbefore required shall not be necessary before the council of either city votes~~  
2 ~~upon the ordinance, but shall be required before the election is held. In such event, there shall be~~  
3 ~~attached to such notice and publication a notice under the hand of the clerk of the council, stating~~  
4 ~~that a special election will be held in the city or cities on a day specified in the notice to~~  
5 ~~determine whether the consolidation or annexation of the cities named shall take place upon the~~  
6 ~~terms and conditions agreed upon by their respective councils and set forth in the ordinance~~  
7 ~~adopted by the council.~~

8 **Drafting note: Repealed; see § 15.2-3504.**

9  
10 ~~§ 15.1-1109. Certification of publication thereof.~~

11 ~~In either case the publication herein required when completed shall, when an election is~~  
12 ~~prescribed as a means of determining such consolidation or annexation, be certified by the editor~~  
13 ~~or business manager of such newspaper or newspapers to the clerk of the corporation court of the~~  
14 ~~city or cities in which the election is to be held or to the circuit court of the county in which such~~  
15 ~~city lies, if such city be of the second class, or to the clerk of the council of each city when no~~  
16 ~~such election is prescribed. The clerk of the council shall in like manner certify that printed~~  
17 ~~copies of the annexation or consolidation ordinance have been posted in the manner required by~~  
18 ~~law.~~

19 **Drafting note: Repealed; see § 15.2-3505.**

20  
21 ~~§ 15.1-1110. Action of councils on ordinance prepared by committee.~~

22 ~~The consolidation or annexation ordinance prepared and perfected by the committees of~~  
23 ~~the councils of the cities may be adopted, amended, recommitted to the same or to another~~  
24 ~~committee for further conference and report, or rejected by the council of either city, or both, as~~  
25 ~~if it were an ordinance proposed solely by a committee of its own body. The council of each city~~  
26 ~~shall forthwith notify the council of the other of the disposition it has made of the ordinance by a~~  
27 ~~certified extract of its proceeding with relation thereto under the hand of its clerk.~~

28 **Drafting note: Repealed; see § 15.2-3502.**

29  
30 ~~§ 15.1-1111. Further proceedings.~~

1           ~~If the consolidation or annexation ordinance shall be passed without amendment by the~~  
2 ~~council of either city a certified copy of the ordinance as passed shall likewise be transmitted to~~  
3 ~~the council of the other city as soon as practicable after the ordinance shall have been signed by~~  
4 ~~the mayor of such city or passed over his veto. If, however, the council of either city shall amend~~  
5 ~~or recommit the ordinance, the council of the other city upon receiving notice thereof may either~~  
6 ~~adopt, amend or reject the ordinance and amendment or recommit to the same or to another~~  
7 ~~committee for a further conference and report.~~

8           **Drafting note: Repealed; see § 15.2-3502.**

9  
10          ~~§ 15.1-1112. Election upon modification or rejection of committee ordinance.~~

11          ~~In case the ordinance prepared by the committees of the councils of the cities shall be~~  
12 ~~passed by the council of one of the cities and be rejected or be so amended by the council of the~~  
13 ~~other city as to be unacceptable to the council of the first city, or in case it shall be vetoed by the~~  
14 ~~mayor of one city and be adopted by the council of the other, a special election may be called in~~  
15 ~~the city whose council so amends or rejects the ordinance or by whose mayor it is so vetoed, in~~  
16 ~~the manner provided in § 15.1-1103 upon the petition of the city whose council shall have~~  
17 ~~adopted the ordinance to the court having jurisdiction, as provided in § 15.1-1103, to determine~~  
18 ~~whether the ordinance reported by the committee shall or shall not be effective. In case such~~  
19 ~~ordinance is ratified by the qualified voters of the city at such election, after having been adopted~~  
20 ~~by the council of the other city and approved by the qualified voters thereof if an election therein~~  
21 ~~be required under the provisions hereof, the proposed consolidation or annexation shall be as~~  
22 ~~effective as if the councils of the two cities had themselves agreed upon its terms. But no election~~  
23 ~~under this section shall be held within seven months from the time the same is ordered.~~

24          **Drafting note: Repealed; see § 15.2-3502.**

25  
26          ~~§ 15.1-1113. Election upon passage of committee ordinance.~~

27          ~~In case the ordinance prepared by the committees of the councils of the cities shall be~~  
28 ~~passed by the councils of both of the cities, a special election shall be called in the city having~~  
29 ~~the smaller population of the two and also in the city having the larger population of the two (1)~~  
30 ~~if it be the city receiving the overtures for consolidation or (2) if one fourth of the qualified~~  
31 ~~voters thereof petition the council asking that an election be held therein. Such election shall be~~



1 called in the manner provided in § 15.1-1103, upon the petition of the city in which it is to be  
2 held.

3 **Drafting note: Repealed; see § 15.2-3505.**

4  
5 § 15.1-1114. Certification of proceedings to court clerk; hearing.

6 A certified copy of the ordinance under the hand of the clerk of each council and sealed  
7 with the seal of each city, together with a certified copy of the ordinance received by each  
8 council from the council of the other city, shall be at once transmitted to the clerk of the  
9 corporation or hustings court of each of the cities named in the ordinance; provided that, if either  
10 of the cities shall be a city of the second class, then such certified copies shall be transmitted to  
11 the clerk of the circuit court of the county wherein such city of the second class lies; and the  
12 clerk of the corporation or hustings court of the city named in the ordinance which has the  
13 smaller population, or the clerk of the circuit court of the county, if such city be a city of the  
14 second class, shall thereupon docket the same, and the evidence shall be heard by the judge  
15 without a jury, as in common law cases.

16 **Drafting note: Repealed; see § 15.2-3502.**

17  
18 § 15.1-1115. Motion for election order.

19 Notice may be served by either city upon the mayor, president of the city council or of its  
20 more numerous branch when there are two, or upon the city attorney, if any, of the other city  
21 named in the ordinance and by publication at least five times in some newspaper published in or  
22 having substantial circulation in the city having the smaller population as aforesaid, that within  
23 ten days, and on a day named, the corporation court of each city in which an election is required,  
24 or the circuit court of the county in which any such city, if a city of the second class, lies, will be  
25 asked to order the same to be held on a named day not less than sixty days after the entry of the  
26 order and that the corporation court of the city having the smaller population, or the circuit court  
27 of the county in which such city, if a city of the second class, lies, as aforesaid, will be asked at  
28 the same time to ascertain and declare by order of court that all other preliminary acts and  
29 conditions precedent in the ordinance have been complied with and that consolidation or  
30 annexation has been effected by the cities according to law, subject to ratification or rejection by  
31 the qualified voters at the elections prescribed in the ordinance.

1           **Drafting note: Repealed; unnecessary.**

2  
3           ~~§ 15.1-1116. Court hearing thereon.~~

4           ~~The proceedings shall be placed on the privileged docket of the court, or may be heard in~~  
5 ~~vacation by the judge designated to hear the case, and any qualified voter of either city, or any~~  
6 ~~party affected, may become a party thereto. All proceedings shall be had in the corporation court~~  
7 ~~of the city having the smaller population, unless such city be a city of the second class, in which~~  
8 ~~event all such proceedings shall be had in the circuit court of the county in which such city of the~~  
9 ~~second class lies, except that in case an election is to be held in the other city the election shall be~~  
10 ~~ordered by the judge thereof and the result, when ascertained, shall be certified by the clerk of~~  
11 ~~that court to the clerk of the corporation court of the city having the smaller population, or to the~~  
12 ~~clerk of the circuit court of the county in which such city lies, if such city be a city of the second~~  
13 ~~class, to be by him filed with the papers in the consolidation or annexation proceedings.~~

14           **Drafting note: Repealed.**

15  
16           ~~§ 15.1-1117. When consolidation or annexation effective.~~

17           ~~Whenever the councils of the two cities shall have passed a consolidation or annexation~~  
18 ~~ordinance and the same shall have become effective in the manner prescribed by law, identical in~~  
19 ~~terms, words and figures, except so far as variations may be necessary to express the independent~~  
20 ~~action of either city and the terms upon which consolidation or annexation has been concurred in,~~  
21 ~~the consolidation or annexation therein provided for shall thereupon be and become an~~  
22 ~~accomplished fact according to the terms and provisions of the ordinance; provided, however,~~  
23 ~~that all the requirements of law have been complied with in the ordinance, and provided, that all~~  
24 ~~preliminary acts and conditions precedent, prescribed in the ordinance, shall have been done and~~  
25 ~~complied with in the manner therein provided, and as prescribed by law; and provided, that such~~  
26 ~~consolidation or annexation shall not be declared effective until the fact of such compliance with~~  
27 ~~the requirements of the law and with the preliminary acts and conditions precedent shall have~~  
28 ~~been ascertained and declared in the manner herein provided.~~

29           **Drafting note: Repealed; see § 15.2-3510.**

30  
31           ~~§ 15.1-1118. Order for and conduct of election.~~

1           The election prescribed for either or both of the cities shall be ordered for each city by the  
2 judge of the corporation court thereof, or by the judge of the circuit court of the county in which  
3 such city lies, if such city be a city of the second class, and shall be held and its returns made to  
4 and be canvassed and certified by the same officials and in the same manner as is provided by  
5 general law for special elections. The ballots to be used shall be prepared, printed, stamped and  
6 distributed as in other special elections marked as follows: "For consolidation or annexation,"  
7 and "Against consolidation or annexation," and the voter shall indicate his opinion by so marking  
8 the ballot as to indicate whether his ballot is to be counted "for" or "against" the proposition  
9 submitted to the voters. The certificate of the judges of election shall be in the usual form, except  
10 that it shall certify that . . . votes were cast for consolidation or annexation, and that . . . votes  
11 were cast against consolidation or annexation.

12           **Drafting note: Repealed; see § 15.2-3506.**

13

14           ~~§ 15.1-1119. Consolidation or annexation order by court.~~

15           The circuit court of the city having the smaller population, or the circuit court of the  
16 county in which such city lies, if such city be a city of the second class, which shall be presided  
17 over by a nonresident circuit judge, who shall be designated by the Governor, or the judge in  
18 vacation, shall hear the cause as hereinbefore provided, and when it shall appear that the cities  
19 have each passed a consolidation or annexation ordinance, or that the ordinance has been passed  
20 by the council of one city and ratified by the voters of the other, in the manner prescribed by law;  
21 that the terms of such ordinances are identical except for the necessary variations hereinbefore  
22 referred to; that all preliminary acts or conditions precedent have been complied with; that the  
23 provisions of the ordinance comply with the requirements hereinafter set forth, and that such  
24 election or elections have been held as were required by the plan or by the provisions of this  
25 article and such consolidation or annexation ratified, then the court, or the judge thereof in  
26 vacation, shall enter an order embodying the consolidation or annexation ordinance and  
27 declaring that the cities named have effected the consolidation or annexation provided for by the  
28 ordinance and thereupon and thereafter the cities shall be and continue as one municipality,  
29 under the terms and according to the provisions of the consolidation or annexation ordinance. A  
30 copy of this order of the court shall be certified to the Secretary of the Commonwealth, by whom  
31 it shall be certified to all departments of the state government. But if a majority of the votes cast

1 at the election, in either city, or in the city in which an election is held, shall be against  
2 consolidation or annexation, the court or judge shall dismiss the proceedings, the cost of which  
3 shall be equally apportioned between the cities and certified to their respective councils for  
4 payment.

5 **Drafting note: Repealed; see § 15.2-3507.**

6  
7 § 15.1-1120. Name and status of consolidated city.

8 Whenever two cities shall have effected consolidation or annexation in the manner herein  
9 prescribed the municipal or public corporation named in the ordinance of consolidation or  
10 annexation with the metes and bounds therein specified shall be annexed, united and  
11 consolidated into one municipal corporation upon the terms set forth in the ordinance and shall  
12 be known and thenceforth called by the name designated in the ordinance. The boundaries,  
13 jurisdiction and powers of the municipal corporation shall for all purposes of local administration  
14 and government be coextensive with the territory therein described. Such municipal corporation  
15 shall be the successor corporation in law and in fact of the cities so annexed and consolidated as  
16 aforesaid, with all their lawful rights and powers and subject to all their lawful duties and  
17 obligations without diminution or enlargement, except as otherwise specially provided in the  
18 ordinance. All funds and moneys which at the time of annexation or consolidation shall be held  
19 by or payable to the receiver of taxes or the treasurer or any department of the cities so annexed  
20 or consolidated shall be deemed to be held by and payable to such municipal corporation, solely  
21 as the funds and moneys of such municipal corporation, and upon the ascertainment by order of  
22 court that such consolidation or annexation has been effected shall be delivered on the day  
23 named for the consolidation or annexation to be effective to the office of such municipal  
24 corporation entitled by law or by the adopted charter to hold and control the same; provided,  
25 however, that all taxes, licenses, and levies or assessments for the year in which annexation or  
26 consolidation is effected shall be collectible and payable according to the provisions of existing  
27 laws.

28 **Drafting note: Repealed; see §§ 15.2-3510 and 15.2-3512.**

29  
30 § 15.1-1121. Annulment of surrendered charter; effect of consolidation.

1           ~~The charter of any city which is surrendered by the ordinance shall be revoked and~~  
2 ~~annulled, and the general laws governing cities and the charter of the city which is adopted,~~  
3 ~~together with the jurisdiction of its officers, state and municipal, shall immediately extend to and~~  
4 ~~over the territory of the city whose charter is surrendered. The terms and conditions of~~  
5 ~~consolidation or annexation, as provided in the ordinance, shall be deemed and held to be a~~  
6 ~~binding and irrevocable contract in favor of the public, compliance with which in all its parts~~  
7 ~~may be enforced, and violation of which may be prevented, by mandamus or injunction from the~~  
8 ~~Supreme Court, or from any circuit or corporation court at the suit or relation of any citizen or~~  
9 ~~taxpayer. All notaries public who have been commissioned as notaries for the city whose charter~~  
10 ~~is surrendered shall exercise the same authority and do the same acts as provided by law for the~~  
11 ~~consolidated city until the expiration of the terms of their respective commissions.~~

12           **Drafting note: Repealed; see §§ 15.2-3517 and 15.2-3519.**

13  
14           ~~§ 15.1-1122. Registration of voters.~~

15           ~~No new registration shall be necessary in case of such annexation or consolidation, but all~~  
16 ~~electors shall be entitled to transfers to the proper registration books of the united or consolidated~~  
17 ~~city and the corporation court of the city shall direct the making of such transfers as may be~~  
18 ~~necessary by reason of the rearrangement of the wards and election precincts. Any person~~  
19 ~~residing in the cities annexed or consolidated by the ordinance who shall not have registered~~  
20 ~~shall be entitled to register at such time as he would have been entitled to do so if no annexation~~  
21 ~~or consolidation had taken place.~~

22           **Drafting note: Repealed; subject matter is covered by § 15.2-3516.**

23  
24           ~~§ 15.1-1124. Continuance of laws on indebtedness.~~

25           ~~All laws or parts of laws creating any debt or debts of the cities so united or consolidated,~~  
26 ~~or for the payment of such debts, or respecting the same, shall remain in full force and effect,~~  
27 ~~except that the same shall be carried out by the united or consolidated municipality and under its~~  
28 ~~name and in such form and manner as may be suitable to its administration, and all the pledges,~~  
29 ~~taxes, assessments, sinking funds and other revenues and securities provided by law for the~~  
30 ~~payment of the debts of the cities shall be in good faith enforced, maintained and carried out by~~  
31 ~~the municipality.~~

1           **Drafting note: Repealed; see § 15.2-3510.**

2  
3           ~~§ 15.1-1125. Existing ordinances.~~

4           ~~The ordinances in force in the cities at the time of annexation or consolidation, so far as~~  
5 ~~the same are not inconsistent with the fact and ordinance of annexation or consolidation, or with~~  
6 ~~this article, shall continue in full force and effect within the former limits of the cities,~~  
7 ~~respectively, subject to modification, amendment or repeal by the council of the united or~~  
8 ~~consolidated municipality.~~

9           **Drafting note: Repealed; see § 15.2-3517.**

10  
11           ~~§ 15.1-1127. Same; when old courts abolished.~~

12           ~~When, however, the consolidation or annexation ordinance provides for the abolition of~~  
13 ~~the corporation or other courts of the city whose charter is surrendered on the day when such~~  
14 ~~consolidation or annexation is to take effect, all criminal prosecutions then pending therein,~~  
15 ~~whether by indictment, warrant or other complaint, and all suits, actions, motions, warrants and~~  
16 ~~other proceedings of a civil nature, at law or in chancery, with all the records of the courts of~~  
17 ~~such city, shall stand ipso facto removed to the court or courts of concurrent or like jurisdiction~~  
18 ~~of the other city. The corporation and other courts having courthouses and records in and~~  
19 ~~jurisdiction over the city absorbed or emerged shall, at some convenient time, as closely~~  
20 ~~preceding the period of removal as practicable, by formal orders entered of record, direct the~~  
21 ~~removal of all such causes and proceedings, civil and criminal, at law and in chancery, to the~~  
22 ~~court or courts of concurrent or like jurisdiction of the other city, and, when there are two or~~  
23 ~~more such courts, shall apportion such matters fairly and equally between them. The clerk of the~~  
24 ~~court or courts to which the same have been removed shall thereupon proceed as in other cases~~  
25 ~~of removal or changes of venue, and such matters shall be docketed and proceeded in with the~~  
26 ~~same force and effect as they might have been in the court or courts from which removed. At the~~  
27 ~~same time such clerk or clerks shall also deliver to the proper clerk or clerks of the other city~~  
28 ~~wherein the like records are required by law to be kept all the deed books, order or minute books,~~  
29 ~~execution dockets, judgment dockets and other records of his office, of whatever kind or nature;~~  
30 ~~and the clerk or clerks of the court or courts to which the same are removed shall forthwith take~~  
31 ~~charge of and preserve the same for reference and use in the same manner and with the same~~

1 effect as though they were original records of his office. In case there shall be two or more courts  
2 of like jurisdiction, to either of which such records or portions of them may be properly removed,  
3 either of the courts may designate and prescribe the particular court to which such records or  
4 portions of them shall be removed.

5 **Drafting note: Repealed; unnecessary.**

6  
7 ~~§ 15.1-1128. Determination of controversies growing out of consolidation.~~

8 If any right, title, interest, claim or case arise out of such consolidation or annexation for  
9 which this article or the Constitution and other laws of this Commonwealth do not make  
10 adequate provisions, the council of the united or consolidated municipal corporation may by  
11 ordinance make provision for its equitable determination, so far as concerns such corporation.

12 **Drafting note: Repealed; see § 15.2-3518.**

13  
14 ~~§ 15.1-1129. To what cities article not applicable.~~

15 The provisions of this article, however, shall not apply to cities of more than 40,000 and  
16 less than 75,000 inhabitants.

17 **Drafting note: Repealed. This outdated provision was enacted in 1922 and**  
18 **originally applied to both consolidation and annexation.**

19  
20 § 15.2-3519. Repeal of certain charters.

21 At the session of the General Assembly that follows the elections provided for in either §  
22 15.2-3508 or § 15.2-3509, the governing body of the resulting consolidated county, city or town  
23 shall request its delegate or senator in the General Assembly to introduce a bill to repeal all  
24 obsolete charters of the local governments that have been consolidated.

25 **Drafting note: Requires consolidated jurisdictions to request repeal of obsolete**  
26 **charters.**

27  
28 Article 4 2.

29 Consolidation of Certain Counties, Cities and Towns.

30  
31 ~~§ 15.1-1130.~~

1           ~~Repealed by Acts 1979, c. 85.~~

2  
3           § ~~15.1-1130.1~~ 15.2-3520. Counties, cities and towns specified; alternative consolidations.

4           By complying with the requirements ~~and procedure hereinafter~~ specified in this article,  
5 any one or more counties or cities having a common boundary, or any county and all  
6 incorporated towns located entirely therein, may consolidate into a single county or city;  
7 however, no consolidation instituted under the provisions of this article shall result in the  
8 creation of consolidated cities, unless such proposed consolidation is reviewed by the  
9 Commission on Local Government and a special court established pursuant to § 15.2-3522 and  
10 they meet the criteria set out in subsection A of § ~~15.1-1130.8 B~~ 15.2-3526.

11           The term "incorporated towns" as used ~~herein shall mean~~ in this article means only those  
12 incorporated towns which have held municipal elections in the ~~preceding~~ ten years ~~from~~  
13 preceding the date of the filing of a petition for a referendum pursuant to § ~~15.1-1131~~ 15.2-3529.

14           If two or more like units of local government propose to consolidate into a consolidated  
15 like unit of local government, they shall do so in accordance with the provisions of Article 1 of  
16 this chapter.

17           This article applies to the (i) consolidation of unlike units of local governments such as a  
18 county and a city joining to form either a county or city; (ii) consolidation of like units of local  
19 governments into an unlike unit of local government such as a county and a county joining to  
20 form a city; or (iii) other combinations provided for herein.

21           **Drafting note: No substantive change in the law; amplifies the purpose of the**  
22 **article.**

23  
24           § ~~15.1-1130.2~~ 15.2-3521. Proposed consolidated city; notice of motion; service and  
25 publication.

26           ~~In any~~ At least thirty days before instituting a proceeding instituted under the provisions  
27 of this article for the creation of a consolidated city, ~~notice shall be served by~~ the counties and  
28 cities proposing to consolidate shall serve notice on the attorney for the Commonwealth or the  
29 attorney for the city or county, ~~if one has been appointed~~, and on the chairman of the governing  
30 body or mayor of each county and city having a common boundary that they will, on a given  
31 day, ~~not less than thirty days thereafter, move one of~~ petition the circuit courts ~~having~~



1 ~~jurisdiction over one of the counties or cities which is a party to the consolidation agreement for~~  
2 ~~the convening of a special court, as provided for in this title, to hear the petition for eligibility~~  
3 ~~court for a determination of whether the proposed consolidated city is eligible for city status.~~ The  
4 notice served on each official shall include a certified copy of the consolidation agreement. A  
5 copy of the notice and the consolidation agreement, or a descriptive summary of the notice and  
6 agreement and a reference to the place within the city or town where copies of the notice and  
7 agreement may be examined, shall be published at least once a week for four successive weeks  
8 in some newspaper or newspapers having general circulation in the ~~counties, cities, and towns~~  
9 localities which are parties to the ~~consolidation~~ agreement. The notice and consolidation  
10 agreement shall be returned after service to the clerk of the circuit court ~~and when the publication~~  
11 ~~is completed, of which the certificate of the owner, editor or manager of the newspaper~~  
12 ~~publishing it shall be proof, the case shall be docketed for hearing. Any answer or other pleading~~  
13 ~~to the petition shall be filed with the court within ten days after completion of the publication.~~  
14 Certification of the owner, editor or manager of the newspaper publishing the notice and  
15 agreement shall be proof of publication.

16 **Drafting note: Rewritten to clarify what is believed to be the intent of the section.**  
17 **Language regarding when the case will be docketed and when answers to the petition may**  
18 **be filed is deleted, as these matters are more logically related to the appointment of the**  
19 **special court rather than to the publication of the petition, which occurs before the petition**  
20 **is even filed. As a practical matter, scheduling details will be addressed by the special court**  
21 **when it is appointed. Section 15.2-3001 says that cases heard by the special court have**  
22 **priority over all other cases, and § 15.2-3524 directs the court to set a time limit for**  
23 **intervenors.**

24  
25 § ~~15.1-1130.3~~ 15.2-3522. ~~Constitution of court~~ Petition; appointment of special court.

26 ~~Where~~ When a consolidation agreement ~~as set out in~~ proposing the creation of a  
27 consolidated city in accordance with § ~~15.1-1131~~ 15.2-3529 has been adopted ~~proposing the~~  
28 ~~creation of a consolidated city,~~ the original of the consolidation agreement, a petition on behalf  
29 of the several governing bodies, signed by the chairman, the mayor and the clerk of each such  
30 body, and certificates of publication as provided for in § ~~15.1-1130.2~~ 15.2-3521 shall be  
31 presented to ~~the~~ a circuit court having jurisdiction over one or more of the localities. Upon

1 receipt of the consolidation agreement, the petition, and the certificates of publication, the chief  
2 judge of the circuit court shall request the Supreme Court of Virginia to designate appoint  
3 pursuant to Chapter 30 (§ 15.2-3000 et seq.) of this title the special court which shall determine  
4 whether the proposed consolidation is eligible for city status. ~~The Supreme Court of Virginia~~  
5 ~~shall select three judges to constitute the court to hear the petition for eligibility for city status.~~  
6 ~~The Chief Justice shall designate one of such judges as chief judge.~~

7 **Drafting note: No substantive change in the law. The last two sentences are deleted**  
8 **as they are covered in proposed Chapter 30.**

9  
10 § ~~15.1-1130.4~~ 15.2-3523. Parties.

11 In any proceedings instituted under the provisions of this article for the creation of a  
12 consolidated city, any ~~qualified~~ voter, person having an interest or property owner of any ~~county,~~  
13 ~~city or town~~ locality which is a party to the consolidation agreement may by petition become  
14 party to the proceedings. Any ~~county, city, or town~~ locality having a common boundary, or other  
15 person affected by the proceedings may appear and shall be made party to the case ~~and may be~~  
16 ~~represented by counsel.~~

17 **Drafting note: No substantive change in the law. Parties may always be**  
18 **represented by council.**

19  
20 § ~~15.1-1130.5~~ 15.2-3524. Time limit for intervenors.

21 The court shall by order fix a time within which a ~~qualified~~ voter, property owner, other  
22 person or political subdivision not served may become a party to proceedings instituted under  
23 this article for the creation of a consolidated city and thereafter no such petition shall be  
24 received, except for good cause shown. A copy of the order ~~fixing such time for parties not~~  
25 ~~previously served~~ shall be published at least once a week for two successive weeks in a  
26 newspaper or newspapers of general circulation in the ~~counties, cities and towns~~ localities  
27 proposing to consolidate and in the counties and cities contiguous thereto.

28 **Drafting note: No substantive change in the law.**

29  
30 § ~~15.1-1130.6~~. ~~Vacancies on court occurring during trial.~~

1           ~~If a vacancy occurs on such court at any time prior to the final disposition of the case and~~  
2 ~~the completion of all duties required to be performed by it, the court shall not be dissolved and~~  
3 ~~the proceeding shall not fail; but the vacancy shall be filled by designation of another judge from~~  
4 ~~the panel provided in Chapter 26.2 (§15.1-1168 et seq.) of this title. Such substitute judge shall~~  
5 ~~have all the power and authority of his predecessor and the court as so constituted shall proceed~~  
6 ~~to hear and determine the case and do all things necessary to accomplish its final disposition and~~  
7 ~~the completion of all the duties of the court, including such matters as the certification of~~  
8 ~~evidence and exceptions; provided that no decision shall be rendered or action taken after such~~  
9 ~~designation with respect to any question previously submitted to but not decided by the court~~  
10 ~~except after a full hearing in open court by the court as reconstituted of all the evidence~~  
11 ~~theretofore introduced before the court and a hearing of all arguments theretofore with reference~~  
12 ~~to such question.~~

13           **Drafting note: Repealed; the substance of this section is found in § 15.2-3004.**

14  
15           ~~§ 15.1-1130.7~~ 15.2-3525. Pretrial conference; matters considered.

16           The special court shall, prior to hearing any case under this article for the establishment  
17 of a consolidated city, direct the attorneys for the parties to appear before it, or, in its discretion,  
18 before a single judge for a conference to consider:

- 19           1. ~~The simplification~~ Simplification of the issues;  
20           2. Amendment of pleadings and filing of additional pleadings;  
21           3. Stipulations as to facts, documents, records, photographs, plans and like matters, which  
22 will dispense with formal proof thereof, including:

23           a. ~~Assessed~~ The assessed values and the ratio of assessed values to true values as  
24 determined by the State Department of Taxation in the counties, cities and towns proposing to  
25 consolidate, including real property, personal property, machinery and tools, merchants' capital  
26 and public service corporation ~~assessment~~ assessments for each year of the five years  
27 immediately preceding;

28           b. The school population and school enrollment in the area proposing to consolidate, as  
29 shown, respectively, by the triennial census of school population and by the records in the office  
30 of the division superintendent of schools; and the cost of education per pupil in average daily

1 membership as shown by the last preceding report of the Superintendent of Public Instruction;  
2 and

- 3 c. The population and the density of population of the area proposing to consolidate;
- 4 4. The method of taking any population census requested by the petitioner;
- 5 5. Limitation on the number of expert witnesses, as well as requiring each expert witness  
6 who will testify to file a statement of his qualifications;
- 7 6. Such other matters as may aid in the disposition of the case.

8 The court, or the judge as the case may be, shall make an appropriate order which will  
9 control the subsequent conduct of the case unless modified before or at the trial or hearing to  
10 prevent manifest injustice.

11 **Drafting note: No substantive change in the law; clarifies the original intent of the**  
12 **article.**

13  
14 § ~~15.1-1130.8~~ 15.2-3526. Hearing and decision by court.

15 ~~A. The court, without a jury, shall hear the case upon the evidence introduced as~~  
16 ~~evidence is introduced in civil cases.~~

17 ~~B. If the court shall find that:~~

18 A. The court shall order an election to be held as provided in § 15.2-3538 if, after  
19 hearing the evidence, it finds that:

20 1. The proposed consolidation has a minimum population of 20,000 persons and a  
21 density of at least 300 persons per square mile, or a minimum population of 50,000 persons and a  
22 ~~density of population~~ density of at least 140 persons per square mile, based on the latest United  
23 States census, or on the latest population estimates of the Weldon Cooper Center for Public  
24 Service of the University of Virginia, or on a special census conducted under court supervision;  
25 ~~provided, however, that~~ where the proposed consolidation includes an existing city, the  
26 population and density requirements set forth ~~herein~~ in this subdivision shall not apply;

27 2. The proposed consolidation has the fiscal capacity to function as an independent city  
28 and is able to provide appropriate services; and

29 3. After a consideration of the best interests of the parties, the interest of the  
30 Commonwealth in the compliance with and the promotion of applicable state policies with  
31 respect to environmental protection, public planning, education, public transportation, housing

1 and other state service policies declared by the General Assembly, and the interest of the  
2 Commonwealth in promoting strong and viable units of government in the area, the proposed  
3 consolidation is eligible for city status; ~~it shall order an election to be held as provided in § 15.1-~~  
4 ~~1138 to determine if the qualified voters of the counties, cities, and towns which are parties to~~  
5 ~~the consolidation agreement desire the creation of the proposed consolidated city.~~

6       ~~C.~~ B. The court shall be limited in its decision to granting or denying eligibility for city  
7 status and shall have no authority to impose terms or conditions with respect to a proposed  
8 consolidation.

9       ~~D.~~ C. If a majority of the court is of the opinion that the criteria set out in subsection ~~B~~ A  
10 herein have not been met, then eligibility for city status shall be denied.

11       ~~E.~~ D. The court shall render a written opinion in every case brought under the provisions  
12 of this article.

13       **Drafting note: No substantive change in the law.**

14  
15       ~~§ 15.1-1130.9~~ 15.2-3527. Assistance of state agencies.

16       The court may, in its discretion, direct any appropriate state agency, in addition to the  
17 Commission on Local Government, to gather and present evidence, including statistical data and  
18 exhibits, for the court, to be subject to the usual rules of evidence. The court shall determine the  
19 actual expense of preparing such evidence, and shall tax such expense as costs in the case;  
20 ~~which, the~~ costs shall be paid by the clerk into the general fund of the state treasury, and credited  
21 to the agency furnishing the evidence.

22       **Drafting note: No substantive change in the law.**

23  
24       ~~§ 15.1-1130.10~~ 15.2-3528. Appeals.

25       Appeals may be granted by the Supreme Court of Virginia as provided in §§ ~~15.1-1049~~  
26 15.2-3221 and ~~15.1-1050~~ 15.2-3222, which shall apply mutatis mutandis.

27       **Drafting note: No change.**

28  
29       ~~§ 15.1-1134~~ 15.2-3529. Consolidation agreement generally; advisory committee; filing  
30 agreement and referendum petition with court.

1           The board of supervisors or council of ~~such county, city or town~~ the locality desiring to  
2 consolidate into a ~~city or~~ county or city, or any county and all incorporated towns located  
3 entirely therein desiring to consolidate into a county or city may enter into a joint agreement for  
4 such consolidation, setting forth in such consolidation agreement the following:

5           ~~(1)~~ 1. The names of the ~~several counties, cities and towns which it is proposed~~ localities  
6 proposing to consolidate;

7           ~~(2)~~ 2. The name of the ~~city and/or~~ county or counties or city into which ~~it is proposed~~ the  
8 localities propose to consolidate; or ~~shall provide for that the localities agree to conduct a~~  
9 subsequent referendum to be voted on by the people of the consolidated ~~city or~~ county or city  
10 prior to the effective date of the consolidation to select the name for ~~said~~ the consolidated ~~city or~~  
11 county or city; ~~provided, however, the.~~ The name chosen shall not ~~otherwise~~ be one that has  
12 been restricted or prohibited by law;

13           ~~(3)~~ 3. The property, real or personal, belonging to each ~~such county, city or town~~ locality,  
14 and the fair value thereof in current money of the United States;

15           ~~(4)~~ 4. The indebtedness, bonded and otherwise, of each ~~such county, city or town~~ locality;

16           ~~(5)~~ 5. The day upon which the consolidation agreement shall become effective, provided  
17 that, ~~where~~ if an agreement proposes the creation of a consolidated city, the effective date shall  
18 be stated in the charter enacted by the General Assembly; and

19           ~~(6)~~ 6. Any other provisions which may be properly embodied in ~~such~~ the agreement.

20           Each ~~such~~ governing body may appoint an advisory committee composed of three  
21 persons to assist it in the preparation of ~~such~~ an agreement, and may pay the members of ~~such~~  
22 the advisory committee reasonable compensation, which shall be approved ~~as to a county~~ by the  
23 ~~judge of the circuit court thereof, as to a town by the judge of the circuit court of the county in~~  
24 ~~which such town is situated, and as to a city by the judge of the circuit court thereof~~ for the  
25 locality.

26           The original of the consolidation agreement, together with a petition on behalf of the  
27 several governing bodies, signed by the chairman and the mayor and the clerk of each of ~~such~~ the  
28 bodies, asking that a referendum on the question of consolidation of the ~~counties, cities and~~  
29 ~~towns~~ localities, shall be filed with a judge of a circuit court having jurisdiction over any of the  
30 ~~cities, counties and towns~~ localities proposing to consolidate; ~~provided, however, that~~ when the  
31 consolidation agreement proposes the creation of a consolidated city that includes at least one

1 county, the petition shall ask for proceedings pursuant to §§ ~~15.1-1130.2~~ 15.2-3521 through  
2 ~~15.1-1130.8~~ 15.2-3528 prior to such referendum. A copy of the agreement shall be filed with the  
3 judge of each circuit court having jurisdiction in the ~~counties, cities and towns~~ localities that are  
4 parties to the agreement.

5 **Drafting note: No substantive change in the law; clarifies that a special court is**  
6 **involved only when the consolidated city includes at least one county.**

7  
8 § ~~15.1-1131.1~~ 15.2-3530. Continuation of services of Department of Transportation after  
9 ~~merger or annexation in entirety~~ consolidation.

10 ~~At any time after December 31, 1969, when~~ When a county and city ~~merge~~ consolidate  
11 into a city, or a combination of counties and a city or cities ~~merge~~ consolidate into a city, or  
12 when any county and all of the incorporated towns located entirely therein ~~merge or are annexed~~  
13 consolidated into a city or cities, the Commonwealth Transportation Commissioner shall  
14 continue the full services of the Department of Transportation in those areas which were  
15 formerly a county or counties in the same manner and to the same extent such services were  
16 rendered prior to such ~~merger or annexation~~ consolidation. Funds for the maintenance,  
17 construction and reconstruction of streets within the areas formerly a county or counties shall  
18 continue to be allocated as if such areas were still in the county or counties, and such city or  
19 cities shall not receive funds for maintenance, construction or reconstruction of streets in those  
20 areas. In those areas where the Department of Transportation provides the above services, the  
21 governing body of such city or cities, as the case may be, shall have control over the streets and  
22 highways to the same extent as was formerly vested in the governing body of the county or  
23 counties.

24 Notwithstanding the above, at any time subsequent to the ~~merger or annexation~~  
25 consolidation, when in the opinion of the Commissioner, the ~~merged or annexed~~ consolidated  
26 area which was formerly a county or counties or any portion thereof becomes substantially  
27 urbanized, the Commissioner may by agreement with the governing body of the city, transfer the  
28 ~~street~~ streets in any area deemed urbanized to the city for construction, reconstruction and  
29 maintenance, and thereafter funds for such streets shall be allocated as otherwise provided by  
30 law for city streets.

1           **Drafting note: No substantive change in the law; deletes reference to merger since**  
2 **the procedure is identical whether merger or consolidation is used.**

3  
4           § ~~15.1-1132~~ 15.2-3531. Voters' petition requesting consolidation agreement and  
5 referendum.

6           (a) The ~~qualified~~ voters of any ~~county, city or town~~ locality whose governing body has  
7 not taken the initiative under § ~~15.1-1134~~ 15.2-3529, may require it to do so by filing a petition  
8 with the governing body ~~of such county, city or town a petition~~. The petition shall be signed by  
9 not less than fifteen percent of the ~~residents~~ voters of the ~~county, city or town~~ locality registered  
10 to vote as of January 1 of the year in which the petition is filed, which number in no case shall be  
11 less than 100, ~~asking and shall ask~~ the governing body in accordance with § ~~15.1-1134~~ 15.2-3529  
12 to effect a consolidation agreement with the ~~counties, cities and towns~~ localities named in the  
13 petition and to petition the judge for a referendum on the question, ~~may require the governing~~  
14 ~~body so to proceed~~. All of the signatures on the petition must have been made within twelve  
15 months. A copy of the petition of the voters shall also be filed with the judge of each circuit court  
16 having jurisdiction in the county or town or the judge of the circuit court in the city. ~~If the~~  
17 ~~governing body is able within one year thereafter to effect such consolidation agreement, the~~  
18 ~~procedure shall be the same as hereinbefore set forth~~. If the governing body within such period  
19 ~~of time~~ one year is unable, or for any reason fails, to perfect such consolidation agreement, then  
20 the judge of the circuit court having jurisdiction in the county or town or the judge of the circuit  
21 court of the city shall appoint a committee of five representative citizens of the ~~county, city or~~  
22 ~~town~~ locality to act for and in lieu of the governing body in perfecting the consolidation  
23 agreement and in petitioning for a referendum.

24           (b) ~~[Repealed.]~~

25           (e) ~~Where~~ When a ~~consolidating~~ consolidation agreement adopted under the provisions  
26 of this section proposes the creation of a consolidated city which will include at least one  
27 existing county, the petition shall ask for proceedings pursuant to §§ ~~15.1-1130.2~~ 15.2-3521  
28 through ~~15.1-1130.10~~ 15.2-3528 prior to such referendum.

29           **Drafting note: No substantive change in the law.**

30  
31           § ~~15.1-1133~~ 15.2-3532. Required provisions of consolidation agreement ~~or plan~~.



1           ~~Any~~ In addition to the provisions required by § 15.2-3529, any consolidation agreement  
2 ~~or plan~~ adopted pursuant to this article shall contain the following provisions:

3           ~~(1) Designation of the county seat of any county into which two or more counties or parts~~  
4 ~~thereof are proposed to be consolidated;~~

5           ~~(2) 1.~~ The disposition of all property, real or personal, of any ~~county, city, or town~~  
6 locality affected by the proposed consolidation, including any and all debts due to any such  
7 ~~county, city or town~~ locality;

8           ~~(3) 2.~~ Reimbursement for, or assumption of, a just proportion of any existing debt of any  
9 ~~county, city or town, territory of which is~~ locality proposed to be consolidated ~~with a single city~~  
10 ~~or one or more counties~~ by the consolidated county or city ~~or the appropriate county or counties~~  
11 ~~existing or proposed to be created by the consolidation.~~

12           ~~(4) 3.~~ Towns located within any county which proposes to consolidate with another  
13 county or city, or combination thereof, into a consolidated city, and not a party to the  
14 consolidation agreement, shall continue as townships within the proposed consolidated city.

15           ~~(5) 4.~~ Towns located within any county which proposes to consolidate with another  
16 county or city, or combination thereof, into a consolidated county, and not a party to the  
17 consolidation agreement, shall continue as towns within the proposed consolidated county.

18           **Drafting note: No substantive change in the law; for uniformity, the article speaks**  
19 **only of a consolidation agreement. The first provision is deleted since such consolidations**  
20 **are covered in Article 1 of this chapter.**

21  
22           ~~§ 15.1-1134~~ 15.2-3533. Transfer of property and indebtedness.

23           If the proposed consolidation is approved by a majority vote of the voters of each ~~county,~~  
24 ~~city or town included therein~~ locality proposed to be consolidated, voting in the election  
25 hereinafter provided for, then the title to all property shall be vested in, and the indebtedness  
26 become a debt of, the respective ~~counties, cities and towns~~ localities according to the ~~plan or~~  
27 agreement, without any further act or deed.

28           **Drafting note: No substantive change in the law.**

29  
30           ~~§ 15.1-1135~~ 15.2-3534. Optional provisions of consolidation agreement ~~or plan~~.

31           Any such consolidation agreement ~~or plan~~ may contain any of the following provisions:

1           1. ~~That in~~ In any territory that will be a part of the consolidated city, ~~or county proposed~~  
2 ~~to be included therein~~, there shall be no increase in assessments, except for permanent  
3 improvements made after the consolidation, for a period ~~of~~ not exceeding five years.

4           2. ~~That the~~ The rate of tax on real property in any such territory shall be lower than in  
5 other territory of the consolidated unit for a period of five years, provided that any difference  
6 between such rates of taxation shall bear a reasonable relationship to differences in ~~non-revenue-~~  
7 ~~producing~~ nonrevenue-producing governmental services giving land urban character which are  
8 furnished in such territories.

9           3. ~~That in~~ In any area specified in such agreement ~~or plan there may~~, for the purpose of  
10 repaying existing indebtedness chargeable to such area prior to consolidation, there may be  
11 levied a special tax on real property for a period not exceeding twenty years, which may be  
12 different from and in addition to the general tax rate throughout the entire consolidated ~~city,~~  
13 ~~county; or counties,~~ city or cities, or tier-city, as the case may be.

14           4. ~~That geographical~~ Geographical subdivisions of the consolidated city, to be known as  
15 boroughs, may be established, which may be the same as the existing (i) cities, ~~or~~ (ii) counties, or  
16 (iii) portions of such counties, which are included in the consolidated city, and may be the same  
17 as the temporary special debt districts referred to in subdivision 3 of this section; the names of  
18 such boroughs shall be set forth in the consolidation agreement.

19           5. ~~That geographical~~ Geographical subdivisions of the consolidated county or counties, to  
20 be known as shires ~~or boroughs~~, may be established, which shall be the same as and bear the  
21 names of the existing counties, towns, communities, or portions of counties, which are included  
22 in the consolidated county or counties, and may be the same as the temporary special debt  
23 districts referred to in subdivision 3 of this section.

24           6. ~~That in~~ In the event of consolidation of such counties and cities into a single county,  
25 there may be established geographical subdivisions of such county, to be known as ~~boroughs~~  
26 shires, which shall be the same as and bear the names of the existing cities and ~~shires, which~~  
27 ~~shall be the same as and bear the names of the existing~~ counties.

28           7. ~~That in~~ In the event of consolidation of such counties and cities into a single county  
29 incorporating a tier-city therein, there shall be established geographical and political subdivisions  
30 of such county, to be known as "tier-cities"; such tier-cities shall apply for and may receive a  
31 charter from the General Assembly in the same manner as may any municipality and when

1 issued shall thereafter qualify in general law, mutatis mutandis, as a town with respect to its  
2 rights, powers and obligations, and shall have such other rights, powers and obligations as may  
3 be given it by ~~general law, general~~ or special ~~charter legislation~~.

4 8. ~~That in~~ In the event of the establishment of such shires or boroughs, it shall be the duty  
5 of the Commonwealth Transportation Commissioner and the Director of the Department of  
6 Historic Resources to have suitable monuments or markers erected indicating the limits of such  
7 geographical subdivisions and setting forth the history of each.

8 9. a. ~~That in~~ In the event of establishment of a consolidated city, there shall be a new  
9 election of officers therefor whose election and qualification shall terminate the terms of office  
10 of their predecessors; provision may be made for the exclusion from such new election of such  
11 elective officers as is deemed desirable.

12 b. ~~That in~~ In the event of the establishment of a consolidated city, the constitutional  
13 officers of the consolidating jurisdictions may continue in office at not less than their salaries in  
14 effect at the effective date of consolidation; ~~that~~ the selection of each constitutional officer for  
15 the consolidated city shall be made by agreement between those persons holding such respective  
16 offices, and the other or others, as the case may be, shall become assistants or chief deputies,  
17 upon filing of a certification of such agreement in a circuit court and approval by the court; ~~that~~  
18 in the event no agreement is reached or no certification is filed on or before a date stated in the  
19 consolidation agreement ~~or plan~~, the circuit court shall designate one officer as principal and the  
20 other or others, as the case may be, as assistants or chief deputies; and ~~that~~ in the event of a  
21 vacancy in the office of assistant or chief deputy thereby created during such term, the position  
22 shall be abolished. Each such officer shall continue in office, whether as the principal officer or  
23 as chief deputy or assistant, until ~~the first day of~~ January 1 following the next regularly  
24 scheduled election pursuant to §§ ~~24.1-86 and 24.1-87~~ 24.2-217, whether or not the term to  
25 which such officer was elected may have expired prior to that date. When the effective date of  
26 the consolidation plan is the same as the end of the term of one or more existing constitutional  
27 officers for the consolidating jurisdictions, an election shall be held to ~~select~~ elect such  
28 constitutional officers for the consolidating jurisdictions for a new term to begin on the effective  
29 date of consolidation ~~in order to implement this provision~~. Such newly elected officers may or  
30 may not become the principal constitutional officers of the consolidated city under this provision.

1           c. ~~That in~~ In the event of the establishment of a consolidated city, the persons holding  
2 office as the superintendents of the school divisions within the consolidating jurisdictions may  
3 continue in office at no less than their salaries in effect at the effective date of consolidation, for  
4 the terms to which they were appointed; ~~that~~ the consolidated city school board shall designate  
5 one of such persons as division superintendent and the other as associate superintendent; ~~that~~ in  
6 the event no designation is made on or before a date stated in the consolidation agreement ~~or~~  
7 ~~plan~~, the designation shall be made by the circuit court for the consolidated city; and ~~that~~ in the  
8 event of a vacancy in the position of superintendent or associate superintendent during the term  
9 to which appointed, the remaining incumbent shall be the superintendent and the position of  
10 associate superintendent shall be abolished.

11           d. ~~That, notwithstanding any contrary provisions of subdivision 9 b, in the event of the~~  
12 ~~consolidation of a city having a population of between 5,400 and 6,400 and a county having a~~  
13 ~~population of between 44,700 and 45,700 according to the 1990 United States Census, where~~  
14 ~~such consolidating jurisdictions share the offices of the attorney for the Commonwealth, clerk of~~  
15 ~~the circuit court, and sheriff, and which jurisdictions are consolidating into a single city~~  
16 ~~containing a political subdivision to be known as a "shire" or a "borough," or by such other name~~  
17 ~~as may be established in the consolidation plan, and as provided for in subdivision 20, the~~  
18 ~~attorney for the Commonwealth, clerk, and sheriff in office upon the effective date of the~~  
19 ~~consolidation shall continue in their office as respective officers for the consolidated city, and~~  
20 ~~their terms shall be extended beyond the date of expiration of the full terms for which such~~  
21 ~~officers were elected until January 1 after the next regularly scheduled election for such offices~~  
22 ~~in cities under § 24.2 217. The term "political subdivision" as used in this paragraph and in~~  
23 ~~subdivision 20 shall include a governmental subdivision. In the event of the consolidation, the~~  
24 ~~offices of the commissioners of the revenue and of the treasurers of the consolidating~~  
25 ~~jurisdictions shall be consolidated on the effective date of consolidation; the commissioner of the~~  
26 ~~revenue and the treasurer of the consolidating county shall continue in office as the~~  
27 ~~commissioner of the revenue and treasurer, respectively, of the consolidated city; and their terms~~  
28 ~~shall be extended beyond the date of the expiration of the full terms for which such officers were~~  
29 ~~elected until January 1 after the next regularly scheduled election for such officers in cities under~~  
30 ~~§ 24.2 217. The commissioner of the revenue and the treasurer of the former city shall continue~~  
31 ~~in office as the consolidated city's chief deputies for the shire or borough, or political subdivision~~

1 ~~that has such other name as may be established in the consolidated plan, during the extended~~  
2 ~~terms of the consolidated city's commissioner of the revenue and treasurer at not less than their~~  
3 ~~salaries in effect at the effective date of consolidation. On a transitional basis during their terms~~  
4 ~~in office, they shall perform such duties in respect to the residents of the shire or borough, or~~  
5 ~~political subdivision that has such other name as may be established in the consolidation plan, as~~  
6 ~~are delegated by their principal constitutional officers of the consolidated city. They may also~~  
7 ~~perform such additional duties as they had performed prior to consolidation. The respective~~  
8 ~~positions of chief deputies for the shire or borough or political subdivision that has such other~~  
9 ~~name as may be established in the consolidation plan shall be abolished at the expiration of such~~  
10 ~~extended terms or in the event of a vacancy in either office during such extended terms.~~

11 10. ~~That in~~ In the event of the establishment of a consolidated city, the tax rate on all  
12 property of the same class within the city shall be uniform; ~~provided that.~~ However, the council  
13 shall have power to levy a higher tax in such areas of the city as which desire additional or more  
14 complete services of government than are desired in the city as a whole, and, in such case, the  
15 proceeds therefrom shall be so segregated as to enable the same to be expended in the areas in  
16 which raised. ~~Provided further that;~~ such higher tax rate shall not be levied for school, police or  
17 general government services but only for those services which prior to consolidation were not  
18 offered in the whole of all of the consolidated ~~political subdivisions~~ localities.

19 11. ~~That the aforesaid~~ The agreement, when proposing the creation of a consolidated city,  
20 may incorporate in a proposed charter, subject to the subsequent approval of the General  
21 Assembly, any provisions of any charter heretofore granted by the General Assembly ~~of Virginia~~  
22 for any of the ~~cities~~ localities proposing to consolidate ~~or any proposed consolidated city~~. It is the  
23 intention of this subsection to permit the drafting by the governing bodies, or the committees  
24 acting for and in lieu of the governing bodies under § ~~15.1-1132~~ 15.2-3531, of a ~~composite~~  
25 charter to be adopted as a part of the consolidation agreement ~~or plan~~ for the proposed  
26 consolidated city. In such ~~composite~~ charter the name of the consolidated city, if agreed upon,  
27 shall be inserted in lieu of the name of the city which may be specified in the original charters  
28 from which the ~~composite charter~~ provisions are taken, or if the name of the consolidated city ~~be~~  
29 is left to subsequent referendum, then the phrase "the consolidated city" shall be ~~so~~ substituted.  
30 Any such ~~composite~~ charter shall be published as provided in § ~~15.1-1137~~ 15.2-3537 as a part of  
31 the consolidation agreement.

1           Any agreement between any localities to form a consolidated city when adopted and  
2 approved as provided herein, together with the charter, shall be the form of the consolidated city.  
3 The governing body of the consolidated city shall have the power to make amendments to the  
4 consolidation agreement not contrary to general law. No such amendments shall become  
5 effective until such amendments have been approved by the General Assembly in accordance  
6 with the procedures established by Chapter 2 (§ 15.2-200 et seq.).

7           12. ~~That any~~ Any agreement between any ~~units of government~~ localities to form a  
8 consolidated county may likewise incorporate provisions of any charter of any such ~~units of~~  
9 ~~government~~ localities proposing to consolidate and also may include the provisions of any of the  
10 optional forms of county government set forth in this title. In any form of government approved  
11 by the voters hereunder, irrespective of any other provisions of law, the initial membership of the  
12 governing body shall be as set forth in such consolidation agreement ~~or amendments thereto.~~  
13 Such agreement ~~or plan~~ when adopted and approved as provided herein shall be the form of the  
14 consolidated county, and the provisions of the first paragraph of subdivision 11 above shall be  
15 applicable, mutatis mutandis. The governing body of the consolidated ~~unit~~ county shall have the  
16 power to make amendments to the ~~consolidated~~ consolidation agreement ~~or plan~~ not contrary to  
17 general law. No such amendments, excluding membership of the governing body, shall become  
18 effective until such amendments have been approved by the General Assembly in accordance  
19 with the procedures established by Chapter 17 2 (§ 15.1-833 15.2-200 et seq.) ~~of this title, insofar~~  
20 ~~as such chapter provides for an election or public hearing, notice and advertising.~~

21           13. ~~That in~~ In any consolidation by a county and all the towns therein into a consolidated  
22 county, or in any consolidation of a county and a city into a consolidated county, the area of any  
23 of such town, or towns, city or cities may be designated as a special service district, and the  
24 delivery of water, sewer and similar type services may be continued; ~~in addition the.~~ The  
25 consolidated county shall have the same powers, rights and duties with respect to the public  
26 ~~right of way~~ rights-of-way, streets and alleys within such district and receive State Highway  
27 Fund allocations as did such town, or towns, city or cities prior to consolidation. The roads in the  
28 area formerly located solely within the county ~~will~~ shall continue to be maintained as they were  
29 prior to the consolidation, and this subdivision shall not be construed to authorize any allocation  
30 from highway funds not previously authorized. The boundaries of such special service district or

1 districts may be altered from time to time by ordinance of the governing body duly adopted after  
2 public hearing.

3 14. ~~That any~~ Any consolidation agreement may provide for offering to the voters the  
4 option of adopting a city or county form of government as well as the option between forms of  
5 county governments.

6 15. ~~That the~~ The agreement between a county and the incorporated towns located entirely  
7 therein consolidated pursuant to this article may contain provisions for the establishment of  
8 special service tax districts wherein a tax may be levied on all classes of property within those  
9 shires ~~or boroughs~~, where, upon the effective date of the consolidation ~~plan~~ agreement, there  
10 exists, or the consolidation ~~plan~~ agreement provides for, additional or more complete  
11 governmental services than the level of services which are being provided or will, under the ~~plan~~  
12 agreement, be provided in other shires ~~or boroughs~~, or in the consolidated county as a whole.  
13 Additional or more complete governmental services include, but are not limited to, water supply,  
14 sewerage, garbage removal and disposal, heat, lighting, streets, sidewalks and storm drains, fire-  
15 fighting equipment and services, and additional law-enforcement services but shall not include  
16 separate police forces, additional schools or other basic governmental services to which all  
17 citizens are entitled. Any additional revenue produced from any such tax shall be segregated into  
18 a separate fund and expended by such consolidated county solely in the shire, ~~borough~~, or special  
19 service tax district wherein such additional tax is assessed. The consolidation ~~plan~~ agreement  
20 shall establish the initial boundary lines of ~~such the~~ the shires ~~or boroughs~~ and the tax rates within  
21 each shire ~~or borough~~. Future adjustments in the boundaries of ~~such the~~ the shires, ~~boroughs~~, or  
22 special service tax districts shall be made in accordance with § ~~15.1-18.2~~ 15.2-2401, which shall  
23 apply to ~~such the~~ the consolidated county, as ~~well as it does~~ to the consolidated cities described  
24 therein. The governing body of ~~such the~~ the consolidated county shall have the same power as the  
25 city council referred to in such section. Such governing body also shall have the power to tax all  
26 sources of revenue which the previous county or incorporated towns therein had prior to such  
27 consolidation.

28 16. ~~That in~~ In the event of consolidation of ~~such counties and cities~~ a county and a city  
29 into a single county incorporating a tier-city therein, any rights provided to counties, cities and  
30 towns in Chapters ~~24~~ 32 (§ 15.2-3200 et seq.), ~~33~~ 33 (§ 15.2-3300 et seq.), ~~36~~ 36 (§ ~~15.1-966~~ 15.2-  
31 3600 et seq.), ~~21.1~~ 38 (§ ~~15.1-977.1~~ 15.2-3800 et seq.), ~~21.2~~ 22 (§ ~~15.1-977.19:1~~ et seq.), ~~22~~ (§

1 ~~15.1-982.1 et seq.~~, and ~~25 39~~ (§ ~~15.1-1032~~ 15.2-3900 et seq.) of ~~this title~~ may be modified or  
2 waived in whole or in part, as set forth in the consolidation agreement ~~or plan~~, provided that the  
3 modification or waiver does not conflict with the Constitution of Virginia and provided that such  
4 provision in the consolidation agreement ~~or plan~~ is approved pursuant to the provisions of  
5 Chapter ~~26.1-1~~ 34 (§ ~~15.1-1167.1~~ 15.2-3400 et seq.) of ~~this title~~ prior to the effective date of  
6 consolidation.

7 17. ~~That the~~ The agreement may provide for a subsequent referendum of the voters of all  
8 or part of one or more of the consolidating ~~jurisdictions~~ localities to be held after a favorable  
9 referendum on the initial question of consolidating. This subsequent referendum shall take the  
10 sense of the ~~qualified~~ voters of an area or areas of the consolidating ~~jurisdictions~~ localities, as  
11 determined in the discretion of the governing bodies of the consolidating ~~jurisdictions~~ localities,  
12 on the question of dividing that area or portion from the newly consolidated ~~jurisdiction~~ locality  
13 and ~~merging or~~ consolidating that area or portion with an adjoining ~~jurisdiction~~ locality not a part  
14 of the newly consolidated ~~jurisdiction~~ locality. The terms and conditions of this division and  
15 ~~merger~~ consolidation may be included in ~~said~~ the agreement or may be determined by the  
16 Commission on Local Government if the affected ~~jurisdictions~~ localities are unable to agree.  
17 The nonagreeing ~~jurisdiction~~ locality shall have the right to reject the recommendations of the  
18 Commission, and not accept ~~said~~ such area or portion.

19 18. ~~That in~~ In the event of consolidation of ~~such~~ counties and cities into a single city  
20 which completely surrounds another city, the agreement may provide for the subsequent  
21 unilateral ~~merger~~ consolidation of the surrounded city into the consolidated city at any time. The  
22 agreement shall provide that a referendum take the sense of the ~~qualified~~ voters of the  
23 surrounded city on the question of whether the surrounded city and the surrounding consolidated  
24 city shall consolidate.

25 19. ~~That in~~ In the event of consolidation of such counties and cities into a single city  
26 which completely surrounds another city, the agreement may provide for the subsequent  
27 unilateral ~~merger~~ consolidation and conversion of the surrounded city to a township within the  
28 surrounding consolidated city at any time. The agreement shall provide that a referendum take  
29 the sense of the ~~qualified~~ voters of the surrounded city on the question of whether ~~the surrounded~~  
30 such city shall convert to a township. The township may, in the discretion of its council, continue  
31 to be called a city and may formally be referred to as ..... city, a Virginia township. Such



1 township shall have no right to become an independent city, nor to annex or exercise any  
2 extraterritorial jurisdiction within the consolidated city but otherwise shall have the rights,  
3 powers and immunities granted towns. The consolidated city's legal relationship with such  
4 township shall be governed by the same laws that govern county-town relationships, except as  
5 modified herein.

6 ~~20. That in the event of consolidation of a county and city into a consolidated city, there~~  
7 ~~may be established a geographical and political subdivision within such consolidated city, to be~~  
8 ~~known as a "shire" or a "borough," or having such other name as may be established in the~~  
9 ~~consolidation plan, the corporate boundaries of which shall be the same as the existing city~~  
10 ~~which is included in the consolidated city. Such political subdivision shall apply for a charter~~  
11 ~~from the General Assembly and, when the charter is issued, shall thereafter have the same rights,~~  
12 ~~powers and obligations as towns exercise in counties, and such other rights, powers and~~  
13 ~~obligations as may be granted by general law or by charter. The consolidation agreement may~~  
14 ~~also include a provision permitting the shire, borough, or other unit of government to annex at~~  
15 ~~regular intervals by the adoption of an ordinance, if the shire, borough, or other political~~  
16 ~~subdivision agrees to renounce permanently any right to become a city. Any such provisions~~  
17 ~~permitting annexation shall provide for the regular and orderly growth of the shire, borough, or~~  
18 ~~other political subdivision in conjunction with the consolidated city and for an equitable sharing~~  
19 ~~of resources and liabilities. In the event the consolidation agreement provides for annexation by~~  
20 ~~ordinance, it shall also include provisions establishing a procedure by which property owners in~~  
21 ~~the area to be annexed may petition the Commission on Local Government for review of the~~  
22 ~~annexation proceedings. The Commission's review shall be limited to whether the shire,~~  
23 ~~borough, or other political subdivision substantially complied with the procedures and~~  
24 ~~requirements set forth in the consolidation agreement. Upon the filing of such a petition, the~~  
25 ~~Commission may stay the effective date of the annexation pending the outcome of its review. In~~  
26 ~~any consolidation which establishes a "shire" or "borough" pursuant to this subdivision, the~~  
27 ~~resulting consolidated city shall not annex any area of an adjacent county. Following the holding~~  
28 ~~of a hearing at which the parties may present evidence, the Commission shall enter an order~~  
29 ~~which shall either affirm the annexation ordinance without change or remand the ordinance for~~  
30 ~~further proceedings to comply with the procedures and the requirements of the consolidation~~  
31 ~~agreement. The order of the Commission shall be final and not subject to further review. The~~

1 consolidation agreement may further include provisions granting the shire, borough, or other unit  
2 of government the right to exercise subdivision regulation and zoning authority within  
3 designated areas of the consolidated city lying outside the boundaries of the shire, borough, or  
4 other political subdivision, and may also include provisions for representation for residents of  
5 such designated areas on the Planning Commission and Board of Zoning Appeals of the shire,  
6 borough or other unit of government.

7 **Drafting note: Provides, in subdivision 11, a method for consolidated cities to have**  
8 **the consolidation agreement amended that is similar to the method provided for**  
9 **consolidated counties in subdivision 12. Subdivisions 9d and 20 are stricken because the**  
10 **referendum which would have allowed a City of Bedford-Bedford County consolidation**  
11 **failed.**

12  
13 § ~~15.1-1135.1~~ 15.2-3535. Advertisement ~~Advertising~~ of charter.

14 The governing bodies, or a committee acting for and in lieu of the governing body under  
15 § ~~15.1-1132~~ 15.2-3531, may draft a charter for a consolidated city or a tier-city to be adopted as  
16 a part of the consolidation agreement ~~or plan for consolidation~~. The advertising of the  
17 consolidation agreement ~~or plan~~ as provided in § ~~15.1-1137~~ 15.2-3537 shall include a statement  
18 that a copy of the text of the charter is on file in the clerks' offices of the circuit courts of the  
19 consolidating ~~jurisdictions~~ localities and is open to public inspection.

20 **Drafting note: No substantive change in the law.**

21  
22 § ~~15.1-1136~~ 15.2-3536. Charter for consolidated city.

23 If a proposed charter for a consolidated city has been approved by the General Assembly  
24 for adoption in any area in which a consolidation of ~~political subdivisions~~ localities is proposed  
25 to be effected in accordance with the provisions of this article, then in any subsequent  
26 proceedings under the provisions of this article, such charter may be used as the basis for a new  
27 consolidation agreement, or upon petition of ten ~~per centum~~ percent of the ~~qualified~~ registered  
28 voters of any county and city as of January 1 of the year in which the petition is filed subject to  
29 the provisions of this article, such proposed charter may be submitted to the ~~qualified~~ voters of  
30 such counties and cities for adoption as the charter of ~~such~~ the consolidated city and shall in all  
31 respects fulfill the requirements of the consolidation agreement provided for in this article.

1           **Drafting note: No substantive change in the law.**

2  
3           § ~~15.1-1137~~ 15.2-3537. Publication of consolidation agreement.

4           ~~The governing body of each such county, city or town~~ Each locality which is a party to a  
5 consolidation agreement shall cause a copy of the consolidation agreement, or a descriptive  
6 summary of the agreement and a reference to the place in the locality where a copy of the  
7 agreement may be examined, thereafter to be printed published in its ~~county, city or town~~  
8 locality at least once a week for four successive weeks in ~~some a newspaper published, or~~ having  
9 a general circulation in; the ~~county, city or town~~ locality.

10           **Drafting note: No substantive change in the law.**

11  
12           § ~~15.1-1138~~ 15.2-3538. Order for election.

13           When publication of the consolidation agreement or ~~plan for consolidation~~ descriptive  
14 summary in each of the ~~counties, cities and towns~~ localities is completed, ~~of which the certificate~~  
15 ~~to the judges of the circuit courts having jurisdiction in the counties, cities and towns from the~~  
16 ~~owner, editor or manager of each newspaper publishing the same, shall be proof, or,~~ in the case  
17 of a proposed consolidated new city, when the court has entered an appropriate order under the  
18 provisions of § ~~15.1-1130.8 B~~ 15.2-3526 A, the respective chief judges of the circuit courts ~~of~~ for  
19 the counties and ~~of~~ for the cities, shall, by order entered of record in each ~~such~~ county and city,  
20 require the regular election officers of ~~such counties, cities and towns~~ the locality on the day  
21 fixed in the order, issued in accordance with § ~~24.1-165~~ Article 5 (§ 24.2-681 et seq.) of Chapter  
22 6 of Title 24.2, which date shall be the same in each of the ~~counties, cities and towns~~ localities  
23 proposing to consolidate, to open a poll and take the sense of the ~~qualified~~ voters of each ~~such~~  
24 ~~county, city and town~~ locality on the question submitted as hereinafter provided. ~~The special~~  
25 ~~election shall be held not more than 300 days from the completion of the consolidation~~  
26 ~~agreement, or, in the case of a proposed consolidated city, it shall be held no less than 180 days~~  
27 ~~from the completion of the consolidation agreement nor more than 300 days from the order~~  
28 ~~entered by the court under the provisions of § 15.1-1130.8 B.~~ Certification from the owner,  
29 editor or manager of each newspaper publishing the agreement or descriptive summary shall be  
30 proof of publication.

1           **Drafting note: The time frame in which the court orders an election is left subject to**  
2 **provisions of Title 24.2.**

3  
4           § ~~15.1-1139~~ 15.2-3539. Conduct of election.

5           The regular election officers, at the time designated in the order authorizing the vote,  
6 shall open the polls at the various voting places in their respective ~~counties, cities and towns~~  
7 localities and conduct the election in such manner as is provided by general law for other  
8 elections insofar as the same is applicable. The ballots for each county, including the towns  
9 therein, and for each city shall be prepared by the electoral boards thereof and distributed to the  
10 various election precincts thereof as provided by law. The ballots used shall be printed and shall  
11 contain the following:

12           Shall . . . . . (here insert the names of ~~counties, cities and towns~~ localities proposing  
13 to consolidate) consolidate?

14            ~~For~~ Yes

15            ~~Against~~ No

16           In the case of a consolidation agreement offering to the voters the option of choosing  
17 between two forms of government, the ballots used shall also contain the following:

18           What form of consolidated government shall be adopted?

19           (Vote for one only)

20            City charter, or

21            County form

22           If the option ~~be~~ is between other forms of county government, then the ballots shall be  
23 printed accordingly.

24           ~~The squares to be printed on such ballots are to be not less than one fourth or more than~~  
25 ~~one half inch in size. Any person voting at such election shall place a check (—Ö), or a cross (X~~  
26 ~~or +), or a line (—) in the square before the appropriate word indicating how he desires to vote on~~  
27 ~~the questions submitted.~~

28           **Drafting note: No substantive change in the law; unnecessary language is deleted.**

29  
30           § ~~15.1-1140~~ 15.2-3540. Result of elections; determination of form of government.

1           The ballots shall be counted and returns made and canvassed as in other elections, and the  
2 results certified by the ~~commissioners of election~~ electoral board to each of the judges of the  
3 circuit courts having jurisdiction in the ~~counties, cities and towns~~ localities proposing to be  
4 consolidated. If it ~~shall appear~~ appears by the report of the ~~commissioners of election~~ that a  
5 majority of the ~~qualified~~ voters of each ~~county, city and town~~ locality voting on the question  
6 submitted are in favor of the consolidation of the ~~counties, cities and towns~~, provided, however,  
7 that no separate vote on the question shall be required in towns within a county when such  
8 county proposes to consolidate in its entirety with a county or city having a common boundary,  
9 the judge or judges shall enter such fact of record in each such county and city and shall notify  
10 the Secretary of the Commonwealth; ~~and upon~~. Upon the day prescribed in the order for the  
11 consolidation agreement ~~or the plan of consolidation~~ to become effective, the ~~counties, cities and~~  
12 ~~towns~~ localities shall be consolidated into a city or into a city and one or more counties or into a  
13 single county as proposed in the consolidation agreement ~~or plan~~.

14           If the ~~plan of consolidation and~~ election offers to the voters ~~the a~~ a choice between forms of  
15 government, the question shall be determined by ~~the a~~ a majority of all the voters voting in such  
16 election and reported accordingly.

17           **Drafting note: No substantive change in the law.**

18  
19           § ~~15.1-1141~~ 15.2-3541. General effect of consolidation; officers.

20           Upon the effective date of consolidation, the ~~counties, cities and towns to be~~ localities so  
21 consolidated, other than the consolidated ~~city or county~~ or city or town, and other than townships  
22 as provided by § ~~15.1-1146.1~~ 15.2-3548, shall terminate, as shall the terms of office and the  
23 rights, powers, duties and compensation of the officers, agents and employees of each such  
24 county, city or town ~~other than the consolidated city~~. ~~In case~~ When such agreement ~~or plan~~  
25 provides for consolidation of the area into a county or city, or ~~in case~~ when such agreement ~~or~~  
26 ~~plan~~ provides for consolidation of the area into a county in which a tier-city will exist, then the  
27 judge or judges of the court or courts having jurisdiction within the area comprised by the  
28 consolidated county or city shall order an election to be held not less than ~~30~~ thirty nor more than  
29 185 days after the date upon which the referendum provided for in §§ ~~15.1-1138 to 15.1-1140~~  
30 15.2-3538, 15.2-3539 and 15.2-3540 was held, but at least ~~30~~ thirty days before the effective date

1 of such consolidation agreement ~~or plan~~, at which election officers for the new consolidated  
2 county or city, or for the new consolidated county and tier-city shall be elected.

3 The officers so elected shall take office upon the effective date of consolidation and shall  
4 serve until their successors have been elected, qualified and taken office. Their successors shall  
5 be elected at the next regular election time for such officers as provided for by general law.

6 No election required by this section or by § ~~15.1-1138~~ 15.2-3538 shall be held on the day  
7 of a primary election nor within the sixty days prior to a general or primary election. Should the  
8 final day by which either such election must be held fall within the sixty days prior to a general  
9 election, the required election must be held on the same day as the general election. Should such  
10 final day fall within the sixty days prior to a primary election, the required election must be held  
11 not less than thirty nor more than forty-five days after the primary election.

12 **Drafting note: No substantive change in the law; the second paragraph states**  
13 **provisions of general law.**

14  
15 § ~~15.1-1141.1~~ 15.2-3542. Governing body to be elected and take office before effective  
16 date of consolidation in certain cases; powers.

17 A. Notwithstanding the provisions of § ~~15.1-1141~~ 15.2-3541 or any other statutory  
18 provision, in any consolidation which results in the formation of a consolidated county ~~and with~~  
19 a tier-city therein, the consolidation agreement ~~or plan~~ may provide as follows:

20 1. The special election provided in § ~~15.1-1141~~ 15.2-3541 may apply solely to election of  
21 members of boards of supervisors and members of tier-city councils, with all other elected  
22 officers being elected at the general election next preceding the effective date of consolidation.

23 2. Members of the governing bodies elected at such special elections may assume office  
24 immediately upon qualification, and no later than thirty days following the date upon which the  
25 special election was held, as provided in § ~~24.1-75~~ 24.2-201, and shall hold office prior to the  
26 effective date of consolidation, only for such of the following limited purposes as may be  
27 provided by the consolidation agreement ~~or plan~~:

28 a. Organization of itself and election of one of its members as chairman of the board of  
29 supervisors or as ~~president of council~~ (mayor), as the case may be.

1           b. Preparation and approval of budgets applicable to the respective newly formed  
2 governmental entities, for the fiscal year or partial fiscal year beginning with the effective date of  
3 consolidation.

4           c. Adoption of ordinances required or permitted by the consolidation agreement ~~or plan~~,  
5 to be effective upon the date of consolidation.

6           d. Hiring by the newly elected tier-city council of a tier-city manager, tier-city attorney  
7 and clerk of council.

8           e. Hiring by the newly elected board of supervisors of its chief ~~executive~~ administrative  
9 officer, county attorney, and clerk of board.

10          f. Negotiation, preparation and approval of leases, servicing agreements, and other  
11 documents required by the consolidation agreement ~~or plan~~, or otherwise deemed advisable.

12          B. Prior to the effective date of consolidation, provision shall be made for funding ~~of the~~  
13 ~~transitional~~ activities described in subdivision A 2 ~~shall be made by the governmental entities~~  
14 ~~seeking to consolidate~~ of subsection A.

15          C. Upon the effective date of consolidation, all elected officers who have taken the oath  
16 of office shall assume full powers, duties, rights and responsibilities of their respective offices.

17          D. Any member of a governing body of a consolidating ~~jurisdiction~~ locality may be  
18 elected to public office, for which he or she is otherwise qualified, in a governing body of a new  
19 ~~jurisdiction~~ governmental entity formed by consolidation. For the limited time period and limited  
20 purposes specified in subdivision A 2 of subsection A, such officers may hold both offices at the  
21 same time ~~and shall be deemed to be shared by the consolidating government with the~~  
22 ~~government unit formed by consolidation~~.

23           **Drafting note: No substantive change in the law; unnecessary language deleted.**

24  
25           § ~~15.1-1141.2~~ 15.2-3543. Electoral board, general registrar and officers of election.

26          A. ~~In the event of the consolidation of~~ If any county and all incorporated towns located  
27 therein consolidate into a county or city, the members of the electoral board, general registrar  
28 and officers of election of the consolidating county or city shall continue to serve as like officers  
29 of the consolidated county or city until the expiration of the terms to which they were appointed.

30          B. ~~In the event~~ If one or more counties or cities consolidate into a single county or city,  
31 the provisions set forth in this subsection shall apply as follows:

1           1. Electoral Board. - The terms of the electoral board members of the consolidating  
2 ~~jurisdictions~~ localities shall expire on the effective date of consolidation. The judges of the  
3 circuit courts of the consolidating ~~jurisdictions~~ localities, no later than thirty days prior to the  
4 effective date of consolidation, shall appoint pursuant to §§ ~~24.1-29 and 24.1-33~~ 24.2-106 for the  
5 consolidated county or city an electoral board of three members who shall qualify and take office  
6 on the day following the effective date of consolidation. The term of the first member so  
7 appointed shall expire at midnight on the last day of February in the year following the year in  
8 which he takes office; the term of the second member appointed shall expire one year later; and  
9 the term of the third member shall expire two years later. At a meeting to be held on the day its  
10 members take office, the electoral board for the consolidated county or city shall (i) designate  
11 one of the general registrars of the consolidating jurisdictions to serve as the general registrar of  
12 the consolidated county or city until midnight on March 31 following the effective date of  
13 consolidation; and (ii) appoint pursuant to §§ ~~24.1-32, 24.1-33~~ 24.2-109 and ~~24.1-105~~ 24.2-115  
14 the officers of election for the consolidated county or city. At a meeting to be held in the first  
15 week of March following the effective date of consolidation, such electoral board shall appoint  
16 pursuant to §§ ~~24.1-32, 24.1-33~~ 24.2-109 and ~~24.1-43~~ 24.2-110 a general registrar for the  
17 consolidated county or city who shall qualify and take office on April 1 following the effective  
18 date of consolidation and serve for the remainder of the term set forth in § ~~24.1-43~~ 24.2-110.

19           2. General Registrar. - The general registrars of the consolidating jurisdictions shall  
20 continue in office, with one of them designated the general registrar for the consolidated county  
21 or city as hereinabove provided, until midnight on March 31 following the effective date of  
22 consolidation during which time they shall compile, on the schedule and in the manner  
23 prescribed by the State Board of Elections, the registration records for the consolidated county or  
24 city. The governing body of the consolidated county or city shall pay the salary of each such  
25 general registrar in the amount authorized by the State Board of Elections and shall be  
26 reimbursed for such compensation from the state treasury.

27           3. Officers of Election. - The terms of the officers of election of the consolidating  
28 jurisdictions shall expire on the effective date of consolidation.

29           **Drafting note: No substantive change in the law.**

30  
31           § ~~15.1-1142~~ 15.2-3544. Effect on pending suits.



1 Any action or proceeding pending by or against any ~~counties, cities or towns so~~ of the  
2 consolidated localities may be perfected to judgment as if such consolidation had not taken  
3 place, or the consolidated ~~city, or county or counties,~~ locality, if any, may be substituted  
4 ~~according to where the cause of action arose.~~

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-1143~~ 15.2-3545. Effect on assembly districts.

8 For the purpose of representation of the consolidated localities in the General Assembly,  
9 the existing senatorial and house districts shall continue until changed in accordance with law;  
10 ~~with the consolidated city or county being deemed a part of each existing senatorial and house~~  
11 ~~district of which the several consolidation subdivisions were a part; provided, that the entire~~  
12 ~~district is within the consolidated city or county, and provided further, that where a portion of a~~  
13 ~~district is within the consolidated city or county such portion shall remain a part of the existing~~  
14 ~~senatorial and house district of which the former subdivision was a part.~~

15 **Drafting note: No substantive change in the law.**

16  
17 § ~~15.1-1144~~ 15.2-3546. Effect on jurisdiction of courts; ~~selecting juries.~~

18 Unless and until changed by general law, the jurisdiction and authority of the circuit ~~and~~  
19 ~~corporation~~ courts having jurisdiction within any area covered by the consolidation ~~plan or~~  
20 ~~agreement shall be coterminous with the area of the consolidated city or county, unless and to the~~  
21 ~~extent modified by a consolidation charter or agreement~~ remain as provided for in general law as  
22 if no consolidation had occurred. ~~The juries for the trial of cases in any courts of record in any~~  
23 ~~political subdivision created as the result of any consolidation shall be chosen at large from the~~  
24 ~~entire political subdivision; provided, however, that as soon as practicable after the effective date~~  
25 ~~of consolidation, the judges of the courts of record, acting together, shall commingle the names~~  
26 ~~of the jurors heretofore chosen as they appear on the respective jury lists of the political~~  
27 ~~subdivisions so consolidating in existence on the effective date of consolidation; and the said~~  
28 ~~judges shall proportionately divide the names of the jury lists into as many groups as there are~~  
29 ~~courts of record in the political subdivisions so consolidating, which groups shall be delivered by~~  
30 ~~the judges to the clerks of the respective courts of record; which respective lists of jurors, the~~  
31 ~~respective courts and clerks shall use for the drawing of juries until the following February 15.~~

1           **Drafting note: Deletes all reference to modifying the geographical area of a circuit**  
2 **court.**

3  
4           § ~~15.1-1145~~ 15.2-3547. Consolidation of entire county requires no action of town  
5 council.

6           An entire county may be consolidated with any county or city having a common  
7 boundary in accordance with the foregoing provisions of this article without the necessity of any  
8 action concerning the ~~same~~ consolidation being taken by the council of any town situated in such  
9 county and without the necessity of a separate referendum in any such ~~towns~~ town on the  
10 question of the consolidation.

11           **Drafting note: No substantive change in the law.**

12  
13           ~~§ 15.1-1146.~~

14           ~~Repealed by Acts 1979, c. 85.~~

15  
16           § ~~15.1-1146.1~~ 15.2-3548. Effect on town charter.

17           A. Notwithstanding any other provision of this article, any town located within or  
18 partially within a county proposing to consolidate with another county or city, or combination  
19 thereof, into a consolidated county and which is not a party to ~~such~~ the consolidation agreement,  
20 shall continue as a town in ~~such~~ the consolidated county.

21           B. Notwithstanding any other provision of this article, in the event a proposed  
22 consolidation of a county with another county or city into a consolidated city is approved by the  
23 voters as provided in § ~~15.1-1140~~ 15.2-3540, any town located within or partially within a  
24 county and not a party to the consolidation agreement shall continue as a township. The charter  
25 of such town shall become the charter of the township. Such townships established pursuant to  
26 this subsection shall continue to exercise such powers and elect such officers as the township  
27 charter may authorize and shall exercise ~~and~~ such other powers as ~~the former~~ towns ~~previously~~  
28 ~~exereised~~ exercise under general law. ~~Provided, however~~ However, no township shall exercise  
29 the ~~authority~~ powers granted towns by Chapter ~~22 38~~ (~~§ 15.1-982.1~~ 15.2-3800 et seq.) ~~of this title~~  
30 or by Article 1 (~~§ 15.1-1032~~ 15.2-3200 et seq.); ~~of~~ Chapter ~~25 32~~ of this title, or any  
31 extraterritorial authority granted towns by Chapter ~~44 22~~ (~~§ 15.1-427~~ 15.2-2200 et seq.) ~~of this~~

1 ~~title~~. The consolidated city shall exercise such powers in the township as were exercised by the  
2 county in the town prior to consolidation. Townships shall receive from the Commonwealth  
3 financial assistance in the same manner and to the same extent as is provided towns; ~~provided,~~  
4 ~~however, a.~~ A township may transfer all or part of the revenues it receives, the services it  
5 performs, its facilities, other assets, and debts to the consolidated city by ~~mutual~~ agreement of the  
6 governing bodies.

7 **Drafting note: No substantive change in the law.**

8  
9 § ~~15.1-1146.1:1~~ 15.2-3549. Powers of a tier-city.

10 Notwithstanding any other provisions of this article, any city located entirely within the  
11 boundary of any county proposing to consolidate with such county, and which ~~shall become~~  
12 becomes a tier-city shall have, mutatis mutandis, all the powers, duties and responsibilities of a  
13 town together with such additional powers as may be granted it by ~~general~~ law, general or  
14 special ~~charter~~. The appropriate provisions of the charter ~~of~~ for such city may be made a part of  
15 the consolidation agreement ~~or plan~~ and in that event shall become the charter of such tier-city,  
16 subject to the subsequent approval of the General Assembly. Such tier-city established pursuant  
17 to this section shall continue to exercise such powers and elect such officers as the tier-city  
18 charter may authorize and such other powers as tier-cities or towns exercise under general law.  
19 Except for those powers reserved to the tier-city in the consolidation agreement ~~or plan~~, the  
20 consolidated county shall exercise such powers in the tier-city as are exercised by counties in  
21 towns. Tier-cities shall receive from the Commonwealth financial assistance in the same manner  
22 and to the same extent as is provided towns; ~~however, such.~~ A tier-city may transfer all or part  
23 of the revenues it receives, the services it performs, its facilities, or other assets to the county by  
24 ~~mutual~~ agreement of the governing bodies. The governing bodies may provide by ~~mutual~~  
25 agreement for the assumption of all or part of the tier-city's debt by the consolidated county. The  
26 tier-city boundaries within the county may be established initially as agreed to and provided for  
27 in the consolidation agreement ~~or plan~~.

28 **Drafting note: No substantive change in the law.**

29  
30 § ~~15.1-1146.1:2~~. Powers of a shire, borough, etc.

1           ~~Any city which consolidates with a county into a consolidated city and which shall~~  
2 ~~become a shire, borough, or other political subdivision within the consolidated city pursuant to~~  
3 ~~subdivision 20 of § 15.1-1135 shall have, mutatis mutandis, all the powers, duties and~~  
4 ~~responsibilities exercised by towns within counties, unless otherwise specifically provided,~~  
5 ~~together with such additional powers and responsibilities as may be granted it by general law or~~  
6 ~~charter. Except for those powers reserved to the shire, borough, or other political subdivision in~~  
7 ~~the consolidation plan, the consolidated city shall exercise such powers in the shire, borough, or~~  
8 ~~other unit of government as are exercised by counties in towns. Shires, boroughs, or such other~~  
9 ~~political subdivisions shall receive financial assistance from the Commonwealth in the same~~  
10 ~~manner and to the same extent as is provided to towns. Such a shire, borough, or other political~~  
11 ~~subdivision may transfer to the consolidated city all or part of the revenues it receives, the~~  
12 ~~services it performs, its facilities, other assets, or any portion of its debt as provided in the~~  
13 ~~consolidation agreement. The consolidated city may transfer to the shire, borough, or such other~~  
14 ~~political subdivision all or part of the revenues it receives, the services it performs, its facilities,~~  
15 ~~other assets, or any portion of its debt as provided in the consolidation agreement.~~

16           **Drafting note: Repealed; this section is repealed because the referendum which**  
17 **would have allowed a City of Bedford-Bedford County consolidation failed.**

18  
19           ~~§ 15.1-1147~~ 15.2-3550. Effect of consolidation into single county; exceptions for tier-  
20 city.

21           If the consolidation agreement ~~or plan shall provide~~ provides for the consolidation of ~~the~~  
22 ~~county or~~ counties, cities and towns or any of them into a single county, and such agreement ~~or~~  
23 ~~plan~~ is approved by a majority of the voters voting in the election ~~hereinabove~~ provided for in  
24 this article, then the existence of such ~~county or counties, cities and towns~~ localities as ~~political~~  
25 ~~subdivisions~~ governmental entities of the Commonwealth shall cease, except as to towns ~~may be~~  
26 continued under the provisions of ~~§ 15.1-1146.1, on the effective date set forth in the order~~  
27 ~~calling such election, and the § 15.2-3548.~~ The governmental powers and functions of such  
28 ~~political subdivisions~~ the consolidated governmental entities shall be transferred to the county  
29 therein provided for, except as herein otherwise set forth. The streets of the former cities and  
30 towns ~~which have been consolidated as a part of the consolidated county~~ shall become and  
31 remain a part of the State Highway System unless otherwise provided in ~~any~~ the consolidation

1 agreement or plan. Representation of the counties, cities and towns in the General Assembly of  
2 Virginia shall continue to be by the same geographical area as it is immediately prior to the  
3 effective date of the consolidation plan or agreement, until changed by general law. All property,  
4 real and personal, of each such county, city or town shall be transferred to and vested in such  
5 consolidated county, except as may be otherwise provided for in the consolidation agreement or  
6 plan providing for the establishment of a tier-city. All suits or actions or causes of action pending  
7 by or against any such county, city or town shall continue to exist and may be brought or  
8 continued by or against such consolidated county, except as may be otherwise provided for in the  
9 consolidation agreement or plan providing for the establishment of a tier-city.

10 **Drafting note: No substantive change in the law; representation is covered by §**  
11 **15.2-3547.**

12  
13 ~~§ 15.1-1148.~~

14 ~~Repealed by Acts 1979, c. 85.~~

15  
16 **Article 5.**

17 ~~Division of Certain Counties; Consolidation With Existing City, Cities, or Town.~~

18  
19 **Article drafting note: The provisions of this article are repealed since it pertains**  
20 **only to Roanoke County, the Cities of Roanoke and Salem and the Town of Vinton. The**  
21 **provisions have not been used in over 25 years.**

22  
23 ~~§ 15.1-1149. Authority to divide and consolidate.~~

24 ~~By complying with the requirements and procedure hereinafter specified in this article,~~  
25 ~~any county containing within its boundaries two cities of the first class may be divided into two~~  
26 ~~or more areas or parts and such areas or parts consolidated with two or more existing cities, or~~  
27 ~~with an existing city or cities and an existing town in such county; any such town to thereafter~~  
28 ~~become a city of the first class.~~

29 **Drafting note: Repealed.**

30

1           ~~§ 15.1 1150. Consolidation agreement generally; advisory committees; filing of~~  
2 ~~agreement and petition for referendum.~~

3           ~~The board of supervisors or council or other governing body of any such county, city or~~  
4 ~~town desiring to consolidate with any two or more existing cities or with an existing city or cities~~  
5 ~~and an existing town in such county may enter into a joint agreement for such consolidation,~~  
6 ~~setting forth in such consolidation agreement the following:-~~

7           ~~(1) The names of the county, cities and town which it is proposed to consolidate;-~~

8           ~~(2) The name of the cities, or of the city or cities and of the town into which it is~~  
9 ~~proposed to consolidate the parts of such county;-~~

10           ~~(3) The property, real or personal, belonging to each such county, city or town, the~~  
11 ~~ownership of which would be affected by the plan, the fair value thereof in current money of the~~  
12 ~~United States, and the name of the city proposed to acquire such ownership;-~~

13           ~~(4) The indebtedness, bonded and otherwise, of each such county, city or town;-~~

14           ~~(5) The day upon which the consolidation agreement shall become effective; and-~~

15           ~~(6) Any other provisions which may be properly embodied in such agreement.-~~

16           ~~Each such governing body may appoint an advisory committee composed of three~~  
17 ~~persons to assist it in the preparation of such agreement, and may pay the members of such~~  
18 ~~advisory committee reasonable compensation, approved as to a county by the judge of the circuit~~  
19 ~~court thereof, as to a town by the judge of the circuit court of the county in which such town is~~  
20 ~~situated, and as to a city by the judge of the circuit court.-~~

21           ~~A duly executed copy of the consolidation agreement together with a petition on behalf of~~  
22 ~~the several governing bodies, signed by the chairman and the clerk of each such bodies, asking~~  
23 ~~that a referendum on the question of consolidation of the counties, cities and towns, shall be filed~~  
24 ~~with the judge of each circuit court having jurisdiction in the counties, cities and towns parties to~~  
25 ~~the agreement.-~~

26           **Drafting note: Repealed.**

27  
28           ~~§ 15.1 1151. Continuation of services of Department of Transportation after~~  
29 ~~consolidation.~~

30           ~~However, when any county, or county and town, is consolidated into two or more cities~~  
31 ~~as provided for in this article, the governing body of each such city emerging from such~~

1 consolidation may request of the Commissioner of the Department of Transportation and upon  
2 such request he shall grant the full services of the Department of Transportation in those areas  
3 which were formerly a county or parts of such county for a period not to exceed ten years from  
4 the effective date of such consolidation in the same manner and to the same extent such services  
5 were rendered prior to such consolidation. Funds for the maintenance, construction or  
6 reconstruction of streets within the areas formerly a county shall continue to be allocated as if  
7 such areas were still in the county and such cities shall not receive funds for maintenance,  
8 construction or reconstruction of streets in those areas during the period the Transportation  
9 Department furnishes such services. In those areas where the Department of Transportation is  
10 requested to provide the above services the governing body of such cities shall have control over  
11 the streets and highways to the same extent as was formerly vested in the governing body of the  
12 county.

13 **Drafting note: Repealed.**

14  
15 ~~§ 15.1-1151.1. Continuation of services of Department of State Police after consolidation.~~

16 ~~When any such county, or county and town is consolidated into two or more cities as~~  
17 ~~provided in this article, the governing body of any such city may request of the Superintendent of~~  
18 ~~State Police, and upon such request he shall grant the services of the Department of State Police~~  
19 ~~in those areas of the counties which were merged into such city for a period of ten years after the~~  
20 ~~effective date of such merger.~~

21 **Drafting note: Repealed.**

22  
23 ~~§ 15.1-1152. Required provisions of consolidation agreement or plan.~~

24 ~~Any consolidation agreement or plan adopted pursuant to this article shall contain the~~  
25 ~~following provisions:-~~

26 ~~(1) The disposition of all property, real or personal, of any county, city, or town affected~~  
27 ~~by the proposed consolidation, including any and all debts due to any such county, city or town;-~~

28 ~~(2) Reimbursement for, or assumption of a just proportion of all existing debt of any such~~  
29 ~~county or town, territory of which is proposed to be consolidated in accordance with the~~  
30 ~~provisions of this article; and-~~

1           ~~(3) The method by which the referendum on the plan shall be held in each governmental~~  
2 ~~subdivision and whether the vote of qualified voters in any town shall be taken separately or as a~~  
3 ~~part of the vote of the county.~~

4           **Drafting note: Repealed.**

5  
6           ~~§ 15.1-1153. Transfer of property and indebtedness.~~

7           ~~If the proposed consolidation is approved by qualified voters as provided in the plan, then~~  
8 ~~the title to all property shall be vested in and the indebtedness become a debt of the respective~~  
9 ~~cities according to the plan or agreement, without any further act or deed.~~

10          **Drafting note: Repealed.**

11  
12          ~~§ 15.1-1154. Optional provisions of consolidation agreement or plan.~~

13          ~~Any such consolidation agreement or plan may contain any of the following provisions:-~~

14           ~~(1) That in any county territory becoming a part of any city in accordance with the~~  
15 ~~provisions of this article, there shall be no increase in real estate assessments for a period not~~  
16 ~~exceeding five years following the effective date of such consolidation except for permanent~~  
17 ~~improvements made after such consolidation.~~

18           ~~(2) That the rate of tax on real property in any such county territory shall not be increased~~  
19 ~~for a period not exceeding five years following such effective date, or that the rate of tax on real~~  
20 ~~property in any such county territory shall be adjusted from year to year from the tax rate then~~  
21 ~~applicable to such county territory at the time the consolidation takes effect.~~

22           ~~(3) That geographical subdivisions of the consolidated cities, to be known as boroughs,~~  
23 ~~may be established, which may be the same as the existing cities, towns, counties or portions of~~  
24 ~~counties included in the consolidated cities; the names of such boroughs shall be set forth in the~~  
25 ~~consolidation agreement.~~

26           ~~(4) That in the event of the establishment of such boroughs, it shall be the duty of the~~  
27 ~~Commonwealth Transportation Board and the Director of Conservation and Recreation to erect~~  
28 ~~suitable monuments or markers indicating the limits of such geographical subdivisions and~~  
29 ~~setting forth the history of each.~~

30           ~~(5) That in the event of establishment of consolidated cities, there shall be a new election~~  
31 ~~of officers therefor whose election and qualification shall terminate the terms of office of their~~



1 predecessors; provision may be made for the exclusion from such new election of such elective  
2 officers as is deemed desirable.

3 ~~(6) That in the event of the establishment of a consolidated city the tax rate on all  
4 property of the same class within the city shall be uniform; provided that the council shall have  
5 power to levy a higher tax in such areas of the city as desire additional or more complete services  
6 of government than are desired in the city as a whole and, in such case, the proceeds therefrom  
7 shall be so segregated as to enable the same to be expended in the areas in which raised.  
8 Provided further that such higher tax rate shall not be levied for school, police or general  
9 government services but only for those services which prior to consolidation were not offered in  
10 the whole of all the consolidated political subdivisions.~~

11 ~~(7) The aforesaid agreement may incorporate any provisions of any charter heretofore  
12 granted by the General Assembly of Virginia for any of the cities proposing to consolidate or any  
13 proposed consolidated city. It is the intention of this subsection to permit the drafting by the  
14 governing bodies, or the committees acting for and in lieu of the governing bodies under § 15.1-  
15 1132, of a composite charter to be adopted as a part of the consolidation agreement or plan for  
16 the proposed consolidated city, which shall have the same force and effect as if granted ab initio  
17 by the General Assembly of Virginia. In such composite charter the name of the consolidated  
18 city, if agreed upon, shall be inserted in lieu of the name of the city which may be specified in  
19 the original charters from which the composite charter provisions are taken.~~

20 ~~(8) Said agreement may provide, further, for the dissolution of any public service  
21 authority theretofore existing and operating in any part of such territory pursuant to Chapter 28  
22 (§ 15.1-1239 et seq.) of this title, and for the distribution of the assets of such authority and for  
23 the assumption of any debts, contracts and other obligations of such authority, such dissolution to  
24 take effect at such time and in such manner as is set out in said agreement.~~

25 **Drafting note: Repealed.**

26  
27 ~~§ 15.1-1155. Charter for consolidated city.~~

28 ~~If a proposed charter for any city has been approved by the General Assembly for  
29 adoption in any area in which a consolidation of political subdivisions is proposed to be effected  
30 in accordance with the provisions of this article, then in any subsequent proceedings under the  
31 provisions of this article, such charter may be used as a basis for a consolidation agreement.~~

1           **Drafting note: Repealed.**

2  
3           ~~§ 15.1-1156. Publication of consolidation agreement.~~

4           ~~Upon the filing of such agreement with the respective courts, the governing body of each~~  
5 ~~such county, city or town shall cause a copy of the consolidation agreement to be printed in its~~  
6 ~~county, city or town at least once a week for four successive weeks in some newspaper~~  
7 ~~published, or having a general circulation in, the county, city or town.~~

8           **Drafting note: Repealed.**

9  
10          ~~§ 15.1-1157. Order for election.~~

11          ~~When publication of the consolidation agreement or plan for consolidation in each of the~~  
12 ~~counties, cities and towns is completed, of which the certificate to the judges of the circuit courts~~  
13 ~~having jurisdiction in the counties, cities and towns from the owner, editor or manager of each~~  
14 ~~newspaper publishing the same, shall be proof, the respective judges of the circuit courts of the~~  
15 ~~counties and of the cities, shall by order entered of record, in accordance with § 24.1-165, in~~  
16 ~~each such county and city require the regular election officers of such counties, cities and towns~~  
17 ~~on the day fixed in the order, which date shall be the same in each of the counties, cities and~~  
18 ~~towns proposing to consolidate, to open a poll and take the sense of the qualified voters of each~~  
19 ~~such county, city and town on the question submitted as hereinafter provided. If a special~~  
20 ~~election is called it shall be held not more than 300 days from the completion of the~~  
21 ~~consolidation agreement, if any. Such orders shall specify the date on which the consolidation~~  
22 ~~agreement or plan shall become effective, which shall be not less than 60 nor more than 450 days~~  
23 ~~after such elections. The provisions of this section as to the calling and holding of elections on~~  
24 ~~consolidation agreements and on plans of consolidation shall apply mutatis mutandis to any~~  
25 ~~prospective charter for any such consolidated city approved by the General Assembly for~~  
26 ~~adoption in any area subject to the provisions of this article, and the fact that any such charter has~~  
27 ~~been granted shall be deemed to be notice to the public in any such area and publication thereof~~  
28 ~~shall not be required in any event.~~

29          **Drafting note: Repealed.**

30  
31          ~~§ 15.1-1158. Conduct of elections.~~

1           ~~The regular election officers, at the time designated in the orders authorizing the vote,~~  
2 ~~shall open the polls at the various voting places in their respective counties, cities and towns and~~  
3 ~~conduct the elections in such manner as is provided by general law for other elections insofar as~~  
4 ~~the same is applicable. The ballots for each county, including the towns therein, and for each city~~  
5 ~~shall be prepared by the electoral boards thereof and distributed to the various election precincts~~  
6 ~~thereof as provided by law. The ballots used shall be printed and shall contain the following:-~~

7           ~~Shall the plan agreed upon by the governing bodies of . . . . . (insert names of~~  
8 ~~county, cities and town proposed to be consolidated) for a division of . . . . . (county), its~~  
9 ~~parts to be consolidated with . . . . . (insert names of cities and towns) as provided in the~~  
10 ~~plan, be approved?~~

11            ~~For~~

12            ~~Against~~

13           ~~The squares to be printed on such ballots are to be not less than one fourth or more than~~  
14 ~~one half inch in size. Any person voting at such election shall place a check (—Ö), or a cross (X~~  
15 ~~or +), or a line (—) in the square before the appropriate word indicating how he desires to vote on~~  
16 ~~the questions submitted.—~~

17           **Drafting note: Repealed.**

18  
19           ~~§ 15.1-1159. Result of elections.~~

20           ~~The ballots shall be counted and returns made and canvassed as in other elections, and the~~  
21 ~~results certified by the commissioners of election to each of the judges of the circuit courts~~  
22 ~~having jurisdiction in the counties and towns and to each of the judges of the corporation courts~~  
23 ~~having jurisdiction in the cities proposed to be consolidated. If it shall appear by the report of the~~  
24 ~~commissioners of election that a majority of the qualified voters of each county, city and town,~~  
25 ~~voting as provided in the plan on the question submitted, are in favor of the consolidation of the~~  
26 ~~county, cities and towns, the judge or judges shall enter such fact of record in each such county~~  
27 ~~and city; and upon the day prescribed in the orders for the consolidation agreement or the plan of~~  
28 ~~consolidation to become effective the county and town areas shall be consolidated into the cities~~  
29 ~~as proposed in the consolidation agreement or plan.—~~

30           **Drafting note: Repealed.**

1           § 15.1-1160. ~~General effect of consolidation; officers.~~

2           Upon the day that the consolidation agreement or plan takes effect the continuance of the  
3 county and town named in such agreement or plan shall terminate, as shall the terms of office  
4 and the rights, powers, duties and compensation of the officers, agents and employees of each  
5 such county and town, unless the consolidation agreement or plan provides for a continuance of  
6 officers, agents and employees in similar positions with the remaining or resultant cities. In case  
7 such agreement or plan provides for the holding of any special election or for the election by  
8 qualified voters of any new officers, then the judge or judges of the court or courts having  
9 jurisdiction of elections within the areas of the resultant cities shall order an election or elections  
10 to be held not less than thirty nor more than ninety days after the date upon which the  
11 referendum provided for in § 15.1-1159 was held, but at least thirty days before the effective date  
12 of such consolidation agreement or plan, at which election officers for the new or enlarged cities  
13 shall be elected and such other matters as are agreed to be submitted to referendum shall be  
14 settled.

15           **Drafting note: Repealed.**

16  
17           § 15.1-1161. ~~Effect on pending suits.~~

18           Any action or proceeding pending by or against any county or town so consolidated may  
19 be perfected to judgment as if such consolidation had not taken place, or the appropriate city  
20 shall be substituted according to how or where the cause of action arose. Actions proceeded to  
21 final judgment against the former county shall be paid and satisfied by the new or enlarged city,  
22 as agreed upon in the plan of consolidation.

23           **Drafting note: Repealed.**

24  
25           § 15.1-1162. ~~Effect on assembly districts.~~

26           For the purpose of representation in the General Assembly the existing senatorial and  
27 house districts shall continue until changed in accordance with law, with the consolidated cities  
28 being deemed a part of the existing senatorial and house district of which the several  
29 consolidation subdivisions were a part; provided, that the entire district is within the consolidated  
30 cities, and provided further, that where a portion of a district is within one of the consolidated

1 cities, such portion shall remain a part of the existing senatorial and house district of which the  
2 former subdivision was a part.

3 **Drafting note: Repealed.**

4  
5 ~~§ 15.1 1163. Effect on jurisdiction of courts; selecting juries.~~

6 ~~Unless and until changed by general law, the jurisdiction and authority of the circuit and~~  
7 ~~corporation courts having jurisdiction within any area covered by the consolidation plan or~~  
8 ~~agreement shall be coterminous with the area of the consolidated cities, unless and to the extent~~  
9 ~~modified by a consolidation charter or agreement. The juries for the trial of cases in any courts of~~  
10 ~~record in any political subdivision created as the result of any consolidation shall be chosen at~~  
11 ~~large from the entire political subdivision; provided, however, that as soon as practicable after~~  
12 ~~the effective date of consolidation, the judges of the courts of record, acting together, shall~~  
13 ~~commingle the names of the jurors heretofore chosen as they appear on the respective jury lists~~  
14 ~~of the political subdivision so consolidating in existence on the effective date of consolidation;~~  
15 ~~and the said judges shall proportionately divide the names of the jury lists into as many groups as~~  
16 ~~there are courts of record in the political subdivisions so consolidating, which groups shall be~~  
17 ~~delivered by the judges to the clerks of the respective courts of record; which respective lists of~~  
18 ~~jurors, the respective courts and clerks shall use for the drawing of juries until the following~~  
19 ~~February 15.~~

20 **Drafting note: Repealed.**

21  
22 ~~§ 15.1 1164. Effect on town charter.~~

23 ~~If the territory comprised within the limits of any such town be agreed to become a city~~  
24 ~~or a part of a city, such town shall become a city of the first class by proceedings to be taken as~~  
25 ~~provided by law and in the plan or agreement.~~

26 **Drafting note: Repealed.**

27  
28 **Article 6:**

29 **Consolidation of Governmental Units; Prohibition.**

30  
31 ~~§ 15.1 1165.~~

1      ~~Repealed by Acts 1979, c. 85.~~



1           1. The petition has been available for public inspection in the office of the clerk of the  
2 circuit court; and

3           2. The following have been published once a week for four successive weeks in a  
4 newspaper having general circulation in the county:

5           a. Notice of the time and place the petition would be presented; and

6           b. The text of the petition in full; or

7           c. A descriptive summary of the petition and notice that the petition may be inspected at  
8 the circuit court clerk's office.

9  
10           **Drafting note: The provision regarding posting of the petition has been deleted**  
11 **because the Code Commission is unaware of any county in which there is no newspaper**  
12 **having general circulation.**

13  
14           § ~~15.1-966.1~~ 15.2-3601. Hearing before Commission on Local Government; notice;  
15 parties; finding of Commission.

16           Upon request of the special court, the Commission on Local Government shall conduct a  
17 hearing to determine whether the criteria in § ~~15.1-967~~ 15.2-3602 have been satisfied ~~in the area~~  
18 ~~to be incorporated as a town by the county or counties in which the area is located.~~ The hearing  
19 shall be set no less than thirty days after receipt of the petition by the Commission. All interested  
20 parties may present evidence before the Commission, and any county ~~or counties~~ in which is  
21 located the area proposed for incorporation shall be made parties to the Commission's hearing.

22           **Drafting note: No substantive change in the law. The deleted language is**  
23 **unnecessary and unclear.**

24  
25           § ~~15.1-967~~ 15.2-3602. Proof required and order for incorporation.

26           A. The special court shall be satisfied order that the proposed town be incorporated upon  
27 proof that:

28           ~~(1)~~ 1. It will be ~~to~~ in the interest of the inhabitants within the proposed town;

29           ~~(2)~~ 2. The prayer of the petition is reasonable;

30           ~~(3)~~ 3. The general good of the community will be promoted;

31           ~~(4)~~ 4. The number of inhabitants of the proposed town exceeds 1,000;



1           (5) 5. The area of land designated to be embraced within the town is not excessive;

2           (6) 6. The population density of the county in which such community is located does not  
3 exceed 200 persons per square mile according to the last preceding United States census, or other  
4 census directed by the court; and

5           (7) ~~That the~~ 7. The services required by the community cannot be provided by the  
6 establishment of a sanitary district, or under other arrangements provided by law, or through  
7 extension of existing services provided by the county in which ~~such~~ the community is located.

8           ~~Such court shall by an~~

9           B. ~~The order reciting~~ shall recite the substance of the petition and the due publication  
10 thereof, ~~that it is to the best interests of the inhabitants of the locality, that the general good of the~~  
11 ~~community will be promoted by the incorporation of the town, that the services sought by~~  
12 ~~incorporation cannot be provided by the establishment of a sanitary district or other~~  
13 ~~arrangements provided by law, or through extension of existing services provided by the county,~~  
14 ~~and that the number of inhabitants exceeds 1,000, and that the county does not have a population~~  
15 ~~density in excess of 200 persons per square mile, order and decree and enter upon its~~ and that the  
16 requirements of subsection A have been met. The order shall (i) be entered upon the court's  
17 common-law order book, (ii) decree that such the community be, and the same is hereby, is  
18 incorporated as a town by the name and style of "The Town of . . . . . (naming it),"  
19 ~~and designating in such order~~ (iii) designate the metes and bounds ~~thereof~~ of the town or  
20 ~~incorporating~~ incorporate by reference the recorded plat. Thereafter the inhabitants within such  
21 bounds shall be a body, politic and corporate, with all the powers, privileges and duties conferred  
22 upon and appertaining to towns under the general law; ~~provided, however.~~ However, such town  
23 shall perform no municipal services or contract any debt until its governing body is elected,  
24 qualifies and takes office. A copy of ~~such the~~ order shall be certified by the court to the Secretary  
25 of the Commonwealth ~~by whom it, who shall be certified~~ certify it to all proper officers of the  
26 Commonwealth. ~~No town shall be incorporated pursuant to this section hereafter unless it~~  
27 ~~contains at least the required by this section as amended.~~ No town created under ~~the provisions~~  
28 ~~of~~ this section subsequent to January 1, 1972, and no city formed from such town shall  
29 consolidate with any county or portion thereof under the provisions of Article 4 2 (§ ~~15.1-1130.1~~  
30 15.2-3520 et seq.); of Chapter 26 35 of this title.

1           **Drafting note: No substantive change in the law. The deleted language is**  
2 **unnecessary.**

3  
4           ~~§ 15.1-967.1.~~

5           ~~Expired.~~

6  
7           ~~§ 15.1-967.2~~ 15.2-3603. Request for charter.

8           At the session of the General Assembly following its incorporation, the town shall  
9 request the General Assembly to grant it a charter.

10           No judge shall grant a town a charter. Until ~~such a~~ a town is granted a charter by the  
11 General Assembly, the town's affairs ~~of the town~~ shall be conducted exclusively under the  
12 provisions of general law.

13           **Drafting note: No substantive change in the law.**

14  
15           ~~§ 15.1-968.~~

16           ~~Repealed by Acts 1980, c. 45.~~

17  
18           ~~§ 15.1-969~~ 15.2-3604. How first election ordered and held.

19           ~~The~~ An order ~~so~~ incorporating ~~the~~ a town under this chapter shall order the first election  
20 of town officers, ~~which election shall be at least ninety days from the date of the order and not~~  
21 ~~within 120 days of a general election,~~ and shall designate the time and place where ~~such~~ the  
22 election shall be held in the town ~~and the~~. The election shall be at least ninety days from the date  
23 of the order and not within 120 days of a general election. The electoral board of the county  
24 within which ~~such~~ the town, or the greater part thereof, is situated shall, not less than ninety days  
25 before ~~such~~ the election, determine the qualified voters within ~~such~~ the town. ~~There shall be~~  
26 ~~elected five~~ Five members of council. ~~Those persons so elected shall be elected and shall~~ serve  
27 until their successors, elected pursuant to charter provisions, qualify and take office. The officers  
28 of election shall comply with the requirements of Title ~~24.1~~ 24.2, ~~and the conduct of the election~~  
29 ~~shall conform in all respects to the requirements of the general law regarding the holding of~~  
30 ~~elections in a town so far as applicable. The election shall be held and the vote counted, returned,~~  
31 ~~canvassed and certified as regular elections are held, returned, canvassed and certified. And if~~ If

1 for any cause no election ~~shall be~~ is held on the day fixed in the order, the court may by an order  
2 entered in its common-law order book fix another day for the election, which shall be held ~~after~~  
3 ~~like proceedings and notice as hereinabove required by this section. Any election heretofore or~~  
4 ~~hereafter held in conformity to the provisions of this section, though not held on the day named~~  
5 ~~in the order of incorporation but held on a day named in a subsequent order of the court, shall be~~  
6 ~~as valid and shall have the same force and effect as if the election had been held on the day~~  
7 ~~named in the order of incorporation.~~

8 **Drafting note: No substantive change in the law. The deleted language is**  
9 **unnecessary.**

10  
11 ~~§ 15.1-970.~~

12 ~~Repealed by Acts 1979, c. 85.~~

13  
14 ~~§ 15.1-971~~ 15.2-3605. How appeals granted and heard.

15 An appeal may be granted by the Supreme Court, or any judge justice thereof ~~to either~~  
16 ~~party, from the judgment of the court and the appeal shall be heard and determined without~~  
17 ~~reference to the principles of demurrer to evidence — the evidence to be considered as on appeal~~  
18 ~~in chancery cases. Costs in the court~~ Court costs shall be awarded as the Supreme Court shall  
19 ~~determine~~ determines. The costs in the Supreme Court shall be awarded to the party substantially  
20 prevailing.

21 **Drafting note: The deleted language is archaic and unclear.**

22  
23 ~~§§ 15.1-972 through 15.1-976.~~

24 ~~Repealed by Acts 1980, c. 45.~~

25  
26 ~~§ 15.1-977. Towns subject to general laws.~~

27 ~~Any towns incorporated under this chapter shall be subject in all respects to the general~~  
28 ~~laws of the Commonwealth governing incorporated towns.~~

29 **Drafting note: Repealed; section is unnecessary.**



1           ~~Whenever it is deemed desirable to surrender the charter of a town and after~~ After the  
2 agreement required by § ~~15.1-965.29~~ 15.2-3701 has been reached, the town council ~~of the town~~  
3 may, by ordinance passed by a recorded majority vote of all the members thereof, petition the  
4 circuit court ~~of~~ for the county or counties in which ~~it~~ the town is located for an order requiring a  
5 referendum on the question of whether the town charter ~~of the town~~ shall be annulled and  
6 repealed.

7           **Drafting note: No substantive change in the law .**

8  
9           § ~~15.1-965.31~~ 15.2-3703. Notice of motion; service and publication; docketing.

10           Upon adoption of the ordinance required by § ~~15.1-965.30~~ 15.2-3702, the town shall  
11 serve notice on the attorney for the Commonwealth, or on the county attorney, if there is one,  
12 and on the chairman of the governing body of the county or counties in which the town is located  
13 that it will, on a given day, not less than thirty days thereafter, move the circuit court ~~for such an~~  
14 order as provided by § 15.2-3702. A copy of the notice and ordinance, or a descriptive summary  
15 of the notice and ordinance and a reference to the place within the town where copies of the  
16 notice and ordinance may be examined, shall be published at least once a week for four  
17 successive weeks ~~in a newspaper published in such town, and when there is no newspaper~~  
18 ~~published therein, then~~ in a newspaper having general circulation in ~~the area in which~~ the town is  
19 ~~located~~. The proof of service or certificate of service of the notice and ordinance shall be  
20 returned after service to the clerk of the circuit court ~~and when~~. When the publication of the  
21 notice and ordinance is completed, ~~of which the certificate of the owner, editor or manager of the~~  
22 ~~newspaper publishing it shall be proof~~, the case shall be docketed for entry of the referendum  
23 order. Certification of the owner, editor or manager of the newspaper publishing the notice and  
24 ordinance shall be proof of publication.

25           **Drafting note: No substantive change in the law .**

26  
27           § ~~15.1-965.32~~ 15.2-3704. Order for election; conduct of election.

28           When publication of the notice and ordinance is completed, the circuit court shall by  
29 order ~~entered of record~~ issued in accordance with § 24.2-684 require the regular election officers  
30 of the county or counties in which the town is located ~~on the day fixed in the order, issued in~~  
31 ~~accordance with § 24.1-165~~, to open the polls on the day fixed in the order and take the sense of

1 the qualified voters of the town on the question submitted as ~~hereinafter~~ provided in this section.  
2 The regular election officers, at the time designated in the order, shall open the polls at the  
3 various voting places in the town and conduct the election in the manner provided by general law  
4 for other elections. The ballots used shall be printed and shall contain the following:

5 "Shall the charter for the Town of ..... be annulled and repealed?"

6  Yes

7  No."

8 **Drafting note: No substantive change in the law . The last two sentences are from §**  
9 **15.1-965.33.**

10  
11 ~~§ 15.1-965.33. Conduct of election.~~

12 ~~The regular election officers, at the time designated in the order authorizing the vote,~~  
13 ~~shall open the polls at the various voting places in the town and conduct the election in the~~  
14 ~~manner provided by general law for other elections. The ballots used shall be printed and shall~~  
15 ~~contain the following:-~~

16 ~~"Shall the charter for the Town of ..... be annulled and repealed?"~~

17  ~~Yes~~

18  ~~No."~~

19 **Drafting note: Relocated to § 15.2-3704.**

20  
21 ~~§ 15.1-965.34~~ 15.2-3705. Results of election.

22 The ballots shall be counted and returns made and canvassed as in other elections and the  
23 results certified by the secretary of the electoral board to the judge of the circuit court. If it  
24 ~~appears~~ by the report of the secretary of the electoral board shows that a majority of the qualified  
25 voters of the town voting on the question submitted are in favor of the annulment, the judge shall  
26 enter such fact of record and shall notify the Secretary of the Commonwealth, and the annulment  
27 shall be effective ~~at midnight on December 31~~ January 1 of the year following the year in which  
28 the order entering such fact of record is issued; or, in the discretion of the court, ~~at midnight on~~  
29 ~~December 31~~ the second January 1 of the year following the year in which issued; ~~or.~~ However,  
30 the court, upon joint petition of the governing bodies of the town and county or counties in which  
31 the town is located, may order the annulment effective ~~at midnight~~ on any other date or dates.

1           **Drafting note: No substantive change in the law . Effective dates are changed from**  
2 **December 31 to January 1 to conform with modern drafting practice.**

3  
4           § ~~15.1-965.35~~ 15.2-3706. Annulment of surrendered charter.

5           Upon the effective date of the annulment, the town charter ~~of the town~~ which is  
6 surrendered by the ordinance shall be annulled. The terms and conditions of the contract with the  
7 county or counties in which the town is located required by § ~~15.1-965.29~~ 15.2-3701 shall be  
8 ~~deemed and held to~~ be a binding and irrevocable contract in favor of the public, compliance with  
9 which in all its parts may be enforced, and violation of which may be prevented, by mandamus  
10 or injunction from the Supreme Court or from any circuit court at the suit or relation of any  
11 citizen or taxpayer.

12           **Drafting note: No substantive change in the law .**

13  
14           § ~~15.1-965.36~~ 15.2-3707. General effect of annulment.

15           Upon the effective date of annulment, the town shall terminate, as shall the terms of  
16 office and the rights, powers, duties and compensation of the officers, agents and employees of  
17 the town.

18           **Drafting note: No change.**

19  
20           § ~~15.1-965.37~~ 15.2-3708. Transfer of property and indebtedness.

21           Upon the effective date of annulment, the title to all property, real and personal, tangible  
22 and intangible, of the former town shall be vested in, and the indebtedness become a debt of, the  
23 county or counties in which the town was located without any further act or deed.

24           **Drafting note: No change.**

25  
26           § ~~15.1-965.38~~ 15.2-3709. Special debt district.

27           If so provided in the agreement required by § ~~15.1-965.29~~ 15.2-3701, the territory  
28 constituting the former town may be a special debt district for the purpose of repaying all or part  
29 of the existing indebtedness chargeable to the town ~~prior to~~ before annulment. ~~There shall be~~  
30 ~~levied a~~ A special tax on real property within the special debt district shall be levied for a period

1 not exceeding twenty years, ~~which~~. The special tax may be different from and in addition to the  
2 general tax rate throughout the entire county or counties in which the town was located.

3 **Drafting note: No substantive change in the law .**

4  
5 § ~~15.1-965.39~~ 15.2-3710. Records and documents.

6 All records and documents of the former town shall pass to and be held by the county or  
7 counties in which the town was located which shall be responsible for the preservation,  
8 maintenance and custody of these records and documents.

9 **Drafting note: No change.**

10  
11 § ~~15.1-965.40~~ 15.2-3711. Effect on pending suits.

12 If at the time of annulment there are any pending actions or proceedings by or against the  
13 town, or if after the effective date of annulment an action or proceeding out of a cause of action  
14 which arose prior to the time of annulment, which but for the annulment would have been by or  
15 against the town, is instituted, the county or counties in which the town was located shall be  
16 substituted in place thereof and the proceeding may be perfected to judgment. The agreement  
17 required by § ~~15.1-965.29~~ 15.2-3701 may provide that if judgment against the county or counties  
18 results from the proceeding, the liability shall be paid by the special debt district as provided in §  
19 ~~15.1-965.38~~ 15.2-3709.

20 **Drafting note: No change.**

21  
22 § ~~15.1-965.41~~ 15.2-3712. Repeal of charter.

23 After a town charter has been annulled in accordance with this chapter, the local  
24 governing body of the county or counties in which the town was located shall make a request to a  
25 state legislator representing that county, that the ~~Virginia~~ General Assembly repeal the town  
26 charter at the next legislative session.

27 **Drafting note: No substantive change in the law.**



**PROPOSED**  
**CHAPTER ~~22~~ 38.**  
**TRANSITION OF TOWNS TO CITIES.**

**Chapter drafting note: Old Chapter 22 contains many sections which have not been amended since the 1962 recodification of Title 15. Only one section has been amended more recently than 1982. The chapter is not currently being used as § 15.1-1032.2 (§ 15.2-3201) prohibits the granting of city charters.**

~~§§ 15.1-978 through 15.1-982.~~

~~Repealed by Acts 1979, c. 85.~~

~~§ 15.1-982.1~~ 15.2-3800. Ordinance petitioning court for city status; appointment of special court.

Any town ~~in this Commonwealth~~, except a town located within a county or any portion ~~thereof of a county~~ granted immunity as provided by Chapter ~~21.2~~ 33 (§ ~~15.1-977.19:1~~ 15.2-3300 et seq.) ~~of this title~~ from the incorporation of new cities within its boundaries, may, by ordinance passed by a recorded majority vote of all the members thereof, petition the circuit court ~~of~~ for the county within which the town lies, alleging that the town meets the criteria set out in subsection A of § 15.1-982.8-B 15.2-3807, for an order granting city status to the town. The circuit court with which the petition is filed shall notify the Supreme Court, which shall appoint a special court to hear the case as prescribed by Chapter 30 (§ 15.2-3000 et seq.) of this title.

**Drafting note: No substantive change in the law .**

~~§ 15.1-982.2~~ 15.2-3801. Referendum; ~~agreement or disagreement of town and county governing body upon provisions of settlement.~~

Prior to the adoption of an ordinance petitioning the court for city status, the ~~governing body of the town~~ council shall petition the court to order a referendum held within the town on the question of seeking city status. The provisions of § ~~24.1-165~~ 24.2-684 shall govern the order for a referendum. The question on the ballot shall be:

1           “Shall the Town of . . . . . seek to become a city?

2            Yes

3            No.”

4           If a majority of the electorate voting in ~~such~~ the referendum vote "No," the ~~governing~~  
5 ~~body of the town~~ council shall not proceed in seeking city status. If a majority of the electorate  
6 voting in such referendum vote "Yes," the ~~governing body of the town~~ council shall proceed as  
7 provided for in § ~~15.1-982.1~~ 15.2-3800, provided, however, if a majority of such electorate vote  
8 "Yes," ~~no court proceedings shall be instituted until the governing bodies of the town and county~~  
9 ~~have failed, in the sole opinion of the governing body of the town, to agree upon the provisions~~  
10 ~~of the settlement for the proposed city. If such governing bodies do agree upon the provisions of~~  
11 ~~the settlement, such settlement shall be certified by order of the court and a grant of city status~~  
12 ~~shall be made upon a finding that the criteria set out in § 15.1-982.8 B have been satisfied.~~

13           **Drafting note: Stricken language substantially appears as § 15.2-3802.**

14  
15           § ~~15.2-3802~~. Town and county agreement concerning proposed city.

16           ~~no~~ No court proceedings shall be instituted until the governing bodies of the town and  
17 county have failed, in the sole opinion of the governing body of the town, to ~~agree upon the~~  
18 ~~provisions of the settlement for~~ reach an agreement with respect to the proposed city. If ~~such~~ the  
19 governing bodies ~~do agree upon the provisions of the settlement, such settlement~~ reach an  
20 agreement, it shall be certified by order of the special court and a grant of city status shall be  
21 made upon a finding that the criteria set out in subsection A of § 15.1-982.8 B ~~15.2-3807~~ have  
22 been satisfied.

23           **Drafting note: Formerly part of § 15.1-982.2. Shown as old language to make**  
24 **changes apparent.**

25  
26           § ~~15.1-982.3~~ 15.2-3803. Notice of motion; service and publication; answer or other  
27 pleading.

28           ~~In any proceedings instituted by a town~~ At least thirty days before instituting a  
29 proceeding for a grant of city status, ~~the~~ a town shall serve notice on the county attorney, or if  
30 there ~~be~~ is none, on the attorney for the Commonwealth, and on the chairman of the board of  
31 supervisors of the county, or counties, within which the town lies that it will, on a given day, ~~not~~

1 ~~less than thirty days thereafter,~~ petition the circuit court for a grant of city status. The notice  
2 served on each official shall include a certified copy of the ordinance. A copy of the notice and  
3 ordinance, or a descriptive summary of the notice and ordinance and a reference to the place  
4 within the town where copies of the notice and ordinance may be examined, shall be published at  
5 least once a week for four successive weeks in ~~some~~ a newspaper having general circulation in  
6 the town and county, or counties, in which the town is situated. The notice and ordinance shall be  
7 returned after service to the clerk of the circuit court ~~and when the publication is completed,~~ of  
8 ~~which the certificate of the owner, editor or manager of the newspaper publishing it shall be~~  
9 ~~proof, the case shall be docketed for hearing. Any answer or other pleading shall be filed with~~  
10 ~~the court no later than ten days after completion of the publication.~~ Certification from the owner,  
11 editor or manager of the newspaper publishing the notice and ordinance shall be proof of  
12 publication.

13 **Drafting note: Rewritten to clarify what is believed to be the intent of the section.**  
14 **Language regarding when the case will be docketed and when answers to the petition may**  
15 **be filed is deleted, as these matters are more logically related to the appointment of the**  
16 **special court rather than to the publication of the petition, which occurs before the petition**  
17 **is even filed. As a practical matter, scheduling details will be addressed by the special court**  
18 **when it is appointed. Section 15.2-3001 says that cases heard by the special court have**  
19 **priority over all other cases, and § 15.2-3805 directs the court to set a time limit for**  
20 **intervenors.**

21  
22 § ~~15.1-982.4~~ 15.2-3804. Parties.

23 In any ~~proceedings~~ proceeding instituted under the provisions of this chapter, the county,  
24 or counties, in which the town is situated shall be made party to the case, ~~and may be represented~~  
25 ~~by counsel.~~ Any ~~qualified~~ voter or property owner of the town or county, or counties, in which  
26 the town is situated, may by petition become party to the ~~proceedings~~ proceeding. Any ~~county,~~  
27 ~~city, or town~~ locality with a common boundary or other person affected by the ~~proceedings~~  
28 proceeding may appear and shall be made party to the case ~~and may be represented by counsel.~~

29 **Drafting note: No substantive change in the law . The deleted language is**  
30 **unnecessary, as parties may always be represented by counsel.**

31

1           § ~~15.1-982.5~~ 15.2-3805. Time limit for intervenors; publication of order.

2           The special court shall by order fix a time within which a ~~qualified~~ voter, property owner  
3 or political subdivision not served may become a party to ~~proceedings~~ a proceeding instituted  
4 under this chapter, and thereafter no such petition shall be received, except for good cause  
5 shown. A copy of the order ~~fixing such time for parties not previously served~~ shall be published  
6 at least once a week for two successive weeks in a newspaper of general circulation in the county  
7 and in the adjoining or adjacent counties and cities.

8           **Drafting note: No substantive change in the law . The deleted language is**  
9 **unnecessary.**

10  
11           § ~~15.1-982.6~~. Vacancies on court occurring during trial.

12           ~~If a vacancy occurs on such court at any time prior to the final disposition of the case and~~  
13 ~~the completion of all duties required to be performed by it, the court shall not be dissolved and~~  
14 ~~the proceedings shall not fail; but the vacancy shall be filled by designation of another judge by~~  
15 ~~the Supreme Court. Such substitute judge shall have all the power and authority of his~~  
16 ~~predecessor and the court as so constituted shall proceed to hear and determine the case and do~~  
17 ~~all things necessary to accomplish its final disposition and the completion of all the duties of the~~  
18 ~~court, including such matters as the certification of evidence and exceptions; provided that no~~  
19 ~~decision shall be rendered or action taken after such designation with respect to any question~~  
20 ~~previously submitted to but not decided by the court except after a full hearing in open court by~~  
21 ~~the court as reconstituted of all the evidence theretofore introduced before the court and a~~  
22 ~~hearing of all arguments theretofore made with reference to such question.~~

23           **Drafting note: Repealed; covered in Chapter 30 (§ 15.2-3004), which governs all**  
24 **special court proceedings.**

25  
26           § ~~15.1-982.7~~ 15.2-3806. Pretrial conference; matters considered.

27           The special court shall, prior to hearing any case under this chapter, direct the attorneys  
28 for the parties to appear before it or, in its discretion, before a single judge, for a conference to  
29 consider:

- 30           1. ~~The simplification~~ Simplification of the issues;  
31           2. Amendment of pleadings and filing of additional pleadings;

1           3. Stipulations as to facts, documents, records, photographs, plans and like matters, which  
2 will dispense with formal proof thereof, including:

3           a. Assessed values and the ratio of assessed values to true values, as determined by the  
4 State Department of Taxation, in the town seeking to become a city and in the remaining portion  
5 of the county including real property, personal property, machinery and tools, merchants' capital  
6 and public service corporation assessment for each year of the five years immediately preceding;

7           b. ~~The school~~ School population and school enrollment in the town seeking to become a  
8 city and in the remaining portion of the county, as shown, respectively, by the triennial census of  
9 school population and by the records in the office of the division superintendent of schools; and  
10 the cost of education per pupil in average daily membership, as shown by the ~~last preceding~~ most  
11 recent report of the Superintendent of Public Instruction; and

12           c. ~~The population~~ Population and the ~~density of~~ density of the town seeking to  
13 become a city and of the remaining portion of the county;

14           4. The method of taking any population census requested by the petitioner;

15           5. Limitation on the number of expert witnesses, ~~as well as requiring~~; each expert witness  
16 who will testify ~~to~~ shall file a statement of his qualifications; and

17           6. Such other matters as may aid in the disposition of the case.

18           The court, or the judge, as the case may be, shall make an appropriate order which will  
19 control the subsequent conduct of the case unless modified before or during the trial or hearing to  
20 prevent manifest injustice.

21           **Drafting note: No substantive change in the law .**

22  
23           § ~~15.1-982.8~~ 15.2-3807. Hearing and decision by court.

24           A. ~~The court, without a jury, shall hear the case upon the evidence, as evidence is~~  
25 ~~introduced in civil cases.~~

26           B. ~~If the court shall find that:~~

27           A. The special court shall enter an order granting city status to a town if, after hearing  
28 the evidence, it finds that:

29           1. The town has a minimum population of 5,000 persons;

1           2. The town has the fiscal ability to function as an independent city and is able to provide  
2 appropriate urban-type services including, based on the advice of the State Department of  
3 Education, an independent school system;

4           3. The creation of the new independent city will not substantially impair the ability of the  
5 county or counties from which the town is to be separated to meet the service needs of the  
6 remaining population, particularly in education, unless provision is made by order of the court or  
7 by agreement of the governing bodies to offset such impairment; and

8           4. After a consideration of the best interests of the parties, the interest of the  
9 Commonwealth in the compliance with and promotion of ~~applicable~~ state policies with respect to  
10 environmental protection, public planning, education, public transportation, housing and other  
11 state service policies declared by the General Assembly, and the interest of the Commonwealth  
12 in promoting strong and viable units of government in the area, a grant of city status should be  
13 made; ~~it shall enter an order granting the petition.~~

14           ~~C. B.~~ Any order granting ~~the petition~~ city status to a town shall set forth in detail all such  
15 terms and conditions upon which the ~~petition~~ city status is granted as are not provided in this  
16 chapter. The order shall be effective ~~at midnight on December 31 of the year~~ January 1 following  
17 the year in which the order is issued; or, in the discretion of the court, ~~at midnight on December~~  
18 ~~31 of the year~~ the second January 1 following the year in which the order is issued. All county  
19 taxes assessed in the town for the year ~~at the end of~~ before which the transition becomes  
20 effective, and for all prior years, shall be paid to the county.

21           ~~D. C.~~ ~~In the event the court enters an order granting the petition,~~ a A copy of the order  
22 shall be certified to the Secretary of the Commonwealth.

23           ~~E. D.~~ If a majority of the court is of the opinion that the criteria set out in ~~B herein~~  
24 subsection A have not been met, then the petition shall be dismissed.

25           ~~F. E.~~ The court shall render a written opinion in every case brought under ~~the provisions~~  
26 ~~of~~ this chapter.

27           **Drafting note: No substantive change in the law . The effective dates are changed**  
28 **from December 31 to January 1 to conform with modern drafting practice.**

29  
30           § ~~15.1-982.9~~ 15.2-3808. Assistance of state agencies.

1 The special court may, in its discretion, direct any appropriate state agency, in addition to  
2 the Commission on Local Government, to gather and present evidence, including statistical data  
3 and exhibits, for the court, ~~to be~~ subject to the usual rules of evidence. The court shall determine  
4 the actual expense of preparing such evidence, and shall tax such expense as costs in the case,  
5 which costs shall be paid by the clerk into the general fund of the state treasury, and credited to  
6 the agency furnishing the evidence.

7 **Drafting note: No substantive change in the law.**

8  
9 § ~~15.1-982.10~~ 15.2-3809. Appeals.

10 Appeals may be granted by the Supreme Court of Virginia as provided in §§ ~~15.1-1049~~  
11 15.2-3221 and ~~15.1-1050~~ 15.2-3222, which shall apply mutatis mutandis.

12 **Drafting note: No change.**

13  
14 § ~~15.1-982.11~~ 15.2-3810. ~~Declination~~ Declining of grant of city status.

15 In any ~~proceedings~~ proceeding brought under ~~the provisions of~~ this chapter, the  
16 ~~governing body of the~~ town council may, by ordinance or resolution, decline to accept city status  
17 on the terms and conditions imposed by the court at any time prior to twenty-one days after final  
18 adjudication establishing city status. In such case the court shall apportion the total costs, taking  
19 into consideration the extent to which county revenues are derived from within the town, the  
20 relative financial abilities of the parties, and the relative merits of the case.

21 **Drafting note: No substantive change in the law .**

22  
23 § ~~15.1-982.12~~ 15.2-3811. ~~Proceedings~~ Proceeding final for three years.

24 ~~In the event that~~ If city status is denied ~~the a~~ town, or ~~in the event that~~ if city status is  
25 declined under ~~the provisions of~~ § ~~15.1-982.11~~ 15.2-3810, no subsequent ~~proceedings~~  
26 proceeding shall be brought under ~~the provisions of~~ this chapter ~~until the expiration of~~ for three  
27 years from the date of the final order.

28 **Drafting note: No substantive change in the law .**

29  
30 § ~~15.1-983~~ 15.2-3812. Effect when town becomes city.

31 ~~Whenever~~ If a town becomes a city under ~~the provisions of~~ this chapter, ~~its~~ then:

1           1. Its charter, if it has one, shall remain in full force and effect insofar as its provisions  
2 do not conflict with this chapter; ~~and its;~~

3           2. Its ordinances shall be the ordinances of the city, insofar as they are applicable, until  
4 they are repealed by the city authorities of the city, ~~and the;~~

5           3. The officers of the town shall be ~~and continue~~ the officers of the city; until their  
6 successors are elected or appointed and qualify, except as ~~hereinafter~~ provided in this chapter,  
7 and shall discharge ~~all~~ the duties and be subject to ~~all~~ the penalties imposed by such charter and  
8 ordinances and by ~~the general laws~~ law; ~~but provisions and~~

9           4. Provisions of the town charter ~~of such town~~ in conflict with this title or other  
10 provisions of ~~the~~ general law shall be repealed thereby.

11           **Drafting note: No substantive change in the law .**

12  
13           § ~~15.1-984~~ 15.2-3813. ~~Liabilities~~ Town liabilities and assets ~~of such town.~~

14           ~~Such~~ If a town becomes a city under this chapter, the city shall ~~become and~~ be liable for  
15 the bonded indebtedness and current debts and obligations of the town and shall be ~~and become~~  
16 liable for the obligations or other liabilities of the town, both in law and in equity, arising out of  
17 any plans or annexations theretofore consummated between the town and any other territory.  
18 ~~And the city shall faithfully observe, keep and perform every such liability.~~ The title to all the  
19 property of the town, and its rights and privileges under any contract, including ~~any and~~ all  
20 moneys belonging to the town, and its books, records, papers and other things of value, shall vest  
21 in and become the city's property ~~of the city.~~

22           **Drafting note: No substantive change in the law . The deleted language is**  
23 **superfluous.**

24  
25           § ~~15.1-985~~ 15.2-3814. Mayor of town to continue in office.

26           ~~The~~ If a town becomes a city under this chapter, the mayor of the town shall be ~~and~~  
27 ~~continue~~ the mayor of the city; ~~shall receive the same salary and fees;~~ and shall discharge ~~all~~ the  
28 duties, be vested with ~~all~~ the authority and be subject to ~~all~~ the penalties imposed on him by the  
29 charter or ~~the~~ general law. He shall serve until his successor is elected and qualified.

30           **Drafting note: No substantive change in the law .**



1           § ~~15.1-986~~ 15.2-3815. Council of town to continue in office; additional members.

2           The ~~If a town becomes a city under this chapter, the town~~ council ~~of the town~~ shall be  
3 ~~and continue~~ the ~~common city~~ council ~~of the city~~ and discharge ~~all~~ the duties and exercise ~~all~~ the  
4 authority imposed on it by the charter and by ~~the~~ general law. If in the order granting city status  
5 ~~the circuit special court, or the judge thereof in vacation, in his order shall prescribe~~ prescribes a  
6 greater number to compose the ~~common city~~ council than the number composing the ~~council of~~  
7 ~~the town~~ council, then the council shall, within thirty days after the date of the order of the court  
8 ~~or judge, or as soon thereafter as practicable,~~ proceed to elect the additional members of the  
9 ~~common city~~ council necessary to fill out the number prescribed in such order. The members  
10 shall serve until their successors are elected and qualified.

11           **Drafting note: Language added in recognition of the fact that it would most likely**  
12 **be impossible to elect additional members within 30 days. The task force believes that the**  
13 **order described in the second sentence is the order of the special court granting city status.**

14  
15           § ~~15.1-987~~ 15.2-3816. ~~Treasurer of town~~ Town treasurer to continue in office;  
16 appointment where town had no treasurer.

17           The ~~If a town becomes a city under this chapter, the town~~ treasurer ~~of the town~~, if there  
18 ~~be is~~ one, shall be ~~and continue~~ the city treasurer. If there ~~be is~~ no town treasurer ~~of the town~~,  
19 then the vacancy shall be filled by appointment by the circuit court having jurisdiction over ~~such~~  
20 the city or town ~~or by the judge thereof in vacation,~~ pending the next ensuing general election or,  
21 if the vacancy occurs within 120 days prior to such election, pending the second ensuing general  
22 election.

23           The city treasurer, whether he ~~be is~~ such by reason of having held the office of town  
24 treasurer or by appointment, shall not discharge any duties as city treasurer until he has given  
25 bond in a penalty to be fixed by the ~~common city~~ council ~~of the city and conditioned according~~  
26 ~~to law to secure the faithful discharge of his duties in connection with the collection and~~  
27 ~~disbursement of the city's revenues,~~ pursuant to § 15.2-1512 and also the bond required by §  
28 ~~15.1-44~~ 15.2-1530 ~~with reference to the collection and disbursement of the state revenues.~~ The  
29 ~~officer~~ treasurer so appointed shall qualify before the court ~~or judge~~ appointing him. The  
30 treasurer's duties ~~of the treasurer~~ shall include ~~the~~ handling ~~of the city's~~ revenues ~~of the city~~

1 from all ~~such~~ sources as the council ~~may direct~~ directs. He shall serve until his successor is  
2 elected and qualified.

3 **Drafting note: No substantive change in the law . The deleted language is**  
4 **unnecessary.**

5  
6 § ~~15.1-988~~ 15.2-3817. Commissioner of revenue or assessor to continue in office;  
7 appointment where town had no commissioner or assessor.

8 ~~The~~ If a town becomes a city under this chapter, the commissioner of revenue or assessor  
9 of the town, if there ~~be~~ is one, shall be ~~and continue~~ the commissioner of ~~the~~ revenue of the city  
10 and discharge ~~all~~ the duties imposed on him by the charter or by ~~the~~ general law. If there ~~be~~ is  
11 no commissioner of revenue or assessor of the town, then the circuit court having jurisdiction  
12 over such city or town ~~or the judge thereof in vacation~~ shall, within thirty days after the town is  
13 declared to be a city, fill the vacancy by appointment, pending the next ensuing general election  
14 or, if the vacancy occurs within 120 days prior to such election, pending the second ensuing  
15 general election. The ~~officer~~ commissioner of revenue so appointed shall forthwith qualify  
16 before the court or judge appointing him or before the clerk of the circuit court in ~~his~~ the clerk's  
17 office. He shall serve until his successor is elected and qualified.

18 **Drafting note: No substantive change in the law .**

19  
20 § ~~15.1-989~~ 15.2-3818. Town sergeant to continue in office.

21 ~~The~~ If a town becomes a city under this chapter, the sergeant of the town, if there ~~be~~ is  
22 one, shall be ~~and continue~~ as the sheriff of the city and discharge all the duties imposed on him  
23 by the charter or by ~~the~~ general law. The sheriff's duties and compensation ~~of the sheriff~~ shall be  
24 such as are provided by law for ~~the~~ town sergeants ~~of towns~~. He shall serve until his successor is  
25 elected and qualified.

26 **Drafting note: No substantive change in the law .**

27  
28 § ~~15.1-990~~ 15.2-3819. Election and terms of office of mayor and councilmen after town  
29 becomes city.

30 At ~~the next~~ a general election of city officers, to be held on the second Tuesday in ~~June~~  
31 May after ~~the city~~ a town is declared to be ~~such~~ a city, a mayor and ~~common~~ city council shall be

1 elected for the city, ~~whose term.~~ The terms of office of the mayor and city council shall begin on  
2 ~~September~~ July 1 ~~succeeding following~~ their election ~~and shall continue, that of the.~~ The mayor  
3 shall serve for four years, ~~that of one.~~ One half of the council shall serve for two years, and the  
4 other half ~~of the council~~ for four years.

5 **Drafting note: Dates changed to reflect current practice.**

6  
7 § ~~15.1-991~~ 15.2-3820. Election and terms of other city officers.

8 At the next general election of state officers after (i) the town is declared to be a city; and  
9 ~~succeeding the expiration of~~ (ii) the regular term of office of the existing municipal officers  
10 expires, to be held on Tuesday after the first Monday in November, when similar officers are  
11 elected for other cities, ~~there shall be elected in such city a treasurer, commissioner of the~~  
12 ~~revenue, if elected by the general law,~~ a sheriff, an attorney for the Commonwealth, a clerk of  
13 the circuit court, and other officers elective by the qualified voters; whose election is not  
14 otherwise provided for by law, ~~whose term shall be elected.~~ The terms of office of such officers  
15 shall begin on January 1 ~~next succeeding following~~ their election and continue in accordance  
16 with §§ ~~24.1-86 and 24.1-87~~ 24.2-217 as applicable to such elections and until their respective  
17 successors have been elected and qualify; ~~provided, however, that the.~~ The commissioner of  
18 revenue shall be elected or appointed as the general law ~~may direct~~ directs.

19 **Drafting note: No substantive change in the law .**

20  
21 § ~~15.1-992~~ 15.2-3821. Qualification of officers; vacancies.

22 The officers for the election of whom provision is made by § ~~15.1-991~~ 15.2-3820 whether  
23 elected at the first election for such officers held in the city, ~~in pursuance of such section~~ or at  
24 any subsequent election ~~for such officers~~, held pursuant to § ~~24.1-86, § 24.1-87 or § 24.1-90~~ §  
25 24.2-217 or § 24.2-222 shall qualify before the circuit court having jurisdiction in the city, ~~or~~  
26 ~~before the judge thereof in vacation~~, or before the clerk of such court in the clerk's office. ~~And in~~  
27 In the case of a vacancy in any such office the ~~same~~ office shall be filled by appointment by the  
28 court ~~or by the judge thereof in vacation~~, pending the next ensuing general election or, if the  
29 vacancy occurs within 120 days prior to such election, pending the second ensuing general  
30 election.

31 **Drafting note: No substantive change in the law .**

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~~§ 15.1-993. Bonds.~~

~~The bond of the treasurer shall be conditioned for the faithful performance of his duties and in other respects as required by the general law and shall be in penalty not greater than one half the amount of state funds to be received by him annually, nor less than fifteen per centum thereof.~~

~~The bond of the commissioner of the revenue and the bond of the city sheriff shall likewise be conditioned for the faithful performance by such officers of their respective duties and otherwise comply with the provisions of the general law. The penalty of the bond of the commissioner of the revenue shall be not less than \$2,500 and that of the city sheriff not less than \$1,000.~~

**Drafting note: Repealed; this section is unnecessary as §§ 15.1-42 (§ 15.2-1528) and 15.1-44 (§ 15.2-1530) address bond requirements of city commissioners of revenue, sheriffs and treasurers.**

~~§ 15.1-994.~~

~~Repealed by Acts 1979, c. 85.~~

~~§ 15.1-994.1~~ 15.2-3822. Sharing of offices; transfer of jurisdiction.

A. Any attorney for the Commonwealth, clerk of a circuit court, or sheriff who performed his duties and had jurisdiction in both a city and a county prior to July 1, 1979, under provisions of this chapter in effect prior to that date, shall continue to serve both ~~political subdivisions~~ localities until (i) the city is declared to be a first class city in accordance with the provisions of Chapter 23 (§ 15.1-1011 et seq.) of this title; ceases to share such positions in accordance with the provisions of general law or (ii) the city is transferred in accordance with the provisions of §§ 16.1-69.6 and 17-119.1:1 to a judicial circuit and district which is comprised of a county other than the circuit and district where the city was situated. Until such declaration or transfer is made, the qualified voters residing in the city ~~shall be entitled to~~ may vote for these officers at the general election for county officers.

B. Upon the effective date of the transfer referred to in ~~subdivision~~ clause (ii) of subsection A (ii) of this section, the city shall have appointed for it by the judges of the circuit

1 court ~~of~~ for the county in the judicial circuit to which the city was transferred shall appoint the  
2 attorney for the Commonwealth and clerk of the circuit court ~~of~~ for that adjoining county. ~~In~~  
3 ~~cases where~~ If the city has a locally elected city sheriff, the city sheriff shall be the only sheriff  
4 for the city. The city may contract with the county to which it was transferred for jail facilities. ~~In~~  
5 ~~any case where~~ If the effective date of the transfer is to take place within 120 days after an  
6 election for ~~any of these two officers~~ the clerk of the circuit court or attorney for the  
7 Commonwealth in the county to which the city is transferred, the voters of the city shall be  
8 entitled to vote in ~~that~~ the election for each officer. The voting wards or precincts of the city shall  
9 be treated as precincts of the adjoining county and no candidate for these offices shall be  
10 required to qualify separately in the city. The qualified voters of the city shall thereafter be  
11 entitled to vote for these officers.

12 C. ~~In order to complete the transfer of the jurisdiction of the respective circuit courts~~  
13 ~~when~~ If the situation in either subdivision clause (i) or (ii) of subsection A ~~of this section~~ occurs,  
14 ~~the following shall control then:~~

15 (1) 1. As to any crime occurring or civil cause of action arising in the city before the  
16 effective date of the transfer, the circuit court ~~of~~ for the former judicial circuit shall have  
17 jurisdiction; and

18 (2) 2. As to any crime occurring or civil cause of action arising in the city on or after the  
19 effective date of the transfer involving a matter required by general law to be located in a circuit  
20 court, the circuit court ~~of~~ for the judicial circuit to which the city was transferred shall have  
21 jurisdiction.

22 D. All writings authorized by law to be recorded in the circuit court for the city  
23 transferred pursuant to subdivision clause (ii) of subsection A ~~(ii) of this section~~ shall be  
24 recorded in the circuit court to which the city was transferred beginning on the effective date of  
25 the transfer.

26 **Drafting note: No substantive change in the law . The references to first- and**  
27 **second-class cities are abolished since Chapter 23 is proposed for repeal. Also, there is no**  
28 **longer an exact correlation between a city's status as a first- or second-class city and**  
29 **whether certain constitutional officers are shared with an adjacent county.**

30

1           § ~~15.1-995~~ 15.2-3823. Tenure and reelection of county officer ~~or county court judge~~  
2 whose homesite becomes part of city.

3           Any county officer ~~or judge of a county court of any county~~ who resides in the county or  
4 in any town therein, and has an established home therein, which homesite ~~has become or~~  
5 ~~hereafter~~ becomes a part of a city ~~since~~ after such officer's election or appointment, shall not  
6 vacate his office by reason of his residence in ~~such~~ the city, but shall continue to hold such office  
7 so long as he ~~shall be~~ is successively elected or appointed to the office held by him at the time of  
8 ~~such~~ the transition. ~~Any such~~ Such officer shall for ~~such purposes~~ the purpose of his office be  
9 deemed to be a resident of the magisterial district ~~wherein~~ in which the homesite was before  
10 becoming a part of a city ~~was~~. ~~The provisions of this~~ This section shall not be ~~applicable~~ apply to  
11 members of the school board of such county, who shall be governed by § 22.1-29.

12           **Drafting note: No substantive change in the law .**

13  
14           § ~~15.1-995.1~~. Tenure and reelection of judge of municipal court whose homesite becomes  
15 part of another city.

16           ~~Any judge or associate judge of a municipal court of any city, who resides in such city~~  
17 ~~and has an established home therein, which homesite has become or hereafter becomes a part of~~  
18 ~~another city since such judge's election or appointment, shall not vacate his office by reason of~~  
19 ~~his residence in such city, but shall continue to hold such office so long as he shall be~~  
20 ~~successively elected or appointed to the office held by him at the time of such transition.~~

21           **Drafting note: Repealed; section is obsolete.**

22  
23           § ~~15.1-996~~ 15.2-3824. ~~Other town~~ Town officers.

24           ~~All other~~ Except as provided in this chapter, if a town becomes a city, officers of the  
25 town shall be ~~and continue~~ officers of the city until the expiration of the term for which they  
26 were chosen or until they are removed according to law or their offices abolished by the ~~common~~  
27 city council.

28           **Drafting note: No substantive change in the law .**

29  
30           § ~~15.1-997~~ 15.2-3825. Courts.

1           When ~~the municipality~~ a town is declared to be a city, such city shall at once be, become  
2 and continue unless and until changed by general law in every respect within the jurisdiction of  
3 the circuit court ~~of~~ for the county wherein it is situated.

4           **Drafting note: No substantive change in the law .**

5  
6           § ~~15.1-998~~ 15.2-3826. Appointment of electoral board, ~~treasurer, commissioner of~~  
7 ~~revenue and sheriff, attorney for the Commonwealth and circuit court clerk.~~

8           ~~The~~ If a town becomes a city under this chapter, the circuit court having jurisdiction over  
9 the city shall appoint for the city an electoral board of three members, the term of one of whom  
10 shall expire on the first day of the following March ~~next succeeding~~, the term of another to  
11 expire one year later, and the term of the third to expire two years later than the term of the first  
12 ~~mentioned. He~~ The court shall at the same time, if necessary, appoint ~~one city treasurer, one~~  
13 ~~commissioner of the revenue, one sheriff, one attorney for the Commonwealth and one clerk of~~  
14 the circuit court. The terms of all officers appointed by the circuit court shall expire when their  
15 successors are elected or appointed and qualify, pending the next ensuing general election or, if  
16 the vacancy occurs within 120 days prior to such election, pending the second ensuing general  
17 election.

18           **Drafting note: No substantive change in the law . The appointment of the city**  
19 **treasurer and commissioner of the revenue is provided for in §§ 15.1-987 (§ 15.2-3816) and**  
20 **15.1-988 (§ 15.2-3817).**

21  
22           § ~~15.1-999~~. ~~Wards; composition of council.~~

23           ~~The common council of the city, at its first meeting, or as soon thereafter as is~~  
24 ~~practicable, shall examine and adopt or amend, according to the requirements of law, the division~~  
25 ~~of the city into wards which was made by the order of the circuit court of the county in which the~~  
26 ~~town was located, if such division was so made by such court and, if not so made, shall proceed~~  
27 ~~to make such a division. They shall establish a voting precinct in each ward.~~

28           ~~At the first meeting of the common council after the election of a council, it shall proceed~~  
29 ~~to divide the members into two classes of equal number as near as may be, and proceed to~~  
30 ~~comply with the provisions of § 15.1-805.~~

31           **Drafting note: Repealed; unnecessary.**

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§ ~~15.1-1000~~ 15.2-3827. Transfer of assessments to city books.

When the commissioner of the revenue of ~~the a city shall make application created under~~ this chapter applies to the commissioner of the revenue of the county ~~or of the district thereof in~~ which the city is located ~~or other officer assessing real estate, such commissioner of the revenue~~ of the county ~~he~~ shall furnish from his books a transcript of the assessment of all real estate and personal property, ~~and all poll taxes assessed against persons located within the limits of the city,~~ for which transcript he shall receive the compensation provided by law, to be paid by the city, and on his books he shall note that all such assessments have been transferred to the city books.

**Drafting note: No substantive change in the law . Obsolete language is deleted.**

§ ~~15.1-1001~~. ~~Capitation taxes.~~

~~The treasurer of the county in which the city is located shall furnish to the treasurer of the city a certified list of all capitation taxes paid by residents of the territory included within the city for the year then current and for the preceding three years.~~

**Drafting note: Repealed; section is obsolete.**

§ ~~15.1-1002~~ 15.2-3828. State, county and district ~~levies~~ taxes accruing before transition; county sales and use tax becomes city sales and use tax.

All state, county and district ~~levies~~ taxes on property within the territory occupied by ~~the~~ a city created under this chapter that accrued before the city became such shall be payable to and collected by the county treasurer ~~and the~~. The proceeds of all county and district ~~levies~~ taxes on property within the city shall be held by the county treasurer subject to the rights of the city to be adjusted in the manner hereinafter provided.

~~Whenever~~ If a town becomes a city of the second class ~~by transition~~ under this chapter, and ~~there~~ a county sales and use tax was in force in the county in which such town was located ~~a county sales and use tax~~ at the time the order was entered pursuant to § ~~15.1-982.8~~ 15.2-3807, such local sales and use tax shall ~~be deemed as continuing~~ continue in full force and effect in the city as a city sales and use tax on and after the effective date of such order the same as if the tax had been duly imposed by the council of the city. The preceding sentence shall apply until the effective date of a local sales and use tax ordinance adopted by the ~~council of the city~~ council



1 under the applicable provisions of law; but the preceding sentence shall not apply ~~in any respect~~  
2 if the council of the city, immediately after the town becomes a city, ~~shall adopt~~ adopts a  
3 resolution to the effect that such local sales and use tax shall not be effective in the city.

4 ~~This section, as amended, shall be in force on and after July 1, 1968.~~

5 **Drafting note: No substantive change in the law .**

6  
7 § ~~15.1-1003~~ 15.2-3829. Assumption of debt; adjustment.

8 ~~Whenever~~ If a town hereafter becomes a city, ~~as herein provided~~ under this chapter, the  
9 city shall assume and provide for the reimbursement of the county of a just and reasonable  
10 proportion of any county debt of the county existing at the date the town becomes a city ~~and also~~  
11 ~~for compensation to,~~ including any debt existing on any school district of which the town was a  
12 part ~~for the city's just and reasonable proportion of any debt existing on the district at such date.~~

13 The ~~governing body of the city~~ council and the board of supervisors shall make an  
14 equitable adjustment of such debts, ~~and the same shall be provided for as those bodies shall~~  
15 ~~determine and agree upon.~~ In making such adjustment the parties shall ~~take into consideration~~  
16 consider (i) the city's just proportion of money collected by the county treasurer under § ~~15.1-~~  
17 ~~1002~~ 15.2-3828 and of any unexpended balance in the county treasury belonging to any fund to  
18 which the territory embraced in the city has contributed and ~~shall take into consideration (ii) all~~  
19 other equitable claims of the city, county and district. If the parties fail to make such adjustment,  
20 either party may proceed against the other by a bill in equity in the circuit court for the county in  
21 which the former town lies for a proper adjustment of such matter.

22  
23 **Drafting note: No substantive change in the law . The last sentence is relocated**  
24 **from § 15.1-1004.**

25  
26 § ~~15.1-1004~~. ~~When claims cannot be adjusted between council and boards.~~

27 ~~In the event of the failure of the parties aforesaid to make such adjustment and to agree~~  
28 ~~upon such terms either party may proceed against the other by a bill in equity in the circuit court~~  
29 ~~of the county in which the city lies for a proper adjustment of such matter.~~

30 **Drafting note: Relocated to the last sentence of § 15.2-3829.**

1           § ~~15.1-1005~~ 15.2-3830. Certain costs and expenses to be apportioned between city and  
2 county.

3           ~~The~~ After a town becomes a city under this chapter, the costs and expenses of the circuit  
4 court ~~of~~ for the county, including jury costs, and the salaries of the judge and clerk of the circuit  
5 court and the clerk, attorney for the Commonwealth and sheriff of the county shall be borne by  
6 the city and county in the proportion that the population of each bears to the aggregate  
7 population of the city and county.

8           Such expenses and costs shall include stationery, furniture, books, office supplies and  
9 equipment for the court and clerk's office; ~~also~~ supplies, repairs and alterations on the buildings  
10 used jointly by the city and county, ~~as well as;~~ and insurance, fuel, water, lights, etc., used in and  
11 about the ~~building~~ buildings and the grounds thereto. The cost of any new building erected for  
12 the joint use of the city and county shall be provided for in like manner, ~~provided that.~~ However,  
13 in the case of buildings used jointly by a city having a population of more than 11,000 and less  
14 than 11,900, according to the 1960 or any subsequent census, and a county having a population  
15 of more than 12,000 and less than 12,400, according to the 1960 or any subsequent census, no  
16 repairs or alterations shall be made to any such building, and no new building shall be erected  
17 without the approval of the governing body of both the city and the county; ~~and provided further~~  
18 ~~that in the event the.~~ If such governing bodies ~~are unable to~~ cannot agree, ~~all~~ relevant  
19 controversies ~~relative thereto~~ shall be resolved in the ~~same~~ manner as provided by § ~~15.1-1004~~  
20 15.2-3829.

21           **Drafting note: No substantive change in the law.**

22  
23           § ~~15.1-1006~~ 15.2-3831. Registrars and their duties.

24           ~~On the~~ Upon its appointment ~~of,~~ the electoral board for ~~the~~ a city it ~~is~~ created under this  
25 chapter shall appoint a registrar for each voting precinct and cause such registrars to transfer  
26 from the county registration books to the city registration books of their proper precinct the  
27 names of all ~~duy~~ registered voters of the county who are residents of the city and to open the  
28 registration books of the city for the registration of voters. Such registered voters of the county or  
29 town so transferred shall become registered voters of the city and qualified as to residence to  
30 vote therein. All persons may register in the city at the same time they could have registered in  
31 the town had no city government been created.

1           Such registrars shall receive ~~from the city for making the transfers required in this section~~  
2 a fee of four cents for each name so transferred, ~~to be paid by the city.~~

3           **Drafting note: No substantive change in the law .**

4  
5           § ~~15.1-1007~~ 15.2-3832. Authority to city to provide by condemnation, etc., water, light,  
6 power and fuel.

7           In addition to the authority given by ~~the general laws~~ law to cities, a city organized under  
8 ~~the provisions of this chapter may acquire by purchase, condemnation or otherwise, in~~  
9 accordance with § 15.2-1800 or construct, own and operate, its own plant, machinery and  
10 equipment for supplying its inhabitants, streets, grounds, ~~and~~ or buildings with water, light,  
11 power ~~and~~ or fuel ~~and to~~. To that end it may acquire any plant existing in or near the city ~~and~~;  
12 may acquire land and franchises outside of the limits of the city; and may buy, purchase ~~and~~ or  
13 acquire easements and rights-of-way.

14           **Drafting note: No substantive change in the law .**

15  
16           § ~~15.1-1008~~.

17           Reserved.

18  
19           § ~~15.1-1009~~ 15.2-3833. Chapter not applicable to cities already existing.

20           This chapter shall ~~in no way~~ not affect the organization, government, officers, charter or  
21 laws governing any city declared to be such prior to January 1, 1976, under ~~the~~ former acts of the  
22 General Assembly ~~but as to such cities the statutes~~. Statutes under which ~~they~~ cities declared to  
23 be such prior to January 1, 1976, were organized as cities shall continue in force; ~~nor shall this~~  
24 ~~chapter be applicable to any such city in case its charter or bylaws, have been, since such date, or~~  
25 ~~are hereafter, amended, but it shall only apply to such cities as have or may be declared to be~~  
26 ~~such after January 1, 1976.~~

27           **Drafting note: No substantive change in the law . The deleted language is**  
28 **unnecessary.**

29  
30           § ~~15.1-1010~~ 15.2-3834. Congressional, etc., districts and judicial circuit not changed.

1           Any ~~such~~ city created under this chapter shall continue to be and remain a part of the  
2 congressional, senatorial and legislative districts, respectively, and of the judicial circuit wherein  
3 such city is geographically located.

4           **Drafting note: No substantive change in the law .**

1 **PROPOSED**  
2 **CHAPTER 21.1 39.**  
3 **TRANSITION OF COUNTIES TO CITIES.**  
4

5 **Chapter drafting note: There is no substantive change in the law made to this**  
6 **chapter, which was adopted in 1979.**  
7

8 § ~~15.1-977.1~~ 15.2-3900. Transition authorized.

9 Any county in this Commonwealth ~~is authorized to~~ may become an independent city by  
10 complying with the requirements and procedures set forth in this chapter.

11 **Drafting note: No substantive change in the law.**  
12

13 § ~~15.1-977.2~~ 15.2-3901. Ordinance petitioning court to declare eligibility.

14 The governing body of any county may, by ordinance passed by a recorded majority vote  
15 of all the members thereof, petition the circuit court ~~of~~ for the county, alleging that the county  
16 meets the criteria set out in § ~~15.1-977.9 B~~ 15.2-3907, for an order declaring the county eligible  
17 for city status. The circuit court with which the petition is filed shall notify the Supreme Court,  
18 which shall appoint a special court to hear the case as prescribed by Chapter 30 (§ 15.2-3000 et  
19 seq.) of this title.

20 **Drafting note: No substantive change in the law.**  
21

22 § ~~15.1-977.2:1~~ 15.2-3902. Moratorium on annexation suits pending transition to city.

23 Any annexation suit filed against a county on or after the day the county's petition for city  
24 status is filed in the circuit court shall be stayed pending the special court's order denying  
25 eligibility for city status or the election ordered on the proposed city charter, whichever occurs  
26 ~~later~~. If the voters approve the city charter, all annexation suits stayed pending the outcome of  
27 the election shall be dismissed. If the voters disapprove the city charter, all pending stays shall be  
28 dissolved.

29 **Drafting note: No substantive change in the law.**  
30

31 § ~~15.1-977.3~~ 15.2-3903. Notice of motion; service and publication; answer.

1 ~~In any~~ At least thirty days before instituting a proceeding instituted by a county under the  
2 provisions of this chapter, ~~such~~ a county shall serve notice on the attorney for the  
3 Commonwealth, or on the city or county attorney, if there ~~be~~ is one, and on the chairman of the  
4 board of supervisors of each adjoining county and the mayor of each city and town within the  
5 county instituting proceedings that it will, on a given day, ~~not less than thirty days thereafter,~~  
6 ~~move~~ petition the circuit court for ~~the convening of a special court, as provided in § 15.1-977.4,~~  
7 ~~to hear the petition for eligibility~~ an order declaring the county eligible for city status. The notice  
8 served on each official shall include a certified copy of the ordinance. A copy of the notice and  
9 ordinance, or a descriptive summary of the notice and ordinance and a reference to the place  
10 within the county where copies of the notice and ordinance may be examined, shall be published  
11 at least once a week for four successive weeks in some newspaper having general circulation in  
12 the county seeking eligibility for city status. The notice and ordinance shall be returned after  
13 service to the clerk of the circuit court ~~and when the publication is completed, of which the~~  
14 ~~certificate of the owner, editor or manager of the newspaper publishing it shall be proof, the case~~  
15 ~~shall be docketed for hearing. Any answer or other pleading shall be filed with the court no later~~  
16 ~~than ten days after completion of the publication.~~ Certification from the owner, editor or  
17 manager of the newspaper publishing the notice and ordinance shall be proof of publication.

18 **Drafting note: Rewritten to clarify what is believed to be the intent of the section.**  
19 **Language regarding when the case will be docketed and when answers to the petition may**  
20 **be filed is deleted, as these matters are more logically related to the appointment of the**  
21 **special court rather than to the publication of the petition, which occurs before the petition**  
22 **is even filed. As a practical matter, scheduling details will be addressed by the special court**  
23 **when it is appointed. Section 15.2-3001 says that cases heard by the special court have**  
24 **priority over all other cases, and § 15.2-3905 directs the court to set a time limit for**  
25 **intervenors.**

26  
27 ~~§ 15.1-977.4. Constitution of court.~~

28 ~~Upon receipt of the ordinance as required by § 15.1-977.2 and the certificate of~~  
29 ~~publication as provided in § 15.1-977.3, the chief judge of the circuit court shall request the~~  
30 ~~Chief Justice of the Supreme Court to designate the court which shall determine whether the~~  
31 ~~county is eligible for city status.~~

1           **Drafting note: Repealed; covered in § 15.2-3901.**

2  
3           § ~~15.1-977.5~~ 15.2-3904. Parties.

4           In any proceedings instituted under the provisions of this chapter, any ~~qualified~~ voter or  
5 property owner or person having an interest in the county may by petition become a party to the  
6 proceedings. Any ~~county, city, or town~~ locality having a common boundary or other person  
7 affected by the proceedings may appear and shall be made a party to the case ~~and may be~~  
8 ~~represented by counsel.~~

9           **Drafting note: No substantive change in the law. Parties may always be**  
10 **represented by counsel.**

11  
12           § ~~15.1-977.6~~ 15.2-3905. Time limit for intervenors; publication of order.

13           The special court shall by order fix a time within which a ~~qualified~~ voter, property owner,  
14 person having an interest, or ~~political subdivision~~ locality not served may become a party to  
15 proceedings instituted under this chapter, and thereafter no such petition shall be received, except  
16 for good cause shown. A copy of the order ~~fixing such time for parties not previously served~~  
17 shall be published at least once a week for two successive weeks in a newspaper or newspapers  
18 of general circulation in the county and in the adjoining or adjacent counties and cities.

19           **Drafting note: No substantive change in the law.**

20  
21           § ~~15.1-977.7~~. Vacancies on court occurring during trial.

22           ~~If a vacancy occurs on such court at any time prior to the final disposition of the case and~~  
23 ~~the completion of all duties required to be performed by it, the court shall not be dissolved and~~  
24 ~~the proceedings shall not fail; but the vacancy shall be filled by designation of another judge~~  
25 ~~from the panel provided for in Chapter 26.2 (§ 15.1-1168 et seq.) of this title. Such substitute~~  
26 ~~judge shall have all the power and authority of his predecessor and the court as so constituted~~  
27 ~~shall proceed to hear and determine the case and do all things necessary to accomplish its final~~  
28 ~~disposition and the completion of all the duties of the court, including such matters as the~~  
29 ~~certification of evidence and exceptions; provided, that no decision shall be rendered or action~~  
30 ~~taken after such designation with respect to any question previously submitted to but not decided~~  
31 ~~by the court except after a full hearing in open court by the court as reconstituted of all the~~

1 evidence theretofore introduced before the court and a hearing of all arguments theretofore made  
2 with reference to such question.

3 **Drafting note: Repealed; vacancies on a special court are covered in § 15.2-3004.**

4  
5 § ~~15.1-977.8~~ 15.2-3906. Pretrial conference; matters considered.

6 The special court shall, prior to hearing any case under this chapter, direct the attorneys  
7 for the parties to appear before it, or in its discretion before a single judge, for a conference to  
8 consider:

9 A. ~~1. The simplification~~ Simplification of the issues;

10 ~~B. 2.~~ Amendment of pleadings and filing of additional pleadings;

11 ~~C. 3.~~ Stipulations as to facts, documents, records, photographs, plans and like matters,  
12 which will dispense with formal proof thereof, including:

13 ~~1. a.~~ Assessed values, if appropriate, and the ratio of assessed values to true values, as  
14 determined by the State Department of Taxation, in the county seeking to become a city,  
15 including real property, personal property, machinery and tools, merchants' capital and public  
16 service corporation assessment for each year of the five years immediately preceding;

17 ~~2. b. The school~~ School population and school enrollment in the county, as shown,  
18 respectively, by the triennial census of school population and by the records in the office of the  
19 division superintendent of schools; and the cost of education per pupil in average daily  
20 membership as shown by the last preceding report of the Superintendent of Public Instruction;

21 ~~3. c. The population~~ Population of the county and its ~~density of population~~ density;

22 ~~D. 4.~~ The method of taking any population census requested by the petitioner;

23 ~~E. 5.~~ Limitation on the number of expert witnesses, ~~as well as requiring~~; each expert  
24 witness who will testify ~~to~~ shall file a statement of his qualifications;

25 ~~F. 6.~~ Such other matters as may aid in the disposition of the case.

26 The court, or the judge, as the case may be, shall make an appropriate order which will  
27 control the subsequent conduct of the case unless modified before or during the trial or hearing to  
28 prevent manifest injustice.

29 **Drafting note: No substantive change in the law.**

30  
31 § ~~15.1-977.9~~ 15.2-3907. Hearing and decision by court.



1           A. ~~The court, without a jury, shall hear the case upon the evidence introduced as~~  
2 ~~evidence is introduced in civil cases.~~

3           B. ~~If the court shall determine that:~~

4           A. The special court shall order an election to determine if the voters of the county desire  
5 the General Assembly to grant the county a municipal charter if, after hearing the evidence, it  
6 finds that:

7           1. The county possesses at the time of the filing of the petition a minimum population of  
8 20,000 persons and a density of population of at least 300 persons per square mile, or a minimum  
9 population of 50,000 persons and a density of population of at least 140 persons per square mile,  
10 based either on the latest United States census, on the latest estimates of the Weldon Cooper  
11 Center for Public Service of the University of Virginia, or on a special census conducted under  
12 court supervision; and

13           2. The county has the fiscal capacity to function as an independent city and to provide  
14 appropriate services; and

15           3. After a consideration of the best interests of the parties, the interest of the  
16 Commonwealth in the county's compliance with and promotion of applicable State policies with  
17 respect to environmental protection, public planning, education, public transportation, housing  
18 and other State service policies declared by the General Assembly, and the interest of the  
19 Commonwealth in promoting strong and viable units of government in the area, the county is  
20 eligible for city status; ~~it shall order an election in accordance with § 24.1-165 to determine if the~~  
21 ~~qualified voters of the county desire that the General Assembly be requested to grant the county~~  
22 ~~a municipal charter.~~

23           B. An election held pursuant to this section shall comply with §§ 24.2-682 and 24.2-684.  
24 ~~Such~~ The order for election shall allow sufficient time for the preparation of a charter as  
25 hereafter provided for in this chapter. Such election shall be held no earlier than 180 days and no  
26 later than 300 days subsequent to the entry of the order of election.

27           C. The court shall be limited in its decision to granting or denying eligibility for city  
28 status and shall have no authority to impose terms or conditions with respect to such eligibility.

29           D. If a majority of the court is of the opinion that the criteria set out in ~~B~~ herein  
30 subsection A have not been met, then eligibility for city status shall be denied.

1 E. The court shall render a written opinion in every case brought under the provisions of  
2 this chapter.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-977.10~~ 15.2-3908. Assistance of state agencies.

6 The special court may, in its discretion, direct any appropriate state agency, in addition to  
7 the Commission on Local Government, to gather and present evidence, including statistical data  
8 and exhibits, for the court, ~~to be~~ subject to the usual rules of evidence. The court shall determine  
9 the actual expense of preparing such evidence and shall tax such expense as costs in the case,  
10 ~~which;~~ the costs shall be paid by the clerk into the general fund of the state treasury, and credited  
11 to the agency furnishing the evidence.

12 **Drafting note: No substantive change in the law.**

13  
14 § ~~15.1-977.11~~ 15.2-3909. Appeals.

15 Appeals may be granted by the Supreme Court of Virginia as provided in §§ ~~15.1-1049~~  
16 15.2-3221 and ~~15.1-1050~~ 15.2-3222, which shall apply mutatis mutandis.

17 **Drafting note: No change.**

18  
19 § ~~15.1-977.12~~ 15.2-3910. Charter commission; appointment; compensation.

20 Upon entry of the order provided in § ~~15.1-977.9-B~~ 15.2-3907 A, the governing body of  
21 the county shall appoint a charter commission, composed of not less than seven persons, to assist  
22 it in the preparation of a charter and form of government for the new city. The governing body  
23 shall fix the compensation of members of the charter commission, the amount of which shall be  
24 subject to approval by the circuit court ~~of~~ for the county.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-977.13~~ 15.2-3911. Charter provisions generally.

28 The charter shall provide for the orderly transition from a county form of government to a  
29 city form, for the assumption by the new city of the debt and contractual obligations of the  
30 former county and of all towns formerly located therein, and for the transfer of all assets from  
31 such county and towns to the new city. The city charter shall recognize any townships which

1 may be created pursuant to § ~~15.1-977.17~~ 15.2-3916, and where such townships are created, they  
2 shall assume the assets and debts of the towns they succeed; ~~provided, however.~~ However, the  
3 city charter shall provide that all or part of the revenues of a township, the services it performs,  
4 its facilities, other assets, and debts may be transferred to the city by ~~mutual~~ agreement of the  
5 governing bodies. The provisions of the charter with respect to elected officials shall conform to  
6 the applicable requirements of the Constitution of Virginia. The charter may also provide that the  
7 new city may continue any agreements or arrangements undertaken under other provisions of  
8 law for the joint support of officials, facilities, and services that exist on the effective date of the  
9 city charter. Such charter shall become effective on July 1 in the year of enactment by the  
10 General Assembly.

11 **Drafting note: No substantive change in the law.**

12

13 § ~~15.1-977.13:1~~ 15.2-3912. Optional charter provisions.

14 Any charter adopted pursuant to this chapter may include any of the following  
15 provisions:

16 ~~A. 1. That the~~ The rate of tax on real property in any territory which is a part of the  
17 proposed city shall be lower than in other territory of the proposed city for a period of five years,  
18 provided that any difference between such rates of taxation shall bear a reasonable relationship to  
19 differences in nonrevenue-producing governmental services giving land urban character which  
20 are furnished in such territories.

21 ~~B. 2. That in any area specified in the charter there may, for the purpose of repaying~~  
22 ~~existing indebtedness chargeable to such area prior to the county becoming a city, be levied a~~ A  
23 special tax may be levied on real property for a period of not exceeding twenty years, ~~which in~~  
24 any area specified in the charter. The special tax may be different from and in addition to the  
25 general tax rate throughout the entire city and shall be for the purpose of repaying existing  
26 indebtedness chargeable to such area prior to the county becoming a city.

27 ~~C. 3. That there~~ There shall be a new election of officers for the city whose election and  
28 qualification shall terminate the terms of office of the officers of the former county; ~~provided,~~  
29 However, no new election need be held for offices required to be continued by the Constitution,  
30 nor for any other office for which a new election is deemed unnecessary.

1           ~~D. 4. That the~~ The tax rate on all property of the same class within the city shall be  
2 uniform; ~~provided that.~~ However, the governing body of the city shall have power to levy a  
3 higher tax in such areas of the city that desire additional or more complete services of  
4 government than are desired in the city as a whole ~~and in such case, the.~~ The proceeds ~~therefrom~~  
5 of the higher tax shall be ~~se~~ segregated as to ~~enable the same to be~~ and expended in the areas in  
6 which raised. ~~Provided further that such~~ Such higher tax rate shall not be levied for school,  
7 police or general government services but only for those services which prior to the transition  
8 were not offered in the whole of the former county.

9           **Drafting note: No substantive change in the law.**

10  
11           ~~§ 15.1-977.14~~ 15.2-3913. Public hearing on charter; notice and publication; adoption of  
12 charter by governing body.

13           Upon the completion of the proposed charter the governing body shall hold a public  
14 hearing at which the citizens shall have an opportunity to be heard with respect thereto. Notice of  
15 the time and place of such hearing and the text of the charter, or an informative summary thereof,  
16 shall be published in a newspaper of general circulation in the county at least once a week for  
17 two successive weeks. The hearing shall not be held sooner than thirty days subsequent to the  
18 first publication. Such hearing may be adjourned from time to time, but shall be completed not  
19 less than thirty days before the election. Upon completion of the hearing the governing body  
20 shall adopt the charter with such revisions as it may accept.

21           **Drafting note: No change.**

22  
23           ~~§ 15.1-977.15~~ 15.2-3914. Rejection or adoption of charter at election.

24           ~~If it shall appear that~~ the proposed charter ~~has is not been~~ adopted by a majority ~~vote~~ of  
25 ~~the qualified electors~~ those voting in the election, an order shall be entered of record accordingly,  
26 and no other election for any change in the county form of government shall be held within three  
27 years after the date of the election. If the proposed charter is adopted by a majority ~~vote~~ of ~~the~~  
28 ~~qualified electors~~ those voting in the election, the special court shall enter an order accordingly, a  
29 copy of which shall be forthwith certified to the Secretary of the Commonwealth, and two  
30 copies, in the form of a proposed bill to grant the charter, shall be certified to one or more

1 members of the General Assembly representing the county for introduction as a bill in the  
2 General Assembly.

3 **Drafting note: No substantive change in the law.**

4

5 § ~~15.1-977.16~~ 15.2-3915. Transition of county to independent city requires no action of  
6 town council.

7 A county may become an independent city in accordance with the foregoing provisions  
8 of this chapter without the necessity of any action ~~concerning the same~~ being taken by the  
9 council of any town situated in such county and without the necessity of separate referenda in  
10 any such town on the question of the transition of the county to a city.

11 **Drafting note: No substantive change in the law.**

12

13 § ~~15.1-977.17~~ 15.2-3916. Creation of townships; effect on town charters; right of certain  
14 townships to obtain city status.

15 A. Each town located within any county which becomes a city pursuant to the provisions  
16 of this chapter shall automatically continue as a township within the city, and the charter of each  
17 such town shall become the charter of the township with the law governing the relationship of  
18 the town to the county continuing in effect. Such townships established pursuant to this  
19 subsection shall continue to exercise such powers and elect such officers as the township charter  
20 may authorize and such other powers as the former town previously exercised under general law.  
21 However, no township shall exercise the authority granted towns by Chapter ~~22 38~~ (§ ~~15.1-982.1~~  
22 15.2-3800 et seq.) of this title or by Article 1 (§ 15.2-3200 et seq.) of Chapter ~~25 32~~ (~~§ 15.1-1032~~  
23 ~~et seq.~~) of this title, or any extraterritorial authority granted towns by Chapter ~~11 22~~ (§ ~~15.1-427~~  
24 15.2-2200 et seq.) of this title. Townships shall receive from the Commonwealth financial  
25 assistance in the same manner and to the same extent as is provided towns; ~~provided, however,~~  
26 However, a township may transfer all or part of the revenues it receives, the services it performs,  
27 its facilities, other assets, and debts to the city by ~~mutual~~ agreement of the governing bodies.

28 B. Notwithstanding the provisions of subsection A of this section, any town which ~~at the~~  
29 ~~time of enactment of this section~~ in 1979 possessed a population in excess of 5,000 persons and  
30 was situated within a county possessing a population of 20,000 or more persons and a density of  
31 population of 300 or more persons per square mile, or a minimum population of 50,000 persons

1 and a density of population of at least 140 persons per square mile, based on the ~~latest~~ United  
2 States census, on ~~the latest~~ population estimates of the Weldon Cooper Center for Public Service  
3 of the University of Virginia, or on a special census conducted under court supervision, shall  
4 retain as a township the right to obtain city status. Where such township seeks to become a city  
5 under the authority granted by this subsection and in accordance with § ~~15.1-982.2~~ 15.2-3801 et  
6 seq., the ~~incorporation~~ special court shall be limited in its review, as provided in § ~~15.1-982.10~~  
7 15.2-3809, to a determination of the township's population and population density. Where the  
8 court determines that such township has a population of at least 5,000 persons and a density of at  
9 least 200 persons per square mile, it shall enter an order granting the township city status.

10 **Drafting note: No substantive change in the law.**

11  
12 § ~~15.1-977.18~~ 15.2-3917. Certain cities not affected by chapter.

13 This chapter shall in no way affect the organization, government, officers, charter or laws  
14 governing any city declared to be such prior to July 1, 1978.

15 **Drafting note: No change.**

16  
17 § ~~15.1-977.18:1~~ 15.2-3918. Optional status of streets.

18 Any city formed under the provisions of this chapter may, by ordinance, elect to continue  
19 receiving, for a period not to exceed ten years from the date of the granting of a city charter, the  
20 full services of the Department of Transportation in the same manner and to the same extent such  
21 services were rendered prior to such city being formed. Upon the passage of such ordinance,  
22 funds for the maintenance, construction or reconstruction of streets within the areas formerly a  
23 county shall continue to be allocated as if such areas were still in a county and the city shall not  
24 receive funds for maintenance, construction or reconstruction of streets in those areas during the  
25 period the Department of Transportation furnishes such services. In those areas where the  
26 Department provides the above services, the governing body of the city shall have control over  
27 the streets and highways to the same extent as was formerly vested in the governing body of the  
28 county. At any time prior to the expiration of the ten-year period, the governing body may elect,  
29 by ordinance, to place its streets, or a portion of them, in the urban system of highways and shall  
30 receive funds as provided by law for all cities.

31 **Drafting note: No change.**

1  
2  
3  
4  
5  
6  
7

§ ~~15.1-977.19~~ 15.2-3919. Legislative, etc., district and judicial circuit not affected.

Any city formed under the provisions of this chapter shall be and remain a part of the ~~Congressional~~ congressional, ~~Senatorial~~ senatorial and legislative districts, respectively, and of the judicial circuit in which, as a county, it was geographically located, unless otherwise changed by general law.

**Drafting note: No substantive change in the law.**





1  
2           § ~~15.1-965.3~~ 15.2-4002. Report from ~~city attorney~~ Commission to be certified to circuit  
3 court ~~or judge thereof in vacation; appointment of special court.~~

4           When the governing body of any city receives a report compiled pursuant to § ~~15.1-965.2~~  
5 15.2-4001 from the ~~city attorney~~ Commission on Local Government concluding that the city  
6 does not meet the requirements for city status under Article VII, § of the Constitution of  
7 Virginia, it shall ~~determine whether the report is an accurate statement of the matters therein set~~  
8 ~~forth and if it be so, certify the report to the circuit court, or judge thereof in vacation, of the~~  
9 ~~county wherein the city is situated if such city has no operative court of record within it~~ petition  
10 the circuit court for the city for a determination of city status. All adjoining counties shall be  
11 given notice of the petition.

12           The circuit court with which the petition is filed shall notify the Supreme Court, which  
13 shall appoint a special court to hear the case as prescribed by Chapter 30 (§ 15.2-3000 et seq.) of  
14 this title.

15           **Drafting note: SUBSTANTIVE CHANGE; provides a procedure for creation of a**  
16 **special court and notification of adjoining counties.**

17  
18           § ~~15.1-965.4~~. Appointment and duties of trustee.

19           ~~If it appears to the circuit court, or judge thereof in vacation, that such city may have a~~  
20 ~~population of less than 5,000, such court or judge thereof in vacation shall thereupon enter an~~  
21 ~~order appointing a trustee who shall hold the assets of the city in trust. The trustee shall~~  
22 ~~investigate the matters contained in the report filed under § 15.1-965.3 and report thereon to the~~  
23 ~~court.~~

24           **Drafting note: Repealed; the role of the trustee is eliminated.**

25  
26           § ~~15.1-965.5~~. Trustee to give bond with surety.

27           ~~A trustee appointed under this section shall give bond with surety, in a penalty to be~~  
28 ~~determined by the circuit court or judge thereof in vacation, and conditioned upon the faithful~~  
29 ~~discharge of the duties imposed upon him by this chapter. Every such trustee shall give as surety~~  
30 ~~some guaranty or security company doing business in this Commonwealth and deemed sufficient~~  
31 ~~by the circuit court or judge thereof in vacation.~~

1           **Drafting note: Repealed; the role of the trustee is eliminated.**

2  
3           ~~§ 15.1-965.6~~ 15.2-4003. Investigation by trustee special court; public hearing.

4           ~~Any trustee~~ A special court appointed pursuant to this chapter shall investigate all matters  
5 contained in the report certified ~~by~~ to the court under ~~§ 15.1-965.3 of this chapter~~ 15.2-4002, and  
6 any other matters ~~he~~ it deems pertinent to the purpose of the inquiry. The court shall fix a time  
7 and place for a public hearing on such report.

8           **Drafting note: The role of the trustee is eliminated. The hearing requirement is**  
9 **relocated from § 15.1-965.8.**

10  
11           § 15.2-4004. Determination of city status.

12           If the special court determines that the city no longer qualifies for city status, it shall enter  
13 an order changing the city to a town. The court shall have authority to impose such terms and  
14 conditions as it deems appropriate to ensure an orderly transition from city status to town status.

15           **Drafting note: This section replaces old § 15.1-965.8.**

16  
17           § 15.2-4005. Effect when city becomes town; officers.

18           When a city becomes a town under the provisions of this chapter, its ordinances shall  
19 become the ordinances of the town, insofar as they are applicable and consistent with law, until  
20 they are repealed, and the existence of such city as an independent city of the Commonwealth  
21 shall terminate, as shall the terms of office and the rights, powers, duties and compensation of its  
22 constitutional officers and their deputies and employees. All officers, agents and employees of  
23 the city, including the mayor and the members of city council, shall continue to serve as the  
24 officers, agents and employees of the town, until they are terminated as provided by law, or in  
25 the case of the mayor and members of council, until their successors are elected or appointed.  
26 The court shall order an election to be held pursuant to § 24.2-682 not less than thirty nor more  
27 than 180 days after the date of the court order granting town status, but at least thirty days before  
28 the effective date of the transition from city to town status, at which election the town council  
29 and other elected officers of the town shall be selected. The terms of such officers shall  
30 commence on the day the transition from city to town status becomes effective and shall  
31 continue, unless otherwise removed, until their successors have been elected and assume office.

1 The successors or all such officers whose first election is herein provided for shall thereafter be  
2 elected at the time, in the manner and for the terms provided by general law.

3 **Drafting note: The substance of this section comes from § 15.1-965.24 (§ 15.2-4115).**

4  
5 ~~§ 15.1-965.7. Officers of city to continue in office; duration of service.~~

6 ~~All officers of any city subject to the requirements of this chapter shall continue in office~~  
7 ~~and discharge all duties imposed upon them by law. Such officers shall continue to serve until~~  
8 ~~the trustee appointed under § 15.1-965.4 of this chapter is discharged by the circuit court or the~~  
9 ~~judge thereof in vacation.~~

10 **Drafting note: Repealed; the subject matter of this section is located in § 15.2-4005.**

11  
12 ~~§ 15.1-965.8. Report by trustee; hearing thereon; order.~~

13 ~~The trustee shall determine if the city has lost its status as a city and make report thereon~~  
14 ~~to the court. The court shall fix a time and place for a hearing on such report. After such hearing,~~  
15 ~~the court may enter an order of such nature as the ends of justice require either conforming the~~  
16 ~~city to a town or dismissing any further proceedings.~~

17 **Drafting note: Repealed; the subject matter of this section is located in § 15.2-4003.**



1 the adjoining county. The case shall proceed in all respects as though instituted in the manner  
2 prescribed in subsection A of this section, and the court shall forthwith refer the petition to the  
3 Commission on Local Government for review pursuant to Chapter 19.1 (§ 15.1-945.1 et seq.) of  
4 this title prior to proceeding to hear the case.

5 ~~§ 15.1-965.11. Notice of motion, service and publication; answer or other pleading.~~

6 ~~In any proceedings instituted by a city~~ B. Before instituting a proceeding under this  
7 chapter for a grant of town status, the a city shall serve notice on the county attorney, or if there  
8 be is none, on the attorney for the Commonwealth, and on the chairman of the board of  
9 supervisors of the adjoining county that it will, on a given day, petition the circuit court for a  
10 grant of town status. The notice served on each official shall include a certified copy of the  
11 ordinance. A copy of the notice and ordinance, or a descriptive summary of the notice and  
12 ordinance and a reference to the place within the city or adjoining county where copies of the  
13 notice and ordinance may be examined, shall be published at least once a week for four  
14 successive weeks in some newspaper having general circulation in the city and adjoining county.  
15 The notice and ordinance shall be returned after service to the clerk of the circuit court and when  
16 the publication is completed, of which the certificate of the owner, editor or manager of the  
17 newspaper publishing it shall be proof, the case shall be docketed for hearing. Any answer or  
18 other pleading shall be filed with the court no later than twenty-one days after completion of the  
19 publication. Certification by the owner, editor or manager of the newspaper publishing the notice  
20 and ordinance shall be proof of publication.

21 **Drafting note: Old subsection B is relocated to § 15.2-4102 and new subsection B is**  
22 **relocated from § 15.1-965.11. In subsection B, language regarding when the case will be**  
23 **docketed and when answers to the petition may be filed is deleted, as these matters are**  
24 **more logically related to the appointment of the special court rather than to the publication**  
25 **of the petition, which occurs before the petition is even filed. As a practical matter,**  
26 **scheduling details will be addressed by the special court when it is appointed. Section 15.2-**  
27 **3001 says that cases heard by the special court have priority over all other cases, and §**  
28 **15.2-4104 directs the court to set a time limit for intervenors.**

29  
30 § 15.2-4102. Citizen petition for town status.

1           ~~B. Qualified voters~~ Voters equal in number to fifteen percent or more of the registered  
2 voters of the city as of January 1 of the year in which the petition is filed may petition the circuit  
3 court ~~of~~ for the city, stating that it is desirable that such city make the transition to town status. A  
4 copy of ~~such~~ the petition shall be served on the city attorney and the county attorney, or if there  
5 ~~be~~ is none, on the attorney for the Commonwealth for the county and on the mayor of the city  
6 and the chairman of the board of supervisors of the adjoining ~~county~~ counties. A copy of the  
7 petition shall be published at least once a week for four successive weeks in a newspaper having  
8 general circulation in the city and the adjoining county. The case shall proceed in all respects as  
9 though instituted in the manner prescribed in ~~subsection A of this section~~ § 15.2-4101, and the  
10 court shall forthwith refer the petition to the Commission on Local Government for review  
11 pursuant to Chapter ~~19.1~~ 29 (§ ~~15.1-945.1~~ 15.2-2900 et seq.) ~~of this title prior to proceeding to~~  
12 ~~hear the case.~~

13           **Drafting note: Relocated from § 15.1-965.10 B (§ 15.2-4101) with no substantive**  
14 **change.**

15  
16           ~~§ 15.1-965.12~~ 15.2-4103. Parties.

17           In any proceedings instituted under the provisions of this chapter, the adjoining county  
18 shall be made party to the case, ~~and may be represented by counsel~~. Any qualified voter or  
19 property owner of the city or adjoining county may by petition become party to the proceedings.

20           **Drafting note: No substantive change in the law. Superfluous language is stricken.**

21  
22           ~~§ 15.1-965.13~~ 15.2-4104. Time limit for intervenors; publication of order.

23           The special court shall by order fix a time within which a qualified voter, property owner,  
24 political subdivision, or other interested party not served may become a party to proceedings  
25 instituted under this chapter, and thereafter no such petition shall be received except for good  
26 cause shown. A copy of the order ~~fixing such time for parties not previously served~~ shall be  
27 published at least once a week for two successive weeks in a newspaper of general circulation in  
28 the city and county.

29           **Drafting note: No substantive change in the law.**

30  
31           ~~§ 15.1-965.14. Vacancies on court occurring during trial.~~

1           ~~If a vacancy occurs on such court at any time prior to the final disposition of the case and~~  
2 ~~the completion of all duties required to be performed by it, the court shall not be dissolved and~~  
3 ~~the proceedings shall not fail; but the vacancy shall be filled by designation of another judge by~~  
4 ~~the Supreme Court. Such substitute judge shall have all the power and authority of his~~  
5 ~~predecessor and the court as so constituted shall proceed to hear and determine the case and do~~  
6 ~~all things necessary to accomplish its final disposition and the completion of all the duties of the~~  
7 ~~court, including such matters as the certification of evidence and exceptions; provided that no~~  
8 ~~decision shall be rendered or action taken after such designation with respect to any question~~  
9 ~~previously submitted to but not decided by the court except after a full hearing in open court by~~  
10 ~~the court as reconstituted of all the evidence theretofore introduced before the court and a~~  
11 ~~hearing of all arguments theretofore made with reference to such question.~~

12           **Drafting note: Repealed; vacancies on the special court are covered in § 15.2-3004.**

13  
14           § ~~15.1-965.15~~ 15.2-4105. Pretrial conference; matters considered.

15           The special court shall, prior to hearing any case under this chapter, direct the attorneys  
16 for the parties to appear before it or, in its discretion, before a single judge, for a conference to  
17 consider:

18           1. ~~The simplification~~ Simplification of the issues;  
19           2. Amendment of pleadings and filing of additional pleadings;  
20           3. Stipulations as to facts, documents, records, photographs, plans and like matters, which  
21 will dispense with formal proof thereof, including:

22           a. Assessed values and the ratio of assessed values to true values, as determined by the  
23 State Department of Taxation, in the city seeking to become a town and in the county including  
24 real property, personal property, machinery and tools, merchants' capital and public service  
25 corporation assessment for each year of the five years immediately preceding;

26           b. ~~The school~~ School population and school enrollment in the city seeking to become a  
27 town and in the county, as shown, respectively, by the triennial census of school population and  
28 by the records in the office of the division superintendent of schools; and the cost of education  
29 per pupil in average daily membership, as shown by the last preceding report of the  
30 Superintendent of Public Instruction;

1 c. ~~The population~~ Population and ~~the density of population~~ density of the city seeking to  
2 become a town and of the county;

3 4. ~~The long-term~~ Long-term and short-term indebtedness of both the city and the county.

4 5. Limitation or expansion of pretrial discovery procedures;

5 6. Limitation of the number of expert witnesses, ~~as well as requiring~~; each expert witness  
6 who will testify ~~to~~ shall file a statement of his qualifications;

7 7. Such other matters as may aid in the disposition of the case.

8 The court, or the judge, as the case may be, shall make an appropriate order which will  
9 control the subsequent conduct of the case unless modified for good cause before or during the  
10 trial or hearing.

11 **Drafting note: No substantive change in the law.**

12  
13 § ~~15.1-965.16~~ 15.2-4106. Hearing and decision by court.

14 ~~A. The court, without a jury, shall hear the case upon the evidence, as evidence is~~  
15 ~~introduced in civil cases.~~

16 ~~B.~~ A. The special court shall enter an order granting town status if, after hearing the  
17 evidence, the court finds that:

18 1. The city has a current population of less than 50,000 people;

19 2. The adjoining county or counties have been made party defendants to the proceedings;

20 3. The proposed change from city to town status will not substantially impair the ability  
21 of the adjoining county in which the town will be located to meet the service needs of its  
22 population;

23 4. The proposed change from city to town status will not result in a substantially  
24 inequitable sharing of the resources and liabilities of the town and the county;

25 5. The proposed change from city to town status is, in the balance of equities, in the best  
26 interests of the city, the county, the Commonwealth, and the people of the county and the city;  
27 and

28 6. The proposed change from city status to town status is in the best interests of the  
29 Commonwealth in promoting strong and viable units of government.



1            ~~C. B.~~ In making the findings required by subdivisions 3 and 4 of subsection B A of this  
2 section, the The court shall have authority to impose such terms and conditions as it deems  
3 appropriate to:

- 4            1. Ensure an orderly transition from city status to town status;
- 5            2. Adjust financial inequities;
- 6            3. Balance the equities between the parties; and
- 7            4. Ensure protection of the best interests of the city, the county, the Commonwealth, and  
8 the people of the county and the city.

9            ~~D. C.~~ The court shall render a written opinion in every case brought under the provisions  
10 of this chapter.

11            ~~E. D.~~ In the event the court enters an order declaring the city eligible for town status, a  
12 copy of the order shall be certified to the Secretary of the Commonwealth.

13            **Drafting note: No substantive change in the law.**

14  
15            § ~~15.1-965.17~~ 15.2-4107. Assistance of state agencies.

16            The special court may, in its discretion, direct any appropriate state agency, in addition to  
17 the Commission on Local Government, to gather and present evidence, including statistical data  
18 and exhibits, for the court, to be subject to the usual rules of evidence. The court may determine  
19 the actual expense of preparing such evidence and may tax such expense as costs in the case;  
20 ~~which;~~ the costs, if so taxed, shall be paid by the clerk into the general fund of the state treasury,  
21 and credited to the agency furnishing the evidence.

22            **Drafting note: No substantive change in the law.**

23  
24            § ~~15.1-965.18~~ 15.2-4108. Appeals.

25            Appeals may be granted by the Supreme Court of Virginia as provided in §§ ~~15.1-1049~~  
26 15.2-3221 and ~~15.1-1050~~ 15.2-3222, which shall apply mutatis mutandis.

27            **Drafting note: No change.**

28  
29            § ~~15.1-965.19~~ 15.2-4109. ~~Declination of~~ Declining a grant of town status.

30            In any proceedings brought under the provisions of this chapter, the governing body of  
31 the city, may, by ordinance or resolution, decline to accept eligibility for town status on the terms

1 and conditions imposed by the special court at any time prior to twenty-one days after entry of an  
2 order granting eligibility for town status, or within twenty-one days after denial of a petition for  
3 appeal or within twenty-one days after the entry of the mandate in an appeal which has been  
4 granted.

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-965.20~~ 15.2-4110. Proceedings final for five years.

8 In the event the special court determines the city to be ineligible for town status or in the  
9 event that town status is declined under the provisions of § ~~15.1-965.19~~ 15.2-4109, no  
10 subsequent proceedings shall be brought under the provisions of this chapter within five years of  
11 the date of the final order.

12 **Drafting note: No substantive change in the law.**

13  
14 § ~~15.1-965.21~~ 15.2-4111. Effective date of transition.

15 The special court in its order granting town status shall specify the effective date of  
16 transition from city status to town status, but in no event shall such date be sooner than six  
17 months from the date of the court order.

18 **Drafting note: No substantive change in the law.**

19  
20 § ~~15.1-965.22~~ 15.2-4112. Charter for resulting town.

21 A. If a proposed charter for the resulting town has been approved by the General  
22 Assembly for adoption pending order of the special court pursuant to this chapter, such proposed  
23 charter shall be the charter of the town upon approval of the transition from city to town status.

24 B. If no such proposed charter for the resulting town has been approved by the General  
25 Assembly, the court shall enter an order conforming the city charter to a town charter, which  
26 shall be the charter of the town until a new charter is granted by the General Assembly.

27 **Drafting note: No substantive change in the law.**

28  
29 § ~~15.1-965.22:1~~ 15.2-4113. Restriction on subsequent change in status

30 Notwithstanding any contrary provision of law, general or special, a town created under  
31 this chapter shall not return to its previous independent city status.

1           **Drafting note: No substantive change in the law.**

2  
3           § ~~15.1-965.23~~ 15.2-4114. Liabilities and assets of such city.

4           Unless otherwise provided by agreement of the governing bodies of the city and county,  
5 or by order of the special court pursuant to § ~~15.1-965.16~~ 15.2-4106, ~~such a town created under~~  
6 this chapter shall remain liable for all of the bonded indebtedness, current debts, obligations, and  
7 liabilities if incurred as a city. Unless otherwise provided by agreement of the governing bodies  
8 of the city and county, or by order of the court pursuant to § ~~15.1-965.18~~ 15.2-4106 the title to all  
9 of the real and personal property of the former city and all of its rights and privileges under any  
10 contract, and all of its books, records, papers and other things of value, shall vest in and become  
11 the property of the town.

12           **Drafting note: No substantive change in the law. The existing reference to § 15.1-**  
13 **965.18 is incorrect.**

14  
15           § ~~15.1-965.24~~ 15.2-4115. Effect when city becomes town; officers.

16           When a city becomes a town under the provisions of this chapter, its ordinances shall  
17 become the ordinances of the town, insofar as they are applicable, and consistent with law, until  
18 they are repealed, and the existence of such city as an independent city of the Commonwealth  
19 shall terminate, as shall the terms of office and the rights, powers, duties and compensation of its  
20 constitutional officers and their deputies and employees. All officers, agents and employees of  
21 the city, including the mayor and the members of city council, shall continue to serve as the  
22 officers, agents and employees of the town, until ~~they~~ their positions or offices are terminated as  
23 provided by law, or in the case of the mayor and members of council, until their successors are  
24 elected or appointed. The circuit court shall order an election ~~in accordance with § 24.1-1~~ to be  
25 held pursuant to § ~~24.1-165~~ 24.2-682 not less than ~~30~~ thirty nor more than 180 days after the date  
26 of the special court order granting town status, but at least ~~30~~ thirty days before the effective date  
27 of the transition from city to town status, at which election the town council and other elected  
28 officers of the town shall be selected. The terms of such officers shall commence on the day the  
29 transition from city to town status becomes effective and shall continue, unless otherwise  
30 removed, until their successors have been elected and assume office. The successors or all such

1 officers whose first election is herein provided for shall thereafter be elected at the time, in the  
2 manner and for the terms provided by general law.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-965.24:1~~ 15.2-4116. Library aid continued.

6 ~~For a period of five years from the effective date of the court order granting town status~~  
7 ~~to a city making the transition from city status to town status, the Commonwealth, where~~ In any  
8 transition under the provisions of this chapter, if a regional library system existed between such a  
9 former city and the county surrounding it, or where if the former city continues to operate an  
10 independent library, the Commonwealth shall continue state aid to such the former regional  
11 library system or independent library the same as if no transition had occurred. The  
12 Commonwealth shall continue such aid for five years from the effective date of the court order  
13 granting town status.

14 **Drafting note: No substantive change in the law. The section is rewritten for**  
15 **clarity.**

16  
17 § ~~15.1-965.24:2~~ 15.2-4117. Temporary restriction on annexation.

18 For a period of two years from the effective date of a court order granting town status to a  
19 city making the transition from city status to town status, the town shall not file an annexation  
20 notice with the Commission on Local Government pursuant to § ~~15.1-945.7~~ 15.2-2907, nor shall  
21 it institute an annexation court action against any county. However, the foregoing shall not  
22 prohibit the institution of nor require the stay of an annexation proceeding or the filing of an  
23 annexation notice for the purpose of implementing an annexation agreement, provided that the  
24 extent, terms and conditions of such agreement have been agreed upon by the governing bodies  
25 of the county and the town.

26 **Drafting note: No substantive change in the law.**

27  
28 § ~~15.1-965.25~~ 15.2-4118. Effect on pending suits.

29 If at the time a city becomes a town under the provisions of this chapter there are any  
30 pending actions or proceedings by or against the city, or if after a city becomes a town under the  
31 provisions of this chapter an action or proceeding out of a cause of action which arose prior to

1 the time the city became a town, which but for said transition would have been by or against the  
2 city, is instituted, the resulting town shall be substituted in place of the city and the action or  
3 proceeding may be perfected to judgment.

4 **Drafting note: No change.**

5  
6 § ~~15.1-965.26~~ 15.2-4119. Effect on jurisdiction of courts; ~~selecting juries~~.

7 Upon the effective date of the transition from city to town status, all criminal  
8 prosecutions then pending therein, whether by indictment, warrant or other complaint, and all  
9 suits, actions, motions, warrants, and other proceedings of a civil nature, at law or chancery, with  
10 all the records of the courts of the city, shall stand ipso facto removed to the courts of concurrent  
11 or like jurisdiction of the appropriate county. The circuit and other courts having courthouses and  
12 records in and jurisdiction over the city shall, at some convenient time, as closely preceeding the  
13 period of removal as practicable, by formal orders entered of record, direct the removal of all  
14 such causes and proceedings, civil and criminal, at law and in chancery, to the court or courts of  
15 concurrent or like jurisdiction of the county. The clerk of the court or courts to which the ~~same~~  
16 causes and proceedings have been removed shall thereupon proceed as in other cases of removal  
17 or changes of venue and such matters shall be docketed and handled as though initially filed in  
18 such court or courts. At the same time such clerk or clerks shall also deliver to the proper clerk or  
19 clerks of the county all the deed books, order or minute books, execution dockets, judgment  
20 dockets and other records of his office, of whatever kind or nature; ~~and the~~. The clerk or clerks  
21 of the court or courts to which the ~~same~~ records are removed shall take charge of and preserve  
22 the ~~same~~ records for reference and use in the same manner and with the same effect as though  
23 they were original records of his office.

24 **Drafting note: No substantive change in the law.**

25  
26 § ~~15.1-965.27~~ 15.2-4120. Court granting transition to town status to exist for ten years.

27 A. The special court created pursuant to § ~~15.1-965.10~~ 15.2-4101 shall not be dissolved  
28 after rendering a decision granting any motion or petition for transition to town status, but shall  
29 remain in existence for a period of ten years from the effective date of any transition order  
30 entered, or from the date of any decision of the Supreme Court affirming such an order.  
31 Vacancies occurring in the court during such ten-year period shall be filled by designation of

1 another judge from the panel provided for in Chapter ~~26.2~~ 30 (§ ~~15.1-1168~~ 15.2-3000 et seq.) of  
2 this title.

3 B. The court may be reconvened at any time during the ten-year period on its own  
4 motion, or on motion of the governing body of the county, or of the town, or on petition of not  
5 less than fifteen percent of the registered voters of the town.

6 C. The court shall have power and it shall be its duty, at any time during such period, to  
7 enforce the performance of the terms and conditions under which town status was granted, and to  
8 issue appropriate process to compel such performance. The court may, in its discretion, award  
9 attorneys' fees, court and other reasonable costs to the party or parties on whose motion the court  
10 is reconvened.

11 D. Any such action of the court shall be subject to review by the Supreme Court in the  
12 same manner as is provided with respect to the original decision of the court.

13 **Drafting note: No substantive change in the law.**



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§ ~~15.1-1402~~ 15.2-4202. Definitions.

For the purposes of this chapter:

"Commission" means ~~the~~ a planning district commission ~~and is.~~ Planning district commissions are composed of the duly appointed representatives of the ~~governmental subdivisions~~ localities which are parties to the charter agreement.

~~"Governing body" includes the board of supervisors of a county, the council of a city or town, the board of commissioners or other board or body in which the powers of a political subdivision are vested by law.~~

~~"Governmental subdivision" means the counties, cities and towns of this Commonwealth.~~

"Planning district" means a contiguous area within the boundaries established by the Department of Housing and Community Development.

~~"Political subdivisions" includes the governmental subdivisions, sanitary, sanitation and transportation districts, authorities and other such public bodies created under the laws of this Commonwealth.~~

"Population," unless a different census is clearly set forth, means the number of inhabitants according to the United States census latest preceding the time at which any provision dependent upon population is being applied, or the time as of which it is being construed, unless there is available an annual estimate of population prepared by the Weldon Cooper Center for Public Service of the University of Virginia, which has been filed with the Department of Housing and Community Development, in which event the estimate shall govern.

**Drafting note: No substantive change in the law. The definition of "governmental subdivision" is deleted because "locality" is defined to mean a county, city or town in Chapter 1. "Governing body" is defined in Chapter 1, and the definition of "political subdivisions" is unnecessary because it is defined where it is used in the chapter.**

~~Article 2.  
Planning Districts.~~

§ ~~15.1-1403~~ 15.2-4203. Organization of planning district commission.



1           A. At any time after the establishment of the geographic boundaries of a planning  
2 district, the ~~governmental subdivisions~~ localities embracing at least forty-five percent of the  
3 population within the district acting by ~~the~~ their governing ~~body~~ bodies may organize a planning  
4 district commission by written agreement ~~among them~~. Any ~~governmental subdivision~~ locality  
5 not a party to such charter agreement shall continue as a part of the planning district but, until  
6 such time as such ~~governmental subdivision~~ locality elects to become a part of the planning  
7 district commission as hereinafter provided, shall not be represented in the composition of the  
8 membership of the planning district commission. Whenever a planning district is created which  
9 contains only two counties, the governing body of either county may organize a planning district  
10 commission in accordance with the provisions of this chapter if the governing body of the other  
11 county does not agree to organize such a planning district commission.

12           B. The charter agreement shall set forth:

13           1. The name of the planning district.

14           2. The ~~governmental subdivision~~ locality in which its principal office shall be situated.

15           3. The effective date of the organization of the planning district commission.

16           4. The composition of the membership of the planning district commission. At least a  
17 majority of its members shall be elected officials of the governing bodies of the ~~governmental~~  
18 ~~subdivisions~~ localities within the district, or members of the General Assembly, with each  
19 county, city and town of more than 3,500 population having at least one representative. In any  
20 planning district other than planning district number 23, a town of 3,500 or less population may  
21 petition the planning district commission to be represented thereon. The planning district  
22 commission may, in its discretion, grant representation to such town by a majority vote of the  
23 members of the commission. Other members shall be qualified voters and residents of the  
24 district. Should the charter agreement, as adopted, so provide, an alternate may serve in lieu of  
25 one of the elected officials of each of the governing bodies of the participating ~~governmental~~  
26 ~~subdivisions~~ localities.

27           5. The term of office of the members, their method of selection or removal and the  
28 method for the selection and the term of office of a chairman.

29           6. The voting rights of members, ~~and such~~. Such voting rights need not be equal and may  
30 be weighed on the basis of the population of the ~~governmental subdivision~~ locality represented

1 by the member, the aggregation of the voting rights of members representing one ~~governmental~~  
2 ~~subdivision~~ locality, or otherwise.

3 7. The procedure for amendment, for addition of other ~~governmental subdivisions~~  
4 localities within the planning district which are not parties to the original charter agreement, and  
5 the withdrawal from the charter agreement by ~~governmental subdivisions~~ localities within the  
6 planning district electing to do so.

7 C. The governing body of any ~~governmental subdivision~~ locality which is a member of  
8 the planning district commission may provide for compensation to be paid by it for its  
9 commission members, except for any full-time salaried employees of the ~~subdivision~~ locality.  
10 The amount of such compensation shall not exceed the amount fixed by the planning district  
11 commission.

12 **Drafting note: No substantive change in the law.**

13

14 § ~~15.1-1403.1~~ 15.2-4204. Disposition of earnings and assets of planning district  
15 commissions.

16 No part of the net earnings of any planning district commission, organized under the  
17 provisions of this chapter, shall inure to the benefit of, or be distributable to, any of its members,  
18 officers or other private persons, other than to its member ~~governmental subdivisions~~ localities as  
19 ~~hereinafter~~ provided; ~~however, the~~ in this chapter. ~~However, the~~ commission may pay  
20 reasonable compensation for services rendered and make payments and distributions in  
21 furtherance of the purposes of a planning district commission as set forth in this chapter and in  
22 its charter and bylaws. Upon the dissolution or termination of ~~existence of~~ any planning district  
23 commission, it shall, after paying or making provisions for the payment of ~~all of~~ its liabilities,  
24 distribute ~~all of~~ its assets to its member ~~governmental subdivisions~~ localities, pro rata, based  
25 upon the formula used to determine local government dues to the commission.

26 **Drafting note: No substantive change in the law.**

27

28 § ~~15.1-1404~~ 15.2-4205. Powers of commission generally.

29 A. Upon organization of a planning district commission, pursuant to charter agreement,  
30 it shall be a public body corporate and politic, the purposes of which shall be to perform the

1 planning and other functions provided by this chapter, and it shall have the power to perform  
2 such functions and all other powers incidental thereto.

3 B. Without in any manner limiting or restricting the general powers conferred by this  
4 chapter, the planning district commission ~~shall have power~~ may:

5 1. ~~To adopt~~ Adopt and have a common seal and to alter the same at pleasure.

6 2. ~~To sue~~ Sue and be sued.

7 3. ~~To adopt~~ Adopt bylaws and make rules and regulations for the conduct of its business;  
8 however, a planning district commission shall not amend its budget once adopted during the  
9 applicable fiscal year except pursuant to an affirmative vote of the same number of the entire  
10 membership of the planning district commission required to adopt the budget.

11 4. ~~To make~~ Make and enter into all contracts or agreements, as it may determine, which  
12 are necessary or incidental to the performance of its duties and to the execution of the powers  
13 granted under this chapter.

14 5. ~~To make application~~ Apply for and ~~to~~ accept, disburse and administer, for itself or for  
15 member ~~governmental subdivisions~~ localities so requesting, loans and grants of money or  
16 materials or property at any time from any private or charitable source or the United States of  
17 America or the Commonwealth of ~~Virginia~~, or any agency or instrumentality thereof.

18 6. ~~To exercise~~ Exercise any power usually possessed by private corporations, including  
19 the right to expend such funds as may be considered by it to be advisable or necessary in the  
20 performance of its duties and functions.

21 7. ~~To employ~~ Employ engineers, attorneys, planners, such other professional experts and  
22 consultants and such general and clerical employees as may be deemed necessary, and ~~to~~  
23 prescribe their powers and duties and fix their compensation.

24 8. ~~To do~~ Do and perform any acts and things authorized by this chapter through or by  
25 means of its own officers, agents and employees, or by contracts with any persons, ~~firms or~~  
26 ~~corporations~~.

27 9. ~~To execute any and all~~ Execute instruments and do and perform ~~any and all~~ acts or  
28 things necessary, convenient or desirable for its purposes or to carry out the powers expressly  
29 given in this chapter.

30 10. ~~To create~~ Create an executive committee which may exercise the powers and  
31 authority of the planning district commission under this chapter. The chairman of the planning

1 district commission shall serve as a member and as the chairman of the executive committee.  
2 The composition of the remaining membership of the executive committee, the term of office of  
3 its members and any alternate members, their method of selection or removal, the voting rights  
4 of members, procedures for the conduct of its meetings, and any limitations upon the general  
5 authority of the executive committee shall be established by the bylaws of the planning district  
6 commission. Any planning district commission may establish such other special and standing  
7 committees, advisory, technical, or otherwise, as it ~~shall deem~~ deems desirable for the  
8 transaction of its affairs.

9 **Drafting note: No substantive change in the law.**

10  
11 § ~~15.1-1404.1~~ 15.2-4206. Additional powers of planning district commissions.

12 Planning district commissions ~~shall have the power~~ may, in addition to and not in  
13 limitation of all other powers granted by this chapter:

14 1. ~~To acquire~~ Acquire, lease, sell, exchange, donate and convey ~~any or all of~~ its projects,  
15 property or facilities in furtherance of the purposes of planning district commissions as set forth  
16 in this chapter, ~~including this section~~;

17 2. ~~To issue~~ Issue its bonds, notes or other evidences of indebtedness, whether payable  
18 solely out of the revenues and receipts derived or to be derived from the leasing, sale or other  
19 disposition or use of such projects, property or facilities or otherwise, for the purpose of carrying  
20 out any of its powers or purposes set forth in this chapter, ~~including this section~~; and

21 3. As security for the payment of the principal of and premium, if any, and interest on any  
22 such bonds, notes or other evidences of indebtedness, ~~to~~ mortgage and pledge ~~any or all of~~ its  
23 projects, property or facilities or any part or parts thereof and ~~to~~ pledge the revenues therefrom or  
24 from any part thereof.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-1405~~ 15.2-4207. ~~Purpose~~ Purposes of commission.

28 A. It is the purpose of the planning district commission to encourage and facilitate local  
29 government cooperation in addressing on a regional basis problems of greater than local  
30 significance. The cooperation resulting from this chapter is intended to assist ~~local governments~~  
31 localities in meeting their own problems by enhancing their abilities to recognize and analyze

1 regional opportunities and take account of regional influences in planning and implementing  
2 their public policies and services. Functional areas warranting regional cooperation may include,  
3 but shall not be limited to: (i) economic and physical infrastructure development; (ii) solid waste,  
4 water supply and other environmental management; (iii) transportation; (iv) criminal justice; (v)  
5 emergency management; (vi) human services; and (vii) recreation.

6 Types of regional cooperative arrangements that commissions may pursue include but are  
7 not limited to (i) the facilitation of revenue sharing agreements; (ii) joint service delivery  
8 approaches; (iii) joint government purchasing of goods and services; (iv) regional data bases; and  
9 (v) regional plans.

10 B. The planning district commission shall also promote the orderly and efficient  
11 development of the physical, social and economic elements of the district by planning, and  
12 encouraging and assisting ~~governmental subdivisions~~ localities to plan, for the future. If  
13 requested by a member ~~governmental subdivision~~ locality or group of member ~~governmental~~  
14 ~~subdivisions~~ localities and to the extent the commission may elect to act, the commission may  
15 assist the ~~subdivisions~~ localities by carrying out plans and programs for the improvement and  
16 utilization of ~~the~~ their physical, social and economic elements. The commission shall not,  
17 however, have a legal obligation to perform the functions necessary to implement the plans and  
18 policies established by it or to furnish governmental services to the district.

19 C. The authority of the commission includes the power, to the extent the commission  
20 may from time to time determine, ~~to exercise such power~~ when requested to do so by a member  
21 ~~governmental subdivision~~ locality or group of member ~~governmental subdivisions~~ localities, (i)  
22 to participate in the creation or organization of nonprofit corporations to perform functions or  
23 operate programs in furtherance of the purposes of this chapter; (ii) to perform such functions  
24 and to operate such programs itself; (iii) to contract with nonprofit entities, including ~~local~~  
25 ~~governments~~ localities, performing such functions or operating such programs to provide  
26 administrative, management, and staff support, accommodations in its offices, and financial  
27 assistance; and (iv) to provide financial assistance, including matching funds, to interdistrict  
28 entities which perform governmental or quasi-governmental functions directly benefiting the  
29 commission's district and which are organized under authority of the Commonwealth or of the  
30 federal government.

1 D. Nothing herein shall be construed to permit the commission to perform functions,  
2 operate programs, or provide services within and for a ~~governmental subdivision~~ locality if the  
3 governing body of that jurisdiction opposes its doing so.

4 **Drafting note: No substantive change in the law.**

5  
6 § ~~15.1-1405.1~~ 15.2-4208. General duties of planning district commissions.

7 Planning district commissions shall have the following duties and authority:

- 8 1. To conduct studies on issues and problems of regional significance;
- 9 2. To identify and study potential opportunities for local cost savings and staffing  
10 efficiencies through coordinated local government efforts;
- 11 3. To identify mechanisms for the coordination of local interests on a regional basis;
- 12 4. To implement services upon request of member ~~local governments~~ localities;
- 13 5. To provide technical assistance to ~~local governments~~ member localities;
- 14 6. To serve as a liaison between ~~local governments~~ localities and state agencies as  
15 requested;
- 16 7. To review local government aid applications as required by § ~~15.1-1410~~ 15.2-4213 and  
17 other state or federal law or regulation;
- 18 8. To conduct strategic planning for the region as required by §§ ~~15.1-1406~~ 15.2-4209  
19 through ~~15.1-1409~~ 15.2-4212;
- 20 9. To develop regional functional area plans as deemed necessary by the commission or  
21 as requested by member ~~local governments~~ localities;
- 22 10. To assist state agencies, as requested, in the development of substate plans;
- 23 11. To participate in a statewide geographic information system, the Virginia Geographic  
24 Information Network, as directed by the Department of Planning and Budget; and
- 25 12. To collect and maintain demographic, economic and other data concerning the region  
26 and member ~~local governments~~ localities, and act as a state data center affiliate in cooperation  
27 with the Virginia Employment Commission.

28 **Drafting note: No substantive change in the law.**

29  
30 § ~~15.1-1406~~ 15.2-4209. Preparation and adoption of regional strategic plan.

1           A. Except in planning districts in which regional planning is conducted by multi-state  
2 councils of government, each planning district commission shall prepare a regional strategic plan  
3 for the guidance of the district. The plan shall concern those elements which are of importance in  
4 more than one of the ~~governmental subdivisions~~ localities within the district, as distinguished  
5 from matters of only local importance. The plan shall include regional goals and objectives,  
6 strategies to meet those goals and objectives and mechanisms for measuring progress toward the  
7 goals and objectives. The strategic plan shall include those subjects necessary to promote the  
8 orderly and efficient development of the physical, social and economic elements of the district  
9 such as transportation, housing, economic development and environmental management. The  
10 plan may be divided into parts or sections as the planning district commission deems desirable.  
11 In developing the regional strategic plan, the planning district commission shall seek input from  
12 a wide range of organizations in the region, including local governing bodies, the business  
13 community and citizen organizations.

14           B. Before the strategic plan is adopted, it shall be submitted to the Department of  
15 Housing and Community Development and to the governing body of each ~~governmental~~  
16 ~~subdivision~~ locality within the district for a period of not less than thirty days prior to a hearing  
17 to be held by the planning district commission thereon, after notice as provided in § ~~15.1-431~~  
18 15.2-2204. Each such local governing body shall make recommendations to the planning district  
19 commission on or before the date of the hearing with respect to the effect of the plan within its  
20 ~~governmental subdivision on or before the date of the hearing~~ locality. The Department of  
21 Housing and Community Development shall notify the planning district commission prior to the  
22 hearing as to whether the proposed strategic plan conflicts with plans of adjacent planning  
23 districts.

24           C. Upon approval of the strategic plan by a planning district commission after a public  
25 hearing, it shall be submitted to the governing body of each ~~governmental subdivision~~ locality  
26 (excluding towns of less than 3,500 population unless members of the commission) within the  
27 district for adoption. The plan shall become effective with respect to all action of a planning  
28 district commission upon approval by the planning district commission. The plan shall not  
29 become effective with respect to the action of the governing body of any ~~governmental~~  
30 ~~subdivision~~ locality within the district until adopted by the governing body of such ~~governmental~~  
31 ~~subdivision~~ locality.

1 D. The adopted strategic plan shall be submitted within thirty days of adoption to the  
2 Department of Housing and Community Development for information and coordination  
3 purposes.

4 **Drafting note: No substantive change in the law.**

5  
6 § ~~15.1-1407~~ 15.2-4210. Commission and ~~governmental subdivisions~~ localities to act only  
7 in conformity with regional strategic plan.

8 When the strategic plan becomes effective as the district plan, the planning district  
9 commission shall not, except as provided in the plan, establish any policies or take any action  
10 which, in its opinion, is not in conformity ~~therewith~~ with the plan. When the strategic plan  
11 becomes effective in any ~~governmental subdivision~~ locality, the ~~governmental subdivision~~  
12 locality shall not proceed with the construction of any public improvement or public institution  
13 or with the acquisition of any land for public purposes or the disposition of any public lands,  
14 which construction, acquisition or disposition ~~is in conflict~~ conflicts with the district plan.

15 **Drafting note: No substantive change in the law.**

16  
17 § ~~15.1-1408~~ 15.2-4211. Amendment of regional strategic plan.

18 The strategic plan may be amended in the same manner as provided for the original  
19 approval and adoption of the plan. However, if the planning district commission determines that  
20 a proposed amendment has less than districtwide significance, such amendment may be  
21 submitted only to the governing bodies of those ~~governmental subdivisions~~ localities which the  
22 planning district commission determines to be affected. The amended strategic plan shall be  
23 submitted within thirty days of amendment to the Department of Housing and Community  
24 Development.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-1409~~ 15.2-4212. Review of regional strategic plan by commission.

28 At least once every five years the regional strategic plan shall be revised and formally  
29 approved by the planning district commission. The revised plan shall not become effective with  
30 respect to the action of the governing body of any ~~governmental subdivision~~ locality within the  
31 district until adopted by the governing body of such ~~governmental subdivision~~ locality.



1           **Drafting note: No substantive change in the law.**

2  
3           § ~~15.1-1410~~ 15.2-4213. Commission to be informed of applications for state or federal  
4 aid by local governing bodies.

5           In each planning district in which a planning district commission has been organized, the  
6 governing body of each ~~governmental subdivision~~ locality shall make available to the planning  
7 district commission a summary of applications to agencies of the state or federal government for  
8 loans or grants-in-aid for local projects. Submission of the summary of applications is for  
9 informational purposes only, unless otherwise directed by state or federal regulations or laws.

10           **Drafting note: No substantive change in the law.**

11  
12           § ~~15.1-1411~~ 15.2-4214. Cooperation and consultation with other agencies.

13           A planning district commission may cooperate with other planning district commissions,  
14 councils of governments, or the legislative and administrative bodies and officials of other  
15 districts or ~~governmental subdivisions~~ localities within or ~~without~~ outside a district, so as to  
16 coordinate the planning, development and services of a district with the plans and services of  
17 other districts and ~~governmental subdivisions~~ localities and the Commonwealth. A planning  
18 district commission may appoint committees and adopt rules ~~as needed~~ to effect such  
19 cooperation. A planning district commission shall also cooperate with the Department of  
20 Housing and Community Development and use advice and information furnished by such  
21 Department and by other state and federal officials, departments and agencies. Such Department  
22 and such officials, departments and agencies having information, maps and data pertinent to the  
23 planning and development of a district may make the material, together with services and funds,  
24 available for use of a planning district commission.

25           All agencies of the Commonwealth shall notify the Department of Housing and  
26 Community Development prior to engaging in planning activities which will require planning  
27 district commission participation. State agencies are encouraged to consult with planning district  
28 commissions in the development of regional plans and services and for data collection.

29           **Drafting note: No substantive change in the law.**

30  
31           § ~~15.1-1411.1~~ 15.2-4215. Annual report required.

1 Each planning district commission shall submit an annual report by September 1 to its  
2 member local governments and the Department of Housing and Community Development in  
3 accordance with a format prescribed by the Department. The annual report shall contain at a  
4 minimum a description of the activities conducted by the planning district commission during the  
5 preceding fiscal year, including how the commission met the provisions of this chapter, and  
6 information showing the sources and amounts of funding provided to the commission. The  
7 Department of Housing and Community Development shall summarize the annual reports in a  
8 report to be distributed in accordance with § 36-139.6.

9 **Drafting note: No change.**

10  
11 § ~~15.1-1412~~ 15.2-4216. State aid.

12 A. Upon the organization of a planning district commission, it shall be entitled to receive  
13 state financial support to assist it in carrying out its purposes. Such state aid shall be in an  
14 amount as provided in the general appropriations act. In order to be allocated such state aid, each  
15 planning district commission shall prepare and submit an annual report, as required in § ~~15.1-~~  
16 ~~1411.1~~ 15.2-4215, which details its compliance with the provisions of this chapter, and an annual  
17 work program of activities proposed for the next fiscal year. The fiscal year of the planning  
18 district commission shall end June 30.

19 B. If two planning districts are merged pursuant to § ~~15.1-1416.1~~ 15.2-4221, the new  
20 district shall be entitled to receive the combined amount of aid to which the two districts it  
21 replaced separately would have been entitled for five years from the effective date of the merger.

22 **Drafting note: No change.**

23  
24 § ~~15.1-1412.1~~ 15.2-4217. Regional Cooperation Incentive Fund created; administration  
25 thereof.

26 A. There is hereby created a Regional Cooperation Incentive Fund for the purpose of  
27 encouraging inter-local strategic and functional area planning and other regional cooperative  
28 activities. The Fund shall be administered by the Department of Housing and Community  
29 Development. Fund availability is subject to the Appropriations Act.

30 B. From time to time the General Assembly and the Governor may designate specific  
31 functional areas or activities which are to be given highest priority for funding, including but not

1 limited to economic development, criminal justice, solid waste management, water supply,  
2 emergency management and transportation.

3 C. Disbursements from the Regional Cooperation Incentive Fund shall be made on a  
4 matching grant basis to planning district commissions. The Department of Housing and  
5 Community Development shall promulgate regulations for the administration of the funds,  
6 including application forms, eligibility requirements and terms and duration of grants. In  
7 establishing regulations, the following criteria shall be met:

8 1. The planning district commission or member ~~local governments~~ localities must  
9 provide, at a minimum, a twenty-five percent match to the grant; and

10 2. Any project for which a grant is sought shall use private initiative and enterprise  
11 insofar as feasible, and emphasize coordination of available governmental and private financial  
12 and technical resources.

13 D. The Department of Housing and Community Development shall require periodic  
14 reports from grant recipients concerning progress of the project and the use of funds.

15 **Drafting note: No substantive change in the law.**

16

17 § ~~15.1-1413~~ 15.2-4218. Local governing bodies authorized to appropriate or lend funds.

18 The governing bodies of the ~~governmental subdivisions~~ localities within a planning  
19 district are authorized to appropriate or lend funds to the planning district commission.

20 **Drafting note: No substantive change in the law.**

21

22 § ~~15.1-1414~~.

23 ~~Repealed by Acts 1995, cc. 732 and 796.~~

24

25 § ~~15.1-1415~~ 15.2-4219. Exemption of commission from taxation.

26 The planning district commission shall not be required to pay any taxes or assessments  
27 upon any project or upon any property acquired or used by it or upon the income therefrom. For  
28 purposes of subdivision 4 of § 58.1-609.1, a planning district commission ~~shall be~~ is deemed a  
29 "political subdivision of this Commonwealth" as the term is used in that section.

30 **Drafting note: No substantive change in the law.**

31

1           § ~~15.1-1416~~ 15.2-4220. Dual membership authorized.

2           Any ~~local government~~ locality which is a member of a planning district commission may  
3 become a member of an additional planning district commission upon such terms and conditions  
4 as ~~may be~~ mutually agreed to by the ~~local government~~ locality and the additional planning  
5 district commission. The ~~local government~~ locality shall notify the Department of Housing and  
6 Community Development of its membership status in the additional planning district  
7 commission within thirty days of becoming a member. Whenever a state-directed activity is  
8 conducted by all the planning district commissions, the planning district boundaries identified by  
9 the Department of Housing and Community Development shall be used, unless alternative  
10 boundaries are agreed to by the ~~local governments~~ localities and the planning district  
11 commissions affected. No additional state financial support shall be paid due to a locality  
12 becoming a member of an additional planning district commission.

13           **Drafting note: No substantive change in the law.**

14  
15           § ~~15.1-1416.1~~ 15.2-4221. Merger of two planning district commissions.

16           The commissions of any two planning districts and a majority of the governing bodies of  
17 the ~~local governments~~ localities comprising each district, upon finding that the community of  
18 interest, ease of communications and transportation, and geographic factors and natural  
19 boundaries among the localities of the two districts are such that the best interest of the localities  
20 would be served, may by resolutions concurrently adopted vote to merge into one district and  
21 request the Department of Housing and Community Development to declare the districts so  
22 merged. Upon such declaration, the commissions of the two districts shall be merged into one  
23 commission. The commission of the new district thereupon shall organize as provided in § ~~15.1-~~  
24 ~~1403, provided that~~ 15.2-4203; however, nothing shall prevent the commissions of the two  
25 districts which are to be merged from agreeing to the terms of such organization prior to their  
26 vote to merge.

27           **Drafting note: No substantive change in the law.**

28  
29           §§ ~~15.1-1417 through 15.1-1419~~.

30           Reserved.—

31

1 Article 3.

2 Service Districts (Repealed).

3  
4 §§ 15.1-1420 through 15.1-1441.

5 Repealed by Acts 1995, cc. 181 and 210.

6  
7 §§ 15.1-1442 through 15.1-1449.

8 Reserved.

9  
10 Article 4.

11 Miscellaneous Provisions.

12  
13 § 15.1-1450. Construction of chapter.

14 This chapter, being necessary for the welfare of the Commonwealth and its inhabitants,  
15 shall be liberally construed to effect the purposes thereof.

16 **Drafting note: Repealed; unnecessary.**

17  
18 § 15.1-1451. Severability.

19 The provisions of this chapter are severable and, if any of its provisions shall be held to  
20 be unconstitutional by any court of competent jurisdiction, the decisions of such court shall not  
21 affect or impair any of the remaining provisions of this chapter. It is hereby declared to be the  
22 legislative intent that this chapter would have been adopted had such unconstitutional provisions  
23 not been included therein.

24 **Drafting note: Repealed; Title 1 contains a severability section that pertains to the**  
25 **entire Code.**

26  
27 § 15.1-1452 15.2-4222. Inconsistent laws inapplicable.

28 All other general or special laws inconsistent with any provisions of this chapter are  
29 hereby declared to be inapplicable to the provisions of this chapter.

30 **Drafting note: No change.**

1        §§ 15.1-1453 through 15.1-1499.

2        Reserved.



1 "Agricultural products" ~~shall mean~~ means crops, livestock and livestock products which  
2 shall include, including but not be limited to, the following:

3 1. ~~Field crops, including corn, wheat, oats, rye, barley, hay, tobacco, peanuts, potatoes~~  
4 ~~and soybeans.~~

5 2. ~~Fruits, including apples, peaches, grapes, cherries and berries.~~

6 3. ~~Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.~~

7 4. ~~Horticultural specialties including commercial flowers, nursery stock, ornamental~~  
8 ~~shrubs, ornamental trees and Christmas trees.~~

9 5. ~~Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry,~~  
10 ~~fur-bearing animals, milk, eggs and furs~~ field crops, fruits, vegetables, horticultural specialties,  
11 cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs and furs.

12 "Agricultural production" ~~shall mean~~ means the production for commercial purposes of  
13 crops, livestock and livestock products, and ~~shall include~~ includes the processing or retail sales  
14 by the producer of crops, livestock or livestock products which are produced on the parcel or in  
15 the district. ~~This shall not be deemed to expand the area of land eligible for use value assessment~~  
16 ~~and taxation pursuant to Article 4 (§ 58.1 3229 et seq.), Chapter 32 of Title 58.1.~~

17 "Agriculturally and forestally significant land" ~~shall mean~~ means land that has recently or  
18 historically produced agricultural and forestal products, is suitable for agricultural or forestal  
19 production or is considered appropriate to be retained for agricultural and forestal production as  
20 determined by such factors as soil quality, topography, climate, markets, farm structures, and  
21 other relevant factors.

22 "Application" ~~shall mean~~ means the set of items a landowner or landowners must submit  
23 to the local governing body when applying for the creation of a district or an addition to an  
24 existing district.

25 "District" ~~shall mean~~ means an agricultural, forestal, or agricultural and forestal district.

26 "Forestal production" ~~shall mean~~ means the production for commercial purposes of  
27 forestal products and ~~shall include~~ includes the processing or retail sales, by the producer, of  
28 forestal products which are produced on the parcel or in the district. ~~This shall not be deemed to~~  
29 ~~expand the area of land eligible for use value assessment and taxation pursuant to Article 4 (§~~  
30 ~~58.1 3229 et seq.) of Chapter 32 of Title 58.1.~~



1 "Forestal products" ~~shall include~~ includes, but ~~are~~ is not limited to, saw timber,  
2 pulpwood, posts, firewood, Christmas trees and other tree and wood products for sale or for farm  
3 use.

4 "~~Land owner~~" "Landowner" or "owner of land" ~~shall mean~~ means any person holding a  
5 fee simple interest in property but ~~shall~~ does not ~~include~~ mean the holder of an easement.

6 "~~Local governing body~~" ~~shall mean the governing body of any county, city, or town.~~

7 "~~Person~~" ~~shall mean any individual person, partnership, association, corporation or other~~  
8 ~~legal entity.~~

9 **Drafting note: No substantive change in the law. "Governing body" is defined in**  
10 **Chapter 1; "person" is defined in Title 1. The last sentences of the definitions of**  
11 **"agricultural production" and "forestal production" are deleted as unnecessary. Because §**  
12 **58.1-3230 provides that "[L]and used in agricultural and forestal production . . . shall be**  
13 **eligible for the use value assessment and taxation," there is no possibility that the**  
14 **definitions of the phrases "agricultural production" and "forestal production" could**  
15 **expand the area of eligible land.**

16  
17 § ~~15.1-1509~~ 15.2-4303. Power of ~~local governing body~~ localities to enact ordinances;  
18 application form and fees; maps; sample form.

19 A. Each ~~local governing body~~ locality shall have the authority to promulgate forms and  
20 to enact ordinances to effectuate this chapter. The ~~local governing body~~ locality may charge a  
21 reasonable fee for each application submitted pursuant to this chapter; such fee shall not ~~to~~  
22 exceed \$300 or the costs of processing and reviewing an application, whichever is less.

23 B. The ~~local governing body~~ locality shall prescribe application forms for districts that  
24 include but need not be limited to the following information:

25 1. The general location of the district;

26 2. The total acreage in the district or acreage to be added to an existing district;

27 3. The name, address, and signature of each landowner applying for creation of a district  
28 or an addition to an existing district and the acreage each owner owns within the district or  
29 addition;

30 4. The ~~proposed conditions for creation of the district or addition~~ proposed by the  
31 applicant pursuant to subsection D of § 15.1-1511 § 15.2-4309;

1 5. The ~~proposed~~ period before first review proposed by the applicant pursuant to § 15.2-  
2 4309; and

3 6. The date of application, date of final action by the local governing body and whether  
4 approved, modified or rejected.

5 C. The application form shall be accompanied by a United States Geological Survey 7.5  
6 minute topographic map that clearly shows the boundaries of the district and each addition and  
7 boundaries of properties owned by each applicant. A Department of Transportation general  
8 highway map for the locality that shows the general location of the proposed district shall also  
9 accompany each application form.

10 ~~D. [Repealed.]~~

11 ~~E. D.~~ The following sample form illustrates the minimum requirements of this section:

12 APPLICATION FOR THE CREATION OF OR ADDITION TO  
13 AGRICULTURAL, FORESTAL OR AGRICULTURAL  
14 AND FORESTAL DISTRICT

15 (A copy of this completed form and required maps shall be submitted by the applicant  
16 landowners to the local governing body. This form shall be accompanied by United States  
17 Geological Survey 7.5 minute topographic maps that clearly show the boundaries of the district  
18 or addition and the boundaries of the property each applicant owns within the district or addition.  
19 A Department of Transportation general highway map for the locality that shows the general  
20 location of the district or addition shall also accompany this form.)

21 SECTION A: TO BE COMPLETED BY APPLICANT

22 1. GENERAL LOCATION OF THE DISTRICT (CITY, COUNTY OR TOWN) .....

23 2. TOTAL ACREAGE IN THE DISTRICT OR ADDITION .....

24 3. LANDOWNERS APPLYING FOR THE DISTRICT

25	NAME	SIGNATURE	ADDRESS	WITNESS	TOTAL	LAND BOOK
26			(current		ACREAGE	REFERENCE
27			legal		OWNED IN	NUMBER
28			residence)		THE DISTRICT	
29					OR ADDITION	

30 4. THE PROPOSED CONDITIONS TO CREATION OF THE DISTRICT PURSUANT  
31 ~~TO SUBSECTION D OF § 15.1-1514~~ 15.2-4309 of the Code of Virginia .....

32 5. THE PROPOSED PERIOD BEFORE FIRST REVIEW .....

33 SECTION B: TO BE COMPLETED BY LOCAL GOVERNING BODY

- 1           1. Date submitted to the local governing body .....
- 2           2. Date referred to the local planning commission .....
- 3           3. Date referred to the advisory committee .....
- 4           4. Date of action by the local governing body .....
- 5            Approved    Modified    Rejected

6           ~~F.~~ E. For each notice required by this chapter to be sent to a landowner, a notice shall be  
7 sent by first-class mail to the last known address of such owner as shown on the application  
8 hereunder or on the current real estate tax assessment books or maps ~~shall be deemed adequate~~  
9 ~~compliance with this requirement, provided that a.~~ A representative of the local planning  
10 commission or local governing body shall make affidavit that such mailing has been made and  
11 file such affidavit with the papers in the case.

12           **Drafting note: No substantive change in the law.**

13  
14           § ~~15.1-1510~~ 15.2-4304. Agricultural and forestal districts advisory committee.

15           Upon receipt of the first agricultural and forestal districts application, the local governing  
16 body shall establish an advisory committee which shall consist of four landowners who are  
17 engaged in agricultural or forestal production, four other landowners of the locality, the  
18 commissioner of revenue or the local government's chief property assessment officer, and a  
19 member of the local governing body. The members of the committee shall be appointed by and  
20 serve at the pleasure of the local governing body. The advisory committee shall ~~meet and~~  
21 ~~organize itself by electing~~ elect a chairman, ~~and~~ a vice-chairman and ~~electing or appointing~~ elect  
22 or appoint a secretary who need not be a member of the committee. The advisory committee  
23 shall serve without pay but the ~~local governing body~~ locality may reimburse each member for  
24 actual and necessary expenses incurred in the performance of his duties. The committee shall  
25 advise the local planning commission and the local governing body and assist in creating,  
26 reviewing, modifying, continuing or terminating districts within the locality. In particular, the  
27 committee shall render expert advice as to the nature of farming and forestry and agricultural and  
28 forestal resources within the district and their relation to the entire locality.

29           **Drafting note: No substantive change in the law.**

1           § ~~15.1-1511~~ 15.2-4305. Creation of districts Application for creation of district in one or  
2 more localities; size and location of parcels.

3           ~~A.~~ Any owner or owners of land may submit an application to the ~~local governing body~~  
4 locality for the creation of a district within ~~such~~ the locality. Each district shall have a core of no  
5 less than 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be  
6 included in ~~such~~ a district if the nearest boundary of ~~such~~ the parcel is within one mile of the  
7 boundary of the core, or if it is contiguous to a parcel in the district the nearest boundary of  
8 which is within one mile of the boundary of the core. No land shall be included in any district  
9 without the signature on ~~such~~ the application, or the written approval of all owners thereof. ~~The~~  
10 A district may be located in more than one locality, provided that (i) separate application is made  
11 to each ~~county, city and town~~ locality involved, (ii) each local governing body approves ~~such~~ the  
12 district, and (iii) ~~the total size of such~~ the district meets the ~~minimum size~~ requirements set out  
13 above of this section. In the event that one of the local governing bodies disapproves the creation  
14 of a district within its boundaries, ~~this shall not affect~~ the creation of a the district within the  
15 adjacent ~~locality's~~ localities' boundaries shall not be affected, provided ~~such~~ that the district  
16 otherwise meets the ~~minimum~~ requirements set out in this chapter. In no event shall the act of  
17 creating a single district located in two localities pursuant to this subsection be construed to  
18 create two districts. ~~The application shall be submitted to the local governing body in such~~  
19 ~~manner and form as prescribed by this chapter.~~

20           **Drafting note: No substantive change in the law. Section 15.1-1511 has been**  
21 **divided into seven sections, §§ 15.2-4305 through 15.1-4311.**

22  
23           ~~€.~~ § 15.2-4306. Criteria for evaluating application.

24           Land being considered for inclusion in a district may be evaluated by the advisory  
25 committee and the planning commission through the Virginia Land Evaluation and Site  
26 Assessment (LESA) System or, if one has been developed, a local LESA System. The following  
27 factors should be considered by the local planning commission and the advisory committee, and  
28 at any public hearing ~~when~~ at which an application that has been filed pursuant to § ~~15.1-1509~~  
29 15.2-4303 is being considered:

30           1. The agricultural and forestal significance of land within the district or addition and in  
31 areas adjacent thereto;

1           2. The presence of any significant agricultural lands or significant forestal lands within  
2 the district and in areas adjacent thereto that are not now in active agricultural or forestal  
3 production;

4           3. The nature and extent of land uses other than active farming or forestry within the  
5 district and in areas adjacent thereto;

6           4. Local developmental patterns and needs;

7           5. The comprehensive plan and, if applicable, the zoning regulations;

8           6. The environmental benefits of retaining the lands in the district for agricultural and  
9 forestal uses; and

10          7. Any other matter which may be relevant.

11          In judging the agricultural and forestal significance of land, any relevant agricultural or  
12 forestal maps may be considered, as well as soil, climate, topography, other natural factors,  
13 markets for agricultural and forestal products, the extent and nature of farm structures, the  
14 present status of agriculture and forestry, anticipated trends in agricultural economic conditions  
15 and such other factors as may be relevant.

16           **Drafting note: Formerly subsection C of § 15.1-1511. No substantive change in the**  
17 **law.**

18  
19          ~~B.~~ § 15.2-4307. Planning commission review of application; notice; hearing.

20          Upon the receipt of an application for a district or for an addition to an existing district,  
21 the local governing body shall refer such application to the planning commission which shall:

22           1. Provide notice of ~~such~~ the application by publishing a notice in a newspaper having  
23 general circulation within the district and by providing for the posting of such notice in five  
24 conspicuous places within the district. ~~In addition, the~~ The planning commission shall notify  
25 adjacent property ~~owner~~ owners as shown on the maps of the locality used for tax assessment  
26 purposes shall be notified by first-class mail. The notice shall contain ~~the following information~~  
27 ~~which sets forth the procedures applicable hereunder:~~ (i) a statement that an application for a  
28 district has been filed with the local governing body and referred to the local planning  
29 commission pursuant to this chapter; (ii) a statement that the application will be on file open to  
30 public inspection in the office of the clerk of the local governing body; (iii) where applicable a  
31 statement that any political subdivision whose territory encompasses or is part of the district may

1 propose a modification which must be filed with the local planning commission within thirty  
2 days of the date that the notice is first published; (iv) a statement that any owner of additional  
3 qualifying land may join the application within thirty days from the date the notice is first  
4 published or, with the consent of the local governing body, at any time before the public hearing  
5 the local governing body must hold on the application; (v) a statement that any owner who joined  
6 in the application may withdraw his land, in whole or in part, by written notice filed with the  
7 local governing body, at any time before the local governing body acts pursuant to ~~subsection D~~  
8 ~~hereof § 15.2-4309~~; (vi) a statement that additional qualifying lands may be added to an already  
9 created district at any time upon separate application pursuant to this chapter ~~at any time~~  
10 ~~following such creation~~; (vii) a statement that at the termination of the thirty-day period, the  
11 application and proposed modifications will be submitted to the advisory committee; and (viii) a  
12 statement that, upon receipt of the report of the advisory committee, a public hearing will be held  
13 by the planning commission on the application, ~~and any proposed modifications;~~

14 ~~2. [Repealed.]~~

15 ~~3. 2.~~ Upon the termination of the initial thirty-day period, refer such application and  
16 proposed modifications to the advisory committee, ~~which shall, within the next succeeding thirty~~  
17 ~~days report to the local planning commission its recommendations concerning the application~~  
18 ~~and proposed modifications;~~

19 ~~4. 3.~~ Upon the termination of the initial sixty-day period, and within the next succeeding  
20 thirty days, report its recommendations to the local governing body including but not limited to  
21 the potential effect of the district and proposed modifications upon the locality's planning  
22 policies and objectives; ~~and~~

23 ~~5. 4.~~ Hold a public hearing as prescribed by law; and

24 ~~In addition the local planning commission shall:~~

25 ~~a. Publish~~ 5. Publish in a newspaper having general circulation within the district a  
26 notice describing the district or addition, any proposed modifications and any recommendations  
27 of the planning commission and the advisory committee; ~~b. Publish such notice in a newspaper~~  
28 ~~having a general circulation within the district and send the notice by first-class mail to adjacent~~  
29 property owners and to those political subdivisions and adjacent property owners whose territory  
30 encompasses all or is any part of the district or addition.

1           **Drafting note: Formerly subsection B of § 15.1-1511. The substance of the deleted**  
2 **language in old subdivision 3 (now subdivision 2) appears as § 15.2-4308. No substantive**  
3 **change in the law.**

4  
5           § 15.2-4308. Advisory committee review of application.

6           Within thirty days of receiving an application and proposed modifications pursuant to  
7 subdivision 2 of § 15.2-4307, the advisory committee shall review and make recommendations  
8 concerning the application and modifications to the local planning commission.

9           **Drafting note: Substance was formerly a portion of subdivision B 2 of § 15.1-1511.**  
10 **No substantive change in the law.**

11  
12           ~~§ 15.2-4309. Hearing; creation of district; conditions; notice.~~

13           The local governing body, after receiving the report of the local planning commission and  
14 the advisory committee, shall hold a public hearing as provided by law, and after such public  
15 hearing, may by ordinance create the district or add land to an existing district as applied for, or  
16 with any modifications it deems appropriate. ~~Every district created hereunder shall have a core of~~  
17 ~~no less than 200 acres in one parcel or in contiguous parcels.~~ The governing body may require,  
18 as a condition to creation of the district, that any parcel in the district shall not, without the prior  
19 approval of the governing body, be developed to any more intensive use or to certain more  
20 intensive uses, other than uses resulting in more intensive agricultural or forestal production,  
21 during the period which ~~said~~ the parcel remains within the district. ~~Construction~~ Local governing  
22 bodies shall not prohibit as a more intensive use, construction and placement of dwellings for  
23 persons who earn a substantial part of their livelihood from a farm or forestry ~~operations~~  
24 operation on the same property, or for members of the immediate family of the owner, ~~and~~ or  
25 divisions of parcels for such family members, ~~shall not be prohibited as a more intensive use~~  
26 unless the ~~local~~ governing body finds that such use in the particular case would be incompatible  
27 with farming or forestry in the district. To further the purposes of this chapter and to promote  
28 agriculture and forestry and the creation of districts, the local governing body may adopt  
29 programs offering incentives to landowners to impose land use and conservation restrictions on  
30 their land within the district. Programs offering such incentives shall not be permitted unless  
31 authorized by law. Any conditions to creation of the district and the period before the review of

1 the district shall be described, either in the application or in a notice sent by first-class mail to all  
2 landowners in the district and published in a newspaper having a general circulation within the  
3 district at least two weeks prior to adoption of the ordinance creating the district. The ordinance  
4 shall state any conditions to creation of the district and shall prescribe the period before the first  
5 review of the district, which shall be no less than four years but not more than ten years from the  
6 date of its creation. In prescribing the period before the first review, the local governing body  
7 shall consider the period proposed in the application. The ordinance shall remain in effect at least  
8 until such time as the district is to be reviewed. In the event of annexation by a city or town of  
9 any land within a district, the district shall continue until the time prescribed for review.

10 The local governing body shall act to adopt or reject the application, or any modification  
11 of it, no later than 180 days from the date the application was submitted to such body. Upon the  
12 adoption of an ordinance creating a district or adding land to an existing district, the local  
13 governing body shall submit a copy of the ordinance with maps to the local commissioner of the  
14 revenue, and the State Forester, and the Commissioner of Agriculture and Consumer Services for  
15 information purposes. The commissioner of the revenue shall identify the parcels of land in the  
16 district in the land book and on the tax map, and the local governing body shall identify such  
17 parcels on the zoning map, where applicable and shall designate the districts on the official  
18 comprehensive plan map each time the comprehensive plan map is updated.

19 **Drafting note: Formerly subsection D of § 15.1-1511. The deleted sentence appears**  
20 **in § 15.2-4305. No substantive change in the law.**

21  
22 ~~E.~~ § 15.2-4310. Additions to a district.

23 Additional parcels of land may be added to an existing district by following the process  
24 prescribed for the creation of a new district. Such additions shall be reviewed at the time  
25 previously established for review of the district to which they are added.

26 **Drafting note: No change. Formerly subsection E of § 15.1-1511.**

27  
28 ~~F.~~ § 15.2-4311. Review of districts.

29 The local governing body may complete a review of any district created under this  
30 section, together with additions to such district, no less than four years but no more than ten  
31 years after the date of its creation and every four to ten years thereafter. If the local governing



1 body determines that a review is necessary, it shall begin such review at least ninety days before  
2 the expiration date of the period established when the district was created. In conducting such  
3 review, the local governing body shall ask for the recommendations of the local advisory  
4 committee and the planning commission in order to determine whether to terminate, modify or  
5 continue ~~such~~ the district. When each district is reviewed, land within the district may be  
6 withdrawn at the owner's discretion by filing a written notice with the local governing body at  
7 any time before ~~such body~~ it acts to continue, modify or terminate the district. The local planning  
8 commission or the advisory committee shall schedule as part of the review a public meeting with  
9 the ~~landowners~~ owners of land within the district, and shall send by first-class mail a written  
10 notice of the meeting and review to all such owners ~~of land within the district~~. The notice shall  
11 state the time and place for ~~such~~ the meeting; that the district is being reviewed by the local  
12 governing body; that the local governing body may continue, modify, or terminate the district;  
13 and that land may be withdrawn from the district at the owner's discretion by filing a written  
14 notice with the local governing body at any time before ~~such body~~ it acts to continue, modify or  
15 terminate the district. The local governing body shall hold a public hearing as provided by law.  
16 The governing body may stipulate conditions to continuation of the district and may establish a  
17 period before the next review of the district, which may be different from the conditions or  
18 period established when the district was created. Any such different conditions or period shall be  
19 described in a notice sent by first-class mail to all ~~landowners in~~ owners of land within the  
20 district and published in a newspaper having a general circulation within the district at least two  
21 weeks prior to adoption of the ordinance continuing the district. Unless the district is modified or  
22 terminated by the local governing body, the district shall continue as originally constituted, with  
23 the same conditions and period before the next review as that established when the district was  
24 created.

25 If the local governing body determines that a review is unnecessary, it shall ~~by resolution~~  
26 set the year in which the next review shall occur.

27 **Drafting note: Formerly subsection F of § 15.1-1511. No substantive change in the**  
28 **law.**

29  
30 § ~~15.1-1512~~ 15.2-4312. Effects of districts.

1           A. Land lying within a district and used in agricultural or forestal production shall  
2 automatically qualify for an agricultural or forestal use-value assessment ~~on such land~~ pursuant  
3 to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, if the requirements for such  
4 assessment contained therein are satisfied. Any ordinance adopted pursuant to § ~~15.1-1509~~ 15.2-  
5 4303 shall extend such use-value assessment and taxation to eligible real property within such  
6 district whether or not a local ordinance pursuant to § 58.1-3231 has been adopted.

7           B. No local government shall exercise any of its powers to enact local laws or ordinances  
8 within a district in a manner which would unreasonably restrict or regulate farm structures or  
9 farming and forestry practices in contravention of the purposes of this chapter unless such  
10 restrictions or regulations bear a direct relationship to public health and safety. The  
11 comprehensive plan and zoning and subdivision ordinances shall be applicable within said  
12 districts, to the extent that such ordinances are not in conflict with the conditions to creation or  
13 continuation of the district set forth in the ordinance creating or continuing the district or the  
14 purposes of this chapter. Nothing in this chapter shall affect the authority of the ~~local governing~~  
15 ~~body~~ locality to regulate the processing or retail sales of agricultural or forestal products, or  
16 structures therefor, in accordance with the local comprehensive plan or any local ordinances.  
17 Local ordinances, comprehensive plans, land use planning decisions, administrative decisions  
18 and procedures affecting parcels of land adjacent to any district shall take into account the  
19 existence of such district and the purposes of this chapter.

20           C. It shall be the policy of all agencies of the Commonwealth to encourage the  
21 maintenance of farming and forestry in districts and all administrative regulations and procedures  
22 of such agencies shall be modified to this end insofar as is consistent with the promotion of  
23 public health and safety and with the provisions of any federal statutes, standards, criteria, rules,  
24 regulations, or policies, and any other requirements of federal agencies, including provisions  
25 applicable only to obtaining federal grants, loans or other funding.

26           ~~D. Any agency of the Commonwealth or any political subdivision which intends to~~  
27 ~~acquire land or any interest therein, except where such acquisition is by gift, devise, bequest or~~  
28 ~~grant to such agency or political subdivision, or any public service corporation which intends to~~  
29 ~~acquire land or any interest therein for public utility facilities not subject to approval by the State~~  
30 ~~Corporation Commission, provided that the acquisition from any one farm or forestry operation~~  
31 ~~within the district would be in excess of one acre or that the total acquisition within the district~~

1 would be in excess of ten acres, or which intends to advance a grant, loan, interest subsidy or  
2 other funds within a district for the construction of dwellings, commercial or industrial facilities,  
3 water or sewer facilities to serve nonfarm structures, shall at least thirty days prior to such action  
4 file a notice of intent with the local governing body containing such information and in such  
5 manner and form as such body may require or prescribe. Such notice of intent shall contain a  
6 report detailing all reasons in justification for the proposed action including, but not limited to,  
7 an evaluation of alternatives which would not require action within the district.

8 Upon receipt of such notice, the local governing body, in consultation with the local  
9 planning commission and the advisory committee, shall review the proposed action to determine  
10 the effect such action would have upon the preservation and enhancement of agriculture and  
11 forestry and agricultural and forestal resources within the district and the policy of this chapter  
12 and to determine the necessity of the proposed action to provide service to the public in the most  
13 economical and practicable manner.

14 If the local governing body finds that such proposed action might have an unreasonably  
15 adverse effect upon either state or local policy, the local governing body shall issue an order  
16 within such thirty day period to such agency, corporation or political subdivision directing the  
17 agency, corporation or political subdivision not to take the proposed action for an additional  
18 period of sixty days immediately following such thirty day period.

19 During such additional sixty day period, the local governing body shall hold a public  
20 hearing, as prescribed by law, concerning such proposed action where the local governing body  
21 usually meets or at a place otherwise easily accessible to the district upon notice in a newspaper  
22 having a general circulation within the district, and individual notice, in writing, to the political  
23 subdivisions whose territory encompasses or is part of the district, and the agency, corporation or  
24 political subdivision proposing to take such action. Before the conclusion of such additional  
25 sixty day period, the local governing body shall make its decision as to whether such proposed  
26 action will have an adverse effect upon such state or local policy and whether such proposed  
27 action is necessary to provide service to the public in the most economical and practicable  
28 manner, and it shall, by the issuance of a final order, report its decision to the agency,  
29 corporation or political subdivision proposing to take such action. In the event that such agency,  
30 corporation or political subdivision is aggrieved by the final order of the local governing body,  
31 an appeal shall lie to the circuit court having jurisdiction of the territory wherein a majority of

1 ~~the land affected by the acquisition is located. However, if such public service corporation is~~  
2 ~~regulated by the State Corporation Commission, an appeal shall be to the State Corporation~~  
3 ~~Commission.~~

4 E. D. No special district for sewer, water or electricity or for nonfarm or nonforest  
5 drainage may impose benefit assessments or special tax levies on the basis of frontage, acreage  
6 or value on land used for primarily agricultural or forestal production within a district, except a  
7 lot not exceeding one-half acre surrounding any dwelling or nonfarm structure located on such  
8 land. However, such benefit assessment or special ad valorem levies may continue if imposed  
9 prior to the formation of the district.

10 **Drafting note: No substantive change in the law. Subsection D has been moved to**  
11 **become § 15.2-4313, where it is shown as old language to make changes apparent.**

12  
13 ~~D.~~ § 15.2-4313. Proposals as to land acquisition or construction within district.

14 A. Any agency of the Commonwealth or any political subdivision which intends to  
15 acquire land or any interest therein, ~~except where such acquisition is other than~~ by gift, devise,  
16 bequest or grant ~~to such agency or political subdivision~~, or any public service corporation which  
17 intends to: (i) acquire land or any interest therein for public utility facilities not subject to  
18 approval by the State Corporation Commission, provided that the proposed acquisition from any  
19 one farm or forestry operation within the district ~~would be~~ is in excess of one acre or that the  
20 total proposed acquisition within the district ~~would be~~ is in excess of ten acres, or ~~which intends~~  
21 ~~to~~ (ii) advance a grant, loan, interest subsidy or other funds within a district for the construction  
22 of dwellings, commercial or industrial facilities, or water or sewer facilities to serve nonfarm  
23 structures, shall at least thirty days prior to such action file a notice of intent with the local  
24 governing body containing such information and in such manner and form as ~~such~~ the governing  
25 body may ~~require or~~ prescribe. Such notice of intent shall contain a report detailing all reasons ~~in~~  
26 ~~justification~~ for the proposed action including, but not limited to, an evaluation of alternatives  
27 which would not require action within the district.

28 B. Upon receipt of ~~such~~ a notice filed pursuant to subsection A, the local governing body,  
29 in consultation with the local planning commission and the advisory committee, shall review the  
30 proposed action to determine (i) the effect ~~such~~ the action would have upon the preservation and  
31 enhancement of agriculture and forestry and agricultural and forestal resources within the district

1 and the policy of this chapter and to determine (ii) the necessity of the proposed action to provide  
2 service to the public in the most economical and practicable manner.

3 C. If the local governing body finds that ~~such the~~ proposed action might have an  
4 unreasonably adverse effect upon either state or local policy, ~~the local governing body~~ it shall  
5 issue an order within ~~such thirty day period to such agency, corporation or political subdivision~~  
6 thirty days from the date the notice was filed directing the agency, corporation or political  
7 subdivision not to take the proposed action for ~~an additional~~ a period of ~~sixty~~ ninety days  
8 ~~immediately following such thirty day period~~ from the date the notice was filed. During such  
9 ~~additional sixty day~~ ninety-day period, the local governing body shall hold a public hearing, as  
10 prescribed by law, concerning ~~such the~~ proposed action. The hearing shall be held where the  
11 local governing body usually meets or at a place otherwise easily accessible to the district ~~upon~~.  
12 The locality shall publish notice in a newspaper having a general circulation within the district,  
13 and mail individual notice, ~~in writing,~~ of the hearing to the political subdivisions whose territory  
14 encompasses or is part of the district, and the agency, corporation or political subdivision  
15 proposing to take ~~such the~~ action. Before the conclusion of ~~such additional sixty day~~ the ninety-  
16 day period, the local governing body shall ~~make its decision as to~~ decide whether ~~such the~~  
17 proposed action will have an adverse effect upon ~~such~~ state or local policy and whether ~~such the~~  
18 proposed action is necessary to provide service to the public in the most economical and  
19 practicable manner, and it shall, by the issuance of a final order, report its decision to the agency,  
20 corporation or political subdivision proposing to take ~~such the~~ action. In the event that ~~such the~~  
21 agency, corporation or political subdivision is aggrieved by the final order of the local governing  
22 body, an appeal shall lie to the circuit court having jurisdiction of the territory wherein a majority  
23 of the land affected by the acquisition is located. However, if such public service corporation is  
24 regulated by the State Corporation Commission, an appeal shall be to the State Corporation  
25 Commission.

26 **Drafting note: No substantive change in the law. Formerly subsection D of § 15.1-**  
27 **1512, now divided into subsections for clarity. The language describing the time periods in**  
28 **subsection C has been changed to clarify the starting point for each time period; however,**  
29 **the number of days during which each act must be accomplished remains the same.**

30  
31 § ~~15.1-1513~~ 15.2-4314. Withdrawal of land from a district; termination of a district.

1           A. At any time after the creation of a district within any locality, any owner of land lying  
2 in such district may file, with the ~~local governing body that created the district,~~ locality a written  
3 request to withdraw all or part of ~~such~~ his land from ~~such~~ the district for good and reasonable  
4 cause. The local governing body shall refer ~~such~~ the request to the local planning commission  
5 and the advisory committee for their recommendations and shall hold a public hearing. Land  
6 proposed to be withdrawn may be re-evaluated through the Virginia or local Land Evaluation  
7 and Site Assessment (LESA) System. The landowner seeking to withdraw land from a district, if  
8 denied favorable action by the governing body, shall have an immediate right of appeal de novo  
9 to the circuit court serving the territory wherein the district is located. This section shall in no  
10 way affect the ability of an owner to withdraw an application for a proposed district or withdraw  
11 from a district pursuant to ~~subdivision B 1 (v)~~ clause (v) of subdivision 1 of § 15.2-4307 or  
12 ~~subsection F of § 15.1-1511~~ § 15.2-4311.

13           B. Upon termination of a district or withdrawal or removal of any land from a district  
14 created pursuant to this chapter, ~~such~~ land that is no longer part of a district shall be subject to  
15 roll-back taxes as are provided in § 58.1-3237.

16           C. Upon termination of a district or upon withdrawal or removal of any land from a  
17 district, ~~such~~ land that is no longer part of a district shall be subject to those local laws and  
18 ordinances prohibited by the provisions of subsection B of ~~§ 15.1-1512~~ 15.2-4312.

19           D. Upon the death of a property owner, any heir at law, devisee, surviving cotenant or  
20 personal representative of a sole owner of any fee simple interest in land lying within a district  
21 shall, as a matter of right, be entitled to withdraw such land from such district upon the  
22 inheritance or descent of such land provided that such heir at law, devisee, surviving cotenant or  
23 personal representative files written notice of withdrawal with the local governing body and the  
24 local commissioner of the revenue within two years of the date of death of the owner.

25           E. Upon termination or modification of a district, or upon withdrawal or removal of any  
26 parcel of land from a district, the local governing body shall submit a copy of the ordinance or  
27 notice of withdrawal to the local commissioner of revenue, the State Forester and the State  
28 Commissioner of Agriculture and Consumer Services for information purposes. The  
29 commissioner of revenue shall delete the identification of such parcel from the land book and the  
30 tax map, and the local governing body shall delete the identification of such parcel from the  
31 zoning map, where applicable.

1 F. The withdrawal or removal of any parcel of land from a lawfully constituted district  
2 shall not in itself serve to terminate the existence of the district. ~~Such~~ The district shall continue  
3 in effect and be subject to review as to whether it should be terminated, modified or continued  
4 pursuant to § ~~15.1-1511~~ 15.2-4311 of this chapter.

5 **Drafting note: The deletion of language in subsection A is intended to clarify that**  
6 **the request is to be filed with the locality in which the land is located, rather than with all of**  
7 **the localities which created the district. No substantive change in the law is intended.**

1 PROPOSED

2 CHAPTER ~~36.1~~ 44.

3 LOCAL AGRICULTURAL AND FORESTAL DISTRICTS ACT.  
4

5 Chapter drafting note: The Local Agricultural and Forestal Districts Act was  
6 passed by the General Assembly in 1982 and applies to four counties. The recodified  
7 chapter contains no substantive change in the law.  
8

9 § ~~15.1-1513.1~~ 15.2-4400. Short title.

10 This chapter shall be known and may be cited as the "Local Agricultural and Forestal  
11 Districts Act."

12 Drafting note: No change.  
13

14 § ~~15.1-1513.2~~ 15.2-4401. Declaration of policy findings and purpose.

15 It is state policy to encourage ~~the local governments~~ localities of the Commonwealth to  
16 conserve and protect and to encourage the development and improvement of their agricultural  
17 and forestal lands for the production of food and other agricultural and forestal products. It is  
18 also state policy to encourage ~~the local governments~~ localities of the Commonwealth to conserve  
19 and protect agricultural and forestal lands as valued natural and ecological resources which  
20 provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, aesthetic  
21 quality and other environmental purposes. It is the purpose of this chapter to provide a means by  
22 which ~~local governments~~ localities may protect and enhance agricultural and forestal lands of  
23 local significance as a viable segment of the local economy and as an important economic and  
24 environmental resource.

25 Drafting note: No substantive change in the law.  
26

27 § ~~15.1-1513.3~~ 15.2-4402. Definitions.

28 ~~For the purposes of~~ As used in this chapter, unless the context requires a different  
29 meaning:

30 "Advisory committee" ~~shall mean~~ means the agricultural and forestal advisory  
31 committee.



1 "Agricultural products" ~~shall mean~~ means crops, livestock and livestock products ~~which~~  
2 ~~shall include, including~~ but not limited to, ~~the following:-~~

3 1. ~~Field crops, including corn, wheat, oats, rye, barley, hay, tobacco, peanuts, potatoes~~  
4 ~~and dry beans.-~~

5 2. ~~Fruits, including apples, peaches, grapes, cherries and berries.-~~

6 3. ~~Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.-~~

7 4. ~~Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees~~  
8 ~~and flowers.-~~

9 5. ~~Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry,~~  
10 ~~fur-bearing animals, milk, eggs and furs~~ field crops, fruits, vegetables, horticultural specialties,  
11 cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs and furs.

12 "Agricultural production" ~~shall mean~~ means the production for commercial purposes of  
13 crops, livestock and livestock products, but not ~~land or portions thereof used for processing or~~  
14 retail merchandising of ~~such~~ crops, livestock or livestock products.

15 "Agriculturally and forestally significant land" ~~shall mean~~ means land that has  
16 historically produced agricultural and forestal products, or land that an advisory committee  
17 considers good agricultural and forestal land based upon such factors ~~such~~ as soil quality,  
18 topography, climate, markets, farm improvements, agricultural and forestry economics and  
19 technology, and other relevant factors.

20 "Clerk" ~~shall mean~~ means the clerk of the local circuit court or the clerk of the local  
21 governing body.

22 "Forestal products" ~~shall include~~ includes, but ~~are~~ is not limited to, lumber, pulpwood,  
23 posts, firewood, Christmas trees and other wood products for sale or for farm use.

24 "Person" ~~shall mean any individual person, administrator or executor of an estate,~~  
25 ~~partnership, association, corporation or other legal entity.-~~

26 "~~Freeholder~~" ~~shall mean a person holding a fee simple title to real property.-~~

27 "Landowner" or "owner of land" ~~shall mean~~ means any person holding a fee simple  
28 interest in property but ~~shall~~ does not ~~include~~ mean the holder of an easement.

29 "~~Local governing body~~ Participating locality" ~~shall mean the governing body of~~ means  
30 any county having the urban county executive form of government, any adjacent county having

1 the county executive form of government and counties with a population of no less than 63,400  
2 and no more than 73,900 and no less than 85,000 and no more than 90,000.

3 **Drafting note: No substantive change in the law. “Local governing body” is**  
4 **changed to “participating locality” in order to avoid confusion with terms which are**  
5 **defined in Chapter 1. Person is defined in § 1-13.19. The word “freeholder” is not used in**  
6 **this chapter.**

7  
8 § ~~15.1-1513.4~~ 15.2-4403. Power of ~~local governing body~~ participating localities to enact  
9 ordinances; application form and fees.

10 A. ~~The local governing body~~ Participating localities shall have the authority to enact  
11 ordinances and to promulgate forms to effectuate this chapter. The ~~local governing body~~  
12 participating locality may charge a reasonable fee for all applications submitted pursuant to this  
13 chapter; such fee shall not to exceed fifty dollars or the costs of processing and reviewing an  
14 application, whichever is less.

15 B. The ~~local governing body~~ participating locality shall prescribe application forms for  
16 agricultural and forestal districts that include but are not limited to the following information:

- 17 1. The general location and boundaries of the district;  
18 2. A summary of the acreage in the district including (i) estimated total acreage in the  
19 district and (ii) acreage owned by persons proposing the district;  
20 3. The name, address, total acreage owned within the proposed district and signature of  
21 each landowner proposing the district; and  
22 4. The date of application, date of final county action and whether approved, modified or  
23 rejected.

24 C. The application form shall be accompanied by maps or aerial photographs, or both,  
25 prescribed by the ~~local governing body~~ participating locality which clearly show the boundaries  
26 of the proposed district, boundaries of properties within the proposed district owned by each  
27 applicant, and any other features as prescribed by the ~~local governing body~~ participating locality.

28 **Drafting note: No substantive change in the law.**

29  
30 § ~~15.1-1513.5~~ 15.2-4404. Agricultural and forestal districts advisory committee.

1           Upon receipt of the first agricultural and forestal district application submitted as  
2 permitted under an ordinance adopted pursuant to this chapter, the local governing body shall  
3 establish an advisory committee as prescribed in § ~~15.1-1510~~ 15.2-4304, which section shall  
4 apply mutatis mutandis. If an advisory committee pursuant to ~~§ 15.1-1510~~ has already been  
5 established pursuant to § 15.2-4304, ~~such advisory committee~~ it shall carry out the duties  
6 prescribed in Chapter ~~36~~ 43 (§ ~~15.1-1506~~ 15.2-4300 et seq.) as well as in this chapter.

7           **Drafting note: No substantive change in the law.**

8  
9           § ~~15.1-1513.6~~ 15.2-4405. Creation of districts of local significance.

10           A. ~~The local governing body~~ A participating locality shall have the authority to create  
11 agricultural, forestal, or agricultural and forestal districts of local significance by the adoption of  
12 a general ordinance establishing a local districts program according to the provisions of this  
13 chapter.

14           B. In participating localities where such an ordinance has been adopted by the local  
15 governing body, any owner or owners of land may submit an application pursuant to § ~~15.1-~~  
16 ~~1513.4~~ 15.2-4403 to the ~~local governing body~~ locality for the creation of an agricultural, forestal,  
17 or an agricultural and forestal district of local significance within such locality. No application  
18 for an individual district of local significance shall be comprised of less than the minimum  
19 acreage specified in the general ordinance, which minimum acreage in no case shall be less than  
20 twenty acres. No owner of land shall be included in any agricultural, forestal, or agricultural and  
21 forestal district of local significance without ~~such~~ the owner's written approval. A separate  
22 application may be made by any owner or owners of land for additional contiguous qualifying  
23 lands to be included in an already created district at any time following such creation.

24           C. Upon receipt of a proposal for a district of local significance, ~~it shall be referred by~~  
25 the local governing body shall refer the proposal to the planning commission which shall:

26           1. Provide notice of ~~such~~ the proposal by publishing a notice in a newspaper having  
27 general circulation within the proposed district and by posting such notice in three conspicuous  
28 places within the jurisdiction in which the proposed district is located. The notice shall state that  
29 an application for an agricultural, forestal, or agricultural and forestal district of local  
30 significance has been submitted to the local governing body, that a copy of the application is on  
31 file open to public inspection in the office of the clerk, that any proposals for modifications of

1 the district shall be filed within thirty days, that any owner included in the proposal may  
2 withdraw his land, in whole or in part, at any time until the local governing body makes a final  
3 decision as to the constitution of the district pursuant to subsection D ~~hereof~~, and that hearing  
4 dates of the planning commission and local governing body shall be published and posted within  
5 thirty days.

6 2. Refer such proposal and modifications to the advisory committee.

7 D. Within one year of the date of filing of the application for such original proposal, the  
8 proposal: ~~(i)~~ shall be reviewed by (i) the advisory committee, which shall report to the local  
9 planning commission its recommendations concerning the proposal and proposed modifications;  
10 ~~(ii) shall be reviewed by~~ the planning commission, which, after receiving the report of the  
11 advisory committee, shall hold a public hearing as prescribed ~~below~~ in subsection E, and shall  
12 report its recommendations concerning the proposal and proposed modifications to the local  
13 governing body; and ~~(iii) shall be reviewed by~~ the local governing body, which, after receiving  
14 the report of the local planning commission and the advisory committee, shall hold a public  
15 hearing as prescribed below, and may create the district or any modification of the district by the  
16 adoption of a district ordinance as described ~~below~~ in subsection E, or reject the creation of a  
17 district as it deems appropriate. All districts shall meet the minimum requirements set forth in the  
18 participating locality's general ordinance for the creation of districts of local significance.

19 E. Public hearings required to be held by the planning commission and local governing  
20 body shall be conducted in the following manner:

21 1. The hearing as prescribed by law shall be held where the local governing body usually  
22 meets or at a place otherwise readily accessible to the proposed district;

23 2. The notice of the public hearing as prescribed by law shall contain a description of the  
24 proposed district, any proposed modifications and any recommendations of the local planning  
25 commission or the advisory committee; and

26 3. The notice shall be published in a newspaper having a general circulation within the  
27 proposed district and shall be given in writing complete with proposed modifications to those  
28 municipalities whose territory encompasses or is part of the proposed district.

29 F. The general ordinance establishing the program to create agricultural, forestal, or  
30 agricultural and forestal districts of local significance shall state the criteria which shall be  
31 considered by the advisory committee and the local planning commission in advising the local

1 governing body and by the local governing body in making its decision on whether or not to  
2 create a district. These criteria shall be based on and consistent with the following factors:

3 1. The agricultural and forestal significance within the proposed district and in areas  
4 adjacent thereto;

5 2. The presence of any significant agricultural lands or significant forestal lands within  
6 the proposed district and adjacent thereto that are not now in active farming or production;

7 3. The nature and extent of land uses other than active farming or forestry within the  
8 proposed district and adjacent thereto;

9 4. Local developmental patterns and needs including zoning and the comprehensive plan;

10 5. The scenic and historic features of land uses within the proposed district and adjacent  
11 thereto;

12 6. The environmental benefits of preserving the lands in the district in their existing use;  
13 and

14 7. Any other matter which may be relevant.

15 In judging significance, any relevant agricultural and forest maps may be considered as  
16 well as soil, climate, topography, quality of tree cover, other natural factors, markets for farm  
17 and forest products, the extent and nature of farm and forest improvements, evidence of  
18 commitment to long-term farm and forest use, anticipated trends in agricultural and forest  
19 economic conditions and technology, and such other factors as may be relevant. Criteria for  
20 judging the significance of lands in local agricultural and forestal districts to be created pursuant  
21 to this chapter may differ from those for judging the significance of lands in statewide districts to  
22 be created pursuant to Chapter ~~36 43~~ (§ ~~15.1-1506~~ 15.2-4300 et seq.).

23 **Drafting note: No substantive change in the law.**

24  
25 § ~~15.1-1513.7~~ 15.2-4406. Provisions of district ordinances for districts of local  
26 significance.

27 Any district ordinance adopted by the local governing body in order to create or renew an  
28 agricultural, forestal, or agricultural and forestal district shall include the following provisions:

29 1. That no parcel included within the district shall be developed to a more intensive use  
30 than its existing use at the time of adoption of the ordinance creating ~~such~~ the district for eight  
31 years from the date of adoption of such ordinance;

1           2. That no parcel added to an already created district shall be developed to a more  
2 intensive use than its existing use at the time of addition to the district for eight years from the  
3 date of adoption of the original district ordinance;

4           3. That land used in agricultural and forestal production within the agricultural and  
5 forestal district of local significance shall automatically qualify for an agricultural or forestal  
6 value assessment on such land pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title  
7 58.1, if the requirements for such assessment contained therein are satisfied, whether or not a  
8 local land-use plan or local ordinance pursuant to § 58.1-3231 has been adopted;

9           4. That the district shall be reviewed by the local governing body at the end of the eight-  
10 year period and that it may by ordinance renew the district or modification thereof for another  
11 eight-year period. ~~No owner of land shall be included in any agricultural, forestal, or agricultural~~  
12 ~~and forestal district of local significance without such owner's written approval; and~~

13           5. Any other provisions to the mutual agreement of the landowner and the local  
14 governing body that further the purposes of this chapter.

15           **Drafting note: No substantive change in the law. The stricken language is**  
16 **unnecessary, as it appears in § 15.2-4402.**

17  
18           ~~§ 15.1-1513.8 15.2-4407. Discontinuance of association in~~ Withdrawal of land from  
19 district of local significance.

20           A. At any time after the creation of an agricultural, forestal, or an agricultural and  
21 forestal district of local significance within any ~~locality~~ county having the urban county  
22 executive form of government, any owner of land lying in such district may file a written notice  
23 of ~~termination~~ withdrawal with the local governing body which created the district, and upon the  
24 filing of such notice, the ~~termination~~ withdrawal shall be effective. In no way shall this section  
25 affect the ability of an owner to ~~discontinue his association with a~~ withdraw his land from a  
26 proposed district as is authorized pursuant to § 15.1-1513.6 C by subsection C of § 15.2-4405.

27           B. Any person withdrawing land from a district located in a county having the county  
28 executive form of government which is adjacent to any county having the urban county  
29 executive form of government, and any county with a population no less than 85,000 and no  
30 more than 90,000 or no less than 63,400 and no more than 73,900 shall follow the withdrawal  
31 procedures required by § 15.2-4314.

1           ~~B. C.~~ Upon ~~termination of an owner's association with any~~ withdrawal of land from a  
2 district ~~of local significance created pursuant to this chapter~~, the real estate previously included  
3 in such district shall be subject to roll-back taxes, as are provided in § 58.1-3237, and also a  
4 penalty in the amount equal to two times the taxes determined in the year following the  
5 withdrawal from the district on all land previously within the district.

6           ~~C. D.~~ Upon ~~termination of an owner's association with any~~ withdrawal of land from a  
7 district ~~of local significance~~, no provisions of the ordinance which created the district shall any  
8 longer apply to the lands previously in the district which were withdrawn.

9           ~~D. E.~~ The ~~termination of any owner's association in a lawfully constituted~~ withdrawal of  
10 land from a district ~~of local significance~~ shall not itself serve to terminate the existence of the  
11 district. Such district shall continue in effect and be subject to review as to whether it should be  
12 terminated, modified or continued pursuant to ~~§ 15.1-1513.6 of this chapter~~ § 15.2-4405.

13           **Drafting note: No substantive change in the law. § 15.1-1513.9 is added as new**  
14 **subsection B. The reference to § 15.1-1513.6 in old subsection D is believed to have been in**  
15 **error, since § 15.1-1513.7 (now § 15.2-4406) is the section that addresses review of districts.**

16  
17           ~~§ 15.1-1513.9. Withdrawal of land from district; alternative procedure.~~

18           ~~Notwithstanding the provision of § 15.1-1513.8, any person withdrawing land from a~~  
19 ~~district located in a county having the county executive form of government which is adjacent to~~  
20 ~~any county having the urban county executive form of government, and any county with a~~  
21 ~~population no less than 85,000 and no more than 90,000 or no less than 63,400 and no more than~~  
22 ~~73,900 shall follow the withdrawal procedures required by § 15.1-1513.~~

23           **Drafting note: This language appears as subsection B of § 15.2-4407.**

1 PROPOSED  
2 CHAPTER ~~32~~ 45.  
3 TRANSPORTATION DISTRICT ACT OF 1964  
4

5 Chapter drafting note: This Act, which was passed during the 1964 Session, has  
6 been used to create (i) the Northern Virginia Transportation District, consisting of the  
7 counties of Fairfax and Arlington and the cities of Alexandria, Falls Church and Fairfax  
8 and (ii) the Potomac and Rappahannock Transportation Commission consisting of the  
9 counties of Prince William and Stafford and the cities of Manassas, Manassas Park and  
10 Fredericksburg.

11 Article 1.  
12 General Provisions.  
13

14 § ~~15.1-1342~~ 15.2-4500. Short title.

15 This chapter may be cited as the "Transportation District Act of 1964."  
16

17 **Drafting note: No change.**  
18

19 § ~~15.1-1343~~ 15.2-4501. Declaration of policy.

20 The development of transportation systems, composed of transit facilities, public  
21 highways, and other modes of transport, is necessary for the orderly growth and development of  
22 the urban areas of the Commonwealth; for the safety, comfort, and convenience of its citizens;  
23 and for the economical utilization of public funds. The provision of the necessary facilities and  
24 services ~~cannot be achieved by the unilateral action of the counties and cities and the attainment~~  
25 ~~thereof~~ requires cooperative, continuing regional planning and action ~~on a regional basis,~~  
26 ~~conducted cooperatively and on a continuing basis,~~ between representatives of the affected  
27 political subdivisions and the Commonwealth Transportation Board. In ~~those~~ urban areas of the  
28 Commonwealth which together form a single metropolitan area, solutions must be jointly sought  
29 with the affected political subdivisions and highway departments. Such joint action should be  
30 ~~conducted in a manner which preserves~~ preserve, to the extent ~~the necessity for joint action~~  
31 ~~permits~~ practical, local autonomy over patterns of growth and development of each participating



1 political jurisdiction. The requisite joint action may best be achieved through ~~the device of~~ a  
2 transportation district, having the powers, functions and duties hereinafter set forth in this  
3 chapter. In the provision of improved or expanded transit facilities, it is the policy of the  
4 Commonwealth to ~~make use of~~ private enterprise to the extent reasonably practicable.

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-1344~~ 15.2-4502. Definitions.

8 As used in this chapter, the following words and terms shall have the following  
9 meanings, unless the context clearly requires a different meaning:

10 (e) "Agency" ~~or "such agency"~~ means an agency authorized by, or arising from action of,  
11 the General Assembly of Virginia to plan for or provide transportation facilities and service for a  
12 metropolitan area wholly or partly located in Virginia;

13 (b) "Commission" or "district commission" means the governing body of a district;

14 (d) "Component governments" means the counties and cities comprising a transportation  
15 district and the various departments, bureaus and divisions of such counties and cities;

16 (a) "District" means a transportation district authorized to be created by this chapter;

17 (e) "Governing bodies" means the boards of supervisors of counties and councils of cities  
18 comprising a transportation district;

19 (f) "Metropolitan area" means a standard metropolitan statistical area as defined in the  
20 pamphlet Standard Metropolitan Statistical Areas, issued by Executive Office of the President,  
21 Bureau of the Budget, 1964, or any contiguous counties or cities within this Commonwealth  
22 which together constitute an urban area;

23 (g) ~~"Person" means an individual, partnership, association, corporation, or any~~  
24 ~~governmental agency or authority;~~

25 (h) "State contiguous to Virginia" includes the District of Columbia;

26 (i) "Transportation facilities," "transit facilities" or "facilities" mean all those matters and  
27 things utilized in rendering transportation service by means of rail, bus, water or air and any  
28 other mode of travel, including without limitation tracks, rights-of-way, bridges, tunnels,  
29 subways, rolling stock for rail, motor vehicle, marine and air transportation, stations, terminals  
30 and ports, areas for parking, buildings, structures and all equipment, fixtures and business  
31 activities reasonably required for the performance of transportation service, but shall not include

1 any such facilities owned by any person, company, association or corporation, the major part of  
2 whose transportation service extends beyond a transportation district created hereunder.

3 **Drafting note: No substantive change in the law. "Person" is deleted since it is**  
4 **defined in § 1-13.19. The remaining definitions are alphabetized.**

5  
6 § ~~15.1-1344.1~~ 15.2-4503. Conductors, etc., authorized to issue summons.

7 Conductors of railroad trains, motormen, and station and depot agents of any  
8 transportation district created pursuant to ~~Chapter 32 (§15.1-1342 et seq.)~~ of this title chapter,  
9 shall have the power to issue a summons for any violation of § 18.2-160.1 with respect to any  
10 train operated by or under contract with such transportation district.

11 **Drafting note: No substantive change in the law.**

12  
13 Article 2.

14 Creation of Districts.

15  
16 § ~~15.1-1345~~ 15.2-4504. Procedure for creation of districts; single jurisdictional districts;  
17 application of chapter to port authorities and airport commissions.

18 (4) A. Any two or more counties or cities, or combinations thereof, may, in conformance  
19 with the procedure set forth herein, or as otherwise may be provided by law, constitute a  
20 transportation district and shall have and exercise the powers set forth herein and such additional  
21 powers as may be granted by the General Assembly. A transportation district may be created by  
22 ordinance adopted by the governing body of each participating county and city, which  
23 ordinances shall (4) (i) set forth the name of the proposed transportation district (which shall  
24 include the words "transit district" or "transportation district"), (2) ~~shall~~ (ii) fix the boundaries  
25 thereof, (3) ~~shall~~ (iii) name the counties and cities which are in whole or in part to be ~~embraced~~  
26 ~~therein included~~, and (4) (iv) contain a finding that the orderly growth and development of the  
27 county or city and the comfort, convenience and safety of its citizens require an improved  
28 transportation system, composed of transit facilities, public highways and other modes of  
29 transport, and that joint action through a transportation district by the counties and cities which  
30 are to compose the proposed transportation district will facilitate the planning and development  
31 of the needed transportation system. Such ordinances shall be filed with the Secretary of the

1 Commonwealth and upon certification by that officer to the governing bodies of each of the  
2 participating counties and cities that the ordinances required by this chapter have been filed and,  
3 upon the basis of the facts set forth therein, satisfy such requirements, the territory defined in  
4 such ordinances, upon the entry of such certification in the minutes of the proceedings of the  
5 governing bodies of each of the counties and cities, shall ~~be and~~ constitute a transportation  
6 district for ~~all of~~ the purposes of this chapter, known and designated by the name stated in the  
7 ordinances.

8       (2) B. Notwithstanding the provisions of subsection ~~(1)~~ A., any county or city may,  
9 subject to the applicable provisions of this chapter, constitute itself a transportation district ~~in the~~  
10 ~~event that~~ if no governing body of any contiguous county or city wishes to combine for such  
11 purpose, ~~provided that.~~ However, the governing body of such single jurisdictional transportation  
12 district shall comply with the provisions of subsection ~~(1)~~ A. by adopting an ordinance which  
13 shall ~~(1)~~ (i) set forth the name of the proposed transportation district which shall include the  
14 words "transit district" or "transportation district," ~~(2)~~ shall (ii) fix, in such county or city, the  
15 boundaries thereof, ~~(3)~~ shall (iii) name the county or city which is in whole or in part to be  
16 ~~embraced therein~~ included, and ~~(4)~~ (iv) contain a finding that the orderly growth and  
17 development of the county or city and the comfort, convenience, and safety of its citizens require  
18 an improved transportation district, composed of transit facilities, public highways, and other  
19 modes of transport, and that joint action with contiguous counties and cities has not been agreed  
20 to at this time, but that the formation of a transportation district will facilitate the planning and  
21 development of the needed transportation system, and shall file such ordinance ~~in the manner~~  
22 ~~and mode~~ as required by subsection ~~(1)~~ A. ~~At such time as~~ When the governing body of any  
23 contiguous county or city desires to combine with the original jurisdiction ~~for the formation of to~~  
24 form an enlarged transportation district, it shall enter into an agreement with the commission of  
25 the original transportation district on such terms and conditions, consistent with the provisions of  
26 this chapter, as may be agreed upon by such commission and such additional county or city, and  
27 in conformance with the following procedures. The governing body of the county or city having  
28 jurisdiction over the territory to be added to the original transportation district shall adopt an  
29 ordinance specifying the area to be enlarged, containing the finding specified in subsection ~~(1)~~ A.,  
30 and a statement that a contract or agreement between the county or city and the commission,  
31 specifying the terms and conditions of admittance to the transportation district has been

1 executed. The ordinance ~~to which shall be attached~~ and a certified copy of such contract, shall be  
2 filed with the Secretary of the Commonwealth, ~~and upon~~. Upon certification by that officer to  
3 the commission and to the governing bodies of each of the component counties and cities that the  
4 ordinance required by this section has been filed, and that the terms thereof conform to the  
5 requirements of this section, such additional county, or part thereof, or city, upon the entry of  
6 such certification in the minutes of the proceedings of the governing body of such county or city,  
7 shall become a component government of the transportation district and ~~the county, or portion~~  
8 ~~thereof specified, or city~~ shall be embraced in the territory of the transportation district.

9 **Drafting note: No substantive change in the law.**

10  
11 Article 3.

12 Incorporation of District; Creation, Organization, etc. of Commission.

13  
14 § ~~15.1-1346~~ 15.2-4505. District a body corporate; name and style.

15 Each transportation district created pursuant to this chapter, or pursuant to an act of the  
16 General Assembly, ~~and the inhabitants of its territory as the same is established and from time to~~  
17 ~~time altered pursuant to law~~, is hereby created as a body corporate and politic under the name  
18 ~~and style~~ of, and to be known by, the name of the district with the word "commission" appended.

19 **Drafting note: No substantive change in the law. Superfluous language is deleted.**

20  
21 § ~~15.1-1347~~ 15.2-4506. Creation of commission to control corporation.

22 In and for each transportation district a commission is hereby created to manage and  
23 control the functions, affairs and property of the corporation and to exercise all of the rights,  
24 powers and authority and perform all of the duties conferred or imposed upon the corporation.

25 **Drafting note: No change.**

26  
27 § ~~15.1-1348~~ 15.2-4507. Members of commission.

28 ~~(a) Such~~ A. The commission shall consist of ~~such a~~ the number of members as the  
29 component governments shall from time to time agree upon, or as may otherwise be provided by  
30 law. The governing body of each participating county and city shall appoint from among its  
31 members the number of commissioners to which the county or city is entitled; however, for those

1 commissions with powers as set forth in subsection (a) A of § ~~15.1-1357~~ 15.2-4515, the  
2 governing body of each participating county or city is not limited to appointing commissioners  
3 from among its members. In addition, the governing body may appoint from its number ~~or~~ or  
4 otherwise, designated alternate members for those appointed to the commission who shall be  
5 able to exercise all of the powers and duties of a commission member when the regular member  
6 is absent from commission meetings. Each such appointee shall serve at the pleasure of the  
7 appointing body; however, no appointee to a commission with powers as set forth in subsection  
8 (b) B of § ~~15.1-1357~~ 15.2-4515 may continue to serve when he is no longer a member of the  
9 appointing body. Each governing body shall inform the commission of its appointments to and  
10 removals from the commission by delivering to the commission a certified copy of the resolution  
11 making the appointment or causing the removal.

12 In the case of a transportation district which was established on or after July 1, 1986, and  
13 which includes more than one jurisdiction located within the Washington, D.C. metropolitan  
14 area, the commission shall also include two members of the House of Delegates and one member  
15 of the Senate of Virginia from legislative districts located wholly or in part within the boundaries  
16 of the transportation district. The members of the House of Delegates shall be appointed by the  
17 Speaker of the House for terms of two years and the member of the Senate by the Senate  
18 Committee on Privileges and Elections for a term of four years, ~~provided that; however,~~ however, the  
19 terms of such members shall terminate ~~in the event~~ if they no longer are members of their  
20 respective houses. The members of the General Assembly shall be eligible for reappointment so  
21 long as they remain members of their respective houses.

22 In the case of the Tidewater Transportation District, the ~~Commission~~ commission shall  
23 also include two members of the House of Delegates and one member of the Senate from  
24 legislative districts located wholly or in part within the boundaries of the respective  
25 transportation districts. The members of the House of Delegates shall be appointed by the  
26 Speaker of the House for terms of two years and the member of the Senate shall be appointed by  
27 the Senate Committee on Privileges and Elections for a term of four years; however, the terms of  
28 such members shall terminate ~~in the event~~ if they no longer are members of their respective  
29 houses. The members of the General Assembly shall be eligible for reappointment so long as  
30 they remain members of their respective houses.

1 In the case of the Peninsula Transportation District, the ~~Commission~~ commission may  
2 also include one member of the House of Delegates or one member of the Senate, or both, from  
3 legislative districts located wholly or in part within the boundaries of the Peninsula  
4 Transportation District. The member of the House of Delegates shall be appointed by the  
5 Speaker of the House for a term of two years and the member of the Senate shall be appointed by  
6 the Senate Committee on Privileges and Elections for a term of four years, upon the receipt of a  
7 certified copy of a resolution of the ~~Commission~~ commission requesting such appointment,  
8 concurred in by the councils of the Cities of Newport News and Hampton, by adoption of an  
9 appropriate resolution by such councils. The terms of such members shall terminate ~~in the event~~  
10 if they no longer are members of their respective houses. The members of the General Assembly  
11 shall be eligible for reappointment so long as they remain members of their respective houses  
12 and appointments shall be made for any unexpired terms.

13 The Chairman of the Commonwealth Transportation Board, or his designee, shall be a  
14 member of the commission, ex officio. The chairman of the Commonwealth Transportation  
15 Board may appoint an alternate member who ~~shall have authority to~~ may exercise all the powers  
16 and duties of the chairman of the Commonwealth Transportation Board when neither the  
17 chairman of the Commonwealth Transportation Board nor his designee ~~shall be in attendance~~ is  
18 present at a commission meeting ~~of the commission~~.

19 (b) B. Any appointed member of a commission of a transportation district which was  
20 established prior to July 1, 1986, and which includes jurisdictions located within the Washington,  
21 D.C. standard metropolitan statistical area, is authorized to serve as a member of the board of  
22 directors of the Washington Metropolitan Area Transit Authority (Chapter 627 of the Acts of  
23 Assembly of 1958 as amended) and while so serving the provisions of § 2.1-30 shall not apply to  
24 such member.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-1349~~ 15.2-4508. Officers of commission.

28 Within thirty days after the appointment of the original commission members ~~of the~~  
29 ~~commission~~, the commission shall meet on the call of any member and shall elect one of its  
30 members as chairman and another as vice-chairman, each to serve for a term of one year or until  
31 his successor is elected and qualified. The commission shall employ a secretary and treasurer

1 ~~(who may or may not be a member of the commission)~~, and if not a ~~member of the~~ commission  
2 member, fix his compensation and duties. All officers shall be eligible for reelection. Each  
3 ~~member of the~~ commission member, before entering on the performance of his public duties,  
4 shall take and subscribe the oath or affirmation specified in Article II, Section 7 of the  
5 Constitution of Virginia. Such oath may be administered by any person authorized to administer  
6 oaths under § 49-4.

7 **Drafting note: No substantive change in the law.**

8

9 § ~~15.1-1350~~ 15.2-4509. Bonds of members.

10 Each ~~member of the~~ commission member shall, before entering upon the discharge of his  
11 duties under this chapter, give bond payable to the Commonwealth in a form approved by the  
12 Attorney General, in such penalty as ~~shall be~~ fixed from time to time by the Governor, with some  
13 surety or guaranty company ~~duly~~ authorized to do business in Virginia and approved by the  
14 Governor, as security, conditioned upon the faithful discharge of his duties. The premium of  
15 such bonds shall be paid by the commission and the bonds shall be filed with and preserved by  
16 the Comptroller.

17 **Drafting note: No substantive change in the law.**

18

19 § ~~15.1-1351~~ 15.2-4510. Compensation and expenses of members.

20 The ~~members of the~~ commission members shall receive no salary but shall be entitled to  
21 expenses and the per diem pay allowed members of the Commonwealth Transportation Board  
22 for each day spent on their official duties.

23 **Drafting note: No substantive change in the law.**

24

25 § ~~15.1-1352~~ 15.2-4511. Meetings of commission.

26 Regular meetings of the commission shall be held at least once every month at such time  
27 and place as the commission shall from time to time prescribe. Special meetings of the  
28 commission shall be held upon mailed notice, or actual notice otherwise given, to each ~~member~~  
29 ~~of the~~ commission member upon call of the chairman or any two ~~members of the~~ commission  
30 members, at such time and in such place within the district as such notice may specify, or at such  
31 other time and place with or without notice as all ~~of the members of the~~ commission members

1 may expressly approve. All regular and special meetings of the commission shall be open to the  
2 public, but the public shall not be entitled to any ~~other or different~~ notice other than provided  
3 herein. Unless a meeting is called for the purpose of a public hearing, members of the public  
4 shall have no right to be heard or otherwise participate in the proceedings of the meeting, except  
5 to the extent the chairman may in specific instances grant ~~such right of participation~~. All  
6 commission records ~~of the commission~~ shall be public records.

7 **Drafting note: No substantive change in the law.**

8  
9 § ~~15.1-1353~~ 15.2-4512. Quorum and action by commission.

10 A majority of the commission, which majority shall include at least one commissioner  
11 from a majority of the component governments, shall constitute a quorum. The Chairman of the  
12 Commonwealth Transportation Board or his designee may be included for the purposes of  
13 constituting a quorum. The presence of a quorum and a vote of the majority of members present,  
14 including an affirmative vote from a majority of the jurisdictions represented, shall be necessary  
15 to take any action.

16 **Drafting note: No change.**

17  
18 § ~~15.1-1354-~~

19 ~~Repealed by Acts 1970, c. 463-~~

20  
21 § ~~15.1-1355~~ 15.2-4513. Funds of commission.

22 (a) A. All moneys of a commission, whether derived from any contract of the  
23 commission or from any other source, shall be collected, received, held, secured and disbursed in  
24 accordance with any relevant contract of the commission ~~relating thereto~~. ~~The following~~  
25 ~~provisions of this~~ This section shall ~~be applicable~~ apply to ~~any~~ such moneys only if and to the  
26 extent they are consistent with such ~~contract or~~ commission ~~contracts of the commission~~.

27 (b) B. Such moneys shall not be required to be paid into the state treasury or into the  
28 treasury or to any officer of any county or city.

29 (c) C. All such moneys shall be deposited by the commission in a separate bank account  
30 ~~or accounts~~, appropriately designated, in ~~such~~ banks or trust companies ~~as may be~~ designated by  
31 the commission.





1 adjoining transportation districts, to provide, or cause to be provided, transit facilities and service  
2 to such counties and cities, or to provide transit facilities and other modes of transportation  
3 between adjoining transportation districts. Such contracts or agreements, together with any  
4 agreements or leases for the operation of such facilities, may be utilized by the transportation  
5 district to finance the construction and operation of transportation facilities and such contracts,  
6 agreements or leases shall inure to the benefit of any creditor of the transportation district.

7 Notwithstanding the above, however, except in any transportation district containing any  
8 or all of the Counties of Hanover, Henrico, and Chesterfield or the City of Richmond, being so  
9 delegated by the respective local governments, the commission shall not have the power to  
10 regulate services provided by taxicabs, either within municipalities or across municipal  
11 boundaries, which regulation is expressly reserved to the municipalities within which taxicabs  
12 operate. In any transportation district containing any or all of the Counties of Hanover, Henrico,  
13 and Chesterfield or the City of Richmond, the commission may upon proper authority granted by  
14 the respective component governments, regulate services provided by taxicabs, either within  
15 localities or across county or city boundaries.

16 ~~(b)~~ B. When the transportation district is located within a metropolitan area, which  
17 includes all or a portion of a state or states contiguous to Virginia, the commission:

18 ~~(1)~~ 1. Shall not prepare a transportation plan nor construct or operate transit facilities, but  
19 shall collaborate and cooperate in the manner specified in Article 6 (§§~~15.1-1365~~ 15.2-4527 and  
20 ~~15.1-1366~~ 15.2-4528) hereof with an agency in the ~~preparation of~~ preparing, revising, and  
21 amending a transportation plan for such metropolitan area ~~and the revision and amendment~~  
22 ~~thereof from time to time;~~

23 ~~(2)~~ 2. Shall, ~~in the manner specified in~~ according to Article 6 ~~hereof,~~ and in cooperation  
24 with the governing bodies of the component governments embraced within the transportation  
25 district, formulate the tentative policy and decisions of the transportation district with respect to  
26 the planning, design, location, construction, operation and financing of transportation facilities;

27 ~~(3)~~ 3. May, when a transportation plan applicable to such a transportation district is  
28 adopted, enter into contracts or agreements with an agency to contribute to the capital required  
29 for the construction and/or acquisition of transportation facilities and for meeting expenses and  
30 obligations in the operations of such facilities;

1           (4) 4. May, when a transportation plan applicable to such transportation district is  
2 adopted, enter into contracts or agreements with the counties and cities ~~embraced~~ within the  
3 transportation district to provide or cause to be provided transportation facilities and service to  
4 such counties and cities;

5           (5) 5. Notwithstanding any other provision herein to the contrary:

6           (i) a. May acquire land or any interest therein by purchase, lease, gift, condemnation or  
7 otherwise and provide transportation facilities thereon for use in connection with any  
8 transportation service;

9           (ii) b. May acquire land or any interest therein by purchase, lease, gift, condemnation or  
10 otherwise in advance of need for sale or contribution to an agency, for use by that agency in  
11 connection with an adopted mass transit plan;

12           (iii) c. May, in accordance with the terms of any grant from or loan by the United States  
13 of America or the Commonwealth of Virginia, or any agency or instrumentality thereof, or when  
14 necessary to preserve essential transportation service, acquire transit facilities or any carrier,  
15 which is subject to the jurisdiction of the Washington Metropolitan Area Transit Commission, by  
16 acquisition of the capital stock or transit facilities and other assets of any such carrier and shall  
17 provide for the performance of transportation by any such carrier or with such transit facilities by  
18 contract or lease; ~~provided, that any such.~~ However, the contract or lease shall be for a term of  
19 ~~not in excess of~~ no more than one year, renewable for additional terms of similar duration, and,  
20 in order to assure acceptable fare levels, may provide for financial assistance by purchase of  
21 service, operating subsidies or otherwise; ~~provided, further, that no.~~ No such service will be  
22 rendered which will adversely affect transit service rendered by the transit facilities owned or  
23 controlled by the agency or any existing private transit or transportation company; ~~and provided,~~  
24 ~~further, that when.~~ When notified by the agency that it is authorized to perform or cause to be  
25 performed transportation services with motor vehicle facilities, the commission, upon request by  
26 the agency, shall transfer such capital stock or transit facilities to the agency at a price to be  
27 agreed upon; and

28           (iv) d. May prepare a plan for mass transportation services with cities, counties, agencies,  
29 authorities, or commissions and may further contract with transportation companies, cities,  
30 counties, commissions, authorities, agencies, and departments of the Commonwealth and  
31 appropriate agencies of the federal government and/or governments contiguous to Virginia to

1 provide necessary facilities, equipment, operations and maintenance, access, and insurance  
2 pursuant to such plan.

3 ~~(6)~~ C. The provisions of subdivisions ~~(4)~~ 1 through ~~(4)~~ 4 and provisions ~~(ii)~~ b and ~~(iii)~~ c  
4 of subdivision ~~(5)~~ 5 of ~~this~~ subsection B shall not apply (i) to any transportation district which  
5 may be established on or after July 1, 1986, and which includes any one or more jurisdictions  
6 which are located within a metropolitan area, but which were not, on January 1, 1986, members  
7 of any other transportation district, or (ii) to any jurisdiction which, after July 1, 1989, joins a  
8 transportation district which was established on or before January 1, 1986. The provisions of this  
9 ~~subdivision~~ ~~(6)~~ subsection shall only apply to any transportation district or jurisdiction which is  
10 contiguous to the Northern Virginia Transportation District. Any such district or jurisdiction  
11 shall be subject to the provisions of subsection ~~(a)~~ A hereof, and further may exercise the powers  
12 granted by subdivision ~~(b)~~ ~~(5)~~ ~~(i)~~ B 5 a to acquire land or any interest therein by purchase, lease,  
13 gift, condemnation or otherwise and provide transportation facilities thereon for use in  
14 connection with any transportation service.

15 ~~(e)~~ D. Until such time as a commission enters into contracts or agreements with its  
16 component governments under the provisions of subdivisions ~~(a)~~ ~~(4)~~ A 4 and ~~(b)~~ ~~(4)~~ B 4 and is  
17 receiving revenues thereunder, adequate to meet the administrative expenses of the commission  
18 after paying or ~~making provision~~ providing for the payment of the obligations arising under said  
19 subdivisions, the administrative expenses of the commission shall be borne by the component  
20 governments in the manner herein set forth. The commission annually shall submit to the  
21 governing bodies of the component counties and cities a budget of its administrative  
22 requirements for the next ~~ensuing~~ year. Except ~~in the case of~~ for the Northern Virginia  
23 Transportation Commission, the administrative expenses of the commission, to the extent funds  
24 for such expenses are not provided from other sources, shall be allocated among the component  
25 governments on the basis of population as reflected by the latest population statistics of the  
26 Bureau of the Census; ~~provided~~, however, upon the request of any component government, the  
27 commission shall make the allocation upon estimates of population prepared in a manner  
28 approved by the commission and by the governing body of the component government making  
29 such request. For the Northern Virginia Transportation Commission, the administrative expenses  
30 of the Commission, to the extent funds for such expenses are not provided from other sources,  
31 shall be allocated among the component governments on the basis of the relative shares of state

1 and federal transit aids allocated by the Commission among its component governments. Such  
2 budget shall be limited solely to the administrative expenses of the ~~commission~~ Commission and  
3 shall not include any funds for construction or acquisition of transportation facilities and/or the  
4 performing of transportation service. In addition, the ~~commission~~ Commission annually shall  
5 submit to the governing bodies of the component counties and cities a budget of its other  
6 expenses and obligations for the ensuing year ~~and such~~. Such expenses and obligations shall be  
7 borne by the component counties and cities in accordance with prior arrangements made  
8 therefor.

9 (d) E. When a transportation plan has been adopted ~~in the manner provided in~~ under §  
10 ~~15.1-1366 (a) (4)~~ 15.2-4528 A 4, the commission shall ~~make a determination of~~ determine the  
11 equitable allocation among the component governments of the costs incurred by the district in  
12 providing the transportation facilities proposed in ~~such~~ the transportation plan and ~~the any~~  
13 expenses and obligations, ~~if any~~, from the operation thereof to be borne by each county and city.  
14 In making such determinations, the commission shall ~~take into consideration~~ consider the cost of  
15 the facilities located within each county and city, the population of each county and city, the  
16 benefits to be derived by each county and city from the proposed transportation service ~~to be~~  
17 ~~rendered by the proposed transportation facilities~~ and all other factors which the commission  
18 determines to be relevant. Such determination, however, shall not create a commitment by the  
19 counties and cities and such commitments shall be created only under the contracts or  
20 agreements specified in subdivisions ~~(a) (4)~~ A 4 and ~~(b) (4)~~ B 4.

21 **Drafting note: No substantive change in the law.**

22  
23 § ~~15.1-1357.1~~ 15.2-4516. Regulation of fares, schedules, franchising agreements and  
24 routing of transit facilities.

25 The ~~Commission also shall have the power to~~ commission may exercise exclusive  
26 control, notwithstanding any provision of law to the contrary, of matters of regulation of fares,  
27 schedules, franchising agreements and routing of transit facilities within the boundaries of its  
28 transportation district; ~~provided~~, however, ~~that~~ the provisions of § ~~5.1-8~~ 5.1-7 of the Code of  
29 Virginia shall be applicable to airport commissions.

30 **Drafting note: No substantive change in the law. The current cross-reference to §**  
31 **5.1-8 is incorrect.**

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§ ~~15.1-1357.2~~ 15.2-4517. Protection of employees of public transportation systems.

In any county or city, the commission referred to in § ~~15.1-1357~~ 15.2-4515, in addition to other prohibitions, shall not operate any such transit facility, or otherwise provide or cause to be provided, any transportation services, unless fair and equitable arrangements have been made for the protection of employees of existing public transportation systems in the transportation district or in the metropolitan area in which the transportation district is located. Such protections shall include ~~(1)~~ (i) assurances of employment to employees of such transportation systems to the fullest extent possible consistent with sound management, and priority of employment, or, if terminated or laid off, reemployment; ~~(2)~~ (ii) preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise; ~~(3)~~ (iii) continuation of collective bargaining rights; ~~(4)~~ (iv) protection of individual employees against a worsening of their positions with respect to their employment, to the extent provided by § 13 (c) of the Urban Mass Transportation Act, as amended, 49 U.S.C. 1609 (c); and ~~(5)~~ (v) paid training and retraining programs. Such protections shall be specified by the commission in any contract or lease for the acquisition ~~of~~ or operation of any such transit facilities or services. The employees of any transit facility operated by the commission shall have the right, in the case of any labor dispute relating to the terms and conditions of their employment for the purpose of resolving such dispute, to submit the dispute to final and binding arbitration by an impartial umpire or board of arbitration acceptable to the parties.

**Drafting note: No substantive change in the law.**

§ ~~15.1-1358~~ 15.2-4518. Additional powers.

Without ~~in any manner~~ limiting or restricting the general powers created by this chapter, the commission ~~shall have power~~ may:

1. ~~To~~ adopt and have a common seal and ~~to~~ alter the ~~same~~ seal at pleasure;
2. ~~To~~ sue and be sued;
3. ~~To~~ make regulations for the conduct of its business;
4. ~~To~~ make and enter into all contracts or agreements, as the commission may determine, which are necessary or incidental to the performance of its duties and to the execution of the powers granted under this chapter;

1           5. ~~To make application~~ apply for and ~~to~~ accept loans and grants of money or materials or  
2 property at any time from the United States of America or the Commonwealth of Virginia or any  
3 agency or instrumentality thereof, for itself or as an agent on behalf of the component  
4 governments or any one or more of them; and in connection therewith ~~to~~, purchase or lease as  
5 lessor or lessee, any transit facilities required under the terms of any such grant made to enable  
6 the commission to exercise its powers under § ~~15.1-1357 (b) (5)~~ 15.2-4515 B 5;

7           6. In the name of the commission, and on its behalf, ~~to~~ acquire, hold and dispose of its  
8 contract or other revenues;

9           7. ~~To~~ exercise any power usually possessed by private corporations, including the right to  
10 expend, solely from funds provided under ~~the authority of~~ this chapter, such funds as may be  
11 considered by the commission to be advisable or necessary in the performance of its duties and  
12 functions;

13           8. ~~To~~ employ engineers, attorneys, ~~such~~ other professional experts and consultants, and  
14 ~~such~~ general and clerical employees ~~as may be~~ deemed necessary, and ~~to~~ prescribe their powers  
15 and duties and fix their compensation;

16           9. ~~To do and perform any acts and things~~ anything authorized by this chapter under,  
17 through or by ~~means of~~ its own officers, agents and employees, or by contracts with any persons;

18           10. ~~To~~ execute ~~any and all~~ instruments and do ~~and perform any and all acts or things~~  
19 anything necessary, convenient or desirable for the purposes of the commission or to carry out  
20 the powers expressly given in this chapter;

21           11. ~~To~~ institute and prosecute any eminent domain proceedings to acquire any property  
22 authorized to be acquired under this title in accordance with the provisions of Chapter 1.1 (§ 25-  
23 46.1 et seq.) of Title 25, subject to the approval of the State Corporation Commission, and of §  
24 25-233;

25           12. ~~To~~ invest in if required as a condition to obtaining insurance, participate in, or  
26 purchase insurance provided by, foreign insurance companies which insure railroad operations,  
27 provided this power is available only to those commissions which provide rail services; ~~and~~

28           13. Notwithstanding the provisions of § 8.01-195.3, ~~to~~ contract to indemnify, and to  
29 obtain liability insurance to cover such indemnity, any person who is liable, or who may be  
30 subjected to liability, regardless of the character of the liability, as a result of the exercise by a  
31 commission of any of the powers conferred by this chapter. No obligation of a commission to

1 indemnify any such person shall exceed the combined maximum limits of all liability policies, as  
2 defined in § ~~15.1-1364 (e)~~ 15.2-4526 C, maintained by the commission;

3 ~~§ 15.1-1357.3. Computer and electronic regulation of vehicle control devices.~~

4 ~~14. The commission may, notwithstanding~~ Notwithstanding any other provision of law to  
5 the contrary, regulate traffic signals and other vehicle control devices within its jurisdiction,  
6 through the use of computers and other electronic communication and control devices, so as to  
7 effect the orderly flow of traffic and to improve transportation services within its jurisdiction;  
8 ~~provided, however, that~~ an agreement concerning the operation of traffic control devices  
9 acceptable to all parties is shall be entered into between the commission and the Virginia  
10 Department of Transportation, and all the counties and cities within the transportation district  
11 prior to the commencement of such regulation.

12 **Drafting note: No substantive change in the law. Section 15.1-1357.3 is added as**  
13 **subdivision 14.**

14  
15 Article 4.1 5.

16 Financing.

17  
18 ~~§ 15.1-1358.1.~~

19 ~~Repealed by Acts 1972, c. 791.~~

20  
21 ~~§ 15.1-1358.2~~ 15.2-4519. Authority to issue bonds and other obligations; terms and  
22 conditions of bonds; enforcement; exemption from taxation; legal investments.

23 ~~(a) (1)~~ A. 1. A transportation district may issue bonds or other interest-bearing  
24 obligations, as provided in this chapter, for any of its purposes and pay the principal and interest  
25 thereon from any of its funds, including, but not limited to, any moneys ~~from whatever source~~  
26 ~~derived~~ paid to or otherwise received by the district pursuant to any law heretofore or hereafter  
27 enacted or any contract or agreement or any grant, loan, or contribution authorized by this  
28 chapter. For the purposes of this chapter, bonds ~~shall be deemed to~~ include bonds, notes, and  
29 other interest-bearing obligations, including notes issued in anticipation of the sale and issuance  
30 of bonds.



1           ~~(2)~~ 2. Neither the members of a transportation district nor any person executing the bonds  
2 shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other  
3 obligations of a district (and such bonds and obligations shall so state on their face) shall not be a  
4 debt of the Commonwealth or any political subdivision thereof and ~~neither the Commonwealth~~  
5 ~~nor any political subdivision thereof other than~~ only the district shall be liable thereon. The  
6 bonds shall not constitute an indebtedness within the meaning of any debt limitation or  
7 restriction except as provided under this section.

8           ~~(b) (1)~~ B. 1. Bonds of a transportation district shall be authorized by resolution ~~and,~~ may  
9 be issued in one or more series, shall be dated, shall mature at such ~~time or~~ times not exceeding  
10 forty years from their ~~date or~~ dates ~~and,~~ shall bear interest at ~~such rate or~~ rates, ~~as may be~~  
11 determined by the commission, and may be made redeemable before maturity, at the option of  
12 the commission at such price or prices and under such terms ~~and conditions~~ as ~~may be fixed by~~  
13 the commission fixes prior to ~~the issuance of~~ issuing the bonds. The ~~transportation~~ commission  
14 shall determine the form of the bonds, including any interest coupons to be attached ~~thereto,~~ and  
15 the manner of execution of the bonds, and shall fix the ~~denomination or~~ denominations of the  
16 bonds and the ~~place or~~ places of payment of principal and interest, which may be at any bank or  
17 trust company within or ~~without~~ outside the Commonwealth. ~~In case~~ If any officer whose  
18 signature or a facsimile ~~of whose signature shall appear~~ appears on any bonds or coupons ~~shall~~  
19 ~~cease~~ ceases to be such officer before delivery of such bond, such signature or ~~such~~ facsimile  
20 shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office  
21 until such delivery. Notwithstanding any ~~of the~~ other provisions of this article or any recitals in  
22 any bonds issued under the provisions of this article, all such bonds shall be ~~deemed to be~~  
23 negotiable instruments under the laws of the Commonwealth. The bonds may be issued in  
24 coupon or registered form or both, as the commission may determine, and provision may be  
25 made for the registration of any coupon bonds as to principal alone and also as to both principal  
26 and interest, and for the reconversion into coupon bonds of any bonds registered as to both  
27 principal and interest. The transportation district may sell such bonds in such manner, either at  
28 public or private sale, and for such price, as it may determine to be for the best interests of the  
29 district. A transportation district is authorized to enter into indentures or agreements with respect  
30 to all such matters and such indentures or agreements may contain such other provisions as the  
31 commission may deem reasonable and proper for the security of the bondholders. The resolution

1 may provide that the bonds shall be payable from and secured by all or any part of the revenues,  
2 moneys or funds of the district as specified therein. Such pledge shall be valid and binding from  
3 the time the pledge is made and such revenues, moneys and funds so pledged and thereafter  
4 received by the district shall immediately be subject to the lien of such pledge without any  
5 physical delivery thereof or further act, ~~and the~~. The lien of any such pledge shall be valid and  
6 binding as against all parties having claims of any kind in tort, contract or otherwise against the  
7 district, irrespective of whether such parties have notice thereof. Neither the resolution nor any  
8 trust indenture by which a pledge is created need be filed or recorded except in the records of the  
9 district. All expenses incurred in carrying out the provisions of such indentures or agreements  
10 may be treated as a purpose of the transportation district. A transportation district may issue  
11 refunding bonds for the purpose of redeeming or retiring any bonds before or at maturity  
12 (including the payment of any premium, accrued interest and costs or expenses thereof).

13 (2) 2. Prior to the preparation of definitive bonds a transportation district may, under like  
14 restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable  
15 for definitive bonds when such bonds ~~shall~~ have been executed and are available for delivery. A  
16 transportation district may also provide for the replacement of any bonds which ~~shall become~~  
17 have been mutilated ~~or shall be~~, destroyed or lost.

18 (3) 3. Bonds may be issued ~~under the provisions of~~ pursuant to this article without  
19 obtaining the consent of any commission, board, bureau or agency of the Commonwealth or of  
20 any governmental subdivision, and without any referendum, other proceedings or the happening  
21 of other conditions ~~or things than~~ except for those proceedings, ~~or conditions or things~~ which are  
22 specifically required by this article.

23 (c) C. Any holder of bonds, notes, certificates or other evidence of borrowing issued  
24 under ~~the provisions of~~ this article or of any of the coupons appertaining thereto, and the trustee  
25 under any trust indenture or agreement, except to the extent of the rights herein given may be  
26 restricted by such trust indenture or agreement, may, either at law or in equity, by suit, action,  
27 injunction, mandamus or other proceedings, protect and enforce any and all rights under the laws  
28 of the Commonwealth or granted by this article or under such trust indenture or agreement or the  
29 resolution authorizing the issuance of such bonds, notes or certificates, and may enforce and  
30 compel the performance of all duties required by this article or by such trust indenture or

1 agreement or resolution to be performed by the transportation district or by any officer or agent  
2 thereof.

3 ~~(d)~~ D. The exercise of the powers granted by this article shall be in all respects for the  
4 benefit of the inhabitants of the Commonwealth, for the promotion of their safety, health,  
5 welfare, convenience and prosperity, and any facility or service which a transportation district is  
6 authorized to provide will constitute the performance of an essential governmental function. The  
7 bonds of a district are declared to be issued for an essential public and governmental purpose and  
8 their transfer and the income therefrom including any profit made on the sale thereof, shall at all  
9 times be free and exempt from taxation by the Commonwealth and by any governmental  
10 subdivision thereof.

11 ~~(e)~~ E. Bonds issued by a transportation district under ~~the provisions of~~ this article are  
12 ~~hereby made~~ securities in which all public officers and public bodies of the Commonwealth and  
13 its governmental subdivisions, all insurance companies, trust companies, banks, banking  
14 associations, investment companies, executors, administrators, trustees and other fiduciaries may  
15 properly and legally invest funds, including capital in their control or belonging to them. Such  
16 bonds are ~~hereby made~~ securities which may properly and legally be deposited with and received  
17 by any state or ~~municipal~~ local officer or any agency or governmental subdivision of the  
18 Commonwealth for any purpose for which the deposit of bonds or obligations is now or may  
19 hereafter be authorized by law.

20 **Drafting note: No substantive change in the law. The changes in subdivision B 3**  
21 **are intended to clarify unclear wording.**

22  
23 § ~~15.1-1358.3~~ 15.2-4520. Judicial determination of validity of bonds.

24 The provisions of §§ ~~15.1-227.52~~ 15.2-2650 to ~~15.1-227.60~~ are applicable 15.2-2658  
25 apply to all suits, actions and proceedings of whatever nature involving the validity of bonds  
26 issued by a transportation district under the provisions of this article.

27 **Drafting note: No substantive change in the law.**

28  
29 Article 5 6.  
30 Powers and Duties of ~~Counties and Municipalities~~ Localities; Liability of  
31 Commonwealth, ~~Counties and Municipalities~~ Localities.

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§ ~~15.1-1359~~ 15.2-4521. Contracts and payment thereof.

(~~a~~) A. Any county ~~and~~ or city embraced within a transportation district is authorized to enter into contracts or agreements with the commission for such transportation district, or with an agency, pursuant to which such transportation district, subject to the limitations herein contained, or such agency undertakes to provide the transportation facilities specified in a duly adopted transportation plan, and/or to render transportation service. Any obligations arising from such contracts are deemed to be for a public purpose and may be paid for, in the discretion of each county or city, in whole or in part, by appropriations from general revenues or from the proceeds of a bond issue or issues; ~~provided,~~ however, ~~that~~ any such contract must specify the annual maximum obligation of any county or city for payments to meet the expenses and obligations of the transportation district or such agency or provide a formula to determine the payment of any such county or city for such expenses and obligations. Each county or city desiring to contract with a transportation district or an agency is authorized to do so provided it complies with the appropriate provisions of law and thereafter is authorized to do everything necessary or proper to carry out and perform every such contract and to provide for the payment or discharge of any obligation thereunder by the same means and in the same manner as any other of its obligations.

(~~b~~) B. Except as otherwise provided by law:

(~~1~~) 1. No bonded debt shall be contracted by any county to finance the payment of any obligations arising from its contracts hereunder unless the ~~qualified~~ voters of such county shall approve by a majority vote of the ~~qualified~~ voters voting in an election the contracting of any such debt, the borrowing of money and issuance of bonds. Such debt shall be contracted and bonds issued and such election shall be held in the manner provided in and subject to the provisions of Chapter ~~5-1 26~~ (§ ~~15.1-227.1~~ 15.2-2600 et seq.) of this title relating to counties;

(~~2~~) 2. The contracting of debt, borrowing of money and issuance of bonds by any city to finance the payment of any obligations arising from its contracts hereunder shall be effected in the manner provided in and subject to the provisions of Chapter ~~5-1 26~~ of this title relating to cities.

**Drafting note: No substantive change in the law.**

1           § ~~15.1-1360~~ 15.2-4522. Venue.

2           Every such contract shall be enforceable by the transportation district with whom the  
3 contract is made, as provided under the laws of the Commonwealth of Virginia, and, ~~in the event~~  
4 if any such contract is entered into with an agency or is relied upon in a contract between a  
5 commission and any such agency, ~~such~~ the agency also shall have the right to enforce the  
6 contract. The venue for actions on any contract between a transportation district and a  
7 component government shall be as specified in subdivision 10 of § 8.01-261. Venue in all other  
8 matters arising hereunder shall be as provided by law.

9           **Drafting note: No substantive change in the law.**

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11           § ~~15.1-1361~~ 15.2-4523. Acquisition of median strips for transit facilities in interstate  
12 highways.

13           When the district commission, the Commonwealth Transportation Board and the  
14 governing bodies of the component governments determine that the time schedule for  
15 construction of any interstate highway, as defined in Article 3 (§ 33.1-48 et seq.) of Chapter 1,  
16 Title 33.1, within the district makes it necessary to acquire median strips for transit facilities in  
17 such highway prior to the adoption of a transportation plan, each county and city within the  
18 district is authorized to pay to the Commonwealth Transportation Board such sums as may be  
19 agreed upon among the district commission and such counties and cities to provide the  
20 Commonwealth Transportation Board with the necessary matching funds to acquire the median  
21 strips. Any such acquisition shall be made by and in the name of the Commonwealth  
22 Transportation Board.

23           **Drafting note: No change.**

24  
25           § ~~15.1-1362~~ 15.2-4524. Appropriations.

26           The governing bodies of counties and cities participating in a transportation district are  
27 authorized to appropriate funds for the administrative and other expenses and obligations ~~(4)~~ (i)  
28 of the commission of the transportation district, as provided in § ~~15.1-1357(e)~~ 15.2-4515 D, ~~(2)~~  
29 (ii) of an agency and ~~(3)~~ (iii) for such other purposes as may be specified in a law creating a  
30 transportation district.

31           **Drafting note: No change.**

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§ ~~15.1-1363~~ 15.2-4525. Powers granted are in addition to all other powers.

The powers conferred by this chapter on counties and cities are in addition and supplemental to the powers conferred by any other law, and may be exercised by resolution or ordinance of the governing bodies thereof, as required by law, without regard to the terms, conditions, requirements, restrictions or other provisions contained in any other law, general or special, or in any charter.

**Drafting note: No change.**

§ ~~15.1-1364~~ 15.2-4526. Liabilities of Commonwealth, counties and cities.

~~(a)~~ A. Except for claims cognizable under the Virginia Tort Claims Act, Article 18.1 (§ 8.01-195.1 et seq.) of Chapter 3 of Title 8.01, no pecuniary liability of any kind shall be imposed on the Commonwealth or upon any county or city constituting any part of any transportation district because of any act, agreement, contract, tort, malfeasance, misfeasance, or nonfeasance, by or on the part of the commission of such transportation district, or any ~~member of such~~ commission member, or its agents, servants and employees, except as otherwise provided in this chapter with reference to contracts and agreements between the commission or interstate agency and any county or city.

~~(b)~~ B. Except for claims cognizable under the Virginia Tort Claims Act, Article 18.1 (§ 8.01-195.1 et seq.) of Chapter 3 of Title 8.01, the obligations and any indebtedness of a commission shall not be in any way a debt or liability of the Commonwealth, or of any county or city in whole or in part embraced within the transportation district, and shall not create or constitute any indebtedness, liability or obligation of the Commonwealth or of any such county or city, either legal, moral or otherwise, and nothing in this chapter contained shall be construed to authorize a commission or district to incur any indebtedness on behalf of or in any way to obligate the Commonwealth or any county or city in whole or in part embraced within the transportation district; ~~provided, however, that~~ any contracts or agreements between the commission and any county or city provided for in § ~~15.1-1357 (a) (4)~~ 15.2-4515 A 4 and ~~(b) (4)~~ B 4 shall inure to the benefit of any creditor of the transportation district or, when applicable, to an agency as therein provided.



1           (4) 1. Create, subject to their appointment, technical committees from the personnel of  
2 the agencies of the counties and cities and from the Commonwealth Transportation Board  
3 concerned with planning, collection and analysis of data relevant to decision-making in the  
4 transportation planning process. Appointments to such technical committees, however, are to be  
5 made by the governing bodies of the counties and cities and by the Commonwealth  
6 Transportation Board, as the case may be; or

7           (2) ~~In the event~~ 2. If the transportation district is located within an area which has an  
8 organized planning process created in conformance with the provisions of 23 U.S.C. 134, ~~the~~  
9 ~~commission is authorized to~~ utilize the technical committees created for such planning process.

10           (4) D. The commission, on behalf of the counties and cities ~~embraced~~ within the  
11 transportation district, but only upon their direction, is authorized to enter into the written  
12 agreements specified in 23 U.S.C. 134 to assure conformance with the requirements of that law  
13 for continuous, comprehensive transportation planning.

14           **Drafting note: No substantive change in the law.**

15  
16           § ~~15.1-1366~~ 15.2-4528. Procedures.

17           (a) ~~In order to provide procedures to~~ A. To assure that the planning process specified in §  
18 ~~15.1-1365~~ 15.2-4527 is effectively and efficiently utilized, the commission shall conform to the  
19 following procedures and may prescribe such additional procedures as it ~~shall deem~~ deems  
20 advisable;

21           (1) ~~Meetings of the commission~~ 1. Commission meetings shall be held ~~at intervals~~ at least  
22 ~~as frequently as once a month~~ monthly and more often in the discretion of the commission, as the  
23 proper performance of its duties requires.

24           (2) 2. At such meetings the commission shall receive and consider reports from -:

25           i. a. Its members, who are also members of an agency, as to the status and progress of the  
26 work of such agency, and if the commission deems that such reports are of concern to them, shall  
27 fully inform its component governments, committees, and the Commonwealth Transportation  
28 Board with respect thereto, as a means of developing the informed views requisite for sound  
29 policy-making; and

30           ii. b. Its members, technical and other committees, members of the governing bodies of  
31 the component governments and consultants, presenting and analyzing studies and data on



1 matters affecting the making of policies and decisions on a transportation plan and the  
2 implementation thereof.

3       (3) 3. The objective of the procedures herein specified is to develop agreement, based on  
4 the best available information, among the district commission, the governing bodies of the  
5 component governments, the Commonwealth Transportation Board and an interstate agency with  
6 respect to the various factors which affect the making of policies and decisions relating to a  
7 transportation plan and the implementation thereof. ~~In the event~~ If any material disagreements  
8 occur in the planning process with respect to objectives and goals, the evaluation of basic data or  
9 the selection of criteria and standards to be applied in the planning process, the commission shall  
10 exert its best efforts to bring about agreement and understanding on such matters. The  
11 commission, in its discretion, may hold hearings in an effort to resolve any such basic  
12 controversies.

13       (4) 4. Before a transportation plan is adopted, altered, revised or amended by the  
14 commission or by an agency on which it is represented, the commission shall transmit such  
15 proposed plan, alteration, revision or amendment to the governing bodies of the component  
16 governments, to the Commonwealth Transportation Board, and to its technical committees and  
17 shall release to the public information with respect thereto ~~shall be released to the public~~. A copy  
18 of the proposed transportation plan, amendment or revision, shall be kept at the ~~office of the~~  
19 commission office and shall be available for public inspection. Upon thirty days' notice,  
20 published once a week for two successive weeks in one or more newspapers of general  
21 circulation within the transportation district, a public hearing shall be held ~~with respect to~~ on the  
22 proposed plan, alteration, revision or amendment. The thirty days' notice period shall begin to  
23 run on the first day the notice appears in any such newspaper. The commission shall consider the  
24 evidence submitted and statements and comments made at such hearings and, if objections in  
25 writing to the whole or any part of ~~said~~ the plan are made by the governing body of any  
26 component government, or by the Commonwealth Transportation Board, or if the commission  
27 considers any written objection made by any other person, group or organization to be  
28 sufficiently significant, the commission shall reconsider the plan, alteration, revision or  
29 amendment. If, upon reconsideration, the commission ~~shall look~~ agrees with ~~favor upon~~  
30 objection, then the commission shall make appropriate changes to the proposed plan, alteration,  
31 revision or amendment, and may adopt ~~same~~ them without ~~the need for~~ further hearing. If, upon

1 reconsideration, the commission ~~does not look with favor upon~~ disagrees with the objection, the  
2 commission may ~~nevertheless~~ adopt the plan, alteration, revision or amendment. No facilities  
3 shall be located in and no service rendered, however, within any county or city which does not  
4 execute an appropriate agreement with the commission or with an interstate agency as provided  
5 in § ~~15.1-1359~~ 15.2-4521; but in such case, the commission shall ~~consider and~~ determine  
6 whether the absence of such an agreement so materially and adversely affects the feasibility of  
7 the transportation plan as to require its modification or abandonment.

8 **Drafting note: No substantive change in the law.**

9  
10 Article 7 8.

11 Enlargement of Transportation Districts.

12  
13 § ~~15.1-1367~~ 15.2-4529. Procedure for enlargement.

14 ~~The territory embraced within a~~ A transportation district may be enlarged to include any  
15 additional county, or part thereof, or city or part thereof contiguous thereto, upon such terms and  
16 conditions, consistent with the provisions of this chapter, as may be agreed upon by the  
17 commission and such additional county or city and in conformance with the following  
18 procedures. The governing body of the county or city shall adopt an ordinance specifying the  
19 area to be enlarged, containing the finding specified in § ~~15.1-1345~~, 15.2-4504 of this chapter  
20 and a statement that a contract or agreement between the county ~~and~~ or city and the commission,  
21 specifying the terms and conditions of admittance to the transportation district, has been  
22 executed. The ordinance, to which shall be attached a certified copy of ~~said~~ the contract, shall be  
23 filed with the Secretary of the Commonwealth ~~and upon~~. Upon certification by ~~that officer, the~~  
24 Secretary of the Commonwealth to the commissioner and to the governing bodies of each of the  
25 component counties and cities that the ordinance required by this section has been filed and that  
26 ~~the~~ its terms ~~thereof~~ conform to the requirements of this section, ~~such~~ the additional county, or  
27 part thereof, or city or part thereof, upon the entry of such certification in the minutes of the  
28 proceedings of the governing body of such county or city, shall become a component  
29 government of the transportation district and ~~the county, or portion thereof specified, or city or~~  
30 ~~part thereof shall be embraced within the territory~~ of the transportation district.

31 **Drafting note: No substantive change in the law.**

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Article 8 9.

Withdrawal from Transportation District.

§ ~~15.1-1368~~ 15.2-4530. Resolution or ordinance.

A county or city may withdraw from the transportation district by resolution or ordinance, as may be appropriate, adopted by a majority vote of ~~the~~ its governing body ~~thereof~~. The withdrawal of any county or ~~municipality~~ city shall not be effective until the resolution or ordinance of withdrawal is filed with the ~~commission of the~~ transportation district commission and with the Secretary of the Commonwealth.

**Drafting note: No substantive change in the law. “Municipality” is changed to “city” for consistency.**

§ ~~15.1-1369~~ 15.2-4531. Financial obligations.

The withdrawal from the transportation district of any county or city shall not relieve ~~such~~ the county or city from any obligation or commitment made or incurred while a ~~member of~~ the district member.

**Drafting note: No substantive change in the law.**

Article 9 10.

Exemption from Taxation; Tort Liability.

§ ~~15.1-1370~~ 15.2-4532. Public purpose; exemption from taxation.

It is hereby found, determined, and declared that the creation of any transportation district hereunder and the carrying out of the corporate purposes of any such transportation district is in all respects for the benefit of the people of this Commonwealth and is a public purpose and that the transportation district and the commission will be performing an essential governmental function in the exercise of the powers conferred by this chapter. Accordingly, the transportation district shall not be required to pay taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession or supervision or upon its activities in the operation and maintenance of any transportation facilities or upon any revenues therefrom and the property

1 and the income derived therefrom shall be exempt from all state, municipal and local taxation.  
2 This exemption shall include, without limitation, all motor vehicle license fees, motor vehicle  
3 sales and use taxes, retail sales and use taxes and motor fuel taxes. The governing body of any  
4 political subdivision within a transportation district may refund in whole or in part any ~~payment~~  
5 payments for taxes or license fees or abate in whole or in part any ~~assessment~~ assessments for  
6 taxes or license fees on any property exempt from taxation or license fees under this section that  
7 were assessed and levied prior to the acquisition of any transportation facilities by a  
8 transportation district.

9 **Drafting note: No substantive change in the law.**

10

11 § ~~15.1-1374~~ 15.2-4533. Liability for torts.

12 Every district shall be liable for its torts and those of its officers, employees and agents  
13 committed in the conduct of any proprietary function but shall not be liable for any torts  
14 occurring in the performance of a governmental function. However, ~~the provision of~~ this section  
15 shall not apply to a transportation district subject to the provisions of the Virginia Tort Claims  
16 Act (§ 8.01-195.1 et seq.).

17 **Drafting note: No substantive change in the law.**

18

19 Article ~~10~~ 11.

20 Construction of Chapter.

21

22 § ~~15.1-1372~~ 15.2-4534. Chapter liberally construed.

23 This chapter, being necessary for the welfare of the Commonwealth and its inhabitants  
24 shall be liberally construed to effect the purposes thereof.

25 **Drafting note: No change.**



1           It is the further intent of the legislature that all districts created pursuant to this ~~Act~~  
2 chapter provide such long-term zoning protection where such special taxes have been imposed.

3           It is the further intent of the legislature to declare that the formation of transportation  
4 improvement districts, and the granting of long-term ~~land use~~ land use protection in exchange for  
5 the payment of special taxes, promote the public health, safety, and welfare.

6           **Drafting note: No substantive change in the law.**

7  
8           § ~~15.1-1372.2~~ 15.2-4602. Definitions.

9           As used in this chapter, ~~the following words and terms shall have the following meanings~~  
10 unless the context indicates another meaning or intent:

11           "Commission" ~~shall mean~~ means the governing body of the local district.

12           "Cost" ~~shall mean~~ means all or any part of the cost of acquisition, construction,  
13 reconstruction, alteration, landscaping, or enlargement of a public mass transit system or  
14 highway which is located in counties which are authorized by this chapter to create a  
15 transportation improvement district, including the cost of the acquisition of land, rights-of-way,  
16 property rights, easements and interests acquired for such construction, alteration or expansion,  
17 the cost of demolishing or removing any structure on land so acquired, including the cost of  
18 acquiring any lands to which such structures may be removed, the cost of all labor, materials,  
19 machinery and equipment, financing charges, insurance, interest on all bonds prior to and during  
20 construction and, if deemed advisable by the commission, for a reasonable period after  
21 completion of such construction, reserves for principal and interest and for extensions,  
22 enlargements, additions, replacements, renovations and improvements, provisions for working  
23 capital, the cost of surveys, engineering and architectural expenses, borings, plans and  
24 specifications and other engineering and architectural services, legal expenses, studies, estimates  
25 of costs and revenues, administrative expenses and such other expenses as may be necessary, or  
26 incident to the construction of the project or, solely as to districts created pursuant to this chapter  
27 after July 1, 1990, the creation of the district (the costs of which creation shall not exceed  
28 \$150,000), and of such subsequent additions thereto or expansion thereof, and to determining the  
29 feasibility or practicability of such construction, the cost of financing such construction,  
30 additions or expansion and placing the project and such additions or expansion in operation.

1 "County" ~~shall mean~~ means any county having a population of more than 500,000 and  
2 any adjoining county.

3 "District" or "local district" ~~shall mean~~ means any transportation improvement district  
4 created under the provisions of § ~~15.1-1372.3~~ 15.2-4603.

5 "District advisory board" or "advisory board" ~~shall mean~~ means the board appointed by  
6 the commission in accordance with § ~~15.1-1372.5~~ 15.2-4605.

7 "Federal agency" ~~shall mean~~ means and ~~include~~ includes the United States of America or  
8 any department, bureau, agency or instrumentality thereof.

9 "Owner" or "landowner" ~~shall mean~~ means the person or entity which has the usufruct,  
10 control or occupation of the taxable real property as determined by the commissioner of revenue  
11 of the jurisdiction in which the subject real property is located pursuant to § 58.1-3281.

12 "Revenues" ~~shall mean~~ means any or all fees, tolls, taxes, rents, notes, receipts,  
13 assessments, moneys and income derived by the local district and ~~shall include~~ includes any cash  
14 contributions or payments made to the local district by the Commonwealth or any agency,  
15 department or political subdivision thereof or by any other source.

16 "Town" ~~shall mean~~ means any town having a population of more than 1,000.

17 "Transportation improvements" ~~shall mean~~ means any and all real or personal property  
18 utilized in constructing and improving (i) any mass transportation project and (ii) any primary  
19 highway or portion thereof, located within any district created pursuant to § ~~15.1-1372.3~~ 15.2-  
20 4603. Such improvements ~~shall~~ include, without limitation, public mass transit systems, public  
21 highways, all buildings, structures, approaches, and other facilities and appurtenances thereto,  
22 rights-of-way, bridges, tunnels, transportation stations, terminals, areas for parking, and all  
23 related equipment and fixtures.

24 **Drafting note: No substantive change in the law.**

25  
26 § ~~15.1-1372.3~~ 15.2-4603. Creation of district.

27 A. A transportation improvement district shall be created under this chapter only by the  
28 resolutions of the boards of supervisors of the adjoining counties, as defined in § ~~15.1-1372.2~~  
29 15.2-4602, upon the joint petition to each board of supervisors in which the proposed district is  
30 located of the owners of at least fifty-one percent of either the land area or the assessed value of  
31 land in each county which is within the boundaries of the proposed district and which has been

1 zoned for commercial or industrial use or is used for such purposes. Any proposed district shall  
2 include land in each county and may include any land within a town located within such county.

3 Such petitions should:

4 1. Set forth the name and describe the boundaries of the proposed district;

5 2. Describe the transportation facilities proposed within the district;

6 3. Describe a proposed plan for providing such transportation facilities ~~as proposed~~  
7 within the district and describe specific terms and conditions with respect to all commercial and  
8 industrial zoning classifications and uses, densities, and criteria related thereto which the  
9 petitioners request for the proposed district;

10 4. Describe the benefits which can be expected from the provision of such transportation  
11 facilities within the district; and

12 5. Request each board to establish the proposed district for the purposes set forth in the  
13 petition.

14 B. Upon the filing of such a petition, each local board of supervisors shall fix a day for a  
15 hearing on the question of whether the proposed district shall be created. The hearing shall  
16 consider whether ~~or not~~ the residents and owners of real property within the proposed district  
17 would benefit from the establishment of the proposed district. All interested persons who either  
18 reside in or who own taxable real property within the boundaries of the proposed district ~~shall~~  
19 ~~have the right to~~ may appear and show cause why any property or properties should not be  
20 included in the proposed district. If real property situated within a town is included in the  
21 proposed district, the board of supervisors shall deliver a copy of the petition and notice of the  
22 public hearing thereon to the town council at least thirty days prior to the public hearing, and the  
23 town council may, by resolution ~~duly passed~~, determine if it wishes such property ~~located within~~  
24 ~~the town~~ to be included within the proposed district, and shall deliver a copy of any such  
25 resolution to the board of supervisors at the public hearing required hereunder, ~~which; the~~  
26 resolution shall be binding upon the board of supervisors with respect to the inclusion or  
27 exclusion of such properties within the proposed district. The petition shall comply with the  
28 provisions of this section with respect to minimum acreage or assessed valuation. Notice of the  
29 hearing shall be given by publication once a week for three consecutive weeks in a newspaper of  
30 general circulation within the county. At least ten days shall intervene between the third  
31 publication and the date set for the hearing.



1 C. If each board of supervisors finds the creation of the proposed district would be in  
2 furtherance of the applicable county comprehensive plan for the development of the area, in the  
3 best interests of the residents and owners of real property within the proposed district, and in  
4 furtherance of the public health, safety and general welfare, each board of supervisors shall pass  
5 a resolution, which shall be reasonably consistent with the petition, creating the district and  
6 providing for the appointment of an advisory board in accordance with § ~~15.1-1372.5~~ 15.2-4605.  
7 Each resolution shall provide a description with specific terms and conditions of all commercial  
8 and industrial zoning classifications which shall be in force in the district upon its creation,  
9 together with any related criteria, and a term of years, not to exceed twenty years, as to which  
10 each such zoning classification and each related criterion set forth therein shall not be eliminated,  
11 reduced, or restricted if a special tax is imposed as provided in § ~~15.1-1372.7~~ 15.2-4607.  
12 However, this commitment shall not limit the legislative prerogative of the board of supervisors  
13 in any county in which a district is wholly or partly located with respect to ~~land-use~~ land use  
14 approvals of any kind ~~or nature~~ arising from requests initiated by an owner of property therein,  
15 or as specifically required to comply with the provisions of the Chesapeake Bay Preservation Act  
16 (§ 10.1-2100 et seq.) or the regulations adopted pursuant thereto, or other state law, or the  
17 requirements of the federal Clean Water Act (33 U.S.C. § 1342 (p)) and regulations promulgated  
18 thereunder by the federal Environmental Protection Agency or applicable state regulations.

19 In the case of any district created under this section prior to July 1, 1992, all commercial  
20 and industrial zoning classifications, and all zoning ordinance text and regulations relating  
21 thereto regarding allowable uses, densities, setbacks, building heights, required parking, and  
22 open space in force in the district on the date of the district's creation shall be deemed to have  
23 been a part of the ordinance creating the district, and shall remain at least as permissive without  
24 limitation, reduction, or restriction, except as provided hereinabove with respect to ~~land-use~~ land  
25 use approvals of any kind or nature arising from requests initiated by landowners or as required  
26 to comply with the Chesapeake Bay Preservation Act or regulations adopted pursuant thereto,  
27 other state law or the requirements of the federal Clean Water Act (33 U.S.C. § 1342 (p)) and  
28 regulations promulgated thereunder by the federal Environmental Protection Agency or  
29 applicable state regulations, for a period of fifteen years from the date the district was created.  
30 Any rezonings, with respect to individual parcels of land in a district which have been duly  
31 approved by a board of supervisors prior to July 1, 1992, shall remain in effect, regardless of

1 ~~whether~~ who initiated such rezonings ~~were initiated by the owner of such parcels or not.~~ Each  
2 resolution shall also provide that the district shall expire either thirty-five years from the date  
3 upon which the resolution is passed or when the district is abolished in accordance with § ~~15.1-~~  
4 ~~1372.15~~ 15.2-4616.

5 After the public hearing, each board of supervisors shall deliver a true copy of its  
6 proposed resolution creating the district to the petitioning landowners or their attorney-in-fact.  
7 Any petitioning landowner may then withdraw his signature on the petition in writing at any time  
8 prior to the vote of the board of supervisors. ~~In the case where~~ If any signatures on the petition  
9 are withdrawn as provided herein, the board of supervisors may pass the proposed resolution in  
10 conformance herewith only upon certification that the petition continues to meet the provisions  
11 of subsection A of this section with respect to minimum acreage or assessed value as the case  
12 may be. After ~~both~~ the boards of supervisors have adopted resolutions creating the district, the  
13 district shall be established and the name of the district shall be "The ..... Transportation  
14 Improvement District."

15 ~~D. No district shall be created under this chapter after June 30, 1993.~~

16 **Drafting note: No substantive change in the law; subsection D is relocated to § 15.2-**  
17 **4600. Paragraph breaks are added in subsection C. This section outlines the procedures to**  
18 **be followed in creating a transportation district. Although no new districts can be created**  
19 **under this chapter, this section is retained for reference purposes and so that a procedure**  
20 **will be in place if the restriction on new districts created under this chapter is abolished.**

21  
22 § ~~15.1-1372.4~~ 15.2-4604. Commission ~~to exercise powers of the district established.~~

23 The powers of the local district created in accordance with this chapter shall be exercised  
24 by a commission composed of four of the elected members of each of the boards of supervisors  
25 of the counties in which it is located, appointed by their respective boards of supervisors. The  
26 Chairman of the Commonwealth Transportation Board, or his designee, shall be a an ex officio  
27 member of the commission, ~~ex officio~~.

28 The members of the commission shall elect one of their number chairman ~~of the~~  
29 ~~commission of the district~~. The chairman ~~of the commission~~ may or may not be the chairman or  
30 presiding officer of a board of supervisors. In addition, ~~the members of the commission of the~~  
31 ~~district~~ members, with the advice of the district advisory board, shall elect a secretary and

1 treasurer, who may or may not be a member or employee of ~~the~~ a board of supervisors or other  
2 governmental ~~bodies~~ body represented on the commission. The offices of secretary and treasurer  
3 may be combined. A majority of ~~the members of the~~ commission members shall constitute a  
4 quorum, and the vote of a majority of the ~~members of the~~ commission membership shall be  
5 necessary for any action taken by the commission. No vacancy in the membership of the  
6 commission shall impair the right of a majority of the members to form a quorum or to exercise  
7 all of its rights, powers and duties. The 1990 amendments to the provisions of this paragraph  
8 shall not be effective for the Route 28 Primary Highway Transportation Improvement District  
9 until such time as the special tax revenues from the District exceed the total debt service on the  
10 bonds issued pursuant to Chapter 676 of the 1988 Acts of Assembly for three consecutive years.

11 **Drafting note: No substantive change in the law.**

12

13 § ~~15.1-1372.5~~ 15.2-4605. Creation of district advisory boards.

14 Within thirty days after the establishment of a district in accordance with the procedures  
15 provided in § ~~15.1-1372.3~~ 15.2-4603, the commission shall appoint a district advisory board of  
16 twelve members, consisting of: three members appointed by the board of supervisors of each  
17 participating county, each of whom either resides on or owns land within that portion of the  
18 district which is located in the county from which the member is appointed or is a designee of a  
19 landowner as described below; three members who own land zoned for commercial or industrial  
20 use within that portion of the district from each participating county or who are designees of  
21 landowners as described below who are elected by the landowners of the district, voting on a  
22 basis weighted by acreage owned or assessed value, as the case may be. Such elections may be  
23 conducted by the commission by mail ballot of owners of land within that portion of the district  
24 in each participating county. A corporation owning land within the district may designate one of  
25 its officers or employees, and a partnership owning land within the district may designate an  
26 individual who is one of its general partners, and such designees are eligible to be appointed  
27 members of the district advisory board. Each member shall be appointed for a definite term of  
28 four years, except the initial appointment of advisory board members shall provide that the terms  
29 of half of the members shall be for two years. Thereafter, elections shall be conducted biennially  
30 on the anniversary of the creation of the district in the same manner as described in the preceding  
31 provisions of this section. Members may be reelected or reappointed provided that they, or the

1 corporation or partnership they represent, own land zoned for commercial or industrial use  
2 within the district at the time of their reelection or reappointment. If a vacancy occurs with  
3 respect to an advisory member initially elected by a board of supervisors, or any successor of  
4 such a member, that board of supervisors shall appoint a new member who is a resident or  
5 landowner within the local district. If a vacancy occurs with respect to an advisory member  
6 initially ~~appointed~~ elected by landowners, or any successor of such a member, then the board of  
7 supervisors shall appoint a new board member who is a landowner within the district elected in  
8 the manner provided herein.

9         The members shall serve without pay, but the commission shall provide the advisory  
10 board with facilities for the holding of meetings and shall appropriate funds needed to defray the  
11 reasonable expenses and fees of the board, which shall not exceed \$20,000 annually, including,  
12 without limitation, expenses and fees arising out of the preparation of the annual report. Such  
13 appropriations shall be based on an annual budget submitted by the advisory board, approved by  
14 the commission, sufficient to carry out its responsibilities under this chapter. The advisory board  
15 shall elect a chairman and a secretary and such other officers as it deems necessary. The board  
16 shall fix the time for holding regular meetings, but it shall meet at least once every year. Special  
17 meetings of the board shall be called by the chairman or by two members of the board upon  
18 written request to the secretary of the board. A majority of the members shall constitute a  
19 quorum. The 1990 amendments to the provisions of this paragraph shall not be effective for the  
20 Route 28 Primary Highway Transportation Improvement District until such time as the special  
21 tax revenues from the District exceed the total debt service on the bonds issued pursuant to  
22 Chapter 676 of the 1988 Acts of Assembly for three consecutive years.

23         The advisory board shall present an annual report to the commission on the transportation  
24 needs of the district and on the activities of the board, and the advisory board shall present  
25 special reports on transportation matters as requested by the commission or the board of  
26 supervisors of either county concerning taxes to be levied pursuant to § ~~15.1-1372.7~~ 15.2-4607.

27         **Drafting note: No substantive change in the law.**

28

29         § ~~15.1-1372.6~~ 15.2-4606. Powers and duties of commission.

30         The commission shall have the following powers and duties:

1           1. To construct, reconstruct, alter, improve, and expand (i) any public mass transit system  
2 in the district or (ii) any primary highway located within the district having no more than two  
3 through travel lanes as of January 1, 1987, which is located in both counties which comprise the  
4 district, and which was not financed under the authority provided by the Commonwealth of  
5 Virginia Transportation Facilities Bond Act of 1979.

6           2. To acquire by gift, purchase, lease, in-kind contribution to construction costs, or  
7 otherwise any public mass transit system or primary highway transportation improvements in the  
8 district and to sell, lease as lessor, transfer or dispose of any part of any transportation  
9 improvements in such manner and upon such terms as the commission may determine to be in  
10 the best interests of the district. However, prior to disposing of any such property or interest  
11 therein, the commission shall conduct a public hearing ~~with respect to~~ regarding such  
12 disposition. At the hearing, the residents and owners of property within the district shall have an  
13 opportunity to be heard. At least ten days' notice of the time and place of such hearing shall be  
14 published in a newspaper of general circulation in the district, as prescribed by the commission.  
15 Such public hearing may be adjourned from time to time.

16           3. To negotiate and contract with any person, ~~firm, corporation, or~~ authority or state or  
17 federal agency or instrumentality with regard to any matter necessary and proper to provide any  
18 public mass transit system or primary highway transportation facility, including, but not limited  
19 to, the financing, acquisition, construction, reconstruction, alteration, improvement, expansion or  
20 maintenance of any transportation improvements in the district. No such contract shall extend for  
21 a period that exceeds thirty years.

22           4. To enter into a continuing service contract for a purpose authorized by this chapter and  
23 to make payments of the proceeds received from the special taxes levied pursuant to § ~~15.1-~~  
24 ~~1372.7~~ 15.2-4607, together with any other revenues, for the payment of installments due under  
25 that service contract. The district may apply such payments annually during the term of that  
26 service contract in an amount sufficient to make the installment payments due under that  
27 contract, subject to the limitation imposed by § ~~15.1-1372.7~~ 15.2-4607. However, payments for  
28 any such service contract shall be conditioned upon the receipt of services pursuant to the  
29 contract. Such a contract may not obligate a county to make payments for services of the district.

30           5. To accept the allocations, contributions or funds of, or to reimburse from, any available  
31 source, including, but not limited to, any person, ~~corporation,~~ authority, state or federal agency or

1 instrumentality for either the whole or any part of the costs, expenses and charges incident to the  
2 acquisition, construction, reconstruction, maintenance, alteration, improvement, and expansion  
3 of any transportation improvements in the district.

4 6. To contract for the extension and use of any public mass transit system or primary  
5 highway into territory outside of the local district on such terms and conditions as the  
6 commission determines.

7 7. To employ and fix the compensation of personnel ~~which~~ who may be deemed  
8 necessary for the construction, operation or maintenance of any public mass transit system or  
9 primary highway in the district.

10 8. To have prepared an annual audit of the district's financial obligations and revenues,  
11 and upon review of such audit, to request a tax rate adequate to provide tax revenues which,  
12 together with all other revenues, are required by the district to fulfill its annual obligations.

13 9. To invest any funds, received pursuant to § ~~15.1-1372.7:1~~ 15.2-4608, which are not  
14 otherwise obligated to make payments to the Commonwealth Transportation Board or to any  
15 other purpose, in accordance with Chapter 18 (§ 2.1-327 et seq.) of Title 2.1.

16 **Drafting note: No substantive change in the law. The deleted terms in subdivisions**  
17 **3 and 5 are unnecessary since they are included in the definition of person in § 1-13.19.**

18  
19 § ~~15.1-1372.7~~ 15.2-4607. Annual special improvements tax; use of revenues.

20 Upon the written request of the district commission made concurrently to both boards of  
21 supervisors pursuant to subdivision 8 of § ~~15.1-1372.6~~ 15.2-4606, each board of supervisors  
22 ~~shall have the power to~~ may levy and collect an annual special improvements tax on taxable real  
23 estate zoned for commercial or industrial use or used for such purposes and taxable leasehold  
24 interests in that portion of the improvement district within its jurisdiction. Notwithstanding the  
25 provisions of Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, the tax shall be levied  
26 upon the assessed fair market value of the taxable real property. The rate of the special  
27 improvements tax shall not be more than ~~20¢~~ \$0.20 per \$100 of the assessed fair market value of  
28 any taxable real estate or the assessable value of taxable leasehold property as specified by §  
29 58.1-3203. Such special improvement taxes shall be collected at the same time and in the same  
30 manner as county taxes are collected, and the proceeds shall be kept in a separate account. The  
31 effective date of the initial assessment shall be January 1 of the year following adoption of the

1 resolution creating and establishing the district. All revenues received by each county pursuant to  
2 such taxes shall be paid to or at the direction of the district commission for its use pursuant to §§  
3 ~~15.1-1372.6~~ 15.2-4606 and ~~15.1-1372.7:1~~ 15.2-4608.

4 **Drafting note: No substantive change in the law.**

5  
6 § ~~15.1-1372.7:1~~ 15.2-4608. Agreements with Commonwealth Transportation Board;  
7 payment of special improvements tax to ~~transportation trust fund~~ Transportation Trust Fund.

8 A. The district may contract with the Commonwealth Transportation Board for the  
9 Board to perform any of the purposes of the district.

10 The district may agree by contract to pay over all or a portion of the special  
11 improvements tax and all or a portion of the sums received pursuant to subsection C ~~of this~~  
12 ~~section~~ to the Commonwealth Transportation Board.

13 Prior to executing any such contract, the district shall seek the agreement of each board of  
14 supervisors creating the district that the county administrator or other officer charged with the  
15 responsibility for preparing the county's annual budget shall submit in the budget for each fiscal  
16 year in which any Commonwealth of Virginia Transportation Contract Revenue Bonds issued for  
17 such district are outstanding, all amounts to be paid to the Commonwealth Transportation Board  
18 under such contract during such fiscal year.

19 If the amount required to be paid to the Commonwealth Transportation Board under the  
20 contract is not ~~so~~ paid for a period of sixty days after ~~such~~ the amount is due, the Commonwealth  
21 Transportation Board is hereby directed, until ~~such~~ the amount has been paid, to withhold  
22 sufficient funds from funds appropriated and allocated, pursuant to the highway allocation  
23 formula as provided by law, to the highway construction district in which ~~the~~ a project ~~or~~  
24 ~~projects~~ covered by such contract ~~are~~ is located or to ~~such~~ any county ~~or counties~~ in which such  
25 project ~~or projects are~~ is located and to use such funds to satisfy the contractual requirements.

26 B. While nothing in this article shall limit the authority of any county to change the  
27 classification of any parcel ~~or parcels~~ of land zoned for commercial or industrial use or used for  
28 such purpose, upon the written request or approval of the owner of the property affected by such  
29 change after the effective date of any such contract, except for changes in zoning classification  
30 from commercial or industrial use to residential use approved in accordance with subsection C ~~of~~  
31 ~~this section~~, should a change in zoning classification so requested result in a shortfall in the total

1 annual revenues from the imposition of the special improvements tax and the payments required  
2 to be made to the Commonwealth Transportation Board pursuant to the contract, the district shall  
3 request the board of supervisors to increase the rate of such tax by such amount up to the  
4 maximum authorized rate as may be necessary to prevent such shortfall. If, however, a deficit  
5 remains after any rezoning and adjustment of the tax rate or the rate is at the maximum  
6 authorized rate and cannot be increased, then the amount of funds otherwise appropriated and  
7 allocated pursuant to the highway allocation formula as provided by Article 1.1 (§ 33.1-23.01 et  
8 seq.) of Chapter 1 of Title 33.1 to the highway construction district in which ~~the a project or~~  
9 ~~projects~~ covered by such contract ~~are~~ is located or to ~~such a county or counties~~ in which such  
10 project ~~or projects are~~ is located, shall be reduced by the amount of such deficit and used to  
11 satisfy the deficit.

12 C. For any property within the district for which a county changes its zoning  
13 classification from commercial or industrial use to residential use upon the written request or  
14 approval of the owner, the county shall require the simultaneous payment from the property  
15 owner of a sum representing the present value of the future special improvements taxes estimated  
16 by the county to be lost as a result of such change in classification. On a case-by-case basis,  
17 however, the board of supervisors may, in its sole discretion, defer, for no more than sixty days,  
18 the effective date of such change in zoning classification. ~~In the event of such a~~ Upon deferral,  
19 the lump sum provided for in this subsection shall be paid to the county; in immediately  
20 available funds acceptable to the county before the deferred effective date. If the landowner fails  
21 to make this lump sum payment; as and when required, the change in zoning classification shall  
22 not become effective and the ordinance shall be void. Special improvements taxes previously  
23 paid in the year of the zoning change may be credited toward ~~any such~~ the payment on a prorated  
24 basis. The portion of the payment that may be credited shall be that portion of the year following  
25 the change in zoning classification. The district and the Commonwealth Transportation Board  
26 shall agree to a method of calculating the present value of the loss of future special  
27 improvements taxes resulting from such a change in zoning classification and the procedure for  
28 payment of such funds to the Commonwealth Transportation Board. Sums paid pursuant to this  
29 subsection which represent the estimated special improvements taxes which otherwise would  
30 have been imposed upon the rezoned property in any given year shall be included in calculations  
31 which may be made pursuant to §§ ~~45.1-1372.4~~ 15.2-4604 and ~~45.1-1372.5~~ 15.2-4605 in order to



1 determine whether special tax revenues from the district have exceeded total debt service on the  
2 bonds issued pursuant to Chapter 676 of the 1988 Acts of Assembly for three consecutive years.  
3 Whenever any county acts in accordance with such an agreement between the district and the  
4 Commonwealth Transportation Board, the change in zoning classification shall not be considered  
5 to have resulted in a shortfall in the total annual revenues from the imposition of the special  
6 improvements tax and the payments required to be made to the Commonwealth Transportation  
7 Board.

8 **Drafting note: No substantive change in the law; the two code references in the final**  
9 **paragraph are questionable since there does not appear to be any calculations to be made**  
10 **in those sections.**

11  
12 § ~~15.1-1372.8~~ 15.2-4609. Jurisdiction of counties and officers, etc., not affected.

13 Neither the creation of a district nor any other provision in this chapter shall affect the  
14 power, jurisdiction, or duties of the respective local governing bodies; sheriffs; treasurers;  
15 commissioners of the revenue; circuit, district, or other courts; clerks of any court; magistrates or  
16 any other county or state officer in regard to the area embraced in any district, ~~nor~~ or restrict or  
17 prevent any county or town or its governing body from imposing and collecting taxes or  
18 assessments for public improvements as permitted by law. Any county which creates a district  
19 pursuant to this section may obligate itself with respect to the zoning ordinances, zoning  
20 ordinance text, and regulations relating thereto for all commercial and industrial classifications  
21 within the district as provided in subsection C of § ~~15.1-1372.3~~ 15.2-4603 for a term not to  
22 exceed twenty years from the date on which such district is created.

23 **Drafting note: No substantive change in the law.**

24  
25 § ~~15.1-1372.9~~ 15.2-4610. Allocation of funds to local transportation districts.

26 The board of supervisors of any county which has created a local district pursuant to §  
27 ~~15.1-1372.3~~ 15.2-4603, may advance funds, or provide matching funds, from money not  
28 otherwise specifically allocated or obligated, from whatever source received or generated,  
29 including without limitation, general revenues, special fees and assessments, state allocations,  
30 and contributions from private sources to a local district to assist the local district to undertake  
31 the project for which it was created. The Commonwealth Transportation Board may allocate

1 funds to a district only from the construction district or districts in which such transportation  
2 district is located pursuant to the highway allocation formula to assist the district with an  
3 approved project as provided by law.

4 **Drafting note: No change.**

5  
6 § ~~15.1-1372.10~~ 15.2-4611. Reimbursement for advances to local transportation district.

7 The commission shall direct the district treasurer to reimburse the county or town from  
8 any funds of the district, not otherwise specifically allocated or obligated, to the extent that a  
9 county or town has made advances.

10 **Drafting note: No change.**

11  
12 § ~~15.1-1372.11~~ 15.2-4612. Cooperation between districts and other political subdivisions.

13 Any local district created under the provisions of this chapter may enter into agreements  
14 with ~~counties, cities, towns or~~ localities and other political subdivisions within the  
15 Commonwealth for joint or cooperative action in accordance with the authority contained in §  
16 ~~15.1-21~~ 15.2-1300.

17 **Drafting note: No substantive change in the law.**

18  
19 § ~~15.1-1372.12~~ 15.2-4613. Tort liability.

20 No pecuniary liability of any kind shall be imposed on the Commonwealth or on any  
21 county, town, or landowner therein because of any act, agreement, contract, tort, malfeasance,  
22 misfeasance, or nonfeasance, by or on the part of a district created under this chapter, its agents,  
23 servants, or employees.

24 **Drafting note: No change.**

25  
26 § ~~15.1-1372.13~~ 15.2-4614. Approval by Commonwealth Transportation Board.

27 The district may not construct or improve a mass transit system or public highway  
28 without the approval of the Commonwealth Transportation Board and without the approval of  
29 each county in which the transportation improvement will be located. At the request of the  
30 commission, the Commonwealth Transportation Commissioner may exercise his powers of  
31 condemnation pursuant to  §§ 25-46.1 through 25-46.36, §§ 33.1-89 through 33.1-132, or § 33.1-

1 229, or the same as is prescribed in §§ 25-46.1 through 25-46.36 for the purpose of acquiring  
2 property for transportation improvements within the district. Upon completion of ~~such~~ the  
3 construction or improvement, the Commonwealth Transportation Board shall take ~~such~~ the  
4 public highway into the primary system of state highways for purposes of maintenance and  
5 subsequent improvement as necessary. Upon acceptance by the Commonwealth of the highway  
6 into the primary system of highways, all rights, title and interest in the right-of-way held by the  
7 commission and improvements of such highway shall vest in the Commonwealth. Upon  
8 completion of ~~such~~ the construction or improvement of a mass transit system, all rights, title, and  
9 interest in the right-of-way and improvements of ~~such~~ the mass transit system shall vest in the  
10 Northern Virginia Transportation Commission or other agency or instrumentality of the  
11 Commonwealth.

12 **Drafting note: No substantive change in the law.**

13  
14 Article 2.

15 Boundary Changes for Local Districts.

16  
17 § ~~15.1-1372.14~~ 15.2-4615. Enlargement of local districts.

18 A. The district shall be enlarged by resolutions of the boards of supervisors of the  
19 participating counties upon the concurrent joint petitions of the commission ~~of the district~~ and  
20 the owners of at least fifty-one percent of the land area of the district within each county, and of  
21 at least fifty-one percent of the land area located within the territory sought to be added to the  
22 district; however, any such territory shall be contiguous to the existing district. Joint petitions  
23 shall present the information required by § ~~15.1-1372.3~~ 15.2-4603 A. Upon receipt of such a  
24 ~~petition~~ petitions, each county shall use the standards and procedures described in subsections B  
25 and C in § ~~15.1-1372.3~~ 15.2-4603, ~~except that;~~ however, the residents and owners of both the  
26 existing district and the area proposed for the enlargement shall have the right to appear and  
27 show cause why any property ~~or properties~~ should not be included in the proposed district.

28 B. If each county board of supervisors finds the enlargement of a local district would be  
29 in accordance with the applicable county comprehensive plan for the development of the area, in  
30 the best interests of the residents and owners of the property within the proposed district, and in  
31 furtherance of the public health, safety and general welfare, and if each board finds that

1 enlargement of the district does not limit or adversely affect the rights and interests of any party  
2 which has contracted with the district, each board shall pass identical resolutions providing for  
3 the enlargement of the district.

4 **Drafting note: No substantive change in the law.**

5  
6 § ~~15.1-1372.15~~ 15.2-4616. Abolition of local transportation districts.

7 A. Any district created under the provisions of this chapter may be abolished by  
8 resolutions passed by each board of supervisors upon the joint petition of the commission and the  
9 owners of at least fifty-one percent of the land area located within the district in each county.

10 ~~Joint petitions~~ A joint petition:

11 1. May state whether the purposes for which the district was formed substantially have  
12 been achieved;

13 2. May state that all obligations theretofore incurred by the district have been fully paid;

14 3. May describe the benefits which can be expected from the abolition of the district; and

15 4. Shall request each board of supervisors to abolish the district.

16 B. Upon receipt of such a petition, each board shall use the standards and procedures  
17 described in subsections B and C of § ~~15.1-1372.3~~ 15.2-4603, mutatis mutandis, ~~except that;~~  
18 however, all interested persons who either reside on or who own real property within the  
19 boundaries of the district shall have the right to appear and show cause why the district should  
20 not be abolished.

21 C. If each board of supervisors finds that the abolition of the district would be (i) in  
22 accordance with the applicable county comprehensive plan for the development of the area, (ii)  
23 in the best interests of the residents and owners of the property within the district, and (iii) in  
24 furtherance of the public health, safety and general welfare; ~~and (iv) that all debts of the district~~  
25 have been paid and the purposes of the district either have been fulfilled or should not be  
26 fulfilled by the district; or that each board of supervisors, with the approval of the voters of each  
27 county, has agreed to assume the debts of the district, then each board shall pass a resolution  
28 abolishing the district and the district advisory board. Upon abolition of the district, the title to all  
29 funds and properties owned by the district at the time of such dissolution shall vest in the county  
30 in which the district was located.

31 **Drafting note: No substantive change in the law.**

1  
2 Article 3.  
3 Construction of Chapter.  
4

5 § ~~15.1-1372.16~~ 15.2-4617. Chapter to constitute complete district for acts authorized;  
6 provisions severable; liberal construction.

7 This chapter shall constitute full and complete authority for the district, without regard to  
8 the provisions of any other law, for the doing of the acts and things herein authorized. The  
9 provisions of this chapter are severable, and if any of its provisions are declared unconstitutional  
10 or invalid by any court of competent jurisdiction, the decision of such court shall not affect or  
11 impair any of the other provisions of this chapter. This chapter, being necessary for the welfare  
12 of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes  
13 hereof. Any court test concerning the validity of any bonds which may be issued for  
14 transportation improvements made pursuant to this chapter may be determined pursuant to  
15 Article 6 (§ ~~15.1-227.52~~ 15.2-2650 et seq.) of Chapter ~~5.1~~ of this title 26.

16 **Drafting note: No substantive change in the law.**  
17

18 § ~~15.1-1372.17~~ 15.2-4618. Validation of districts.

19 All proceedings held in the creation of a district pursuant to § ~~15.1-1372.3~~ 15.2-4603  
20 prior to March 1, 1988, are hereby ratified, validated and confirmed, and all such districts so  
21 created or attempted to be created pursuant to the provisions of Article 1 (§ ~~15.1-1372.1~~ 15.2-  
22 4600 et seq.) of this chapter are declared hereby to have been validly created, notwithstanding  
23 any defects or irregularities in the creation of such a district or in the selection or appointment of  
24 the commission or the advisory board of such a district.

25 **Drafting note: No change.**  
26

27 § ~~15.1-1372.18~~.

28 Repealed by Acts 1990, c. 855.  
29

30 §§ ~~15.1-1372.19, 15.1-1372.20~~.

31 Reserved.



1 acquiring any lands to which such structures may be removed, the cost of all labor, materials,  
2 machinery and equipment, financing charges, insurance, interest on all bonds prior to and during  
3 construction and, if deemed advisable by the commission, for a reasonable period after  
4 completion of such construction, reserves for principal and interest and for extensions,  
5 enlargements, additions, replacements, renovations and improvements, provisions for working  
6 capital, the cost of surveys, engineering and architectural expenses, borings, plans and  
7 specifications and other engineering and architectural services, legal expenses, studies, estimates  
8 of costs and revenues, administrative expenses and such other expenses as may be necessary or  
9 incident to the construction of the project, or creation of the district (which shall not exceed  
10 \$150,000), and of such subsequent additions thereto or expansion thereof, and to determining the  
11 feasibility or practicability of such construction, the cost of financing such construction,  
12 additions or expansion and placing the project and such additions or expansion in operation.

13 "District" or "local district" ~~shall mean~~ means any transportation improvement district  
14 created under the provisions of § ~~15.1-1372.23~~ 15.2-4702.

15 "District advisory board" or "advisory board" ~~shall mean~~ means the board appointed by  
16 the commission in accordance with § ~~15.1-1372.25~~ 15.2-4704.

17 "Federal agency" ~~shall mean~~ means and ~~include~~ includes the United States of America or  
18 any department, bureau, agency, or instrumentality thereof.

19 "Locality" ~~shall mean~~ means (i) any county that has the county executive form of  
20 government and is located adjacent to a county with a population of more than 500,000  
21 according to the 1980 or any subsequent census, (ii) any county that has been granted a county  
22 charter and has a population of more than 100,000 according to the 1980 or any subsequent  
23 census, and (iii) any city that is located adjacent to a county that has been granted a county  
24 charter and has a population of more than 100,000 according to the 1980 or any subsequent  
25 census.

26 "Owner" or "landowner" ~~shall mean~~ means the person or entity which has the usufruct,  
27 control or occupation of the taxable real property as determined by the commissioner of revenue  
28 of the jurisdiction in which the subject real property is located pursuant to § 58.1-3281.

29 "Revenues" ~~shall mean~~ means any or all fees, tolls, taxes, rents, notes, receipts,  
30 assessments, moneys and income derived by the local district and ~~shall include~~ includes any cash

1 contributions or payments made to the local district by the Commonwealth or any agency,  
2 department or political subdivision thereof or by any other source.

3 "Town" ~~shall mean~~ means any town having a population of more than 1,000 as  
4 determined by the 1980 census.

5 "Transportation improvements" ~~shall mean~~ means any and all real or personal property  
6 utilized in constructing and improving any public mass transit system or any highway or portion  
7 or interchange thereof including utilities and parking facilities within the secondary, primary, or  
8 interstate highway system of the Commonwealth or any highway included in the county's land  
9 use and transportation plan located within the district created pursuant to § ~~15.1-1372.23~~ 15.2-  
10 4702. Such improvements ~~shall~~ include, without limitation, public mass transit systems or public  
11 highways, all buildings, structures, approaches, and other facilities and appurtenances thereto,  
12 rights-of-way, bridges, tunnels, transportation stations, terminals, areas for parking and all  
13 related equipment and fixtures.

14 **Drafting note: No substantive change in the law.**

15  
16 § ~~15.1-1372.23~~ 15.2-4702. Creation of district.

17 A. A transportation improvement district shall be created under this chapter only by the  
18 resolution of the local governing body, ~~upon the petition to the local governing body of the~~  
19 locality in which the proposed district is located, upon the petition to the governing body (i) of  
20 the owners of at least fifty-one percent of either the land area or assessed value of land ~~in each~~  
21 ~~locality~~ which is within the boundaries of the proposed district and which has been zoned for  
22 commercial or industrial use or is used for such purposes or ~~which~~, (ii) in a county with a  
23 population of more than 100,000 according to the 1980 or any subsequent census which has been  
24 granted a county charter, of fifty-one percent of the owners of land which is designated for such  
25 purposes in the county's land use and transportation plan and is not zoned for residential use at  
26 the time the district is created.

27 The roads, intersections, and rights-of-way thereof which form boundaries of these  
28 districts shall be considered as part of each respective district. Any proposed district may include  
29 any land within a town in such county. Such petitions should:

- 30 1. Set forth the name and describe the boundaries of the proposed district;  
31 2. Describe the transportation facilities proposed within the district;



1           3. Describe a proposed plan for providing such transportation facilities ~~as proposed~~  
2 within the district and describe specific terms and conditions with respect to all commercial and  
3 industrial zoning classifications and uses, densities, and criteria related thereto which the  
4 petitioners request for the proposed district;

5           4. Describe the benefits which can be expected from the provision of such transportation  
6 facilities within the district; and

7           5. Request the local governing body to establish the proposed district for the purposes set  
8 forth in the petition.

9           B. Upon the filing of such a petition, the ~~board of supervisors~~ governing body shall fix a  
10 day for a hearing on the question of whether the proposed district shall be created. The hearing  
11 shall consider whether ~~or not~~ the residents and owners of real property within the proposed  
12 district would benefit from the establishment of the proposed district. All interested persons who  
13 either reside in or who own taxable real property within the boundaries of the proposed district  
14 shall have the right to appear and show cause why any property or properties should not be  
15 included in the proposed district. If real property ~~situate~~ within a town is included in the  
16 proposed district, the ~~board of supervisors~~ governing body shall deliver a copy of the petition and  
17 notice of the public hearing thereon to the town council at least thirty days prior to the public  
18 hearing, and the town council may, by resolution ~~duly passed~~, determine if it wishes such  
19 property ~~located within the town~~ to be included within the proposed district, and shall deliver a  
20 copy of any such resolution to the board of supervisors at the public hearing required hereunder,  
21 ~~which;~~ the resolution shall be binding upon the ~~board of supervisors~~ governing body with respect  
22 to the inclusion or exclusion of such properties within the proposed district. The petition shall  
23 comply with the provisions of ~~§ 15.1-1372.3~~ this section with respect to minimum acreage or  
24 assessed valuation. Notice of the hearing shall be given by publication once a week for three  
25 consecutive weeks in a newspaper of general circulation within the locality. At least ten days  
26 shall intervene between the third publication and the date set for the hearing.

27           C. If the local governing body finds the creation of the proposed district would be in  
28 furtherance of the applicable comprehensive plan for the development of the area, in the best  
29 interests of the residents and owners of real property within the proposed district, and in  
30 furtherance of the public health, safety, and general welfare, the governing body of the  
31 qualifying ~~county may, and the governing body of the qualifying city~~ locality may, at its option,

1 pass a resolution, which shall be reasonably consistent with the petition, creating the district and  
2 providing for the appointment of an advisory board in accordance with § ~~15.1-1372.25~~ 15.2-  
3 4704. The resolution shall provide: (i) a description with specific terms and conditions of all  
4 commercial and industrial zoning classifications which shall be in force in the district upon its  
5 creation, together with any related criteria, and a term of years, not to exceed twenty years, as to  
6 which each such zoning classification and each related criteria set forth therein shall ~~remain in~~  
7 ~~force within the district without elimination, reduction, or restriction~~ not be eliminated, reduced,  
8 or restricted, except upon the written request or approval of the owner of any property affected  
9 by a change, or as specifically required to comply with the Chesapeake Bay Preservation Act (§  
10 10.1-2100 et seq.) or other state law; and (ii) that the district shall expire either thirty-five years  
11 from the date upon which the resolution is passed or ~~until~~ when the district is abolished in  
12 accordance with § ~~15.1-1372.35~~ 15.2-4714.

13 After the public hearing, the local governing body shall deliver a true copy of its  
14 proposed resolution creating the district to the petitioning landowners or their attorney-in-fact.  
15 Any petitioning landowner may then withdraw ~~its~~ his signature on the petition in writing at any  
16 time prior to the vote of the local governing body. ~~In the case where~~ If any signatures on the  
17 petition are withdrawn as provided herein, the local governing body may pass the proposed  
18 resolution in conformance herewith only upon certification that the petition continues to meet the  
19 provisions of subsection A of this section with respect to minimum acreage or assessed value as  
20 the case may be. After the local governing body has adopted resolutions creating the district, the  
21 district shall be established and the name of the district shall be "The ..... Transportation  
22 Improvement District."

23 ~~D. No district shall be created under this chapter after June 30, 1993.~~

24 **Drafting note: No substantive change in the law; the existing Code citation in**  
25 **subsection B is incorrect; subsection D is relocated to § 15.2-4700. A paragraph break is**  
26 **added in subsection C. This section outlines the procedures to be followed in creating a**  
27 **transportation district. Although no new districts can be created under this chapter, this**  
28 **section is retained for reference purposes and so that a procedure will be in place if the**  
29 **restriction on new districts created under this chapter is abolished. "Board of supervisors"**  
30 **is changed to "governing body" because this chapter applies to counties and cities.**

31

1           § ~~15.1-1372.24~~ 15.2-4703. Commission ~~to exercise powers of the district~~ established.

2           A. The powers of the local district created in accordance with this chapter shall be  
3 exercised by a commission composed of three of the elected members of the local governing  
4 body of the locality in which it is located, appointed by ~~the local~~ such governing body. The  
5 Chairman of the Commonwealth Transportation Board, or his designee, shall be a member of the  
6 commission, ex officio.

7           B. The ~~members of the commission~~ members shall elect one of their number chairman ~~of~~  
8 ~~the commission of the district; the~~. The chairman ~~of the commission~~ may or may not be the  
9 chairman or presiding officer of a the local governing body. In addition, the ~~members of the~~  
10 ~~commission of the district~~ members, with the advice of the district advisory board, shall elect a  
11 secretary and treasurer, who may or may not be members or employees of the ~~board of~~  
12 ~~supervisors or other governmental~~ governing body ~~represented on the commission~~. The offices  
13 of secretary and treasurer may be combined. A majority of ~~the members of the~~ commission  
14 members shall constitute a quorum, and the vote of a majority of ~~the members of the~~ commission  
15 members shall be necessary for any action taken by the commission. No vacancy in ~~the~~  
16 ~~membership of the~~ commission membership shall impair the right of a majority of the members  
17 to form a quorum or to exercise all of its rights, powers and duties.

18           **Drafting note: No substantive change in the law.**

19  
20           § ~~15.1-1372.25~~ 15.2-4704. Creation of district advisory boards.

21           Within thirty days after the establishment of a district in accordance with the procedures  
22 provided in § ~~15.1-1372.23~~ 15.2-4702, the local governing body shall appoint a district advisory  
23 board of seven members. All members shall reside on or own or represent commercially or  
24 industrially zoned land within the district. Should there not be enough residents or landowners  
25 within a district to appoint a seven-member advisory board, then such board shall consist of the  
26 lesser number of existing residents or landowners. Each member shall be appointed for a definite  
27 term of four years, except the initial appointment of advisory board members shall provide that  
28 the terms of three of the members shall be for two years. If a vacancy occurs with respect to an  
29 advisory member initially appointed by a the local governing body, or any successor of such a  
30 member, the local governing body shall appoint a new member who is a representative or owner  
31 of commercially or industrially zoned property within the local district.

1           The members shall serve without pay, but the local governing body shall provide the  
2 advisory board with facilities for the holding of meetings, and the commission shall appropriate  
3 funds needed to defray the reasonable expenses and fees of the advisory board which shall not  
4 exceed \$20,000 annually, including without limitation expenses and fees arising out of the  
5 preparation of the annual report. Such appropriations shall be based on an annual budget  
6 submitted by the board, and approved by the commission, sufficient to carry out its  
7 responsibilities under this chapter. The advisory board shall elect a chairman and a secretary and  
8 such other officers as it deems necessary. The board shall fix the time for holding regular  
9 meetings, but it shall meet at least once every year. Special meetings of the board shall be called  
10 by the chairman or by two members of the board upon written request to the secretary of the  
11 board. A majority of the members shall constitute a quorum.

12           The advisory board shall present an annual report to the commission on the transportation  
13 needs of the district and on the activities of the board, and the advisory board shall present  
14 special reports on transportation matters as requested by the commission or the local governing  
15 body of the locality concerning taxes to be levied pursuant to § ~~15.1-1372.27~~ 15.2-4706.

16           **Drafting note: No substantive change in the law.**

17

18           § ~~15.1-1372.26~~ 15.2-4705. Powers and duties of commission.

19           The commission shall have the following powers and duties:

20           1. To construct, reconstruct, alter, improve, and expand any public mass transit system or  
21 highway located within the district which is located in the county which comprises the district,  
22 and which was not financed under the authority provided by the Commonwealth of Virginia  
23 Transportation Facilities Bond Act of 1979.

24           2. To acquire by gift, purchase, lease, in-kind contribution to construction costs, or  
25 otherwise any public mass transit system or highway transportation improvements in the district  
26 and to sell, lease as lessor, transfer or dispose of any part of any transportation improvements in  
27 such manner and upon such terms as the commission may determine to be in the best interests of  
28 the district. However, prior to disposing of any such property or interest therein, the commission  
29 shall conduct a public hearing ~~with respect to~~ regarding such disposition. At the hearing, the  
30 residents and owners of property within the district shall have an opportunity to be heard. At  
31 least ten days' notice of the time and place of such hearing shall be published in a newspaper of

1 general circulation in the district, as prescribed by the commission. Such public hearing may be  
2 adjourned from time to time.

3 3. To negotiate and contract with any person, ~~firm, corporation,~~ authority, transportation  
4 district, state or federal agency or instrumentality with regard to any matter necessary and proper  
5 to provide any public mass transit system or highway transportation facility, including, but not  
6 limited to, the financing, acquisition, construction, reconstruction, alteration, improvement,  
7 expansion or maintenance of any transportation improvements in the district. No such contract  
8 shall extend for a period that exceeds thirty years.

9 4. To enter into a continuing service contract for a purpose authorized by this chapter and  
10 to make payments of the proceeds received from the special taxes levied pursuant to § ~~15.1-~~  
11 ~~1372.27~~ 15.2-4706, together with any other revenues, for the payment of installments due under  
12 that service contract. The district may apply such payments annually during the term of that  
13 service contract in an amount sufficient to make the installment payments due under that  
14 contract, subject to the limitation imposed by § ~~15.1-1372.27~~ 15.2-4706, but payments for any  
15 such service contract shall be conditioned upon the receipt of services pursuant to the contract.  
16 Such a contract may not obligate a ~~county~~ locality to make payments for services of the district.

17 5. To accept the allocations, contributions or funds of, or to reimburse from, any available  
18 source, including, but not limited to, any person, ~~corporation,~~ authority, transportation district, or  
19 state or federal agency or instrumentality for either the whole or any part of the costs, expenses  
20 and charges incident to the acquisition, construction, reconstruction, maintenance, alteration,  
21 improvement, and expansion of any transportation improvements in the district.

22 6. To contract for the extension and use of any transportation improvements into territory  
23 outside of the local district on such terms and conditions as the commission determines.

24 7. To employ and fix the compensation of personnel ~~which~~ who may be deemed  
25 necessary for the construction, operation or maintenance of any transportation improvements in  
26 the district.

27 8. To have prepared an annual audit of the district's financial obligations and revenues,  
28 and upon review of such audit, to request a tax rate adequate to provide tax revenues which,  
29 together with all other revenues, are required by the district to fulfill its annual obligations.

30 **Drafting note: No substantive change in the law; the deleted terms in subdivisions 3**  
31 **and 5 are unnecessary since they are included in the definition of person in § 1-13.19.**

1  
2 § ~~15.1-1372.27~~ 15.2-4706. Annual special improvements tax; use of revenues.

3 Upon the written request of the district commission made to the local governing body  
4 pursuant to subdivision 8 of § ~~15.1-1372.26~~ 15.2-4705, the local governing body ~~shall have the~~  
5 ~~power to~~ may levy and collect an annual special improvements tax on taxable real property  
6 zoned for commercial or industrial use or used for such purposes and leasehold interests in that  
7 portion of the improvement district within its jurisdiction. Notwithstanding the provisions of  
8 Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, the tax shall be levied upon the  
9 assessed fair market value of the taxable real property. The rate of the special improvements tax  
10 shall not be more than \$0.20 per \$100 of the assessed fair market value of any taxable real estate  
11 or the assessable value of taxable leasehold property as specified by § 58.1-3203; however, if all  
12 the owners in any district so request, this limitation on rate shall not apply. Such special  
13 improvements taxes shall be collected at the same time and in the same manner as the locality's  
14 taxes are collected, and the proceeds shall be kept in a separate account. All revenues received by  
15 the locality pursuant to such taxes shall be paid over to the district commission for its use  
16 pursuant to § ~~15.1-1372.26~~ 15.2-4705.

17 **Drafting note: No substantive change in the law.**

18  
19 § ~~15.1-1372.28~~ 15.2-4707. Jurisdiction of localities and officers, etc., not affected.

20 Neither the creation of a district nor any other provision in this chapter shall affect the  
21 power, jurisdiction, or duties of the local governing body; sheriff; treasurer; commissioner of the  
22 revenue; circuit, district, or other courts; clerks of any court; magistrates; or any other local or  
23 state officer in regard to the area embraced in any district, ~~nor~~ or restrict or prevent the locality or  
24 town, or the governing body of the locality or town, from imposing and collecting taxes or  
25 assessments for public improvements as permitted by law. Notwithstanding any contrary  
26 provisions of law, any locality which creates a district pursuant to this section may obligate itself  
27 with respect to the zoning ordinances, zoning ordinance text, and regulations relating thereto for  
28 all commercial and industrial classifications within the district as provided in subsection C of §  
29 ~~15.1-791.3~~ 15.2-4702 for a term not to exceed twenty years from the date on which such a  
30 district is created.

1           **Drafting note: No substantive change in the law; the existing Code citation in the**  
2 **last sentence is incorrect.**

3  
4           § ~~15.1-1372.29~~ 15.2-4708. Allocation of funds to local transportation districts.

5           The ~~local~~ governing body ~~of the locality~~ which has created a ~~local~~ district pursuant to §  
6 ~~15.1-1372.23~~ 15.2-4702, may advance funds, or provide matching funds, from money not  
7 otherwise specifically allocated or obligated, from whatever source received or generated,  
8 including without limitation, general revenues, special fees and assessments, state allocations,  
9 and contributions from private sources to a local district to assist the local district to undertake  
10 the project for which it was created. The Commonwealth Transportation Board may allocate  
11 funds to a district only from the construction district or districts in which such transportation  
12 district is located pursuant to the highway allocation formula to assist the district with an  
13 approved project as provided by law.

14           **Drafting note: No substantive change in the law.**

15  
16           § ~~15.1-1372.30~~ 15.2-4709. Reimbursement for advances to local transportation district.

17           Notwithstanding the provisions of any other law, the commission shall direct the district  
18 treasurer to reimburse the locality or town from any funds of the district, not otherwise  
19 specifically allocated or obligated, to the extent that a locality or town has made advances.

20           **Drafting note: No change.**

21  
22           § ~~15.1-1372.31~~ 15.2-4710. Cooperation between districts and other political subdivisions.

23           Any local district created under the provisions of this chapter may enter into agreements  
24 with ~~counties, cities, towns or~~ localities and other political subdivisions within the  
25 Commonwealth for joint or cooperative action in accordance with the authority contained in §  
26 ~~15.1-21~~ 15.2-1305.

27           **Drafting note: No substantive change in the law.**

28  
29           § ~~15.1-1372.32~~ 15.2-4711. Tort liability.

1 No pecuniary liability of any kind shall be imposed upon the Commonwealth or the  
2 locality, town, or landowner therein because of any act, agreement, contract, tort, malfeasance,  
3 misfeasance, or nonfeasance, by or on the part of a district, its agents, servants, or employees.

4 **Drafting note: No change.**

5  
6 § ~~15.1-1372.33~~ 15.2-4712. Approval by Commonwealth Transportation Board.

7 The district may not construct or improve a transportation improvement without the  
8 approval of the Commonwealth Transportation Board and without the approval of the locality in  
9 which the transportation improvement will be located. At the request of the commission, the  
10 Commonwealth Transportation Commissioner may exercise his powers of condemnation  
11 pursuant to §§ ~~25-46.1 through 25-46.36~~ §§ 33.1-89 through 33.1-132, or § 33.1-229, ~~or the~~  
12 ~~same as is prescribed in §§ 25-46.1 through 25-46.36~~ for the purpose of acquiring property for  
13 transportation improvements within the district. Upon completion of ~~such~~ the construction or  
14 improvement, the Commonwealth Transportation Board shall take ~~such~~ the public highway into  
15 the secondary, primary, or interstate system of state highways for purposes of maintenance and  
16 subsequent improvement as necessary. Upon acceptance by the Commonwealth of the highway  
17 into the primary system of highways all rights, title and interest in the right-of-way and  
18 improvements of such public mass transit system or highway shall vest in the Commonwealth.  
19 Upon completion of such construction or improvement of a mass transit system, all rights, title,  
20 and interest in the right-of-way and improvements of ~~such~~ the mass transit system shall vest in  
21 the Northern Virginia Transportation Commission or other agency or instrumentality of the  
22 Commonwealth.

23 **Drafting note: No substantive change in the law.**

24  
25 Article 2.

26 Boundary Changes for Local Districts.

27  
28 § ~~15.1-1372.34~~ 15.2-4713. Enlargement of local districts.

29 A. The district shall be enlarged by ~~resolutions~~ a resolution of the ~~local~~ governing body  
30 of the locality upon the ~~petitions~~ joint petition of the commission ~~of the district~~ and the owners of  
31 at least fifty-one percent of either the land area or assessed value of land of the district within



1 ~~each~~ the locality, and of at least fifty-one percent of either the land area or assessed value of land  
2 located within the territory sought to be added to the district; however, any such territory shall be  
3 contiguous to the existing district. The joint petition shall present the information required by §  
4 ~~15.1-1372.23~~ 15.2-4702 A. Upon receipt of such a petition the locality shall use the standards  
5 and procedures provided in subsections B and C in § ~~15.1-1372.23~~, ~~except that~~ 15.2-4702;  
6 however, the residents and owners of both the existing district and the area proposed for the  
7 enlargement shall have the right to appear and show cause why any property ~~or properties~~ should  
8 not be included in the proposed district.

9 B. If the ~~local~~ governing body finds the enlargement of a ~~local~~ the district would be in  
10 accordance with the applicable comprehensive plan for the development of the area, in the best  
11 interests of the residents and owners of the property within the proposed district, and in  
12 furtherance of the public health, safety and general welfare, and if the ~~local~~ governing body finds  
13 that enlargement of the district does not limit or adversely affect the rights and interests of any  
14 party which has contracted with the district, the governing body of the ~~qualifying county shall,~~  
15 ~~and the governing body of the qualifying city~~ locality may, at its option, pass a resolution  
16 providing for the enlargement of the district.

17 **Drafting note: No substantive change in the law.**

18  
19 § ~~15.1-1372.35~~ 15.2-4714. Abolition of local transportation districts.

20 A. Any district created under this chapter may be abolished by a resolution passed by the  
21 local governing body upon the joint petition of the commission and the owners of at least fifty-  
22 one percent of either the land area or assessed value of land located within the district in the  
23 locality. The ~~petitions~~ joint petition:

- 24 1. May state whether the purposes for which the district was formed substantially have  
25 been achieved;
- 26 2. May state that all obligations theretofore incurred by the district have been fully paid;
- 27 3. May describe the benefits which can be expected from the abolition of the district; and
- 28 4. Shall request the local governing body to abolish the district.

29 B. Upon receipt of such a petition, the ~~board~~ governing body shall use the standards and  
30 procedures described in subsections B and C of § ~~15.1-1372.23~~ 15.2-4702, mutatis mutandis,  
31 ~~except that~~; however, all interested persons who either reside on or who own real property within

1 the boundaries of the district shall have the right to appear and show cause why the district  
2 should not be abolished.

3 C. If the ~~local~~ governing body finds that the abolition of the district would be (i) in  
4 accordance with the applicable comprehensive plan for the development of the area, (ii) in the  
5 best interests of the residents and owners of the property within the district, and (iii) in  
6 furtherance of the public health, safety and general welfare; ~~and (iv)~~ that all debts of the district  
7 have been paid and the purposes of the district either have been fulfilled or should not be  
8 fulfilled by the district, or that the ~~local~~ governing body, with the approval of the voters of the  
9 locality, has agreed to assume the debts of the district, then the local governing body shall pass a  
10 resolution abolishing the district and the district advisory board. Upon abolition of the district,  
11 the title to all funds and properties owned by the district at the time of such dissolution shall vest  
12 in the locality.

13 **Drafting note: No substantive change in the law.**

14  
15 Article 3.

16 Construction of Chapter.

17  
18 § ~~15.1-1372.36~~ 15.2-4715. Chapter to constitute complete district for acts authorized;  
19 provisions severable; liberal construction.

20 This chapter shall constitute full and complete authority for the district, without regard to  
21 the provisions of any other law, for the doing of the acts and things herein authorized. The  
22 provisions of this chapter are severable, and if any of its provisions are declared unconstitutional  
23 or invalid by any court of competent jurisdiction, the decision of such court shall not affect or  
24 impair any of the other provisions of this chapter. This chapter, being necessary for the welfare  
25 of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes  
26 hereof. Any court test concerning the validity of any bonds which may be issued for  
27 transportation improvements made pursuant to this chapter may be determined pursuant to  
28 Article 6 (§ ~~15.1-227.52~~ 15.2-2650 et seq.) of Chapter ~~5.1~~ of this title 26.

29 **Drafting note: No substantive change in the law.**

30  
31 § ~~15.1-1372.37~~ 15.2-4716. Validation of districts.

1 All proceedings held in the creation of any district or districts pursuant to § ~~15.1-1372.23~~  
2 15.2-4702 prior to January 1, 1992, are hereby ratified, validated, and confirmed, and any and all  
3 such districts so created pursuant to Article 1 (§ ~~15.1-1372.21~~ 15.2-4700 et seq.) of this chapter  
4 are declared hereby to have been validly created, notwithstanding any defects or irregularities in  
5 the creation of any such district or in the selection or appointment of the commission or the  
6 advisory board of any such district.

7 **Drafting note: No change.**



1 lands to which such structures may be removed, the cost of all labor, materials, machinery and  
2 equipment, financing charges, insurance, interest on all bonds prior to and during construction  
3 and, if deemed advisable by the governing body, for a reasonable period after completion of such  
4 construction, reserves for principal and interest and for extensions, enlargements, additions,  
5 replacements, renovations and improvements, provisions for working capital, the cost of surveys,  
6 engineering and architectural expenses, borings, plans and specifications and other engineering  
7 and architectural services, legal expenses, studies, estimates of costs and revenues,  
8 administrative expenses and such other expenses as may be necessary or incident to the creation  
9 of the district (which shall not exceed \$150,000), construction of the project and the provision of  
10 equipment therefor, and of such subsequent additions thereto or expansion thereof, and to  
11 determining the feasibility or practicality of such construction, the cost of financing such  
12 construction, additions or expansion, and placing the project and such additions or expansion in  
13 operation.

14 "County" means (i) any county organized under the urban county executive form of  
15 government, (ii) any county adjoining a county organized under the urban county executive form  
16 of government, and (iii) any county with a population of at least 32,000 but not more than 36,000  
17 according to the most recent United States census.

18 "District" means any transportation service district created under the provisions of § ~~15.1-~~  
19 ~~791.3~~ 15.2-4802.

20 "District advisory board" means the board appointed by the board of supervisors in  
21 accordance with § ~~15.1-791.5~~ 15.2-4804.

22 "Federal agency" means and includes the United States of America or any department,  
23 bureau, agency or instrumentality thereof.

24 "Owner" or "landowner" means the person or entity which has the usufruct, control or  
25 occupation of the real property as determined annually by the county.

26 "Public highways" includes any public highways, roads, or streets, whether maintained  
27 by the Commonwealth or otherwise.

28 "Revenues" means any or all fees, tolls, rents, notes, receipts, assessments, taxes,  
29 moneys, and income derived by the district and includes any cash contributions or payments  
30 made to the district by the Commonwealth, any political subdivision thereof, or by any other  
31 source.

1 "Town" means any town having a population of more than 1,000 as determined by the  
2 1980 census.

3 "Transportation facilities" means any real or personal property acquired, constructed or  
4 improved, or utilized in constructing or improving any public highway or portion thereof or any  
5 publicly owned mass transit systems situated or operated within the district created pursuant to §  
6 ~~15.1-791.3~~ 15.2-4802. Such facilities shall include, without limitation, public rail, van, bus, or  
7 water-borne transit systems, public highways, all buildings, structures, approaches, and other  
8 facilities and appurtenances thereto, rights-of-way, bridges, tunnels, transportation stations,  
9 terminals, areas for parking and all related equipment and fixtures.

10 **Drafting note: No substantive change in the law.**

11  
12 § ~~15.1-791.3~~ 15.2-4802. Creation of district.

13 A. A district shall be created under this ~~article~~ chapter only by a resolution of the board  
14 of supervisors upon the petition of the owners of at least fifty-one percent of either the assessed  
15 value of land or land area of the real property of the county which is within the boundaries of the  
16 proposed district, and which (i) is unimproved, regardless of zoning, or (ii) has been zoned for  
17 commercial or industrial use or is used for such purposes. Any proposed district may include  
18 land within a town located in such county. Such petition shall:

- 19 1. Set forth the name and describe the boundaries of the proposed district;
- 20 2. Describe the transportation facilities proposed within the district;
- 21 3. Describe a proposed plan for providing such transportation facilities within the district  
22 and describe specific terms and conditions with respect to all zoning classifications and uses,  
23 densities, and criteria related thereto which the petitioners request for the proposed district;
- 24 4. Describe the benefits which can be expected from the provision of such transportation  
25 facilities within the district; and
- 26 5. Request the board of supervisors to establish the proposed district for the purposes set  
27 forth in the petition.

28 B. Upon the filing of such a petition, the board of supervisors shall fix a day for a  
29 hearing on the question of whether the proposed district shall be created. The hearing shall  
30 consider whether ~~or not~~ the residents and owners of property within the proposed district would  
31 benefit from the establishment of the proposed district. All interested persons who either reside

1 in or who own real property within the boundaries of the proposed district shall have the right to  
2 appear and show cause why any property or properties should not be included in the proposed  
3 district. If real property ~~situate~~ located within a town is included in the proposed district, the  
4 board of supervisors shall deliver a copy of the petition and notice of the public hearing thereon  
5 to the town council at least thirty days prior to the public hearing, and the town council may, by  
6 resolution duly passed, determine if it wishes such property located within the town to be  
7 included within the proposed district, and shall deliver a copy of any such resolution to the board  
8 of supervisors at the public hearing required hereunder, which resolution shall be binding upon  
9 the board of supervisors with respect to the inclusion or exclusion of such properties within the  
10 proposed district; however, the petition shall comply with the provisions of this section with  
11 respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by  
12 publication once a week for three consecutive weeks in a newspaper of general circulation within  
13 the county as designated by the board of supervisors. At least ten days shall intervene between  
14 the completion of the publication and the date set for the hearing. The publication shall be  
15 considered complete on the twenty-first day after the first publication.

16 C. If the board of supervisors finds the creation of the proposed district would be in  
17 accordance with the comprehensive plan for the development of the area, in the best interests of  
18 the residents and owners of the property within the proposed district, and in furtherance of the  
19 public health, safety and general welfare, it shall pass a resolution creating the district, which  
20 resolution shall be reasonably consistent with the petition, ~~and the.~~ The resolution shall provide:  
21 (i) a description with specific terms and conditions of all zoning classifications which shall be in  
22 force in the district upon its creation, together with any related criteria, and a term of years, not  
23 to exceed twenty years, as to which each such zoning classification and each related criteria set  
24 forth therein shall ~~remain in force within the district without elimination, reduction, or restriction~~  
25 not be eliminated, reduced, or restricted, except upon the written request or approval of the  
26 owner of any property affected by a change, or as specifically required to comply with the  
27 provisions of the Chesapeake Bay Preservation Act (§ 10.1-2100 et seq.) or the regulations  
28 adopted pursuant thereto, or other state law; and (ii) that the district shall terminate no later than  
29 thirty-five years from the date of the resolution.

30 After the public hearing, the board of supervisors shall deliver a true copy of its proposed  
31 resolution creating the district to the petitioning landowners or their attorney-in-fact. Any

1 petitioning landowner may then withdraw its signature on the petition in writing at any time prior  
2 to the vote of the board of supervisors. ~~In the case where~~ If any signatures on the petition are  
3 withdrawn as provided herein, the board of supervisors may pass the proposed resolution in  
4 conformance herewith only upon certification that the petition continues to meet the provisions  
5 of subsection A of this section with respect to minimum acreage or assessed value as the case  
6 may be.

7 D. A district which proposes to construct or improve any portion of a two-lane primary  
8 highway which traverses an international airport at a county jurisdiction line shall be created in  
9 concert with the creation of a district in the adjoining county.

10 E. Where unimproved property, regardless of zoning, is included in the resolution  
11 creating the district, the board of supervisors, upon approving the resolution, shall direct that a  
12 copy of the resolution be recorded in the land records of the circuit court for the judicial circuit in  
13 which that county is located, for each parcel of unimproved real property included in the district.  
14 For purposes of this section, "parcel" ~~is to be defined as~~ means tax map parcel.

15 ~~F. No district shall be created under this article after June 30, 1993.~~

16 **Drafting note: No substantive change in the law. Subsection F is relocated to §**  
17 **15.2-4800.**

18  
19 § ~~15.1-791.4~~ 15.2-4803. Commission ~~to exercise powers of the district~~ established.

20 A. The power of the district created under § ~~15.1-791.3~~ 15.2-4802 shall be exercised by a  
21 commission composed of five members of the board of supervisors. The Chairman of the  
22 Commonwealth Transportation Board, or his designee, shall be a member of any commission  
23 created pursuant to this article, ex officio.

24 B. The members of the commission shall elect one of their number chairman of the  
25 ~~commission of the district; the~~ The chairman of the commission may or may not be the  
26 chairman or presiding officer of the board of supervisors. In addition, with the advice of the  
27 district advisory board, the members of the commission shall elect a secretary, and treasurer,  
28 who may or may not be members or employees of the board of supervisors or any other  
29 governmental body represented on the commission. The offices of secretary and treasurer may be  
30 combined. A majority of the members of the commission shall constitute a quorum, and the vote  
31 of a majority of the members of the commission shall be necessary for any action taken by the



1 commission. No vacancy in the membership of the commission shall impair the right of a  
2 majority of the members to form a quorum or to exercise all of its rights, powers and duties.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-791.5~~ 15.2-4804. Creation of district advisory board.

6 Within thirty days after passage of the resolution creating a district in accordance with the  
7 procedures provided in § ~~15.1-791.3~~ 15.2-4802, the board of supervisors shall appoint a district  
8 advisory board of six members composed as follows: three members selected by the board of  
9 supervisors, each of whom either resides on or owns land within the district; and three members  
10 who own land within the district who are nominated by the landowners who were co-petitioners  
11 to the board of supervisors in the establishment of the district, voting on a basis weighted by  
12 either acreage or assessed value of real property owned therein as the case may be. Such  
13 elections shall be conducted by the commission by mail ballot of owners of land within the  
14 district. One member from each group of three as so selected or nominated shall be appointed  
15 for a term of four years, one for three years, and one for two years. Beginning two years after  
16 the creation of the district, elections shall be held annually on the anniversary of the creation of  
17 the district in the same manner described in the preceding provisions of this section. Members  
18 may be reelected or reappointed provided that they, or the corporation or partnership they  
19 represent, own land zoned for commercial or industrial use within the district at the time of their  
20 reelection or reappointment. Whenever a vacancy occurs with respect to a member initially  
21 selected by the board of supervisors or any successor of such a member, the board of supervisors  
22 shall appoint a new member who is a resident or landowner within the district. Whenever a  
23 vacancy occurs with respect to a member initially nominated by landowners who were  
24 petitioners to the board of supervisors, or any successor of such a member, then the board of  
25 supervisors shall appoint a new board member who is a landowner within the district, and who is  
26 among a list of nominees made by those remaining board members who were initially nominated  
27 by those petitioning landowners, or their successors.

28 The members shall serve without pay, but the commission shall provide the advisory  
29 board with facilities for the holding of meetings and the commission shall appropriate funds  
30 needed to defray the reasonable expenses and fees of the board which shall not exceed \$20,000  
31 annually, including, without limitation, expenses and fees arising out of the preparation of the

1 annual report. Such appropriations shall be based on an annual budget, submitted by the board  
2 and approved by the commission, sufficient to carry out its responsibilities under this article.  
3 The board shall elect a chairman and a secretary and such other officers as it deems necessary.  
4 The board shall fix the time for holding regular meetings, but it shall meet at least once every  
5 year. Special meetings of the board shall be called by the chairman or by two members of the  
6 board upon written request to the secretary of the board. A majority of the members shall  
7 constitute a quorum, but no action of the board shall be valid unless authorized by at least five of  
8 the six members appointed to the board.

9 The board shall present an annual report to the commission on the transportation needs of  
10 the district and on the activities of the board, and the board shall present to the commission  
11 special reports on transportation matters which it deems necessary concerning any contract or  
12 other matters mentioned in § ~~15.1-791.6~~ 15.2-4805.

13 **Drafting note: No change.**

14

15 § ~~15.1-791.6~~ 15.2-4805. Powers and duties of commission.

16 The commission shall have the following powers and duties with respect to the district:

17 1. To construct, reconstruct, alter, improve, expand, provide financial assistance to  
18 (including making loans) and operate transportation facilities in the district for the use and  
19 benefit of the public in the district.

20 2. To acquire by gift, purchase, lease, in-kind contribution to construction costs, or  
21 otherwise any transportation facilities in the district and to sell, lease as lessor, transfer or  
22 dispose of any part of any transportation facilities in such manner and upon such terms as the  
23 commission may determine to be in the best interests of the district. However, prior to disposing  
24 of any such property or interest therein, the commission shall conduct a public hearing with  
25 respect to such disposition. At the hearing, the residents and owners of property within the  
26 district shall have an opportunity to be heard. At least ten days' notice of the time and place of  
27 such hearing shall be published in a newspaper of general circulation in the district as prescribed  
28 by the commission. Such public hearing may be adjourned from time to time.

29 3. To negotiate and contract with any person, ~~firm, corporation,~~ authority, transportation  
30 district, or state or federal agency or instrumentality with regard to any matter necessary and  
31 proper to provide any transportation facility, including, but not limited to, the financing,

1 acquisition, construction, reconstruction, alteration, improvement or expansion of any  
2 transportation facility in the district.

3 4. To accept the allocations, contributions or funds of, or to reimburse from, any available  
4 source, including, but not limited to, any person, corporation, authority, transportation district, or  
5 state or federal agency or instrumentality for either the whole or any part of the costs, expenses  
6 and charges incident to the acquisition, construction, reconstruction, maintenance, alteration,  
7 improvement, expansion and the operation or maintenance of any transportation facilities in the  
8 district.

9 5. To enforce the collection of any delinquent rates, fees, costs or other charges for the  
10 use of transportation facilities against any person, corporation, authority or federal agency using  
11 the ~~same~~ facilities. The charges made for the use of any such facility shall be collectible by  
12 distress, levy, garnishment, attachment or as otherwise permitted by law.

13 6. To enter into a continuing service contract for a purpose authorized by this article and  
14 to make payments of the proceeds received from the special taxes levied pursuant to this article,  
15 together with any other revenues, for the payment of installments due under that service contract.  
16 The district may apply such payments annually during the term of that service contract, subject  
17 to the limitation imposed by § ~~15.1-791.7~~ 15.2-4806, but payments for any such service contract  
18 shall be conditioned upon the receipt of services pursuant to the contract. Such a contract may  
19 not obligate a county to make payments for services.

20 7. Upon the written request of the advisory board to contract for the extension and use of  
21 any transportation facility into territory outside of the district on such terms and conditions as the  
22 commission may determine.

23 8. To employ and fix the compensation of personnel ~~which~~ who may be deemed  
24 necessary for the construction, operation or maintenance of any transportation facility.

25 9. To have prepared an annual audit of the district's financial obligations and revenues,  
26 and upon review of such audit, to request a tax rate adequate to provide tax revenues which,  
27 together with all other revenues, are required by the district to fulfill its annual obligations.

28 **Drafting note: No substantive change in the law.**

29

30 § ~~15.1-791.7~~ 15.2-4806. Annual special improvements tax; use of revenues.

1           Upon the written request of the district commission made to the boards of supervisors  
2 pursuant to subdivision 9 of § ~~45.1-791.6~~ 15.2-4805, the board of supervisors ~~shall have the~~  
3 ~~power to~~ may levy and collect an annual special improvements tax on all taxable real property  
4 which (i) is zoned for commercial or industrial use or used for such purposes or (ii) was  
5 unimproved at the time the district was created, regardless of zoning. Notwithstanding the  
6 provision of Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, the tax shall be levied  
7 upon the assessed fair market value of the taxable real property. The rate of the special  
8 improvements tax shall not be more than \$0.20 per \$100 of the assessed fair market value of any  
9 taxable real estate or the assessable value of taxable leasehold property as specified by § ~~58.1-~~  
10 ~~3202~~ 58.1-3203. Such special improvements taxes shall be collected at the same time and in the  
11 same manner as county taxes are collected, and the proceeds shall be kept in a separate account.  
12 All revenues received by a county pursuant to such taxes shall be paid over to the district  
13 commission for its use pursuant to this article.

14           **Drafting note: No substantive change in the law; the existing cross-reference to §**  
15 **58.1-3202 is incorrect.**

16

17           § ~~45.1-791.8~~ 15.2-4807. Allocation of funds to district.

18           The board of supervisors of any county which has created a district pursuant to this  
19 article may advance funds or provide matching funds from moneys not otherwise specifically  
20 allocated or obligated, from whatever source received or generated, including without limitation,  
21 general revenues, special fees and assessments, state allocations, and contributions from private  
22 sources to a district to assist the district to undertake the project or projects for which it was  
23 created. The Commonwealth Transportation Board may allocate funds to a district only from the  
24 construction district or districts in which such transportation district is located pursuant to the  
25 highway allocation formula to assist the district with an approved project as provided by law.

26           **Drafting note: No change.**

27

28           § ~~45.1-791.9~~ 15.2-4808. Reimbursement for advances to district.

29           Notwithstanding the provisions of any other law, the commission shall direct the district  
30 treasurer to reimburse the county or town from any funds of the district, not otherwise  
31 specifically allocated or obligated, to the extent that the county or town has made advances.

1           **Drafting note: No change.**

2  
3           § ~~15.1-791.10~~ 15.2-4809. Cooperation between districts and adjoining ~~counties, cities and~~  
4 ~~towns~~ localities.

5           Any district created under the provisions of this chapter may enter into agreements with  
6 adjoining ~~counties, cities and towns~~ localities for joint or cooperative action in accordance with  
7 the authority contained in § ~~15.1-21~~ 15.2-1300.

8           **Drafting note: No substantive change in the law.**

9  
10          § ~~15.1-791.11~~ 15.2-4810. Tort liability.

11          No pecuniary liability of any kind shall be imposed upon the Commonwealth or upon the  
12 county, town, or any landowner therein because of any act, agreement, contract, tort,  
13 malfeasance, misfeasance or nonfeasance, by or on the part of a district, its agents, servants, or  
14 employees.

15          **Drafting note: No change.**

16  
17          § ~~15.1-791.12~~ 15.2-4811. Approval by Commonwealth Transportation Board.

18          The district may not construct or improve a public highway or public mass transit system  
19 without the approval of the Commonwealth Transportation Board and the county. At the request  
20 of the commission, the Commonwealth Transportation Board may exercise its powers of  
21 condemnation pursuant to §§ 25-46.1 through 25-46.36, §§ 33.1-89 through 33.1-132, or § 33.1-  
22 ~~229, or as prescribed in §§ 25-46.1 through 25-46.36~~ for the purpose of acquiring property for  
23 transportation facilities within the district. Upon completion of such construction or  
24 improvement of a public highway, the Commonwealth Transportation Board shall take such  
25 public highway into the primary or secondary system of state highways for purposes of  
26 maintenance and subsequent improvement as necessary. Upon acceptance by the Commonwealth  
27 of the highway into the state highway system, all rights, title and interest in the right-of-way and  
28 improvements of such highway shall vest in the Commonwealth. Upon completion of such  
29 construction or improvement of a mass transit system, all rights, title, and interest in the right-of-  
30 way and improvements of such mass transit system shall rest in the Northern Virginia  
31 Transportation Commission or other agency or instrumentality of the Commonwealth.

1           **Drafting note: No change.**

2  
3           § ~~15.1-791.13~~ 15.2-4812. Enlargement of districts.

4           A. The district may be enlarged by resolution of the board of supervisors upon the  
5 petition of (i) the owners of at least fifty-one percent of either the assessed value of land or land  
6 area, as the case may be, of real property in the district which (i) (a) is unimproved, regardless of  
7 zoning, or (ii) (b) has been zoned for commercial or industrial use or is used for such purposes in  
8 the district, and of (ii) the owners of ~~either~~ at least fifty-one percent of either the assessed value  
9 of land or land area, as the case may be, of real property which is located within the territory  
10 sought to be added to the district and which (i) (a) is unimproved, regardless of zoning, or (ii) (b)  
11 has been zoned for commercial or industrial use or is used for such purposes; provided, that any  
12 such territory shall be contiguous to the existing district. The petitioners shall present the  
13 information required by § ~~15.1-791.3~~ 15.2-4802. Upon receipt of such petitions the county shall  
14 use the standards and procedures described in § ~~15.1-791.3~~ 15.2-4802, except that residents and  
15 owners of both the existing district and the area proposed for the enlargement shall have the right  
16 to appear and show cause why any property or properties should not be included in the proposed  
17 enlargement of the district.

18           B. If the board of supervisors finds the enlargement of a district (i) would be in  
19 accordance with the applicable county comprehensive plan for the development of the area, (ii)  
20 would be in the best interests of the residents and owners of the real property within the proposed  
21 district, (iii) would be in furtherance of the public health, safety and general welfare, and (iv)  
22 would not limit or adversely affect the rights and interests of any party which has contracted with  
23 the district, the board of supervisors shall pass a resolution providing for the enlargement of the  
24 district.

25           C. Where unimproved property, regardless of zoning, is included in the resolution  
26 enlarging the district, the board of supervisors, upon approving the resolution, shall direct that a  
27 copy of the resolution be recorded in the land records of the circuit court for the judicial circuit in  
28 which that county is located, for each parcel of unimproved real property included in the district.  
29 For purposes of this section, "parcel" ~~is to be defined as~~ means tax map parcel.

30           **Drafting note: No substantive change in the law.**

1           § ~~15.1-791.14~~ 15.2-4813. Abolition of district.

2           A. Any district created hereunder may be abolished by a resolution passed by the board  
3 of supervisors upon the petition of the owners of ~~either~~ at least fifty-one percent of either the  
4 assessed value of land or land area, as the case may be, of real property in the district which (i)  
5 was unimproved on the date the district was created or (ii) was zoned for commercial and  
6 industrial use or used for such purposes located within the district at the time the petition for  
7 abolition is filed. The petition shall request the board of supervisors to abolish the district. The  
8 petition may also:

9           1. State whether ~~or not~~ the purposes for which the district was formed have been  
10 substantially achieved;

11           2. State whether ~~or not~~ all obligations theretofore incurred by the district have been fully  
12 paid; and

13           3. Describe the benefits which can be expected from the abolition of the district; and

14           ~~4. Shall request the board of supervisors to abolish the proposed district.~~

15           B. Upon receipt of such a petition the board of supervisors shall use, mutatis mutandis,  
16 the standards and procedures described in § ~~15.1-791.3~~ 15.2-4802, except that all interested  
17 persons who either reside in or who own real property within the boundaries of the district shall  
18 have the right to appear and show cause why the district should not be abolished.

19           C. If the board of supervisors finds that the abolition of the district would be (i) in  
20 accordance with the applicable county comprehensive plan for the development of the area, (ii)  
21 in the best interests of the residents and owners of the property within the district, and (iii) in  
22 furtherance of the public health, safety and general welfare, and that all debts of the district either  
23 have been paid and the purposes of the district have been fulfilled or should not be fulfilled by  
24 the district, or the board of supervisors with approval of the voters of the county has agreed to  
25 assume the debts of the district, then the board of supervisors shall pass a resolution abolishing  
26 the district. Upon abolition of the district, the title to all funds and properties owned by the  
27 district at the time of such dissolution shall vest in the Commonwealth.

28           D. Where unimproved property, regardless of zoning, is included in the resolution  
29 dissolving the district, the board of supervisors, upon approving the resolution, shall direct that a  
30 copy of the resolution be recorded in the land records of the circuit court for the judicial circuit in

1 which that county is located, for each parcel of unimproved real property included in the district.  
2 For purposes of this section, "parcel" ~~is to be defined as~~ means tax map parcel.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-791.15~~ 15.2-4814. Article to constitute complete authority for district for acts  
6 authorized; provisions severable; liberal construction.

7 This article shall constitute full and complete authority for the district, without regard to  
8 the provisions of any other law, for doing the acts and things herein authorized. The provisions  
9 of this article are severable, and if any of its provisions are declared unconstitutional or invalid  
10 by any court of competent jurisdiction, the decision of such court shall not affect or impair any of  
11 the other provisions of this article. This article, being necessary for the welfare of the  
12 Commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof.  
13 Any court test concerning the validity of any bonds which may be issued for transportation  
14 improvements made pursuant to this article shall be determined pursuant to Article 6 (§ ~~15.1-~~  
15 ~~227.52~~ 15.2-2650 et seq.) of Chapter ~~5.1~~ 26 of this title.

16 **Drafting note: No change.**

17  
18 § ~~15.1-791.16~~ 15.2-4815. Jurisdiction of counties, towns and officers, etc., not affected.

19 Neither the creation of a district nor any other provision in this article shall affect the  
20 power, jurisdiction, or duties of the respective local governing bodies; sheriffs; treasurers;  
21 commissioners of revenue; circuit, district, or other courts; clerks of any court; magistrates; or  
22 any other town, county, or state officer in regard to the area embraced in any district, nor restrict  
23 or prevent any town or county or its governing body from imposing and collecting taxes or  
24 assessments for public improvements as permitted by law. Notwithstanding any contrary  
25 provisions of law, any county which creates a district pursuant to this section may obligate itself  
26 with respect to the zoning ordinances, zoning ordinance text, and regulations relating thereto for  
27 all classifications within the district as provided in subsection C of § ~~15.1-791.3~~ 15.2-4802 for a  
28 term not to exceed twenty years from the date on which such a district is created.

29 **Drafting note: No change.**





1 medical facility and to vest such authorities with all powers that may be necessary to enable them  
2 to accomplish such purpose, which powers shall be exercised for the benefit of the inhabitants of  
3 the Commonwealth, either through the increase of their commerce, or through the promotion of  
4 their safety, health, welfare, convenience or prosperity.

5         It is the further intent of the legislature and shall be the policy of the Commonwealth to  
6 grant to industrial development authorities the powers contained herein with respect to medical  
7 facilities and facilities for the residence or care of the aged to the end that such authorities may  
8 protect and promote the health and welfare of the inhabitants of the Commonwealth by assisting  
9 in the acquisition, construction, equipping, expansion, enlargement and improvement of medical  
10 facilities and facilities for the residence or care of the aged in order to provide modern and  
11 efficient medical services to the inhabitants of the Commonwealth and care of the aged of the  
12 Commonwealth in accordance with their special needs and also by assisting in the refinancing of  
13 medical facilities and facilities for the residence or care of the aged owned and operated by  
14 organization which are exempt from taxation pursuant to § 501 (c) (3) of the Internal Revenue  
15 Code of 1954, as amended, in order to reduce the costs to residents of the Commonwealth of  
16 utilizing such facilities and to vest such authorities with all powers that may be necessary to  
17 enable them to accomplish such purposes, which powers shall be exercised for the benefit of the  
18 inhabitants of the Commonwealth and for the promotion of their health and welfare. It is not  
19 intended hereby that any such authority shall itself be authorized to operate any such medical  
20 facility or facility for the residence or care of the aged.

21         It is the further intent of the legislature and shall be the policy of the Commonwealth to  
22 grant to industrial development authorities the powers contained herein with respect to facilities  
23 for use by organizations (other than institutions organized and operated exclusively for religious  
24 or educational purposes) which are described in § 501 (c) (3) of the Internal Revenue Code of  
25 1954, as amended, and which are exempt from federal income taxation pursuant to § 501 (a) of  
26 the Internal Revenue Code of 1954, as amended, to the end that such authorities may protect or  
27 promote the safety, health, welfare, convenience, and prosperity of the inhabitants of the  
28 Commonwealth by assisting in the acquisition, construction, equipping, expansion, enlargement,  
29 improvement, financing, and refinancing of such facilities of the aforesaid entities and  
30 organizations in order to provide operations, recreational, activity centers, and other facilities for  
31 the use of the inhabitants of the Commonwealth and to vest such authorities with all powers that

1 may be necessary to enable them to accomplish such purposes, which powers shall be exercised  
2 for the benefit of the inhabitants of the Commonwealth and for the promotion of their safety,  
3 health, welfare, convenience or prosperity. It is not intended hereby that any such authority shall  
4 itself be authorized to operate any such facility.

5         It is the further intent of the legislature and shall be the policy of the Commonwealth to  
6 grant to industrial development authorities the powers contained herein with respect to facilities  
7 for private, accredited and nonprofit institutions of collegiate education in the Commonwealth  
8 whose primary purpose is to provide collegiate or graduate education and not to provide religious  
9 training or theological education to the end that such authorities may protect and promote the  
10 health and welfare of the inhabitants of the Commonwealth by assisting in the acquisition,  
11 construction, equipping, expansion, enlargement, and improvement of facilities of aforesaid  
12 institutions in order to provide improved educational facilities for the use of the inhabitants of  
13 the Commonwealth and to vest such authorities with all powers that may be necessary to enable  
14 them to accomplish such purposes, which powers shall be exercised for the benefit of the  
15 inhabitants of the Commonwealth and for the promotion of their health, welfare, convenience or  
16 prosperity. It is not intended hereby that any such authority shall itself be authorized to operate  
17 any such educational facility.

18         It is the further intent of the legislature and shall be the policy of the Commonwealth to  
19 grant industrial development authorities the powers contained herein with respect to facilities for  
20 a ~~municipality~~ locality, the Commonwealth and its agencies, and governmental and nonprofit  
21 organizations and to vest such authorities with all powers that may be necessary to enable them  
22 to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants  
23 of the Commonwealth and for the promotion of their health, welfare, convenience or prosperity.

24         It is further the intent of the legislature and shall be the policy of the Commonwealth to  
25 grant to industrial development authorities the powers contained herein with respect to facilities  
26 for museums and historical education, demonstration and interpretation, together with any and all  
27 buildings, structures or other facilities necessary or desirable in connection with the foregoing,  
28 for use by nonprofit organizations in order to promote tourism and economic development in the  
29 Commonwealth, to promote the knowledge of and appreciation by the citizens of the  
30 Commonwealth of the historical and cultural development and heritage of the Commonwealth  
31 and the United States and to promote thereby their health, welfare, convenience and prosperity.

1 It is not intended hereby that any such authority shall itself be authorized to operate any such  
2 facility.

3 It is the further intent of the legislature and shall be the policy of the Commonwealth to  
4 grant to industrial development authorities the powers contained herein with respect to facilities  
5 devoted to the staging of equine events and activities (other than racing) for use by governmental  
6 or nonprofit, nonreligious or nonsectarian organizations and operated by such governmental or  
7 nonprofit, nonreligious or nonsectarian organizations in order to promote the equine industry and  
8 equine-related activities (other than racing) which are integral to the Commonwealth's economy  
9 and heritage and to promote thereby safety, health, welfare, convenience, and prosperity of the  
10 inhabitants of the Commonwealth.

11 It is the further intent of the legislature and shall be the policy of the Commonwealth to  
12 grant to industrial development authorities the powers contained herein with respect to acquiring,  
13 developing, owning and operating an industrial park and any utilities that are intended primarily  
14 to serve the park and to issue bonds for such purposes. The bonds may be secured by revenues  
15 generated by the industrial park or the utilities being financed or by any other funds of the  
16 authority.

17 This chapter shall be liberally construed in conformity with these intentions. ~~The~~  
18 ~~amendments to this Code section adopted by the 1975 Session of the General Assembly shall not~~  
19 ~~be construed to affect any litigation pending in any court prior to the effective date of said~~  
20 ~~amendments.~~

21 **Drafting note: No substantive change in the law. This section is not currently set**  
22 **out in the Code but is carried by reference. The task force recommends that it be set out in**  
23 **its entirety. The new language near the end of the section has been relocated from § 15.1-**  
24 **1392. The last sentence is deleted since it is no longer needed.**

25  
26 § ~~15.1-1374~~ 15.2-4902. Definitions.

27 Wherever used in this chapter, unless a different meaning clearly appears in the context,  
28 ~~the following terms, whether used in the singular or plural, shall be given the following~~  
29 ~~respective interpretations:~~

30 (a) "Authority" means any political subdivision, a body politic and corporate, created,  
31 organized and operated pursuant to the provisions of this chapter, or if said the authority ~~shall be~~

1 is abolished, the board, body, commission, department or officer succeeding to the principal  
2 functions thereof or to whom the powers given by this chapter ~~shall be~~ are given by law.

3 ~~(b) "Municipality" means any county or incorporated city or town in the Commonwealth~~  
4 ~~with respect to which an authority may be organized and in which it is contemplated the~~  
5 ~~authority will function.~~

6 ~~(c) "Governing body" means the board or body in which the general legislative powers of~~  
7 ~~the municipality are vested.~~

8 ~~(d) "Authority facilities" or "facilities" means any or all (i) medical (including, but not~~  
9 ~~limited to, office and treatment facilities), pollution control or industrial facilities; (ii) facilities~~  
10 ~~for the residence or care of the aged; (iii) multi-state regional or national headquarters offices or~~  
11 ~~operations centers; (iv) facilities for private, accredited and nonprofit institutions of collegiate,~~  
12 ~~elementary, or secondary education in the Commonwealth whose primary purpose is to provide~~  
13 ~~collegiate, elementary, secondary, or graduate education and not to provide religious training or~~  
14 ~~theological education, such facilities being for use as academic or administration buildings or~~  
15 ~~any other structure or application usual and customary to a college, elementary or secondary~~  
16 ~~school campus other than chapels and their like; (v) parking facilities, including parking~~  
17 ~~structures; (vi) facilities for use as office space by nonprofit, nonreligious or nonsectarian~~  
18 ~~organizations; (vii) facilities for museums and historical education, demonstration and~~  
19 ~~interpretation, together with ~~any and all~~ buildings, structures or other facilities necessary or~~  
20 ~~desirable in connection with the foregoing, for use by nonprofit organizations; (viii) facilities for~~  
21 ~~use by an organization (other than an organization organized and operated exclusively for~~  
22 ~~religious purposes) which is described in § 501 (c) (3) of the Internal Revenue Code of 1986, as~~  
23 ~~amended, and which is exempt from federal income taxation pursuant to § 501 (a) of such~~  
24 ~~Internal Revenue Code; (ix) facilities for use by a ~~county, a municipality~~ locality, the~~  
25 ~~Commonwealth and its agencies, or other governmental organizations, provided that any such~~  
26 ~~facilities owned by a ~~county, a municipality~~ locality, the Commonwealth or its agencies or other~~  
27 ~~public bodies subject to the Virginia Public Procurement Act (§ 11-35 et seq.) shall not be~~  
28 ~~exempt from competitive procurement requirements, under the exception granted in § 11-45 D;~~  
29 ~~(x) facilities devoted to the staging of equine events and activities (other than racing events);~~  
30 ~~however, such facilities must be owned by a governmental or nonprofit, nonreligious or~~  
31 ~~nonsectarian organization and operated by any such governmental or nonprofit, nonreligious or~~

1 nonsectarian organization; and (xi) facilities for commercial enterprises; now existing or  
2 hereafter acquired, constructed or installed by or for the authority pursuant to the terms of this  
3 chapter; ~~provided, that~~ however, facilities for commercial enterprise that are taxable authority  
4 facilities shall constitute authority facilities only if the interest on any bonds issued to finance  
5 such facilities is not exempt from federal income taxation. Any facility may be located within or  
6 ~~without~~ outside or partly within or ~~without~~ outside the ~~municipality~~ locality creating the  
7 authority. Any facility may consist of or include any or all buildings, improvements, additions,  
8 extensions, replacements, machinery or equipment, and may also include appurtenances, lands,  
9 rights in land, water rights, franchises, furnishings, landscaping, utilities, approaches, roadways  
10 and other facilities necessary or desirable in connection therewith or incidental thereto, acquired,  
11 constructed, or installed by or on behalf of the authority. A pollution control facility shall include  
12 any facility acquired, constructed or installed or any expenditure made, including the  
13 reconstruction, modernization or modification of any existing building, improvement, addition,  
14 extension, replacement, machinery or equipment, and which is designed to further the control or  
15 abatement of land, sewer, water, air, noise or general environmental pollution derived from the  
16 operation of any industrial or medical facility. Any facility may be constructed on or installed in  
17 or upon lands, structures, rights-of-way, easements, air rights, franchises or other property rights  
18 or interests whether owned by the authority or others.

19 (f) "Bonds" or "revenue bonds" embraces notes, bonds and other obligations authorized  
20 to be issued by the authority pursuant to the provisions of this chapter.

21 (e) "Cost" means ~~and includes~~, as applied to authority facilities, the cost of construction;  
22 the cost of acquisition of all lands, structures, rights-of-way, franchises, easements and other  
23 property rights and interests;  
24 the cost of demolishing, removing or relocating any buildings or  
25 structures on lands acquired, including the cost of acquiring any lands to which such buildings or  
26 structures may be moved or relocated;  
27 the cost of all labor, materials, machinery and  
28 equipment;  
29 financing charges; and interest on all bonds prior to and during construction and, if  
30 deemed advisable by the authority, for a period not exceeding one year after completion of such  
31 construction;  
32 cost of engineering, financial and legal services, plans, specifications, studies,  
33 surveys, estimates of cost and of revenues, other expenses necessary or incident to determining  
34 the feasibility or practicability of constructing the authority facilities;  
35 administrative expenses,  
36 provisions for working capital, reserves for interest and for extensions, enlargements, additions

1 and improvements, and such other expenses as may be necessary or incident to the construction  
2 of the authority facilities, the financing of such construction and the placing of the authority  
3 facilities in operation. Any obligation or expense incurred by the Commonwealth or any agency  
4 thereof, with the approval of the authority, for studies, surveys, borings, preparation of plans and  
5 specifications or other work or materials in connection with the construction of the authority  
6 facilities may be regarded as a part of the cost of the authority facilities and may be reimbursed  
7 to the Commonwealth or any agency thereof out of the proceeds of the bonds issued for such  
8 authority facilities as hereinafter authorized.

9 (j) "Enterprise" means any industry for ~~the~~ manufacturing, processing, assembling,  
10 storing, warehousing, distributing, or selling any products of agriculture, mining, or industry and  
11 for research and development or scientific laboratories, including, but not limited to, the practice  
12 of medicine and all other activities related thereto or for such other businesses or activities as  
13 will be in the furtherance of the public purposes of this chapter.

14 (k) "Loans" means any loans made by the authority in furtherance of the purposes of this  
15 chapter from the proceeds of the issuance and sale of the authority's bonds and from any of its  
16 revenues or other moneys available to it as provided herein.

17 (g) "Revenues" means any or all fees, rates, rentals and receipts collected by, payable to  
18 or otherwise derived by the authority from, and all other moneys and income of whatsoever kind  
19 or character collected by, payable to or otherwise derived by the authority in connection with the  
20 ownership, leasing or sale of the authority facilities or in connection with any loans made by the  
21 authority under this chapter.

22 (h) ~~"Commonwealth" means the Commonwealth of Virginia.~~

23 (l) "Taxable authority facilities" means any private or commercial golf course, country  
24 club, massage parlor, tennis club, skating facility (including roller skating, skateboard and ice  
25 skating), racquet sports facility, suntan facility, race track, single or multi-family residence, or a  
26 facility the primary purpose of which is one of the following: (1) (i) retail food and beverage  
27 services (excluding grocery stores), (2) (ii) automobile sales and service, (3) ~~the provision of~~ (iii)  
28 recreation or entertainment, or (4) (iv) banks, savings and loan institutions or mortgage loan  
29 companies.

30 (i) "Trust indenture" means any trust agreement or mortgage under which bonds  
31 authorized pursuant to this chapter may be secured.

1           **Drafting note: No substantive change in the law. The definitions for**  
2 **“municipality,” “governing body” and “Commonwealth” are deleted since those terms are**  
3 **defined elsewhere. “Municipality” is changed to “locality” throughout the chapter in order**  
4 **to more accurately reflect the use of those terms in this title. The remainder of the terms**  
5 **are alphabetized.**

6  
7           § ~~15.1-1376~~ 15.2-4903. Creation of industrial development authorities.

8           ~~(a)~~ A. The governing body of any ~~municipality~~ locality in this Commonwealth is hereby  
9 authorized to create by ordinance a political subdivision of the Commonwealth, with such public  
10 and corporate powers as are set forth in this chapter. Any such ordinance may limit the type and  
11 number of facilities which the authority may otherwise finance under this chapter, which  
12 ordinance of limitation may, from time to time, be amended. In the absence of any such  
13 limitation, an authority shall have all powers granted under this chapter.

14           ~~(b)~~ B. The name of the authority shall be the Industrial Development Authority of . . . . .  
15 . . . . . (the blank spaces to be filled in with the name of the ~~municipality~~ locality which  
16 created the authority, including the proper designation thereof as a county, city or town-).  
17

18           **Drafting note: No substantive change in the law.**

19           § ~~15.1-1377~~ 15.2-4904. Directors; qualifications; terms; vacancies; compensation and  
20 expenses; quorum; records; certification and distribution of report concerning bond issuance.

21           A. The authority shall be governed by a board of directors in which all powers of the  
22 authority shall be vested and which board shall be composed of seven directors, appointed by the  
23 governing body of the ~~municipality~~ locality. The seven directors shall be appointed initially for  
24 terms of one, two, three and four years; two being appointed for one-year terms; two being  
25 appointed for two-year terms; two being appointed for three-year terms and one being appointed  
26 for a four-year term; ~~subsequent.~~ Subsequent appointments shall be for terms of four years,  
27 except appointments to fill vacancies which shall be for the unexpired terms. All terms of office  
28 shall be deemed to commence upon the date of the initial appointment to the authority, and  
29 thereafter, in accordance with the provisions of the immediately preceding sentence. If at the end  
30 of any term of office of any director a successor thereto ~~shall not have~~ has not been appointed,



1 then the director whose term of office ~~shall have~~ has expired shall continue to hold office until  
2 his successor ~~shall be~~ is appointed and qualified.

3 B. Each director shall, upon appointment or reappointment, before entering upon his  
4 duties take and subscribe the oath prescribed by § 49-1.

5 C. No director shall be an officer or employee of the ~~municipality~~ locality except in  
6 towns under 3,500 people where members of the town governing body may serve as directors  
7 provided they do not comprise a majority of the board. Every director shall, at the time of his  
8 appointment and thereafter, reside in ~~the municipality or municipalities with respect to which the~~  
9 ~~authority is organized; however, any person residing within any municipality adjoining the~~  
10 ~~boundaries of the municipality or municipalities with respect to which the authority is organized~~  
11 ~~shall be deemed a resident of such municipality for the purposes of this chapter~~ a locality within  
12 which the authority operates or in an adjoining locality. When a director ceases to be a resident  
13 ~~of the municipality or any adjoining municipality with respect to which the authority upon which~~  
14 ~~he serves is organized, such locality, the~~ director's office shall be vacant and a new director may  
15 be appointed for the remainder of the term ~~so vacated~~.

16 D. The directors shall elect from their membership a chairman, a vice-chairman, and from  
17 their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who  
18 shall continue to hold such office until their respective successors ~~shall be~~ are elected. The  
19 directors shall receive no salary but ~~the directors~~ may be compensated such amount per regular,  
20 special, or committee meeting or per each official representation as may be approved by the  
21 appointing authority, not to exceed fifty dollars per meeting or official representation, and shall  
22 be reimbursed for necessary traveling and other expenses incurred in the performance of their  
23 duties.

24 E. Four members of the board of directors shall constitute a quorum of the board for the  
25 purposes of conducting its business and exercising its powers and for all other purposes, except  
26 that no facilities owned by the authority shall be leased or disposed of in any manner without a  
27 majority vote of the members of the board of directors. No vacancy in the membership of the  
28 board shall impair the right of a quorum to exercise all the powers and perform all the duties of  
29 the board.

30 F. The board shall keep detailed minutes of its proceedings, which shall be open to public  
31 inspection at all times. It shall keep suitable records of its financial transactions and, unless

1 exempted by § 2.1-164, it shall arrange to have the ~~same~~ records audited annually. Copies of  
2 each such audit shall be furnished to the governing body of the ~~municipality~~ locality and shall be  
3 open to public inspection.

4 Two ~~mechanically reproduced~~ copies of the report concerning issuance of bonds required  
5 to be filed with the United States Internal Revenue Service shall be certified as true and correct  
6 copies by the secretary or assistant secretary of the authority. One copy shall be furnished to the  
7 governing body of the ~~municipality~~ locality and the other copy mailed to the Department of  
8 Business Assistance.

9 **Drafting note: No substantive change in the law. Subsections are added and**  
10 **subsection C is rewritten for clarity.**

11  
12 § ~~15.1-1378~~ 15.2-4905. Powers of authority.

13 The authority shall have the following powers together with all powers incidental thereto  
14 or necessary for the performance of those hereinafter stated:

15 1. To sue and be sued and to prosecute and defend, at law or in equity, in any court  
16 having jurisdiction of the subject matter and of the parties;

17 2. To adopt and use a corporate seal and to alter the same at pleasure;

18 3. To ~~contract and be contracted with~~ enter into contracts;

19 4. To acquire, whether by purchase, exchange, gift, lease or otherwise, and to improve,  
20 maintain, equip and furnish one or more authority facilities including all real and personal  
21 properties which the board of directors of the authority may deem necessary in connection  
22 therewith and regardless of whether ~~or not~~ any such facilities shall then be in existence;

23 5. To lease to others any or all of its facilities and to charge and collect rent therefor and  
24 to terminate any such lease upon the failure of the lessee to comply with any of the obligations  
25 thereof; and to include in any such lease, if desired, a provision that the lessee thereof shall have  
26 options to renew such lease or to purchase any or all of the leased facilities, or that upon payment  
27 of all of the indebtedness of the authority it may lease or convey any or all of its facilities to the  
28 lessee thereof with or without consideration;

29 6. To sell, exchange, donate, and convey any or all of its facilities or properties whenever  
30 its board of directors shall find any such action to be in furtherance of the purposes for which the  
31 authority was organized;

1           7. To issue its bonds for the purpose of carrying out any of its powers including  
2 specifically, but without intending to limit any power conferred by this section or this chapter,  
3 the issuance of bonds to provide long-term financing of any pollution control facility, whether  
4 any such facility was constructed prior to or after the enactment hereof or the receipt of a  
5 commitment from an authority to undertake financing pursuant hereto, unless the major part of  
6 the proceeds of such bonds will be used to redeem any prior long-term financing of such facility  
7 other than financings pursuant to this chapter or any similar law;

8           8. As security for the payment of the principal of and interest on any bonds so issued and  
9 any agreements made in connection therewith, to mortgage and pledge any or all of its facilities  
10 or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the  
11 revenues therefrom or from any part thereof or from any loans made by the authority;

12           9. To employ and pay compensation to such employees and agents, including attorneys,  
13 as the board of directors shall deem necessary in carrying on the business of the authority;

14           10. To exercise all powers expressly given the authority by the governing body of the  
15 ~~municipality~~ locality which established the authority and to establish bylaws and make all rules  
16 and regulations, not inconsistent with the provisions of this chapter, deemed expedient for the  
17 management of the authority's affairs;

18           11. To appoint an industrial advisory committee or similar committee or committees to  
19 advise the authority, consisting of such number of persons as it may deem advisable. Such  
20 persons may be compensated such amount per regular, special, or committee meeting as may be  
21 approved by the appointing authority, not to exceed fifty dollars per meeting day, and may be  
22 reimbursed for necessary traveling and other expenses incurred while on the business of the  
23 authority;

24           12. To borrow money and to accept contributions, grants and other financial assistance  
25 from the United States of America and agencies or instrumentalities thereof, the Commonwealth,  
26 or any political subdivision, agency, or public instrumentality of the Commonwealth, for or in  
27 aid of the construction, acquisition, ownership, maintenance or repair of the authority facilities,  
28 for the payment of principal of any bond of the authority, interest thereon, or other cost incident  
29 thereto, or in order to make loans in furtherance of the purposes of this chapter of such money,  
30 contributions, grants, and other financial assistance, and to this end the authority shall have the  
31 power to comply with such conditions and to execute such agreements, trust indentures, and

1 other legal instruments as may be necessary, convenient or desirable and to agree to such terms  
2 and conditions as may be imposed; and

3 13. To make loans or grants to any person, partnership, association, corporation, business,  
4 or governmental entity in furtherance of the purposes of this chapter including for the purposes  
5 of promoting economic development, provided that such loans or grants shall be made only from  
6 revenues of the authority which have not been pledged or assigned for the payment of any of the  
7 authority's bonds, and to enter into such contracts, instruments, and agreements as may be  
8 expedient to provide for such loans and any security therefor. An authority may also be permitted  
9 to forgive loans or other obligations if it is deemed to further economic development. The word  
10 "revenues" as used in this subdivision includes contributions, grants and other financial  
11 assistance, as set out in subdivision 12.

12 The authority shall not have power to operate any facility as a business other than as  
13 lessor; ~~provided, however, that.~~ However, the authority shall have the power to apply for,  
14 establish, operate and maintain a foreign-trade zone in accordance with the provisions of Chapter  
15 14 (§ 62.1-159 et seq.) of Title 62.1. Any meeting held by the board of directors at which formal  
16 action is taken shall be open to the public.

17 If a ~~county, city, or town~~ locality has created an industrial development authority  
18 pursuant to this chapter or any other provision of law, no other such authority, not created by  
19 such ~~county, city, or town~~ locality, shall finance facilities, except pollution control facilities,  
20 within the boundaries of such ~~county, city, or town~~ locality, unless the governing body of such  
21 ~~county, city, or town~~ locality in which the facilities are located or are proposed to be located,  
22 concurs with the inducement resolution adopted by the authority, and shows such concurrence in  
23 a duly adopted resolution. Notwithstanding the foregoing, nothing contained herein shall be  
24 deemed to invalidate or otherwise impair any existing financing by an authority or the financing  
25 of any facilities for which application has been made to an authority prior to July 1, 1981.

26 **Drafting note: No substantive change in the law.**

27

28 § ~~15.1-1378.1~~ 15.2-4906. Public hearing and approval.

29 A. Whenever federal law requires public hearings and public approval as a prerequisite to  
30 obtaining federal tax exemption for the interest paid on industrial development bonds, unless  
31 otherwise specified by federal law or regulation, the public hearing shall be conducted by the

1 authority and the procedure for the public hearing and public approval shall be ~~as follows:~~ in  
2 accordance with this section.

3 ~~A. B.~~ For a public hearing by the authority -<sub>1</sub>

4 ~~1. Notice~~ notice of the hearing shall be published once a week for two successive weeks  
5 in a newspaper ~~published or~~ having general circulation in the ~~municipality~~ locality in which the  
6 facility to be financed is to be located of intention to provide financing for a named individual or  
7 business entity. The applicant shall pay the cost of publication. The notice shall specify the time  
8 and place of hearing at which persons may appear and present their views. The hearing shall be  
9 held not less than six days nor more than twenty-one days after the second notice shall appear in  
10 such newspaper.

11 The notice shall contain: (i) the name and address of the authority; (ii) the name and  
12 address (principal place of business, if any) of the party seeking financing; (iii) the maximum  
13 dollar amount of financing sought; (iv) the type of business and purpose and specific location, if  
14 known, of the facility to be financed.

15 ~~2.~~ If after the hearing has been held the authority approves the financing, a reasonably  
16 detailed summary of the comments expressed at the hearing shall be conveyed promptly to the  
17 ~~municipality's~~ locality's governing body together with the recommendation of the authority.

18 ~~B. C.~~ For public approval -<sub>2</sub>

19 ~~1. The~~ the governing body of the ~~municipality~~ locality on behalf of which the bonds of  
20 the authority are issued shall within sixty calendar days from the public hearing held by the  
21 authority either approve or disapprove financing of any facility recommended by the authority.

22 ~~2.~~ Action of the governing body shall be by a majority of a quorum set out in a resolution.  
23 Such vote shall be recorded and disclose how each member voted.

24 ~~3.~~ In case of a joint authority the approval required by the governing body of the  
25 ~~municipality~~ locality shall be that governing body of the area where the facility will be located, if  
26 permitted by federal law or regulation.

27 The provisions of this section shall not apply to bonds, notes or other obligations issued  
28 pursuant to hearings held and governmental approvals obtained prior to the effective date of this  
29 act in compliance with federal law or regulation.

30 **Drafting note: No substantive change in the law.**

31

1 § ~~15.1-1378.2~~ 15.2-4907. Fiscal impact statement.

2 Every request for industrial development (facility) financing when submitted to the  
3 governing body of the ~~municipality~~ locality for approval shall be accompanied by a statement in  
4 the following form:

5 .....

6 Date

7 (Name of Applicant)

8 .....

9 (Facility)

10 1. Maximum amount of financing sought \$.....

11 2. Estimated taxable value of the  
12 facility's real property to be  
13 constructed in the ~~municipality~~ locality \$.....

14 3. Estimated real property tax per  
15 year using present tax rates \$.....

16 4. Estimated personal property tax  
17 per year using present tax rates \$.....

18 5. Estimated merchants' capital tax  
19 per year using present tax rates \$.....

20 6. Estimated dollar value per year  
21 of goods and services that will  
22 be purchased locally \$.....

23 7. Estimated number of regular  
24 employees on year round basis \$.....

25 8. Average annual salary per employee \$.....

26 Signature

27 .....

28 Authority Chairman

29 .....

30 Name of Authority

1           If one or more of the above questions do not apply to the facility indicate by writing N/A  
2 (not applicable) on the appropriate line.

3           The provisions of this section shall not apply to bonds, notes or other obligations issued  
4 pursuant to hearings held and governmental approvals obtained prior to the effective date of this  
5 act in compliance with federal law or regulation.

6           **Drafting note: No substantive change in the law.**

7  
8           § ~~15.1-1379~~ 15.2-4908. Issuance of bonds, notes and other obligations of authority.

9           A. The Subject to the limitations of Chapter 50 (§ 15.2-5000 et seq.) of this title, the  
10 authority ~~shall have the power to~~ may issue bonds from time to time in its discretion, for any of  
11 its purposes, including the payment of all or any part of the cost of authority facilities and  
12 including the payment or retirement of bonds previously issued by it. All bonds issued by the  
13 authority shall be payable solely from the revenues and receipts derived from the leasing or sale  
14 by the authority of its facilities or any part thereof or from payments received by the authority in  
15 connection with its loans, and the authority may issue such types of bonds as it may determine,  
16 including ~~(without limiting the generality of the foregoing),~~ bonds payable, both as to principal  
17 and interest: (i) from its revenues and receipts generally; (ii) exclusively from the revenues and  
18 receipts of a particular facility or loan; or (iii) exclusively from the revenues and receipts of  
19 certain designated facilities or loans whether or not they are financed in whole or in part from the  
20 proceeds of such bonds. Unless otherwise provided in the proceeding authorizing the issuance of  
21 the bonds, or in the trust indenture securing the ~~same~~ bonds, all bonds shall be payable solely and  
22 exclusively from the revenues and receipts of a particular facility or loan. Bonds may be  
23 executed and delivered by the authority at any time and from time to time, may be in such form  
24 and denominations and of such terms and maturities, may be in registered or bearer form either  
25 as to principal or interest or both, may be payable in such installments and at such time or times  
26 not exceeding forty years from the date thereof, may be payable at such place or places whether  
27 within or ~~without~~ outside the Commonwealth, may bear interest at such rate or rates, may be  
28 payable at such time or times ~~and at such place or places~~, may be evidenced in such manner, and  
29 may contain such provisions not inconsistent herewith, all as shall be provided and specified by  
30 the board of directors in authorizing each particular bond issue. If deemed advisable by the board  
31 of directors, there may be retained in the proceedings under which any bonds of the authority are

1 authorized to be issued an option to redeem all or any part thereof as may be specified in such  
2 proceedings, at such price or prices and after such notice or notices and on such terms and  
3 conditions as may be set forth in such proceedings and as may be briefly recited on the face of  
4 the bonds, but nothing herein contained shall be construed to confer on the authority any right or  
5 option to redeem any bonds except as may be provided in the proceedings under which they shall  
6 be issued. Any bonds of the authority may be sold at public or private sale in such manner and  
7 from time to time as may be determined by the board of directors of the authority to be most  
8 advantageous, and the authority may pay all costs, premiums and commissions which its board  
9 of directors may deem necessary or advantageous in connection with the issuance thereof.  
10 Issuance by the authority of one or more series of bonds for one or more purposes shall not  
11 preclude it from issuing other bonds in connection with the same facility or any other facility, but  
12 the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any  
13 prior pledge or mortgage made for any prior issue of bonds. Any bonds of the authority at any  
14 time outstanding may from time to time be refunded by the authority by the issuance of its  
15 refunding bonds in such amount as the board of directors may deem necessary, but not exceeding  
16 an amount sufficient to refund the principal of the bonds so to be refunded, together with any  
17 unpaid interest thereon and any costs, premiums or commissions necessary to be paid in  
18 connection therewith. Any such refunding may be effected whether the bonds to be refunded  
19 shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the  
20 application of the proceeds thereof to the payment of the bonds to be refunded thereby, or by the  
21 exchange of the refunding bonds for the bonds to be refunded thereby, with the consent of the  
22 holders of the bonds so to be refunded, and regardless of whether ~~or not~~ the bonds to be refunded  
23 were issued in connection with the same facilities or separate facilities, and regardless of whether  
24 ~~or not~~ the bonds proposed to be refunded ~~shall be~~ are payable on the same date or on different  
25 dates or ~~shall be~~ are due serially or otherwise.

26 B. All bonds shall be signed by the chairman or vice-chairman of the authority or shall  
27 bear his facsimile signature, and the corporate seal of the authority or a facsimile thereof shall be  
28 impressed or imprinted thereon and attested by the signature of the secretary (or the secretary-  
29 treasurer) or the assistant secretary (or assistant secretary-treasurer) of the authority or shall bear  
30 his facsimile signature, and any coupons attached thereto shall bear the facsimile signature of  
31 ~~said~~ the chairman. In case any officer whose signature or a facsimile ~~of whose signature shall~~



1 ~~appear~~ appears on any bonds or coupons ~~shall cease~~ ceases to be an officer before delivery of  
2 such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all  
3 purposes the same as if he had remained in office until such delivery. When the signatures of  
4 both the chairman or the vice-chairman and the secretary (or the secretary-treasurer) or the  
5 assistant secretary (or the assistant secretary-treasurer) are facsimiles, the bonds ~~must~~ shall be  
6 authenticated by a corporate trustee or other authenticating agent approved by the authority.

7 C. If the proceeds derived from a particular bond issue, due to error of estimates or  
8 otherwise, ~~shall be~~ are less than the cost of the authority facilities for which such bonds were  
9 issued, additional bonds may in like manner be issued to provide the amount of such deficit and,  
10 unless otherwise provided in the proceedings authorizing the issuance of the bonds of such issue  
11 or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be  
12 entitled to payment from the same fund without preference or priority of the bonds of the first  
13 issue. If the proceeds of the bonds of any issue shall exceed such cost, the surplus may be  
14 deposited to the credit of the sinking fund for such bonds or may be applied to the payment of  
15 the cost of any additions, improvements or enlargements of the authority facilities for which such  
16 bonds shall have been issued.

17 D. Prior to the preparation of definitive bonds, the authority may, under like restrictions,  
18 issue interim receipts or temporary bonds with or without coupons, exchangeable for definitive  
19 bonds when such bonds shall have been executed and are available for delivery. The authority  
20 may also provide for the replacement of any bonds which ~~shall become~~ are mutilated ~~or shall be,~~  
21 destroyed or lost. Bonds may be issued under the provisions of this chapter without obtaining the  
22 consent of any department, division, commission, board, bureau or agency of the  
23 Commonwealth, and without any other proceedings or the happening of any other conditions or  
24 things other than those proceedings, conditions or things which are specifically required by this  
25 chapter; ~~provided,~~ however, ~~that~~ nothing contained in this chapter shall be construed as affecting  
26 the powers and duties now conferred by law upon the State Corporation Commission.

27 E. All bonds issued under the provisions of this chapter shall have and are hereby  
28 declared to have all the qualities and incidents of and shall be and are hereby made negotiable  
29 instruments under the Uniform Commercial Code of Virginia (§ 8.1-101 et seq.), subject only to  
30 provisions respecting registration of the bonds.

1 F. In addition to all other powers granted to the authority by this chapter, the authority is  
2 ~~authorized to provide for the issuance~~ may issue, from time to time, of notes or other obligations  
3 of the authority for any of its authorized purposes. ~~All of the~~ The provisions of this chapter  
4 which relate to bonds or revenue bonds shall apply to such notes or other obligations insofar as  
5 such provisions may be appropriate.

6 **Drafting note: No substantive change in the law.**

7  
8 § ~~15.1-1380~~ 15.2-4909. Liability of Commonwealth, political subdivisions, directors and  
9 officers.

10 ~~(a)~~ A. Bonds issued pursuant to ~~the provisions of~~ this chapter shall not be deemed to  
11 constitute a debt or a pledge of the faith and credit of the Commonwealth, or any political  
12 subdivision thereof, including the ~~municipality~~ locality which created the authority issuing such  
13 bonds, but such bonds shall be payable solely from the funds provided therefor as herein  
14 authorized. All such bonds shall contain on the face thereof a statement to the effect that neither  
15 the Commonwealth, nor any political subdivision thereof, nor the authority shall be obligated to  
16 pay the same or the interest thereon or other costs incident thereto except from the revenues and  
17 moneys pledged therefor and that neither the faith and credit nor the taxing power of the  
18 Commonwealth, or any political subdivision thereof, is pledged to the payment of the principal  
19 of such bonds or the interest thereon or other costs incident thereto.

20 ~~(b)~~ B. Neither the directors of the authority nor any person executing the bonds shall be  
21 liable personally on the bonds by reason of the issuance thereof.

22 ~~(c)~~ C. All expenses incurred in carrying out the provisions of this chapter shall be payable  
23 solely from the funds of the authority and no liability or obligation shall be incurred by the  
24 authority hereunder beyond the extent to which moneys shall be available to the authority.

25 ~~(d)~~ D. Bonds issued pursuant to the provisions of this chapter shall not constitute an  
26 indebtedness within the meaning of any debt limitation or restriction.

27 **Drafting note: No substantive change in the law.**

28  
29 § ~~15.1-1381~~ 15.2-4910. Security for payment of bonds; default.

30 The principal of and interest on any bonds issued by the authority shall be secured by a  
31 pledge of the revenues and receipts out of which the same shall be made payable, and may be

1 secured by a trust indenture covering all or any part of the authority facilities from which  
2 revenues or receipts so pledged may be derived, including any enlargements of and additions to  
3 any such projects thereafter made. The resolution under which the bonds are authorized to be  
4 issued and any such trust indenture may contain any agreements and provisions respecting the  
5 maintenance of the projects covered thereby, the fixing and collection of rents for any portions  
6 thereof leased by the authority to others, the creation and maintenance of special funds from such  
7 revenues and the rights and remedies available in the event of default, all as the board of  
8 directors shall deem advisable not in conflict with the provisions hereof. Each pledge, agreement  
9 and trust indenture made for the benefit or security of any of the bonds of the authority shall  
10 continue effective until the principal of and interest on ~~the such~~ bonds ~~for the benefit of which~~  
11 ~~the same were made shall~~ have been fully paid. In the event of default in such payment or in any  
12 agreements of the authority made as a part of the contract under which the bonds were issued,  
13 whether contained in the proceedings authorizing the bonds or in any trust indenture executed as  
14 security therefor, such payment or agreements may be enforced by writ of mandamus, or by a  
15 suit, action or proceeding at law or in equity to compel the authority and the directors, officers,  
16 agents or employees thereof to perform ~~each and every term, provision and covenant~~ the terms,  
17 provisions, and covenants contained in any trust indenture of the authority, by the appointment of  
18 a receiver in equity or by foreclosure of any such trust indenture or any one or more of said  
19 remedies.

20 **Drafting note: No substantive change in the law.**

21

22 § ~~15.1-1382~~ 15.2-4911. Rents, fees and other charges.

23 The authority shall fix and revise from time to time the rents, fees and other charges to be  
24 paid to it in connection with the lease or sale of various authority facilities and for any other  
25 services furnished or provided by the authority. Such rents, fees and charges shall ~~be fixed so as~~  
26 ~~to~~ provide at least sufficient funds to pay the cost of maintaining, repairing and operating such  
27 projects and the principal and interest of any bonds issued by the authority or other debts  
28 contracted as the ~~same shall~~ bonds become due and payable. The authority and the political  
29 subdivision in which all or any part of a particular authority facility is located may agree on  
30 payment by the authority on account of governmental services to be rendered by the political  
31 subdivision in such amounts as the authority may find to be consistent with the purposes of this

1 chapter. A reserve may be accumulated and maintained out of the revenues and receipts of the  
2 authority for extraordinary repairs and expenses and for such other purposes as may be provided  
3 in any resolution authorizing a bond issue or in any trust indenture securing the authority's  
4 bonds. Subject to such provisions and restrictions as may be set forth in the resolution or in the  
5 trust indenture authorizing or securing any of the bonds or other obligations hereunder, the  
6 authority shall have exclusive control of the revenues and receipts derived from the lease or sale  
7 of any authority facility and the right to use the revenues and receipts in the exercise of its  
8 powers and duties set forth in this chapter.

9 **Drafting note: No substantive change in the law.**

10  
11 § ~~15.1-1383~~ 15.2-4912. Exemption from taxation.

12 The authority is hereby declared to be performing a public function in behalf of the  
13 ~~municipality~~ locality with respect to which the authority is created and to be a public  
14 instrumentality of such ~~municipality~~ locality. Accordingly, the income, including any profit  
15 made on the sale thereof from all bonds issued by the authority, shall at all times be exempt from  
16 all taxation by the Commonwealth or any political subdivision thereof.

17 **Drafting note: No substantive change in the law.**

18  
19 § ~~15.1-1384~~ 15.2-4913. Authority to be nonprofit; excess earnings.

20 The authority shall be nonprofit and no part of its net earnings remaining after payment  
21 of its expenses shall enure to the benefit of any individual, firm or corporation, except that ~~in the~~  
22 ~~event~~ if the board of directors of the authority ~~shall determine~~ determines that sufficient  
23 provision has been made for the full payment of the expenses, bonds and other obligations of the  
24 authority then any net earnings of the authority thereafter accruing shall be paid to the  
25 ~~municipality~~ locality with respect to which the authority was created; ~~provided, however, that~~  
26 However, nothing herein contained shall prevent the board of directors from transferring all or  
27 any part of its facilities or properties in accordance with the terms of any contract entered into by  
28 the authority.

29 **Drafting note: No substantive change in the law.**

30  
31 § ~~15.1-1385~~ 15.2-4914. Dissolution of authority; disposition of property.

1           Whenever the board of directors of the authority ~~shall~~ by resolution ~~determine~~ determines  
2 that the purposes for which the authority was formed have been substantially complied with and  
3 all bonds theretofore issued and all obligations theretofore incurred by the authority have been  
4 fully paid, the then members of the board of directors of the authority shall thereupon execute  
5 and file for record with the governing body of the ~~municipality~~ locality which created the  
6 authority, a resolution declaring such facts. If the governing body of the ~~municipality~~ locality  
7 which created the authority is of the opinion that the facts stated in the authority's resolution are  
8 true and that the authority should be dissolved, it shall so resolve and the authority shall stand  
9 dissolved. Upon such dissolution, the title to all funds and properties owned by the authority at  
10 the time of such dissolution shall vest in the ~~municipality~~ locality creating the authority and  
11 possession of such funds and properties shall forthwith be delivered to such ~~municipality~~  
12 locality.

13           **Drafting note: No substantive change in the law.**

14  
15           § ~~15.1-1386~~ 15.2-4915. Bonds as legal investments and lawful security.

16           The bonds issued pursuant to this chapter shall be and are hereby declared to be legal and  
17 authorized investments for banks, savings banks, trust companies, building and loan associations,  
18 insurance companies, fiduciaries, trustees, guardians and for all public funds of the  
19 Commonwealth ~~of Virginia~~ or other political corporations or subdivisions of the Commonwealth.  
20 Such bonds shall be eligible to secure the deposit of ~~any and all~~ public funds of the  
21 Commonwealth ~~of Virginia~~, and ~~any and all public funds of cities, towns, counties~~ localities,  
22 school districts or other political corporations or subdivisions of the Commonwealth ~~of Virginia~~,  
23 and ~~such bonds~~ shall be ~~lawful and sufficient~~ security for ~~said~~ such deposits to the extent of their  
24 value when accompanied by all unmatured coupons appertaining thereto.

25           **Drafting note: No substantive change in the law.**

26  
27           § ~~15.1-1387~~ 15.2-4916. Authorities acting jointly.

28           The powers herein conferred upon authorities created under this chapter may be exercised  
29 by two or more authorities acting jointly. Two or more ~~municipalities, as herein defined,~~  
30 localities may jointly create an authority, in which case each of the directors of such authority

1 shall be appointed by the governing body of the respective ~~municipality~~ locality which the  
2 director represents.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-1388~~ 15.2-4917. Facility sites.

6 Any ~~municipality~~ locality may acquire, pursuant to § 15.2-1800, but not by  
7 condemnation, a facility site ~~by gift, purchase or lease~~ and may likewise transfer any facility site  
8 to an authority ~~by sale, lease or gift~~. Such transfer may be authorized by a resolution of the  
9 governing body of the ~~municipality~~ locality without submission of the question to the voters and  
10 without regard to the requirements, restrictions, limitations or other provisions contained in any  
11 other general, special or local law. Such facility sites may be located within or ~~without~~ outside or  
12 partially within or ~~without~~ outside the ~~municipality~~ locality creating the authority.

13 **Drafting note: No substantive change in the law.**

14  
15 § ~~15.1-1389~~ 15.2-4918. Provisions of chapter cumulative; construction.

16 ~~Neither this~~ This chapter ~~nor anything herein contained shall be construed as a restriction~~  
17 ~~or limitation upon~~ neither limits nor restricts any powers which the authority might otherwise  
18 have under any laws of this Commonwealth, ~~but shall be construed as cumulative of any such~~  
19 ~~powers~~. No proceedings, notice or approval shall be required for the organization of the authority  
20 or the issuance of any bonds or any instrument as security therefor, except as herein provided,  
21 ~~any other law to the contrary notwithstanding; provided, that.~~ However, nothing herein shall be  
22 construed to deprive the Commonwealth and its political subdivisions of their respective police  
23 powers over properties of the authority or to impair any power thereover of any official or  
24 agency of the Commonwealth and its political subdivisions which may be otherwise provided by  
25 law. Nothing contained in this chapter shall be deemed to authorize the authority to occupy or  
26 use any land, streets, buildings, structures or other property of any kind, owned or used by any  
27 political subdivision within its jurisdiction, or any public improvement or facility maintained by  
28 such political subdivision for the use of its inhabitants, without first obtaining the consent of the  
29 governing body thereof.

30 **Drafting note: No substantive change in the law.**

31

1           § ~~15.1-1390~~ 15.2-4919. Powers, etc., severable; provisions of chapter controlling over  
2 other statutes and charters.

3           The powers granted and the duties imposed in this chapter ~~shall be construed to be~~ are  
4 independent and severable. If any one or more sections, subsections, sentences, or parts of any of  
5 this chapter ~~shall be~~ are adjudged unconstitutional or invalid, such adjudication shall not affect,  
6 impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the  
7 specific provisions so held unconstitutional or invalid. Any provision of this chapter which is  
8 found to be in conflict with any other statute or charter shall be controlling and shall supersede  
9 such other statute or charter to the extent of such conflict.

10           **Drafting note: No substantive change in the law.**

11  
12           § ~~15.1-1391~~ 15.2-4920. Validation of creation of authorities, appointment of directors  
13 and proceedings; curative resolutions.

14           All proceedings heretofore taken with respect to the creation of authorities by any  
15 ~~municipality~~ locality pursuant to this chapter are hereby validated and confirmed and all such  
16 authorities are declared to be legally created. All incumbent directors of authorities are declared  
17 to be and are lawfully appointed directors of authorities, notwithstanding any failure to conform  
18 to the requirements of this chapter, and all such appointments are hereby ratified, validated and  
19 confirmed; ~~provided, however,~~ However, all terms of incumbent directors shall conform to ~~the~~  
20 ~~amendments to Code § 15.1-1377 respecting terms of office adopted by the 1980 Session of the~~  
21 ~~General Assembly~~ 15.2-4904. The governing body of any ~~municipality~~ locality is hereby  
22 authorized to adopt such corrective resolutions as may be necessary to carry out the requirements  
23 of the immediately preceding sentence. All proceedings heretofore taken to provide for or with  
24 respect to the authorization, issuance, sale, execution or delivery of bonds by or on behalf of any  
25 authority are hereby validated, ratified, approved and confirmed, and any such bonds so issued  
26 shall be valid, legal, binding and enforceable obligations of such authority.

27           **Drafting note: No substantive change in the law.**

28  
29           § ~~15.1-1392~~. ~~Authority owned and operated industrial park.~~

30           ~~Notwithstanding any contrary provision of law, an authority is specifically authorized to~~  
31 ~~acquire, develop, own and operate an industrial park and any utilities that are intended primarily~~

1 ~~to serve the park and to issue its bonds for such purposes. Such bonds may be secured by~~  
2 ~~revenues generated by the industrial park or the utilities being financed or by any other funds of~~  
3 ~~the authority.~~

4 **Drafting note: The substantive provisions of this section are relocated to 15.2-4901.**



**PROPOSED**  
**CHAPTER ~~33.2~~ 50.**  
**PRIVATE ACTIVITY BONDS.**

**Chapter drafting note: There are no substantive changes made to this chapter. Several obsolete provisions are repealed.**

§ ~~15.1-1399.10~~ 15.2-5000. Definitions.

As used in this chapter:

"Exempt project" for the purposes of the industrial development portion of the state ceiling means the following ~~activities~~ facilities:

~~a.~~ 1. Sewage, solid waste and qualified hazardous waste disposal facilities; and facilities for the local furnishing of electric energy or gas;

~~b.~~ 2. Certain facilities for the furnishing of water (including irrigation systems);

~~c.~~ 3. Mass commuting facilities;

~~d.~~ 4. Local district heating and cooling facilities.

"Industrial development bond" means those obligations issued by the Commonwealth and its issuing authorities which constitute manufacturing and exempt facility private activity bonds and the private use portion of governmental projects over the fifteen million-dollar threshold amount.

"Issuing authority" means any political subdivision, governmental unit, authority, or other entity of the Commonwealth which is empowered to issue private activity bonds.

"Local housing authority" means any issuer of multifamily housing bonds or single family housing bonds, created and existing under the laws of the Commonwealth, excluding the Virginia Housing Development Authority.

"Manufacturing facility" means any facility which is used in the manufacturing or production of tangible personal property, including the processing resulting in a change of condition of such property.

"Multifamily housing bond" means any obligation which constitutes an exempt facility bond under federal law for the financing of a qualified residential rental project within the meaning of § 142 of the Internal Revenue Code of 1986, as amended.

1 "Private ~~Activity Bond~~ activity bond" means a part or all of any bond (or other  
2 instrument) required to obtain an allocation from the state's volume cap pursuant to § 146 of the  
3 Internal Revenue Code of 1986, as amended, in order to be tax exempt, including but not limited  
4 to the following:

- 5 1. Exempt project bonds,
- 6 2. Manufacturing facility bonds,
- 7 3. Industrial development bonds,
- 8 4. Multifamily housing bonds,
- 9 5. Single family housing bonds,
- 10 6. Student loan bonds,

11 7. Any other bond eligible for a tax exemption as a private activity bond pursuant to §  
12 141 of the Internal Revenue Code of 1986, as amended.

13 "Single family housing bonds" means any obligation described as a qualified mortgage  
14 bond under § 143 of the Internal Revenue Code of 1986, as amended.

15 "State ceiling" means the maximum amount of private activity bonds that the  
16 Commonwealth of Virginia may issue in a calendar year as limited by federal law under the  
17 Internal Revenue Code of 1986, as amended.

18 "Student loan bond" means an issue to finance student loans as defined in § 144 of the  
19 Internal Revenue Code of 1986, as amended.

20 **Drafting note: No substantive change in the law.**

21  
22 § ~~15.1-1399.11~~ 15.2-5001. Purpose of chapter.

23 It is the intent of the legislature by the passage of this chapter to allocate Virginia's total  
24 private activity bond issuing authority to those issuing authorities empowered to issue private  
25 activity bonds.

26 The Tax Reform Act of 1986 imposes restrictions on the issuance of industrial  
27 development bonds, housing bonds, exempt facility bonds, and student loan bonds designated in  
28 the Act as "private activity bonds." These restrictions include limitations on the aggregate  
29 amount of private activity bonds that may be issued in each state in any calendar year that may  
30 be regarded as exempt from federal income taxation. Section 146 (e) of the Tax Reform Act of

1 1986 provides the authority for each state to establish a system for the allocation of the state  
2 ceiling on private activity bonds.

3 It is the intent of the legislature to provide for the allocation of the state ceiling among  
4 issuers of such bonds in a manner which will promote the public purposes and maximize the  
5 public benefits created by the issuance of such bonds.

6 **Drafting note: No change.**

7

8 ~~§ 15.1-1399.12. Allocation of 1988 state ceiling.~~

9 ~~This section shall apply to all private activity bonds issued by issuing authorities in 1988.~~  
10 ~~The state ceiling on private activity bonds for calendar year 1988 shall be allocated as follows:-~~

11 a. ~~"Housing." For calendar year 1988 an amount equal to fifty one percent of the Virginia~~  
12 ~~state ceiling for private activity bonds shall be set aside for single family and multifamily~~  
13 ~~housing bonds. The housing portion of the state ceiling shall be divided between local housing~~  
14 ~~authorities and the Virginia Housing Development Authority. The bond authority allocated to~~  
15 ~~these issuers shall be distributed as follows:-~~

16 Issuer	Portion of State Ceiling
17 Local Housing Authorities	17%
18 Virginia Housing	
19 —Development Authority	34%
20 Total Housing Allocation	51%

21 b. ~~"Industrial development." For calendar year 1988 an amount equal to thirty nine~~  
22 ~~percent of the Virginia state ceiling on private activity bonds shall be set aside for the issuance of~~  
23 ~~industrial development bonds for manufacturing and exempt facilities.-~~

24 c. ~~"State allocation." For calendar year 1988 an amount equal to ten percent of the~~  
25 ~~Virginia state ceiling on private activity bonds shall be set aside for state issuing authorities and~~  
26 ~~for allocations to projects of state or regional interest as determined by the Governor.-~~

27 **Drafting note: Repealed; section is obsolete.**

28

29 ~~§ 15.1-1399.13. Allocation of 1989 state ceiling.~~

30 ~~This section shall apply to all private activity bonds issued by issuing authorities in 1989.~~  
31 ~~The state ceiling on private activity bonds for calendar year 1989 shall be allocated as follows:-~~

1 a. ~~"Housing." For calendar year 1989 an amount equal to forty one percent of the~~  
2 ~~Virginia state ceiling on private activity bonds shall be set aside for single family and~~  
3 ~~multifamily housing bonds. The housing portion of the state ceiling shall be divided between~~  
4 ~~local housing authorities and the Virginia Housing Development Authority. The bond authority~~  
5 ~~allocated to these issuers shall be distributed as follows:~~

6 Issuer	Portion of State Ceiling
7 Local Housing Authorities	14%
8 Virginia Housing	
9 —Development Authority	27%
10 Total Housing Allocation	41%

11 b. ~~"Industrial development." For calendar year 1989, an amount equal to forty one~~  
12 ~~percent of the Virginia state ceiling on private activity bonds shall be set aside for the issuance of~~  
13 ~~industrial development bonds for manufacturing and exempt facilities.~~

14 c. ~~"Student loans." For calendar year 1989, an amount equal to eight percent of the~~  
15 ~~Virginia state ceiling on private activity bonds shall be set aside for the issuance of student loan~~  
16 ~~bonds by the Virginia Education Loan Authority.~~

17 d. ~~"State allocation." For calendar year 1989, an amount equal to ten percent of the~~  
18 ~~Virginia state ceiling on private activity bonds shall be set aside for state issuing authorities and~~  
19 ~~for allocations to projects of state and regional interests as determined by the Governor.~~

20 **Drafting note: Repealed; section is obsolete.**

21  
22 § ~~15.1-1399.14~~ 15.2-5002. Allocation of state ceiling for 1990 and beyond.

23 This section shall apply to all private activity bonds issued by issuing authorities during  
24 1990 and in years subsequent to 1990. The state ceiling for these calendar years shall be  
25 allocated as follows:

26 1. "Housing." For calendar years 1990 and beyond, an amount equal to forty-one percent  
27 of the Virginia state ceiling on private activity bonds shall be set aside for single family and  
28 multifamily housing bonds. The housing portion of the state ceiling shall be divided between  
29 local housing authorities and the Virginia Housing Development Authority. The bond authority  
30 allocated to these issuers shall be distributed as follows:

31 Issuer	Portion of State Ceiling
-----------	--------------------------

1	Local Housing Authorities	33%
2	Virginia Housing	
3	Development Authority	33%
4	Total Housing Allocation	66%

5 2. "Industrial development." For calendar years 1990 and beyond, an amount equal to  
6 forty-one percent of the Virginia state ceiling on private activity bonds shall be set aside for the  
7 issuance of industrial development bonds for manufacturing and exempt facilities.

8 3. "Student loans." For calendar years 1990 and beyond, an amount equal to eight  
9 percent of the Virginia state ceiling on private activity bonds shall be set aside for the issuance of  
10 student loan bonds by the Virginia Education Loan Authority.

11 4. "State allocation." For calendar years 1990 and beyond, an amount equal to ten  
12 percent of the Virginia state ceiling on private activity bonds shall be set aside for state issuing  
13 authorities and for allocations to projects of state and regional interests as determined by the  
14 Governor.

15 **Drafting note: No change.**

16  
17 § ~~15.1-1399.15~~ 15.2-5003. Administration.

18 The Board of Housing and Community Development shall by regulation establish the  
19 specific administrative policies and procedures of the private activity bond program in the  
20 Commonwealth. Specific application, allocation, and reporting requirements shall be provided  
21 by the regulations. The regulations of the Board of Housing and Community Development shall  
22 be in accordance with the limitations and restrictions contained in federal law.

23 **Drafting note: No change.**

24  
25 § ~~15.1-1399.16~~ 15.2-5004. Reallocation of bond authority.

26 The allocation formulas prescribed in this chapter are established to utilize the entire state  
27 ceiling on private activity bonds by providing issuing authority to housing and industrial  
28 development projects. The allocation formula provided in § ~~15.1-1399.14~~ 15.2-5002 for  
29 industrial development, student loans and the state allocation shall be effective through  
30 November 1 of each calendar year. The allocation formula provided in § ~~15.1-1399.14~~ 15.2-  
31 5002 for housing shall be effective through September 1 of each calendar year.

1 Any unused bond authority remaining in any category after the effective period of the  
2 allocation shall be reallocated to housing and industrial projects and to qualified student loan  
3 bonds, according to regulations established by the Board of Housing and Community  
4 Development. The regulations shall also provide a priority system for the allocation of any  
5 remaining unused bond authority at year-end to projects that are eligible to carry forward issuing  
6 authority to later years. The provisions of this section shall not apply to the amount of the state  
7 ceiling set aside for the state allocation during any calendar year.

8 **Drafting note: No change.**

9

10 § ~~15.1-1399.17~~ 15.2-5005. Changes by the federal government.

11 ~~In the event that~~ If federal laws or regulations controlling private activity bonds are  
12 revised ~~such so~~ that the provisions of this chapter are affected or the tax exempt status of certain  
13 private activity bonds expires or is extended, the Governor ~~is empowered to~~ may establish  
14 measures through executive order to allocate Virginia's total bond issuing authority in  
15 accordance with the limitations and restrictions contained in the revised federal law.

16 **Drafting note: No substantive change in the law.**

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**PROPOSED**  
**CHAPTER 28 51.**  
**VIRGINIA WATER AND ~~SEWER~~ WASTE AUTHORITIES ACT.**

**Chapter drafting note: The order of the sections has been changed and the chapter has been divided into articles. Article 4, which contains financing provisions, contains substantive changes conforming the article to the Public Finance Act (Chapter 26). Existing law is ambiguous as to the kinds of governmental entities that can create authorities under this chapter. In order to remove this ambiguity, references to “political subdivision” are changed to “locality” where appropriate so that only localities will be able to create water and waste authorities.**

Article 1.  
General Provisions.

§ ~~15.1-1239~~ 15.2-5100. Title of chapter.

This chapter shall be known and may be cited as the "Virginia Water and ~~Sewer~~ Waste Authorities Act."

**Drafting note: The title of the chapter is changed to more accurately reflect the types of authorities the chapter addresses (i.e., water authorities, sewer authorities, sewage disposal authorities and refuse collection and disposal authorities).**

§ ~~15.1-1240~~ 15.2-5101. Definitions.

As used in this chapter, ~~the following words and terms shall have the following meanings unless the context shall indicate another requires a different meaning or intent:~~

~~(a) The word "authority" shall mean~~ “Authority” means an authority created under the provisions of § ~~15.1-1241~~ 15.2-5102 or Article 6 (§ 15.2-5152 et seq.) of this chapter or, if any such authority ~~shall be~~ has been abolished, the ~~board, body, or commission~~ entity succeeding to the principal functions thereof ~~or to whom the powers given by this chapter to such authority shall be given by law.~~

~~(b) The word "county" shall mean any county in the Commonwealth of Virginia.~~

1           ~~(e) The word "municipality" shall mean any city or town incorporated under the laws of~~  
2 ~~the Commonwealth of Virginia.~~

3           ~~(q) The words "bonds" or "Bonds" and "revenue bonds;" wherever used, include notes,~~  
4 ~~bonds, bond anticipation notes, ~~or~~ and other obligations of an authority for the payment of~~  
5 ~~money.~~

6           ~~(n) The word "cost" "Cost," as applied to a water system, a sewer system, a sewage~~  
7 ~~disposal system, or a garbage and refuse collection and disposal or waste system, shall include~~  
8 ~~includes the purchase price of ~~any such~~ the system or the cost of acquiring all of the capital stock~~  
9 ~~of the corporation owning such system and the amount to be paid to discharge all of its~~  
10 ~~obligations in order to vest title to the system or any part thereof in the authority;~~ the cost of  
11 ~~improvements;~~ the cost of all ~~lands~~ land, properties, rights, easements, franchises and permits  
12 ~~acquired;~~ the cost of all labor, machinery and equipment; financing and credit enhancement  
13 ~~charges;~~ interest prior to and during construction and for one year after completion of  
14 ~~construction;~~ any deposit to any bond interest and ~~sinking fund~~ principal reserve account, start-  
15 ~~up costs and start-up operating capital;~~ cost of engineering and legal services, plans,  
16 ~~specifications, surveys, estimates of costs and ~~of~~ revenues;~~ other expenses necessary or incident  
17 ~~to the determining of the feasibility or practicability of any such acquisition, improvement, or~~  
18 ~~construction;~~ administrative expenses; and such other expenses as may be necessary or incident  
19 ~~to the financing ~~herein~~ authorized; in this chapter and to the acquisition, improvement, or~~  
20 ~~construction of a water system, a sewer system, a sewage disposal system, or a garbage and~~  
21 ~~refuse collection and disposal any such system; and the placing of ~~the same~~ the system in~~  
22 ~~operation by the authority. Any obligation or expense incurred by ~~the~~ an authority in connection~~  
23 ~~with any of the foregoing items of cost and any obligation or expense incurred by the authority~~  
24 ~~prior to the issuance of revenue bonds under the provisions of this chapter for engineering~~  
25 ~~studies, ~~and~~ for estimates of cost and ~~of~~ revenues, and for other technical or professional services~~  
26 ~~which may be utilized in the acquisition, improvement or construction of such system, ~~may be~~~~  
27 ~~regarded as is a part of the cost of such system.~~

28           ~~(m) The term "cost" "Cost of improvements" shall mean means the cost of constructing~~  
29 ~~improvements as ~~hereinabove~~ defined and shall ~~embrace~~ includes the cost of all labor and~~  
30 ~~material;~~ the cost of all ~~lands~~ land, property, rights, easements, franchises, and permits acquired  
31 ~~which are deemed necessary for such construction;~~ interest during any period of disuse during



1 such construction; the cost of all machinery and equipment; financing charges; cost of  
2 engineering and legal expenses, plans, specifications; and such other expenses as may be  
3 necessary or incident to such construction.

4 ~~(o) The term "federal~~ "Federal agency" ~~shall mean and include~~ means the United States  
5 of America, or any department, agency, instrumentality, or bureau thereof, ~~the Federal Works~~  
6 ~~Agency, the Reconstruction Finance Corporation, and any other agency or instrumentality of the~~  
7 ~~United States of America heretofore established or which may be established or created~~  
8 hereafter.

9 ~~(l) The word "improvements" shall mean~~ "Improvements" means such repairs,  
10 replacements, additions, extensions and betterments of and to a water system, ~~a sewer system, a~~  
11 ~~sewage disposal system, or a garbage and refuse collection and disposal~~ or waste system, as are  
12 ~~deemed necessary by the~~ an authority deems necessary to place or ~~to~~ maintain ~~such~~ the system in  
13 proper condition for the safe, efficient and ~~economic~~ economical operation thereof or to ~~meet~~  
14 ~~requirements for service in areas which may be served by the authority and in which no existing~~  
15 ~~service is being rendered~~ provide service in areas not currently receiving such service.

16 ~~(p) The word "owner" shall include all individuals, incorporated companies,~~  
17 ~~copartnerships, societies or associations and~~ "Owner" includes persons, any federal agency or  
18 ~~unit~~ agencies, and units of the Commonwealth having any title or interest in any water system, ~~or~~  
19 ~~sewer system, or sewage disposal system, or a garbage and refuse collection and disposal~~ or  
20 waste system, or the services or facilities to be rendered thereby.

21 ~~(e) The term "political subdivision" shall mean a county or municipality and~~ "Political  
22 subdivision means a locality or any institution or commission of the Commonwealth of Virginia.

23 ~~(r) The term "garbage and refuse,"~~ "Refuse" means all solid waste, ~~which shall mean not~~  
24 ~~only any material customarily referred to as garbage and refuse, but also~~ including sludge and  
25 other discarded material, ~~including~~ such as solid, liquid, semi-solid or contained gaseous  
26 material, resulting from industrial, commercial, mining, and agricultural operations ~~and~~ or from  
27 community activities ~~and~~ or residences, "Refuse" ~~but~~ does not include (i) solid and dissolved  
28 materials in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in  
29 industrial discharges which are sources subject to a permit from the State Water Control Board  
30 or (iii) source, special nuclear, or by-product material as defined by the Federal Atomic Energy  
31 Act of 1954 (42 U.S.C. § 20011, et seq.), as amended.

1           ~~(k) The term "garbage and refuse~~ "Refuse collection and disposal system" means a  
2 system, plant or facility designed to collect, manage, dispose of, ~~and/or~~ or recover and use  
3 energy from ~~garbage and~~ refuse and the land, structures, vehicles and equipment for use in  
4 connection therewith.

5           ~~(i) The term "sewage"~~ "Sewage" means the water-carried wastes created in and carried,  
6 or to be carried, away from residences, hotels, schools, hospitals, industrial establishments,  
7 commercial establishments or any other private or public buildings, together with such surface or  
8 ground water and household and industrial wastes as may be present.

9           ~~(j) The term "sewage"~~ "Sewage disposal system" means any system, plant, disposal field,  
10 lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch,  
11 incinerator, area devoted to sanitary landfills, or other works ~~not specifically mentioned herein,~~  
12 installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage, industrial  
13 waste or other wastes.

14           ~~(h) The term "sewer"~~ "Sewer system" or "sewage system" means pipelines or conduits,  
15 pumping stations, and force mains, and all other constructions, devices, and appliances  
16 appurtenant thereto, used for conducting sewage, industrial wastes or other wastes to a plant of  
17 ultimate disposal.

18           ~~(d) The word "unit" shall mean~~ "Unit" means any department, institution or commission  
19 of the Commonwealth of Virginia ~~and;~~ any public corporate instrumentality thereof, ~~and;~~ any  
20 district, ~~and shall include counties and municipalities;~~ or any locality.

21           ~~(f) The term "governing body" shall mean in the case of a county the board of supervisors~~  
22 ~~and in the case of a municipality the board, commission, council or other body by whatever name~~  
23 ~~it may be known, in which the general legislative powers of the municipality are vested.~~

24           "Water or waste system" means any water system, sewer system, sewage disposal  
25 system, or refuse collection and disposal system, or any combination of such systems.

26           ~~(g) The term "water system" shall mean~~ "Water system" means all plants, systems,  
27 facilities or properties used or useful or having the present capacity for future use in connection  
28 with the supply or distribution of water, or facilities incident thereto, and any integral part  
29 thereof, including water supply systems, water distribution systems, dams and facilities for the  
30 generation or transmission of hydroelectric power, reservoirs, wells, intakes, mains, laterals,  
31 pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves and

1 equipment, appurtenances, and all properties, rights, easements and franchises relating thereto  
2 and deemed necessary or convenient by the authority for the operation thereof but not including  
3 dams or facilities for the generation or transmission of hydroelectric power that are not incident  
4 to plants, systems, facilities or properties used or useful or having the present capacity for future  
5 use in connection with the supply or distribution of water.

6 **Drafting note: The definitions are alphabetized. The definitions of “governing  
7 body,” “municipality and “county” are eliminated because those terms are defined in  
8 proposed Chapter 1. “Water or waste system” is defined to avoid the necessity of listing  
9 four types of systems throughout the chapter. The definition of “cost” is expanded to  
10 include the costs of labor, credit enhancement charges, start-up costs and start-up  
11 operating capital.**

12  
13 ~~§ 15.1-1270. Chapter complete authority; construction.~~

14 ~~This chapter shall constitute full and complete authority, without regard to the provisions  
15 of any other law for the doing of the acts and things herein authorized, and shall be liberally  
16 construed to effect the purposes hereof.~~

17 **Drafting note: Repealed; unnecessary.**

18  
19 Article 2.

20 Creation and Dissolution of Authorities.

21  
22 ~~§ 15.1-1241~~ 15.2-5102. One or more ~~political subdivisions~~ localities may create  
23 authority.

24 A. The governing body of a ~~political subdivision~~ locality may by ordinance or resolution,  
25 or the governing bodies of two or more ~~political subdivisions~~ localities may by concurrent  
26 ordinances or resolutions or by agreement, create a water authority, a sewer authority, a sewage  
27 disposal authority, or a ~~garbage and~~ refuse collection and disposal authority, or any combination  
28 or parts thereof ~~under an appropriate name and title, containing.~~ The name of the authority shall  
29 contain the word "authority;" ~~which.~~ The authority shall be a public body politic and corporate.  
30 ~~Such~~ The ordinance, resolution or agreement creating the authority shall not be adopted or  
31 approved until a public hearing has been held on the question of its adoption or approval, and

1 after approval at a referendum ~~as hereinafter provided,~~ if one ~~be~~ has been ordered pursuant to  
2 this chapter.

3 ~~B. The owners of at least fifty one percent of the land area or assessed value of land~~  
4 ~~which is within the boundaries of a proposed authority district in any city or, which (i) in any~~  
5 ~~county with a population of at least 75,000, contains at least 250 acres, (ii) in any county with a~~  
6 ~~population of less than 50,000 through which an interstate highway passes, and which contains at~~  
7 ~~least 3000 acres, a portion of which lies within two miles of the centerline of the right of way of~~  
8 ~~an interstate highway, or (iii) in any county with a population between 50,000 and 75,000~~  
9 ~~through which an interstate highway passes, contains at least 250 acres, may petition for the~~  
10 ~~creation of a community development authority therein, which shall be a public body politic and~~  
11 ~~corporate. However, in any eligible county, the minimum acreage required for a proposed~~  
12 ~~authority district shall be 100 acres for commercial property or for mixed use commercial and~~  
13 ~~residential zoned property. Counties over 50,000 in population may modify minimum district~~  
14 ~~size limits where amounts financed equal or exceed three million dollars. Proposed districts~~  
15 ~~which are within any two or more of a city, a qualifying county or a town may be formed by~~  
16 ~~concurrent ordinances of each locality, and such localities may contract with one another for~~  
17 ~~administration of the district. In counties not otherwise authorized above, and in any town, the~~  
18 ~~county board or town council, following a public hearing, may adopt an ordinance electing to~~  
19 ~~assume the powers conferred by this subsection. If such an ordinance is adopted, the county may~~  
20 ~~thereafter consider petitions for the creation of community development authorities for districts~~  
21 ~~pursuant to this chapter and shall have all of the powers, duties and limitations of this chapter~~  
22 ~~applicable to such authorities. Such petitions shall:~~

- 23 1. ~~Set forth the name and describe the boundaries of the proposed district;~~
- 24 2. ~~Describe the services and facilities proposed to be undertaken by the development~~  
25 ~~authority within the district;~~
- 26 3. ~~Describe a proposed plan for providing and financing such services and facilities as~~  
27 ~~proposed within the district;~~
- 28 4. ~~Describe the benefits which can be expected from the provision of such services and~~  
29 ~~facilities by the development authority within the district;~~

1           5. Provide that the members of the development authority selected under the applicable  
2 provisions of § 15.1-1249 shall consist of a majority of petitioning landowners or their designees  
3 or nominees; and

4           6. Request the local governing body to establish the proposed development authority for  
5 the purposes set forth in the petition.

6           An ordinance or resolution creating such development authority shall not be adopted or  
7 approved until a public hearing has been held by the governing body on the question of its  
8 adoption or approval. Notice of the public hearing shall be given by publication once a week for  
9 three successive weeks in a newspaper of general circulation within the locality, and the hearing  
10 shall not be held sooner than ten days after completion of such publication. The petitioning  
11 landowners shall bear the expense of such publication. An ordinance or resolution adopted or  
12 approved under this subsection shall not be inconsistent with the petition creating the  
13 development authority. Nor shall such ordinance or resolution permit the community  
14 development authority to provide services which are provided by, or are obligated to be provided  
15 by, any authority then in existence whose charter requires or permits service within the proposed  
16 community development district, unless the existing authority first certifies to the governing  
17 body that the services provided by the proposed community development authority will not have  
18 a negative impact upon the operational or financial condition of such existing authority. Such  
19 certification shall not be unreasonably withheld by the existing authority. After the public  
20 hearing, the local governing body shall deliver a true copy of its proposed ordinance or  
21 resolution creating the development authority to the petitioning landowners or their attorney in  
22 fact. Any petitioning landowner shall then have thirty days in which to withdraw his signature on  
23 the petition in writing prior to the vote of the local governing body on such ordinance or  
24 resolution. If any signatures on the petition are withdrawn as provided herein, the local  
25 governing body may pass the proposed ordinance or resolution in conformance herewith only  
26 upon certification that the petition continues to meet the provisions of this subsection with  
27 respect to minimum acreage or assessed value as the case may be. The local governing body,  
28 upon approving the resolution creating the district, shall direct that a copy of the resolution be  
29 recorded in the land records of the circuit court for the locality in which the district is located for  
30 each parcel included in the district and be noted on the land books of the locality. For the  
31 purposes of this subsection, "parcel" is to be defined as tax map parcel.

1           **Drafting note: SUBSTANTIVE CHANGE:** Under this section as revised, localities  
2 are the only kind of political subdivision that will be able to create water and waste  
3 authorities. (Authorities can join other existing authorities under § 15.2-5112.) The Code  
4 Commission felt that the very broad phrase “political subdivision” did not clearly specify  
5 the kinds of entities that have this power. (Also, the Code Commission is aware of only one  
6 authority which has been created under this chapter by a political subdivision other than a  
7 locality. Any such authority presently existing will be “grandfathered in” under an  
8 enactment clause of the recodification bill.)

9           **Subsection B appears as §§ 15.2-5152 through 15.2-5156 in proposed Article 6.**

10  
11           § ~~15.1-1242~~ 15.2-5103. Ordinance, agreement or resolution creating authority to include  
12 articles of incorporation.

13           A. ~~Each such~~ The ordinance, agreement or resolution creating an authority shall include  
14 articles of incorporation which shall set forth:

15           ~~(1)~~ 1. The name of the “authority” and address of its principal office.

16           ~~(2)~~ 2. The name of each ~~incorporating political subdivision, together with~~ participating  
17 locality and the names, addresses and terms of office of the first members of the board of ~~said~~ the  
18 authority.

19           ~~(3)~~ 3. The ~~purpose or~~ purposes for which the authority is ~~to be~~ being created ~~together~~  
20 ~~with, insofar as~~ and, to the extent that the governing body of the ~~political subdivision~~ locality  
21 determines to be practicable, preliminary estimates of capital costs, proposals for any specific  
22 ~~project or~~ projects to be undertaken by the authority, and preliminary estimates of initial rates for  
23 services of such projects as certified by responsible engineers.

24           ~~(4)~~ 4. If there is more than one ~~incorporating political subdivision~~ participating locality,  
25 the number of board members who shall exercise the powers of the authority and the number  
26 from each ~~incorporating political subdivision~~ participating locality.

27           B. Any such ordinance, agreement or resolution that does not set forth the information  
28 required in subdivision 3 of subsection A ~~(3)~~ ~~above~~ regarding capital cost estimates, project  
29 proposals and project service rate estimates shall ~~also~~ set forth a finding by the governing body  
30 that inclusion of such information is impracticable.

31           **Drafting note: No substantive change in the law.**

1  
2 § ~~15.1-1243~~ 15.2-5104. ~~Publication~~ Advertisement of ordinance, agreement or resolution  
3 and notice of hearing.

4 The governing body of each participating ~~political subdivision~~ locality shall cause to be  
5 ~~published~~ advertised at least one time in a newspaper of general circulation in such ~~political~~  
6 ~~subdivision,~~ locality a copy of ~~such~~ the ordinance, agreement or resolution ~~together with a~~  
7 creating an authority, or a descriptive summary of the ordinance, agreement or resolution and a  
8 reference to the place within the locality where a copy of the ordinance, agreement or resolution  
9 can be obtained, and notice of stating that on a the day certain, not less than thirty days after  
10 publication of ~~said notice~~ the advertisement, on which a public hearing will be held on ~~such~~ the  
11 ordinance, agreement or resolution.

12 **Drafting note: Allows a summary of the ordinance, agreement or resolution to be**  
13 **published rather than the full text.**

14  
15 § ~~15.1-1244~~ 15.2-5105. Hearing; referendum.

16 If at ~~such~~ the hearing, in the judgment of the governing body of the participating ~~political~~  
17 ~~subdivision~~ locality, substantial opposition is heard, ~~they~~ the governing body may at ~~their~~ its  
18 discretion ~~call for~~ petition the circuit court to order a referendum on the question of adopting or  
19 approving ~~such~~ the ordinance, agreement or resolution ~~to be held on a date specified in a~~  
20 ~~resolution of such governing body.~~ The ~~referendum shall be initiated by resolution of the~~  
21 ~~governing body directed to the election officials of the county or city and the same shall conform~~  
22 ~~to the provisions of § 24.1-165~~ 24.2-684 shall govern the order for a referendum. ~~Where~~ When  
23 two or more ~~political subdivisions~~ localities are participating in the formation of such authority,  
24 the referendum, if ~~any~~ be ordered, shall be held on the same date in all ~~such subdivisions so~~  
25 participating localities. ~~In any event if~~ If ten per centum percent of the qualified voters in ~~such~~  
26 ~~subdivision~~ a locality file a petition with the governing body at the hearing calling for a  
27 referendum, such governing body shall ~~order~~ petition the circuit court to order a referendum in  
28 that locality as herein provided in this section.

29 **Drafting note: The changes made in the first two sentences are necessitated by the**  
30 **fact that, according to § 24.2-684, referenda may be initiated only by court order. The**  
31 **existing language of the last sentence is unclear; the changes made reflect the Code**

1 **Commission’s interpretation that voters in any locality participating in the creation of an**  
2 **authority may petition for a referendum and that the resulting referendum would be held**  
3 **only in the locality for which the petition was filed.**

4  
5 § ~~15.1-1244.1~~ 15.2-5106. Voters' petition requesting agreement and referendum.

6 The qualified voters of any ~~county, city or town~~ locality whose governing body has not  
7 ~~taken the initiative under § 15.1-1241~~ acted to create an authority under § 15.2-5102 may, by  
8 ~~filing~~ file with the governing body of such ~~county, city or town~~ locality a petition signed by not  
9 ~~less than ten per centum of the qualified voters of the county, city or town voting in the last~~  
10 ~~preceding presidential election, which number in no case shall be less than fifty,~~ asking the  
11 governing body to effect in accordance with ~~§ 15.1-1241~~ an agreement in accordance with the  
12 ~~provisions of this chapter § 15.2-5102~~ with the ~~counties, cities and towns~~ localities named in the  
13 petition and to ~~petition the judge for a referendum on the question, require the governing body so~~  
14 ~~to proceed.~~ Such petition shall be signed by at least ten percent of the number of the locality’s  
15 voters who voted in the last presidential election and in no case be signed by fewer than fifty  
16 voters. The petition shall ask the governing body to petition the circuit court for a referendum on  
17 the question of the creation of the authority. A copy of the petition of the voters shall also be  
18 ~~filed with the judge of each circuit court having jurisdiction in the county or town or the judge of~~  
19 ~~the circuit court in the city. If the governing body is able within three months thereafter to effect~~  
20 ~~such agreement, the procedure shall be the same as hereinbefore set forth.~~

21 If the governing body ~~within such period of time~~ is unable, or for any reason fails, to  
22 perfect such agreement within three months of the day the petition was filed with such governing  
23 body, then ~~the judge of the circuit court having jurisdiction in the county or town or the judge of~~  
24 ~~the circuit court of the city~~ for the locality shall appoint a committee of five representative  
25 citizens of the ~~county, city or town~~ locality to act for and in lieu of the governing body in  
26 perfecting the agreement and in petitioning for a referendum. ~~A majority of the qualified voters~~  
27 ~~of each county, city and town voting on the question in the referendum must approve the~~  
28 ~~agreement before it can take effect.~~ The agreement shall not take effect unless approved in the  
29 referendum by a majority of the voters voting in the referendum.

30 **Drafting note: No substantive change in the law. The second to last sentence in the**  
31 **first paragraph is deleted because it is unnecessary.**



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§ ~~15.1-1245~~ 15.2-5107. Filing articles of incorporation.

After adoption or approval of ~~said an~~ ordinance, resolution or agreement creating an authority, the governing bodies of the participating ~~political subdivisions~~ localities shall ~~cause to be filed~~ file with the State Corporation Commission the authority's articles of incorporation.

**Drafting note: No substantive change in the law.**

§ ~~15.1-1246~~ 15.2-5108. Issuance of certificate or charter.

~~If the~~ The State Corporation Commission shall issue a certificate of incorporation or charter to the authority if it finds that the:

- 1. The articles of incorporation conform to law; and
- 2. The estimated costs and rates for services of the proposed projects are fair and equitable, and have been advertised under §§ ~~15.1-1242 A (3) and 15.1-1243~~, a certificate of ~~incorporation or charter shall forthwith be issued, and thereupon~~ 15.2-5104.

Upon the issuance of the certificate or charter such authority shall be conclusively deemed to have been lawfully and properly created and established and authorized to exercise its powers under this chapter.

**Drafting note: No substantive change in the law. The reference to § 15.1-1242 A (3) has not been updated because § 15.1-1242 A (3) does not address advertising. The first sentence has been rearranged so that it is easier to read. No change in the meaning of the sentence is intended.**

§ ~~15.1-1269.1~~ 15.2-5109. Dissolution of authority.

Whenever the board of an authority ~~shall determine~~ determines that the purposes for which it was created have been completed or are impractical or impossible ~~of accomplishment~~ or that its functions have been taken over by one or more political subdivisions and that all its obligations have been paid or have been assumed by one or more of such political subdivisions or any authority created thereby or that cash or United States government securities have been deposited for their payment, ~~the authority~~ it shall adopt and file with the governing body of each political subdivision which is a member of the authority a resolution declaring such facts. If all ~~of such~~ the governing bodies adopt resolutions concurring in such declaration and finding that

1 the authority should be dissolved, they shall ~~cause to be filed with the State Corporation~~  
2 ~~Commission~~ file appropriate articles of dissolution with the State Corporation Commission.

3 If ~~one or more~~ any of the governing bodies ~~refuses~~ refuse to adopt resolutions concurring  
4 in such declaration, then the authority may petition the circuit court ~~of~~ for any ~~county or~~  
5 ~~municipality~~ locality which is a member of the authority to order ~~the~~ one or more of such  
6 governing ~~body of one or more of the political subdivisions~~ bodies to create a new authority. The  
7 circuit court may order the governing body of the ~~county or municipality~~ political subdivision  
8 requesting dissolution of the existing authority to adopt an ordinance establishing a new  
9 authority to which the provisions of §§ ~~15.1-1241 through 15.1-1244.1~~ 15.2-5102 through 15.2-  
10 5106 shall not apply ~~and thereafter~~. Thereafter, the court may order that the assets be divided  
11 among the authorities and, subject to the approval of any debt holder, require the assumption of a  
12 proportionate share of the obligations of the existing authority by the new authority.

13 Notwithstanding the provisions of subdivision 1 of § ~~15.1-1250 (a)~~ 15.2-5114, an  
14 authority shall continue in existence and shall not be ~~automatically~~ dissolved because the term  
15 for which it was created, including any extensions thereof, has expired, unless ~~and until~~ all of  
16 such authority's functions have been taken over and its obligations have been paid or have been  
17 assumed by one or more political subdivisions or by an authority created thereby, or cash or  
18 United States government securities have been deposited for their payment.

19 **Drafting note: No substantive change in the law.**

20  
21 Article 3.

22 Functions of Authorities.

23  
24 § 15.2-5110. Amendment of articles of incorporation.

25 ~~(e)~~ The articles of incorporation of any authority created under the provisions of this  
26 chapter may be amended with respect to the name or powers of such authority or in any other  
27 manner not inconsistent with this chapter by following the procedure prescribed by law for the  
28 creation of an authority. ~~All amendments heretofore adopted in accordance with the provisions of~~  
29 ~~this section and all proceedings heretofore taken pursuant to any such amendment are hereby~~  
30 ~~validated, ratified, approved and confirmed;~~

1           **Drafting note: Formerly subsection (o) of § 15.1-1250. The last sentence is**  
2 **unnecessary. No substantive change in the law.**

3  
4           § ~~15.1-1247~~ 15.2-5111. Specification of projects.

5           ~~Having~~ If they have specified the initial purpose or purposes of the authority and insofar  
6 as practicable, any project or projects to be undertaken by the authority, the governing bodies of  
7 any of the ~~political subdivisions~~ localities organizing such an authority may, ~~from time to time at~~  
8 any time by ~~subsequent~~ ordinance or resolution, after a public hearing, and with or without a  
9 referendum, specify further projects to be undertaken by the authority, ~~and no~~. No other projects  
10 shall be undertaken by the authority than those so specified. If the governing bodies of the  
11 ~~political subdivisions~~ localities organizing the authority fail to specify any project or projects to  
12 be undertaken, then the authority shall be deemed to have all the powers granted by this chapter.

13           **Drafting note: No substantive change in the law.**

14  
15           § ~~15.1-1248~~ 15.2-5112. Joinder of ~~new subdivision~~ another locality or authority;  
16 withdrawal from authority.

17           A. Any ~~political subdivision~~ locality may become a member of any existing authority,  
18 and any ~~political subdivision~~ locality which is a member of an existing authority may withdraw  
19 therefrom upon unanimous consent of the remaining members of the authority in accordance  
20 with ~~the procedure set forth below; provided, however, that~~ this section. However, no ~~political~~  
21 ~~subdivision shall be permitted to~~ locality may withdraw from any authority that has outstanding  
22 bonds without the unanimous consent of all the holders of such bonds unless all such bonds have  
23 been paid; or cashed or United States government obligations have been deposited for their  
24 payment ~~or unanimous consent of the holders of all such bonds has been obtained~~.

25           B. The governing body of any ~~political subdivision~~ locality wishing to withdraw from an  
26 existing authority shall signify its desire by resolution or ordinance.

27           C. The governing body of any ~~political subdivision~~ locality wishing to become a member  
28 of an existing authority and the governing bodies of the political subdivisions then members of  
29 the authority shall by concurrent resolutions or ordinances or by agreement provide for the  
30 joinder of such ~~and~~ locality. The resolutions, ordinances or agreement creating the expanded  
31 authority shall specify the number and ~~term~~ terms of office of members of the board of the

1 expanded authority which are to be appointed by each of the participating political subdivisions,  
2 ~~together with~~ and the ~~name~~ names, ~~address~~ addresses and ~~term~~ terms of office of initial  
3 appointments to board membership, ~~which appointments shall become effective upon~~. Upon the  
4 date of issuance of the certificate by the State Corporation Commission ~~hereinafter~~ as provided  
5 ~~and, thereupon, in this section~~, the terms of office of the board members of the existing authority  
6 shall terminate and the appointments made in the resolutions, ordinances or agreement creating  
7 the expanded authority shall become effective.

8 D. If the authority ~~shall~~ by resolution ~~express~~ expresses its consent to ~~such~~ withdrawal or  
9 joining joinder of a locality, the governing body of ~~the withdrawing political subdivision or the~~  
10 ~~governing body of the joining political subdivision~~ such locality and the governing bodies of the  
11 political subdivisions then members of the authority shall ~~comply with the provisions of~~  
12 advertise the ordinance, resolution or agreement and hold a public hearing in accordance with §  
13 15.1-1243 15.2-5104.

14 Upon adoption or approval of the ordinance, resolution or agreement, the governing body  
15 ~~or governing bodies~~ seeking to withdraw or join the authority shall file either an application to  
16 withdraw from or an application to become a member of the authority ~~as the case may be,~~  
17 whichever applies, with the State Corporation Commission. ~~In the case of a political subdivision~~  
18 ~~seeking to become a member of the authority, the~~ A joinder application shall set forth all of the  
19 information required in the case of original incorporation ~~insofar as it applies to the expanded~~  
20 ~~authority~~ and shall be accompanied by certified copies of the resolutions, ordinances or  
21 ~~agreements hereinbefore~~ agreement described in subsection B. ~~The application in all cases~~  
22 Joinder and withdrawal applications shall be executed by the proper officers of the withdrawing  
23 or incoming ~~political subdivision~~ locality under its official seal, and shall be joined in by the  
24 proper officers of the governing ~~body~~ board of the authority, and in the case of a ~~political~~  
25 ~~subdivision-locality~~ seeking to become a member of the authority also by the proper officers of  
26 each of the political subdivisions that are then members of the authority, pursuant to resolutions  
27 by the governing bodies of such political subdivisions. ~~Any authority created pursuant to § 15.1-~~  
28 ~~1241 et seq., with assenting concurrent ordinances or resolutions of the political subdivisions~~  
29 ~~which created it, may join an existing authority created pursuant to § 15.1-1241 et seq.~~  
30 ~~notwithstanding any contrary provisions of § 15.1-1251. The provisions of this paragraph~~  
31 ~~pertaining to a political subdivision becoming a member shall also apply, mutatis mutandis, to an~~

1 ~~authority becoming a member; however, if the political subdivisions, at the time of the creation~~  
2 ~~of an authority, state that the authority is created with the intention of joining an existing~~  
3 ~~authority, additional assenting concurrent ordinances or resolutions of the political subdivisions~~  
4 ~~shall not be necessary.~~

5 E. If the State Corporation Commission finds that the application conforms to law it shall,  
6 ~~forthwith, endorse approval thereon, and when~~ approve the application. When all proper fees and  
7 charges have been paid, it shall file the ~~same~~ approved application and issue to the applicant a  
8 certificate of withdrawal, ~~or a certificate of joinder, as the case may be~~ whichever applies, ~~to~~  
9 ~~which shall be attached~~ to a copy of the approved application. The withdrawal or ~~joining~~ joinder  
10 shall become effective upon the issuing of such certificate.

11 F. Any authority created ~~pursuant to § 15.1-1241 et seq., with assenting concurrent~~  
12 ~~ordinances or resolutions of the political subdivisions which created it,~~ may join an existing  
13 authority ~~created pursuant to § 15.1-1241 et seq., if the joinder is approved by concurrent~~  
14 ordinances or resolutions of the localities which created the joining authority, notwithstanding  
15 any contrary provisions of § ~~15.1-1251~~ 15.2-5150. However, if the localities, at the time of the  
16 creation of an authority, state that the authority is created with the intention of joining an existing  
17 authority, such concurrent ordinances or resolutions shall not be necessary. The provisions of  
18 this ~~paragraph~~ section pertaining to a ~~political subdivision~~ locality becoming a member or  
19 withdrawing from an authority shall also apply, mutatis mutandis, to an authority becoming a  
20 member or withdrawing; ~~however, if the political subdivisions, at the time of the creation of an~~  
21 ~~authority, state that the authority is created with the intention of joining an existing authority,~~  
22 ~~additional assenting concurrent ordinances or resolutions of the political subdivisions shall not be~~  
23 ~~necessary.~~

24 **Drafting note: No substantive change in the law. Language stricken in subsection D**  
25 **has been moved to Subsection F and revised as shown.**

26  
27 § ~~15.1-1249~~ 15.2-5113. Members of authority board; chief administrative or executive  
28 officer.

29 A. The powers of each authority created by the governing body of a single ~~political~~  
30 ~~subdivision~~ locality shall be exercised by ~~five~~ an authority board of five members, or at the  
31 option of the ~~governing body~~ board of supervisors of a county, a number of board members

1 equal to the number of members of the ~~governing body in the political subdivision~~ board of  
2 supervisors. The powers of each authority created by the governing bodies of two or more  
3 ~~political subdivisions~~ localities shall be exercised by the number of authority board members  
4 specified in its articles of incorporation, which shall be not less than one member from each  
5 participating ~~political subdivision~~ locality and not less than a total of five members. The board  
6 members of an authority shall be selected in the manner and for the terms provided by the  
7 agreement or ordinance or resolution or concurrent ordinances or resolutions creating the  
8 authority, ~~which shall name the first members and their respective terms of office~~. One or more  
9 members of the governing body of a ~~political subdivision~~ locality may be appointed board  
10 members of the authority, the provisions of any other law to the contrary notwithstanding. No  
11 board member shall be appointed for a term of more than four years. When one or more  
12 additional political subdivisions join an existing authority, each of such joining political  
13 subdivisions shall have ~~not less than~~ at least one member on the board. ~~Members~~ Board members  
14 shall hold office until their successors have been appointed and may succeed themselves. The  
15 board members of the authority shall elect one of their number chairman ~~of the authority~~, and  
16 shall elect a secretary and treasurer who need not be members ~~of the authority~~. The offices of  
17 secretary and treasurer may be combined.

18 B. A majority of board members ~~of the authority~~ shall constitute a quorum and the vote  
19 of a majority of board members shall be necessary for any action taken by the authority. An  
20 authority may, ~~in its discretion~~, by bylaw, provide a method ~~of resolution of~~ to resolve tie votes  
21 or ~~deadlock~~ deadlocked issues, ~~or it may, in its discretion, by bylaw, provide that, whenever it~~  
22 ~~cannot resolve, because of a tie vote or a deadlock caused by the lack of votes of a majority of~~  
23 ~~members, any resolution, policy, question or matter after a period of sixty days from the time~~  
24 ~~such resolution, policy, question or matter is first voted upon, any member of the authority shall~~  
25 ~~then have the right to apply to the circuit court wherein the authority is located for the~~  
26 ~~appointment of a tie breaker. The court shall make such appointment upon request, and the tie-~~  
27 ~~breaker shall appear at the next regular meeting of the authority after his appointment. He shall~~  
28 ~~be entitled to be fully advised as to the matter upon which he is to vote, and if not prepared to~~  
29 ~~cast his vote at that time, he may require the authority to adjourn the meeting to some future date~~  
30 ~~within a period of thirty days. When he casts his vote, it shall be recorded and counted the same~~  
31 ~~as those of other votes of authority members. His duties shall then be terminated, and he shall be~~

1 paid by the authority such amount for his services as the court, in the order of appointment,  
2 directs. Any such bylaw heretofore adopted shall be valid without reenactment thereof.

3 C. No vacancy in the board membership of the authority shall impair the right of a  
4 quorum to exercise all the rights and perform all the duties of the authority. If a vacancy ~~shall~~  
5 ~~occur~~ occurs by reason of the death, disqualification or resignation of a board member, the  
6 governing body of the political subdivision which ~~shall have~~ appointed ~~such~~ the authority board  
7 member shall appoint a successor to fill ~~his~~ the unexpired term. Whenever a political subdivision  
8 ~~shall withdraw~~ withdraws its membership from an authority, the term of any board member ~~or~~  
9 ~~members~~ appointed to the board of the authority from such political subdivision shall  
10 immediately terminate. ~~Members~~ Board members shall receive such compensation as ~~shall be~~  
11 fixed ~~from time to time~~ by resolution ~~or resolutions~~ of the governing body or bodies ~~then~~ which  
12 are members of the authority, and shall be reimbursed for any actual expenses necessarily  
13 incurred in the performance of their duties. ~~All authorities heretofore created by the governing~~  
14 ~~bodies of two or more political subdivisions by concurrent ordinances or resolutions conforming~~  
15 ~~to this section are hereby validated and confirmed and declared to be legally created.~~

16 D. Alternate board members may also be selected. Such alternates shall be selected in the  
17 same manner and shall have the same qualifications as the board members except that an  
18 alternate for an elected board member need not be an elected official. The term of each alternate  
19 shall be the same as the term of the board member for whom each serves as an alternate  
20 ~~provided;~~ however, ~~that~~ the alternate's term shall not expire because of the board member's  
21 death, disqualification, resignation, or termination of employment with the member's political  
22 subdivision. If a board member is not present at a meeting of the authority, the alternate for that  
23 board member shall have all the voting and other rights of a board member and shall be counted  
24 for purposes of determining a quorum ~~at any meeting of the authority.~~

25 E. The board members may appoint a chief administrative or executive officer who shall  
26 serve at the pleasure of the board members. He shall execute and enforce the orders and  
27 resolutions adopted by the board members and perform such duties as may be delegated to him  
28 by the board members.

29 **Drafting note: The last sentence of subsection C is unnecessary. The ordinance or**  
30 **resolution which creates an authority must include the names and terms of the first board**  
31 **members under § 15.2-5103. The word “board” is inserted before the word “member”**

1 throughout the section to clarify references to members of an authority's board (who are  
2 representatives of political subdivisions that are members of an authority).  
3 **SUBSTANTIVE CHANGE: The tiebreaker provision has been eliminated.**

4  
5 § ~~15.1-1250~~ 15.2-5114. Powers of authority.

6 Each authority ~~created hereunder shall be deemed to be~~ is an instrumentality exercising  
7 public and essential governmental functions to provide for the public health and welfare, and  
8 each ~~such~~ authority ~~is hereby authorized and empowered~~ may:

9 ~~(a) To have existence~~ 1. Exist for a term of fifty years as a corporation, and for such  
10 further period or periods as may from time to time be provided by appropriate resolutions of the  
11 political subdivisions ~~then~~ which are members of the authority; ~~provided, however, that~~ the term  
12 of an authority shall not be extended beyond a date ~~exceeding~~ fifty years from the date of the  
13 adoption of such resolutions;-

14 ~~(b) To adopt~~ 2. Adopt, amend or repeal bylaws, rules and regulations, not inconsistent  
15 with this chapter or the general laws of the Commonwealth, for the regulation of its affairs and  
16 the conduct of its business and to carry into effect its powers and purposes;-

17 ~~(c) To adopt~~ 3. Adopt an official seal and alter the same at pleasure;-

18 ~~(d) To maintain~~ 4. Maintain an office at such place or places as it may designate;-

19 ~~(e) To sue~~ 5. Sue and be sued;-

20 ~~(f) To acquire~~ 6. Acquire, purchase, lease as lessee, construct, reconstruct, improve,  
21 extend, operate and maintain any water system, ~~or sewer system, or sewage disposal system, or a~~  
22 ~~garbage and refuse collection and disposal~~ or waste system or any combination of such systems  
23 within, ~~without~~ outside, or partly within and partly ~~without~~ outside one or more of the ~~political~~  
24 ~~subdivision or subdivisions by action of whose governing body or governing bodies~~ localities  
25 which created the authority ~~was created, or who may~~ which after February 27, 1962, ~~join~~ joined  
26 such authority ~~and to lease as lessee or otherwise contract for the provision of a street light~~  
27 ~~system in a county having a population between 13,200 and 14,000 according to the 1990 United~~  
28 ~~States Census, provided that the lessor or other contractual provider of such system shall be a~~  
29 ~~public service corporation which holds a certificate of public convenience and necessity to~~  
30 ~~provide retail electric service in the territory in which such system shall be located; and to~~  
31 acquire by gift, purchase or the exercise of the right of eminent domain lands or rights in land or



1 water rights in connection therewith, within, ~~without~~ outside, or partly within and partly ~~without~~  
2 outside one or more of the ~~political subdivision or subdivisions by action of whose governing~~  
3 ~~body or governing bodies~~ localities which created the authority ~~was created~~, or ~~who may~~ which  
4 after February 27, 1962, ~~join~~ joined such authority; and ~~to~~ sell, lease as lessor, transfer or dispose  
5 of all or any part of any property, real, personal or mixed, or interest therein ~~at any time~~, acquired  
6 by it; ~~provided, that~~ however, in the exercise of the right of eminent domain the provisions of §  
7 25-233 shall apply. In addition, the authority in any county or city to which §§ ~~15.1-335~~ 15.2-  
8 2146 and ~~15.1-340~~ 15.2-1906 are applicable shall have the same power of eminent domain and  
9 shall follow the same procedure ~~therefor~~ as provided in §§ ~~15.1-335~~ 15.2-2146 and ~~15.1-340~~ of  
10 ~~the Code of Virginia; and provided, further, that no~~ 15.2-1906. No property or any interest or  
11 estate ~~therein~~ owned by any ~~county, city, town or other~~ political subdivision ~~of the~~  
12 ~~Commonwealth~~ shall be acquired by an authority by the exercise of the power of eminent  
13 domain without the consent of the governing body of such ~~county, city, town or~~ political  
14 subdivision; ~~and except.~~ Except as otherwise ~~herein~~ provided in this section, each authority is  
15 hereby vested with the same authority to exercise the power of eminent domain as is vested in  
16 the Commonwealth Transportation Commissioner;

17 ~~(g) To issue~~ 7. Issue revenue bonds of the authority, such bonds to be payable solely from  
18 revenues to pay all or a part of the cost of a water ~~system, sewer system, or sewage disposal~~  
19 ~~system, or a garbage and refuse collection and disposal~~ or waste system, ~~or any combination of~~  
20 ~~such systems;-~~

21 ~~(h) To combine~~ 8. Combine any water ~~system, sewer system, sewage disposal system, or~~  
22 ~~garbage and refuse collection and disposal~~ or waste system as a single system for the purpose of  
23 operation and financing;-

24 ~~(h1) To borrow~~ 9. Borrow at such rates of interest as ~~may be~~ authorized at by the general  
25 law for authorities and as the authority may determine and ~~to~~ issue its notes, bonds or other  
26 obligations therefor. Any political subdivision which is a member of an authority may lend,  
27 advance or give money to such authority;-

28 ~~(i) To fix~~ 10. Fix, charge and collect rates, fees and charges for the use of or for the  
29 services furnished by or for the benefit from any system operated by the authority. Such rates,  
30 fees, rents and charges shall be charged to and collected from any person contracting for the

1 same; services or the lessee or tenant, ~~or some or all of them~~, who uses or occupies any real  
2 estate which is served by or benefited benefits from any such system;

3 ~~(j) To enter~~ 11. Enter into contracts with the federal government, the Commonwealth of  
4 ~~Virginia~~, the District of Columbia ~~and~~ or any adjoining state, or any agency or instrumentality  
5 thereof, ~~or with~~ any unit, ~~private corporation, copartnership, association, or individual providing~~  
6 or any person. Such contracts may provide for or ~~relating~~ relate to the furnishing of services and  
7 facilities of any water system, ~~sewer system, sewage disposal system, or garbage and refuse~~  
8 ~~collection and disposal~~ or waste system of the authority or in connection with the services and  
9 facilities rendered by any ~~such~~ like system owned or controlled by the federal government, the  
10 Commonwealth of ~~Virginia~~, the District of Columbia or any adjoining state, or any agency or  
11 instrumentality thereof, ~~and any unit, private corporation, copartnership, association or individual~~  
12 ~~including~~ or any person, and may include contracts providing for or relating to the right of an  
13 authority, created for such purpose, to receive and use and dispose of all or any portion of the  
14 ~~garbage or refuse~~ generated or collected by or within the jurisdiction or under the control of any  
15 one or more of them ~~and in~~. In the implementation of any such contract to, an authority may  
16 exercise the powers set forth in §§ ~~15.1-857~~ 15.2-927 and ~~15.1-11.5:3~~ 15.2-928;

17 ~~(k) To contract~~ 12. Contract with the federal government, the Commonwealth of  
18 ~~Virginia~~, the District of Columbia ~~and~~, any adjoining state, ~~or with any municipality, county,~~  
19 ~~corporation, individual person, any locality~~ or any public authority or unit thereof, on such terms  
20 as the said authority shall ~~deem~~ deems proper, for the construction, operation or use of any  
21 project which is located partly or wholly outside the Commonwealth of ~~Virginia~~;

22 ~~(l) To make and enter into all contracts or agreements, as the authority may determine,~~  
23 ~~which are necessary or incidental to the performance of its duties and to the execution of the~~  
24 ~~powers granted by this chapter, including contracts with any federal agency, the Commonwealth~~  
25 ~~of Virginia, the District of Columbia and any adjoining state, or with any unit thereof, on such~~  
26 ~~terms and conditions as the authority may approve, relating to (1) the use of any water system,~~  
27 ~~sewer system, sewage disposal system, or garbage and refuse collection and disposal system, or~~  
28 ~~streetlight system in a county having a population between 13,200 and 14,000 according to the~~  
29 ~~1990 United States Census acquired or constructed by the authority under this chapter, or the~~  
30 ~~services therefrom or the facilities thereof, or (2) the use by the authority of the services or~~  
31 ~~facilities of any water system, sewer system, sewage disposal system, or garbage and refuse~~

1 collection and disposal system, or streetlight system in a county having a population between  
2 13,200 and 14,000 according to the 1990 United States Census owned or operated by an owner  
3 other than the authority. Any such contract shall be subject to such provisions, limitations or  
4 conditions as may be contained in the resolution of the authority authorizing revenue bonds of  
5 the authority or the provisions of any trust agreement securing such bonds. Any such contract  
6 may provide for the collecting of fees, rates or charges for the services and facilities rendered to  
7 a unit or to the inhabitants thereof, by such unit or by its agents or by the agents of the authority,  
8 and for the enforcement of delinquent charges for such services and facilities. The provisions of  
9 any such contract and of any ordinance or resolution of the governing body of a unit enacted  
10 pursuant thereto shall be irrevocable so long as any of the revenue bonds issued under the  
11 authority of this chapter shall be outstanding and unpaid, and the provisions of any such contract,  
12 and of any ordinance or resolution enacted pursuant thereto shall be and be deemed to be for the  
13 benefit of such bondholders. The aggregate of any fees, rates or charges which shall be required  
14 to be collected pursuant to any such contract or any ordinance or resolution enacted thereunder  
15 shall be sufficient to pay all obligations which may be assumed by the other contracting party.  
16 Each water company, which is a public utility supplying water to the owners, lessees or tenants  
17 of real estate which is or will be served by any sewer or sewage disposal system of an authority  
18 is authorized to act as the billing and collecting agent of the authority for any rates, fees, rents or  
19 charges imposed by the authority for the service rendered by such sewer or sewage disposal  
20 system and shall furnish to the authority copies of its regular periodic meter reading and water  
21 consumption records and other pertinent data as may be required for the authority to act as its  
22 own billing and collecting agent. The authority shall pay to such water company the reasonable  
23 additional cost of clerical services and other expenses incurred by the water company in  
24 rendering such services to the authority. Upon the inability of an authority and such water  
25 company to agree upon the terms and conditions under which the water company shall act as the  
26 billing and collecting agent of the authority, either or both may petition the State Corporation  
27 Commission for a determination of the terms and conditions under which the water company  
28 shall act as the billing and collecting agent of the authority. In the event that such water company  
29 acts as the billing and collecting agent of an authority it shall set forth separately on its bills the  
30 rates, fees or charges imposed by the authority, but both the water and sewage disposal charges  
31 shall be payable to and collected by the water company, and payment of either shall be refused

1 ~~unless both shall be paid. The authority shall pay to the water company the cost of shutting off~~  
2 ~~any water service on account of nonpayment of the sewage disposal charge. In the event of such~~  
3 ~~discontinuance of water service the same shall not be reestablished until such time as the sewage~~  
4 ~~disposal charge shall have been paid;~~

5 ~~(m) To enter 13. Enter upon, use, occupy, and dig up any street, road, highway or private~~  
6 ~~or public lands necessary to be entered upon, used or occupied in connection with the~~  
7 ~~acquisition, construction or improvement, maintenance or operation of a water system, sewer~~  
8 ~~system, sewage disposal system, or garbage and refuse collection and disposal or waste system,~~  
9 ~~or streetlight system in a county having a population between 13,200 and 14,000 according to the~~  
10 ~~1990 United States Census, subject, however, to such reasonable local police regulation as may~~  
11 ~~be established by the governing body of any unit having jurisdiction; in the particular respect.~~  
12 ~~The governing body of any unit, notwithstanding any contrary provision of law, is hereby~~  
13 ~~authorized and empowered to transfer jurisdiction over, to lease, lend, grant or convey, to the~~  
14 ~~authority upon the request of the authority, upon such terms and conditions as the governing~~  
15 ~~body of such unit may agree with the authority as reasonable and fair, such real or personal~~  
16 ~~property as may be necessary or desirable in connection with the acquisition, construction,~~  
17 ~~improvement, operation or maintenance of a water system, sewer system, sewage disposal~~  
18 ~~system, or garbage and refuse collection and disposal system by the authority including public~~  
19 ~~roads and other property already devoted to public use. The Commonwealth of Virginia hereby~~  
20 ~~consents to the use of all lands above or under water and owned or controlled by it which are~~  
21 ~~necessary for the construction, improvement, operation or maintenance of any such system;~~  
22 ~~except that the use of any portion between the right of way limits of any primary or secondary~~  
23 ~~highway in this Commonwealth shall be subject to the approval of the Commonwealth~~  
24 ~~Transportation Commissioner. Whenever any railroad tracks, pipes, poles, wires, conduits or~~  
25 ~~other structures or facilities which are located in, along, across, over or under any public road,~~  
26 ~~street, highway, alley or other public right of way shall become an obstruction to, interfere with~~  
27 ~~or be endangered by the construction, operation or maintenance of any system of the authority~~  
28 ~~the governmental unit having ownership, control or jurisdiction over such public road, street,~~  
29 ~~highway, alley or other public right of way may, as the exercise of an essential governmental~~  
30 ~~function, order the safeguarding, maintaining, relocating, rebuilding, removing and replacing of~~  
31 ~~such railroad tracks, pipes, poles, wires, conduits or other structures or facilities by the owner~~

1 thereof at the expense of the authority, and subject to the provisions of § 25-233 of the Code of  
2 Virginia;

3 ~~(n) In the event of any annexation by a municipality not a member of the authority of~~  
4 ~~lands, areas, or territory served by the authority, to continue to do business, exercise its~~  
5 ~~jurisdiction over its properties and facilities in and upon or over such lands, areas or territory as~~  
6 ~~long as any bonds or indebtedness remain outstanding or unpaid, or any contracts or other~~  
7 ~~obligations remain in force;~~

8 ~~(o) The articles of incorporation of any authority created under the provisions of this~~  
9 ~~chapter may be amended with respect to the name or powers of such authority or in any other~~  
10 ~~manner not inconsistent with this chapter by following the procedure prescribed by law for the~~  
11 ~~creation of an authority. All amendments heretofore adopted in accordance with the provisions of~~  
12 ~~this section and all proceedings heretofore taken pursuant to any such amendment are hereby~~  
13 ~~validated, ratified, approved and confirmed;~~

14 ~~(p) To enter into contracts~~ 14. Contract ~~with any person,~~ political subdivision, federal  
15 agency, corporation, copartnership, association, individual or any public authority or unit of this  
16 Commonwealth, on such terms as ~~said~~ the authority ~~shall deem~~ deems proper, for the purpose of  
17 acting as a billing and collecting agent for sewer service or sewage disposal service fees, rents or  
18 charges imposed by any such body;

19 ~~(q) To establish retirement, group life insurance, and group accident and sickness~~  
20 ~~insurance plans or systems for its employees in the same manner as cities, counties and towns are~~  
21 ~~permitted under §§ 51.1-801 and 51.1-802, and all such plans or systems heretofore established~~  
22 ~~by any authority are hereby validated;~~

23 ~~(r) Notwithstanding any contrary provision of law in this chapter, an authority created~~  
24 ~~pursuant to the provisions of this chapter is hereby authorized and empowered to lease as lessee~~  
25 ~~or otherwise contract for the provision of, operate and maintain streetlights in a county having a~~  
26 ~~population between 13,200 and 14,000 according to the 1990 United States Census; provided,~~  
27 ~~that the lessor or other contractual provider of such streetlights shall be a public service~~  
28 ~~corporation which holds a certificate of public convenience and necessity to provide retail~~  
29 ~~electric service in the territory in which such streetlights are located. Such county may contribute~~  
30 ~~funds to the authority by act of its governing body for use by the authority in carrying out the~~  
31 ~~authority's powers listed in this subdivision. In addition, the authority may fix, charge and collect~~

1 rates, fees and charges for the use of such service described herein or for the service described  
2 herein furnished by the authority and shall be charged to and collected from any person  
3 contracting for the same, or lessee, or tenant or any other person who uses or occupies any real  
4 estate served by or benefiting from such service described herein.

5 Notwithstanding any other provision of this chapter to the contrary, where the use of any  
6 water or sewer systems described in this section is contracted for by an occupant who is not the  
7 owner of the premises and where such occupant's premises are separately metered for service,  
8 the owner of any such premises shall be liable only for the payment of delinquent rates or  
9 charges applicable to three delinquent billing periods but not to exceed a period of ninety days  
10 for such delinquency. No authority shall refuse to service other premises of the owner not  
11 occupied by an occupant who is delinquent in the payment of such rates or charges on account of  
12 such delinquency provided that such owner has paid in full any delinquent charges for which he  
13 would be responsible for paying. No authority shall refuse to service or unreasonably delay  
14 reinstatement of service to premises where such occupant who is delinquent has vacated the  
15 premises and a new party has applied for service provided such owner has paid in full such  
16 delinquent charges as he would be responsible for paying.

17 **Drafting note: Several of this section's subdivisions have been relocated to other**  
18 **parts of this chapter as follows:**

<u>subdivision</u>	<u>proposed section</u>
(o)	15.2-5110
first half of (l)	15.2-5115
(n)	15.2-5116
(q)	15.2-5117
(r)	15.2-5118
last paragraph	15.2-5124
3rd sentence of (m)	15.2-5146
2nd sentence of (m)	15.2-5148
4th sentence of (m)	15.2-5149
2nd half of (l)	15.2-5151

1           **Language deleted from subdivision (f) concerning the provision of a streetlight**  
2 **system also appeared in subdivision (r), now § 15.2-5118. The language which remains in**  
3 **proposed § 15.2-5113 contains no substantive changes in the law.**

4  
5           § 15.2-5115. Same; contracts relating to use of systems.

6           ~~(1) To~~ An authority may make and enter into all contracts or agreements, as the authority  
7 may determine, which are necessary or incidental to the performance of its duties and to the  
8 execution of the powers granted by this chapter, including contracts with any federal agency, the  
9 Commonwealth of ~~Virginia~~, the District of Columbia ~~and~~ or any adjoining state; ~~or with~~ any unit  
10 thereof, on such terms and conditions as the authority may approve, relating to ~~(1)~~ (i) the use of  
11 any water system, sewer system, sewage disposal system, or garbage and refuse collection and  
12 disposal ~~or waste~~ system, or streetlight system in a county having a population between 13,200  
13 and 14,000 according to the 1990 United States Census acquired or constructed by the authority  
14 under this chapter, or the services therefrom or the facilities thereof, or ~~(2)~~ (ii) the use by the  
15 authority of the services or facilities of any water system, sewer system, sewage disposal system,  
16 ~~or garbage and refuse collection and disposal~~ or waste system, or streetlight system in a county  
17 having a population between 13,200 and 14,000 according to the 1990 United States Census  
18 owned or operated by an owner other than the authority.

19           ~~Any such~~ The contract shall be subject to such provisions, limitations or conditions as  
20 may be contained in the resolution of the authority authorizing revenue bonds of the authority or  
21 the provisions of any trust agreement securing such bonds. ~~Any such~~ Such contract may provide  
22 for the collecting of fees, rates or charges for the services and facilities rendered to a unit or to  
23 the inhabitants thereof, by such unit or by its agents or by the agents of the authority, and for the  
24 enforcement of delinquent charges for such services and facilities. The provisions of ~~any such~~  
25 the contract and of any ordinance or resolution of the governing body of a unit enacted pursuant  
26 thereto shall not be ~~irrepealable~~ repealed so long as any of the revenue bonds issued under the  
27 authority of this chapter shall be are outstanding and unpaid, ~~and the~~. The provisions of ~~any such~~  
28 the contract, and of any ordinance or resolution enacted pursuant thereto, shall be ~~and be deemed~~  
29 ~~to be~~ for the benefit of ~~such~~ the bondholders. The aggregate of any fees, rates or charges which  
30 shall be are required to be collected pursuant to any such contract ~~or any~~, ordinance or resolution

1 enacted thereunder shall be sufficient to pay all obligations which may be assumed by the other  
2 contracting party.

3 **Drafting note: Formerly the first half of subdivision (l) of § 15.1-1250. No**  
4 **substantive change in the law.**

5  
6 § 15.2-5116. Same; effect of annexation.

7 ~~(n)~~ In the event of any annexation by a municipality not a member of the authority of  
8 lands, areas, or territory served by the authority, ~~to~~ an authority may continue to do business; and  
9 exercise its jurisdiction over its properties and facilities in and upon or over such lands, areas or  
10 territory as long as any bonds or indebtedness remain outstanding or unpaid, or any contracts or  
11 other obligations remain in force;.

12 **Drafting note: Formerly subdivision (n) of § 15.1-1250. No substantive change in**  
13 **the law.**

14  
15 § 15.2-5117. Same; insurance for employees.

16 ~~(q)~~ ~~To~~ An authority may establish retirement, group life insurance, and group accident  
17 and sickness insurance plans or systems for its employees in the same manner as ~~cities, counties~~  
18 ~~and towns~~ localities are permitted under §§ 51.1-801 and 51.1-802; ~~and all such plans or systems~~  
19 ~~heretofore established by any authority are hereby validated;.~~

20 **Drafting note: Formerly subdivision (q) of § 15.1-1250. No substantive change in**  
21 **the law. The deleted language is unnecessary.**

22  
23 § 15.2-5118. Same; streetlights in King George County.

24 ~~(r)~~ Notwithstanding any contrary provision of law in this chapter, an authority ~~created~~  
25 ~~pursuant to the provisions of this chapter is hereby authorized and empowered to~~ may lease as  
26 lessee or otherwise contract for the provision of, operate and maintain streetlights in a county  
27 having a population between 13,200 and 14,000 according to the 1990 United States Census;  
28 ~~provided, that the.~~ The lessor or other contractual provider of such streetlights shall be a public  
29 service corporation which holds a certificate of public convenience and necessity to provide  
30 retail electric service in the territory in which such streetlights are located. ~~Such county~~ King  
31 George County may contribute funds to the authority by act of its governing body for use by the



1 authority in carrying out the authority's powers listed in this ~~subdivision~~ section. In addition, the  
2 authority may fix, charge and collect rates, fees and charges for the use of ~~such the~~ service  
3 described ~~herein in this section~~ or for ~~the such~~ service described herein furnished by the authority  
4 ~~and~~. Such rates, fees, and charges shall be charged to and collected from any person contracting  
5 for the ~~same~~ service, or lessee, or tenant or any other person who uses or occupies any real estate  
6 served by or benefiting from ~~such the~~ service described herein.

7 **Drafting note: Formerly subsection (r) of § 15.1-1250. No substantive change in the**  
8 **law.**

9  
10 § ~~15.1-1250.2~~ 15.2-5119. Power to provide and operate electric energy systems.

11 Notwithstanding any contrary provision of law in this chapter, an authority ~~created~~  
12 ~~pursuant to the provisions of this chapter and~~ operating a water supply impoundment facility  
13 may, in connection with such facility, generate, produce, transmit, deliver, exchange, purchase or  
14 sell electric power and energy at wholesale and enter into contracts for ~~any or all~~ such purposes.

15 **Drafting note: No substantive change in the law.**

16  
17 § ~~15.1-1250.02~~ 15.2-5120. Powers of authority in certain counties and cities.

18 An authority or authorities created pursuant to the provisions of this chapter by counties  
19 that have adopted the county manager plan of government and a city contiguous thereto having a  
20 1980 population of more than 100,000, singularly or jointly, two or all of such counties and cities  
21 may enter into contracts relating to the furnishing of services and facilities for ~~garbage and~~ refuse  
22 collection and disposal and conversion of same to energy (system) with any person or  
23 partnership or corporation (entity). The contract shall not have a term in excess of thirty years  
24 from the date on which service is first provided. It may make provisions for:

25 1. The use by the authority of all or a portion of the disposal capacity of such system for  
26 the authority's present or future requirements,

27 2. The delivery by or for the account of the authority of specified quantities of ~~garbage~~  
28 ~~and~~ refuse, whether or not the authority collects such ~~garbage and~~ refuse,

29 3. The making of payments in respect of such quantities of ~~garbage and~~ refuse, whether  
30 or not the ~~garbage and~~ refuse ~~are~~ is delivered, including payments in respect of revenues lost if  
31 such ~~garbage and~~ refuse ~~are~~ is not delivered,

1           4. Adjustments to payments to be made by the authority ~~in respect~~ because of inflation,  
2 changes in energy prices or residue disposal costs, taxes imposed upon the system or other events  
3 beyond the control of the entity or in respect of the actual costs of maintaining, repairing or  
4 operating the system, including debt service or capital lease payments, capital costs or other  
5 financing charges relating to the system, and

6           5. The collection by the entity of fees, rates or charges from persons using disposal  
7 capacity for which the authority has contracted.

8           The authority may fix, charge and collect fees, rates and charges for services furnished or  
9 made available by the entity operating the system to provide sufficient funds at all times during  
10 the term of the contract, together with other funds available to the authority for such purposes, to  
11 pay all amounts due from time to time under such contract and to provide a margin of safety for  
12 such payment. The authority may covenant with the entity to establish and maintain fees, rates  
13 and charges at such levels during the term of the contract for such purposes.

14           Such fees, rates and charges shall not apply to ~~garbage and~~ refuse generated, purchased or  
15 utilized by any enterprise located in the service area and engaged in the business of  
16 manufacturing, mining, processing, refining or conversion, which is not disposed at or through  
17 such system.

18           The rates, fees and charges may be imposed upon the owners, tenants or occupants of  
19 each occupied lot or parcel of land which the authority determines (with the concurrence at the  
20 time of such determination of the local government in which such parcel is located) is in the  
21 service area, or portion thereof, of the system for which the authority has contracted, whether or  
22 not ~~garbage and~~ refuse generated from such parcel are actually delivered to such system.

23           The rates, fees and charges shall be fixed in accordance with the procedures set forth in  
24 ~~the fourth paragraph of § 15.1-1260~~ subsection D of § 15.2-5136. Such rates, fees and charges  
25 may be allocated among the owners, tenants or occupants of each lot or parcel of land which the  
26 authority determines is in the service area, or portion thereof, of the system for which the  
27 authority has contracted. Such allocation may be based upon:

28           1. Waste generation estimates, the average number of persons residing, working in or  
29 otherwise connected with such premises, the type and character of such premises or upon any  
30 combination of the foregoing factors, or

31           2. The amount of ~~garbage and~~ refuse delivered to such system, or

- 1 3. The assessed value of such parcels, or
- 2 4. A combination of the foregoing.

3 There shall be a lien on real estate for the amount of such fees, rates and charges as  
4 provided in § ~~15.1-1263~~ 15.2-5139. The authority is empowered by resolution or other lawful  
5 action to enforce the payment of the lien by means of the actions described in § ~~15.1-1262~~ 15.2-  
6 5138.

7 The power to establish such fees, rates and charges shall be in addition to any other  
8 powers granted hereunder and such fees, rates and charges shall not be subject to the jurisdiction  
9 of any commission, authority or other unit of government. The entity contracting with the  
10 authority, except to the extent rights herein given may be restricted by the contract, either at law  
11 or in equity, by suit, mandamus or other proceedings, may protect and enforce any and all rights  
12 granted under such contract and may force and compel the performance of all duties required by  
13 this chapter or by such contract to be performed by the authority or by any officer thereof,  
14 including without limitation the fixing, charging and collecting of rates, fees and charges in  
15 accordance with this chapter and such contract.

16 Such contract, with the irrevocable consent of the entity, may be made directly with the  
17 trustee for indebtedness issued to finance such system and provide for payment directly to such  
18 trustee. The authority may pledge fees, rates and charges made in respect of the contract with the  
19 entity and such pledge shall be valid and binding from the time when it is made. Fees, rates and  
20 charges so pledged and thereafter received by the authority shall immediately be subject to the  
21 lien of such pledge without any physical delivery or further act and the lien of such pledge shall  
22 be valid and binding against all parties having claims of any kind, in tort, contract or otherwise  
23 irrespective of whether such parties have notice thereof. Neither the contract nor any assignment  
24 thereof need be filed or recorded except in the records of the authority.

25 The requirements and restrictions of § ~~15.1-1250.01~~ 15.2-5121 shall not apply to any  
26 contract of the authority with respect to the system if the entity for such system will not collect  
27 ~~garbage and~~ refuse from the generators of the same, and there are no such facilities located in the  
28 area served by the authority.

29 **Drafting note: No substantive change in the law. The Code Commission**  
30 **recommends that this section not be set out.**

31

1           § ~~15.1-1250.01~~ 15.2-5121. ~~Public hearing for certain garbage and~~ Operation of refuse  
2 collection systems; displacement of private companies.

3           A. ~~No service authority formed under this chapter shall be permitted to operate itself or~~  
4 contract for the operation of a ~~garbage and~~ refuse collection and disposal system for any political  
5 subdivision, or ~~to~~ collect service charges therefor, unless the ~~service authority finds, after public~~  
6 ~~notice and forty five days' written notice mailed first class to all private companies providing a~~  
7 ~~garbage and refuse collection and disposal system in the political subdivision that can be~~  
8 ~~identified through the political subdivision's records and hearing, and subsequently the~~  
9 ~~participating locality's governing body subsequently finds~~ find: (i) that privately owned and  
10 operated refuse collection and disposal services are not available on a voluntary basis by contract  
11 or otherwise, (ii) that the use of such privately owned services has substantially endangered the  
12 public health or has resulted in substantial public nuisance, (iii) that the privately owned refuse  
13 collection and disposal service is not able to perform the service in a reasonable and cost-  
14 efficient manner, or (iv) that operation by such authority or the contract for such operation, in  
15 spite of any potential anti-competitive effect, is important in order to provide for the  
16 development and/or operation of a regional system of ~~garbage and~~ refuse collection and disposal  
17 for two or more units.

18           ~~Upon such a finding by the service authority and the participating governing body, such~~  
19 ~~service authority may itself operate or contract for the operation of a refuse collection and~~  
20 ~~disposal system. However, a service~~

21           B. Notwithstanding the provisions of subsection A, an authority formed under this  
22 chapter ~~may~~ shall not ~~itself~~ operate or contract for the operation of a ~~garbage and~~ refuse  
23 collection and disposal system which displaces a private company engaged in the provision of  
24 ~~garbage and~~ refuse collection and disposal unless it provides the company with five years' notice  
25 of its decision to operate such a system. As an alternative to delaying displacement five years,  
26 the ~~local~~ governing body or ~~service~~ authority may pay a displaced company an amount equal to  
27 the company's preceding twelve months' gross receipts for the displaced service in the  
28 displacement area. Such five-year period shall lapse as to any private company being displaced  
29 when such company ceases to provide service within the displacement area.

30           ~~No public service authority shall proceed under the preceding paragraph to seek to~~  
31 ~~operate a garbage and refuse collection and disposal system for any political subdivision that~~

1 ~~would displace a private company providing the system without first: (i) holding at least one~~  
2 ~~public hearing seeking comment on its intention to seek to operate such a system; (ii) providing~~  
3 ~~at least forty-five days' written notice of the hearing, delivered by first class mail to all private~~  
4 ~~companies providing such a service in the political subdivision that are identifiable through local~~  
5 ~~government records; and (iii) providing public notice of the hearing.~~

6 C. For purposes of this section, "displace" or "displacement" means ~~a public service~~ an  
7 authority's provision of a system which prohibits a private company from providing the same  
8 service and which it is providing at the time the decision that will result in the displacement is  
9 made. Displace or displacement does not mean: (i) competition between the public sector and  
10 private companies for individual contracts; (ii) situations ~~where a public service~~ in which an  
11 authority, at the end of a contract with a private company, does not renew the contract and either  
12 awards the contract to another private company or, following a competitive process conducted in  
13 accordance with the Virginia Public Procurement Act, decides for any reason to provide such  
14 service itself; (iii) situations ~~where~~ in which action is taken against a private company because  
15 the company has acted in a manner threatening to the public health and safety or resulting in a  
16 substantial public nuisance; (iv) situations ~~where~~ in which action is taken against a private  
17 company because the company has materially breached its contract with the political  
18 subdivision; (v) entering into a contract with a private company to provide ~~garbage and~~ refuse  
19 collection and disposal so long as such contract is not entered into pursuant to an ordinance  
20 which displaces or authorizes the displacement of another private company providing ~~garbage~~  
21 ~~and~~ refuse collection and disposal; or (vi) situations ~~where~~ in which a private company refuses to  
22 continue operations under the terms and conditions of its existing agreement during the five-year  
23 notice period.

24 D. An authority shall not make the findings required by subsection A or proceed to seek  
25 to operate a refuse collection and disposal system for any political subdivision that would  
26 displace a private company pursuant to subsection B until it has provided (i) public notice; (ii) a  
27 public hearing; and (iii) no less than forty-five days prior to the public hearing, written notice  
28 mailed first class to all private companies providing a refuse collection and disposal system in  
29 the political subdivision that can be identified through the political subdivision's records.

1           E. The requirements and restrictions of this section shall not apply in any political  
2 subdivision wherein ~~garbage and~~ refuse collection and disposal services are being operated or  
3 contracted for by any sanitary district located therein, as of July 1, 1983.

4           F. Notwithstanding the provisions of this section, ~~no a~~ political subdivision ~~shall be~~  
5 ~~required to~~ need not comply with the requirements of this section ~~where the service~~ if:

6           1. The authority proposes to contract with the private sector for services or systems  
7 involving discarded or waste materials removed from the nonhazardous solid waste stream for  
8 recycling; or ~~where the service~~

9           2. The authority proposes to contract with the private sector for services or systems  
10 involving collection and disposal of nonhazardous solid waste ~~where~~ and (i) the collected waste  
11 will be disposed of in a state-permitted waste management facility ~~and where;~~ (ii) the service  
12 authority has a contract for services which shall be paid for through a supporting financial  
13 agreement approved by the participating ~~political subdivision's~~ locality's governing body; and  
14 ~~where~~ (iii) such action will not displace a private company engaged in ~~garbage and~~ refuse  
15 collection and disposal. For purposes of this section, "recycling" means the process of separating  
16 a ~~given~~ particular nonhazardous waste material from the waste stream and processing it so that it  
17 may be used again as a new material ~~for a product which may or may not be similar to the~~  
18 ~~original product or used in manufacturing any usable product.~~

19           **Drafting note: No substantive change in the law. Duplicative language regarding**  
20 **the notice and hearing process required by this section is eliminated.**

21  
22           ~~§ 15.1-1250.1~~ 15.2-5122. Approval for certain water supply impoundment facilities.

23           ~~After July 1, 1976, no county or municipal corporation~~ No locality or authority shall  
24 construct, provide or operate ~~without~~ outside its boundaries any water supply impoundment  
25 system without first obtaining the consent of the governing body of the ~~county or municipality~~  
26 locality in which such system is to be located; ~~provided,~~ however, no consent shall be required  
27 for the operation of any such water supply impoundment system in existence on July 1, 1976, or  
28 in the process of construction or for which the site has been purchased or for the orderly  
29 expansion of such water supply system.

1 In any case in which the approval by such ~~political subdivision's~~ governing body is  
2 withheld, the party seeking such approval may petition for the convening of a special court,  
3 pursuant to §§ ~~15.1-37.1:1~~ 15.2-2135 through ~~15.1-37.1:7~~ 15.2-2141.

4 **Drafting note: No substantive change in the law.**

5  
6 § ~~15.1-1239.1~~ 15.2-5123. Sewage treatment plants to include certain capability.

7 Whenever an authority ~~created pursuant to this chapter~~ is constructing a new sewage  
8 treatment plant, the facility shall be designed and constructed so that it has the capability to treat  
9 the ~~septage~~ sewage from all onsite sewage disposal systems, which are not served by another  
10 approved disposal site, located within the area of the ~~political subdivision~~ locality or ~~political~~  
11 ~~subdivisions~~ localities which created the authority to be served by such plant.

12 **Drafting note: No substantive change in the law.**

13  
14 § 15.2-5124. Delinquent payment of rates and charges.

15 Notwithstanding any other provision of this chapter ~~to the contrary, where~~ if the use of  
16 any water or sewer ~~systems described in this section~~ system is contracted for by an occupant who  
17 is not the owner of the premises and ~~where~~ such occupant's premises are separately metered for  
18 service, the owner of any such premises shall be liable only for the payment of delinquent rates  
19 or charges applicable to three delinquent billing periods ~~but, which together shall not to~~ exceed a  
20 period of ninety days ~~for such delinquency~~. No authority shall refuse service to ~~service~~ other  
21 premises of the owner not occupied by ~~an occupant~~ someone who is delinquent in the payment of  
22 such rates or charges on account of such delinquency provided that such owner has paid in full  
23 any delinquent charges for which he ~~would be responsible for paying~~ is liable. No authority shall  
24 refuse ~~to~~ service to or unreasonably delay reinstatement of service to premises ~~where such~~  
25 ~~occupant who is delinquent has vacated the premises and by a delinquent occupant if~~ a new party  
26 has applied for service, provided ~~such~~ the owner of the premises has paid in full ~~such~~ all  
27 delinquent charges ~~as he would be responsible for paying~~ for which he is liable.

28 **Drafting note: Formerly the last paragraph of § 15.1-1250. No substantive change**  
29 **in the law.**

30  
31 Article 4.

Financing.

**Article drafting note: This article contains SUBSTANTIVE CHANGES conforming the article to the Public Finance Act (Chapter 26). Several new sections which are substantially identical to Public Finance Act sections are added:**

- 15.2-5126 Time for contesting validity of proposed bond issue, when bonds presumed valid.**
- 15.2-5134 Disposition of unclaimed funds due on matured bonds or coupons.**
- 15.2-5135 Contracts concerning interest rates, currency, cash flow and other basis.**
- 15.2-5143 Purchase in open market.**

**Other changes conforming language to the Public Finance Act relate to the provisions which bonds issued by an authority may contain, how interest rates may be determined, and the forms in which bonds may be issued (§ 15.2-5125), and entities which may invest funds in authority bonds (§ 15.2-2621). A section allowing Henry County to require an authority to have a financial audit conducted and submit a semiannual financial statement is expanded to give all localities the power to impose such requirements.**

~~§ 15.1-1252~~ 15.2-5125. Issuance of revenue bonds.

~~An authority created under the provisions of this chapter is hereby authorized to may provide by resolution, at one time or from time to time, for the issuance of revenue bonds of the authority for the purpose of paying the whole or any part of the cost of any water system, sewer system, sewage disposal system, or garbage and refuse collection and disposal or waste system, or any combination of any thereof or, for authorities. A community development authority created under § 15.1-1241 B, Article 6 (§ 15.2-5152 et seq.) of this chapter may provide by resolution for the issuance of revenue bonds of the authority for the purpose of paying the whole or any part of the cost of such other facilities which may be provided by the authority under § 15.1-1250.03 15.2-5158. The principal of and the interest on such the bonds shall be payable solely from the funds herein provided for in this chapter for such payment. The full faith and credit of the a political subdivision shall not be pledged to support the bonds. The bonds of each issue shall be dated, shall bear interest at such rate or rates as may be authorized at general law for authorities, shall may be dated, may mature at such any time or times not exceeding forty~~



1 years from their date or dates, ~~as may be determined by the authority, and may be made~~  
2 ~~redeemable before maturity, at the option of the authority, may be subject to redemption or~~  
3 ~~repurchase~~ at such price or prices and under such terms and conditions ~~as may be fixed by the~~  
4 ~~authority prior to the issuance of the bonds, and may contain such other provisions, all as~~  
5 ~~determined before their issuance by the authority or in such manner as the authority may provide.~~  
6 The bonds may bear interest payable at such time or times and at such rate or rates as determined  
7 by the authority or in such manner as the authority may provide, including the determination by  
8 reference to indices or formulas or by agents designated by the authority under guidelines  
9 established by it. The authority shall determine the form of the bonds, including any interest  
10 coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the  
11 denomination or denominations of the bonds and the place or places of payment of principal and  
12 interest, which may be at any bank or trust company within or ~~without~~ outside the  
13 Commonwealth. ~~In case~~ If any officer whose signature or a facsimile of whose signature ~~shall~~  
14 ~~appear~~ appears on any bonds or coupons, ~~shall cease~~ ceases to be ~~such~~ an officer before the  
15 delivery of such bonds, ~~such~~ his signature or ~~such~~ facsimile shall nevertheless be valid and  
16 sufficient for all purposes the same as if he had remained in office until ~~such~~ delivery. All  
17 revenue bonds issued under the provisions of this chapter shall have ~~and are hereby declared to~~  
18 ~~have~~, as between successive holders, all the qualities and incidents of negotiable instruments  
19 under the negotiable instruments law of the Commonwealth. The bonds may be issued in coupon  
20 ~~or in~~, bearer, registered or book entry form, or ~~both~~ any combination of such forms, as the  
21 authority may determine, ~~and provision.~~ Provision may be made for the registration of any  
22 coupon bonds as to principal alone and also as to both principal and interest, and for the  
23 reconversion into coupon bonds of any bonds registered as to both principal and interest. The  
24 issuance of such bonds shall not be subject to any limitations or conditions contained in any  
25 other law, and the authority may sell such bonds in such manner, either at a public or ~~at~~ a private  
26 sale, and for such price, as it may determine to be for the best interest of the authority and the  
27 political subdivisions to be served thereby.

28 **Drafting note: Changes in this section relating to the provisions which bonds may**  
29 **contain, how interest rates may be determined, and the forms in which the bonds may be**  
30 **issued conform the language to Public Finance Act §§ 15.2-2615 and 15.2-2613.**

31

1           § 15.2-5126. Time for contesting validity of proposed bond issue; when bonds presumed  
2 valid.

3           For a period of thirty days after the date of the filing with the circuit court having  
4 jurisdiction over any of the political subdivisions which are members of the authority a certified  
5 copy of the initial resolution of the authority authorizing the issuance of bonds, any person in  
6 interest may contest the validity of the bonds, the rates, fees and other charges for the services  
7 and facilities furnished by, for the use of, or in connection with, any water or waste system or,  
8 for authorities created under Article 6 (§ 15.2-5152 et seq.) of this chapter, such other facilities  
9 which may be provided by the authority under § 15.2-5158, the pledge of the revenues of any  
10 water or waste system, or any combination of any thereof or, for authorities created under Article  
11 6 of this chapter, such other facilities which may be provided by the authority under § 15.2-5158,  
12 any provisions which may be recited in any resolution, trust agreement, indenture or other  
13 instrument authorizing the issuance of bonds, or any matter contained in, provided for or done or  
14 to be done pursuant to the foregoing. If such contest is not given within the thirty-day period, the  
15 authority to issue the bonds, the validity of the pledge of revenues necessary to pay the bonds,  
16 the validity of any other provision contained in the resolution, trust agreement, indenture or other  
17 instrument, and all proceedings in connection with the authorization and the issuance of the  
18 bonds shall be conclusively presumed to have been legally taken and no court shall have  
19 authority to inquire into such matters and no such contest shall thereafter be instituted.

20           Upon the delivery of any bonds reciting that they are issued pursuant to this chapter and a  
21 resolution or resolutions adopted under this chapter, the bonds shall be conclusively presumed to  
22 be fully authorized by all the laws of the Commonwealth and to have been sold, executed and  
23 delivered by the authority in conformity with such laws, and the validity of the bonds shall not be  
24 questioned by a party plaintiff, a party defendant, the authority, or any other interested party in  
25 any court, anything in this chapter or in any other statutes to the contrary notwithstanding.

26           **Drafting note: This new section allows any person in interest to challenge the**  
27 **validity of an authority's bonds for a 30-day period, after which the bonds are presumed**  
28 **valid. The language of this section is substantially identical to Public Finance Act § 15.2-**  
29 **2627, which applies to localities.**

30  
31           ~~§ 15.1-1253~~ 15.2-5127. Proceeds of bonds.

1           The proceeds of ~~such~~ bonds issued pursuant to § 15.2-5125 shall be used solely for the  
2 payment of the cost of the system or systems ~~on account of which such bonds are~~ for which they  
3 were issued and shall be disbursed in such manner and under such restrictions, if any, as the  
4 authority may provide in the authorizing resolution or in any trust agreement. If the proceeds of  
5 ~~such the~~ bonds, by error of estimates or otherwise, ~~shall be~~ are less than such cost, additional  
6 bonds may in like manner be issued to provide the amount of such deficit; and, unless otherwise  
7 provided in the authorizing resolution or in the trust agreement securing ~~the same~~ them, shall be  
8 deemed to be of the same issue and ~~shall be~~ entitled to payment from the same fund without  
9 preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds  
10 of any issue ~~shall~~ exceed the amount required for the purpose for which such bonds ~~shall have~~  
11 ~~been~~ were issued, the surplus shall be deposited to the credit of the sinking fund for such bonds.

12           **Drafting note: No substantive change in the law.**

13  
14           § ~~15.1-1254~~ 15.2-5128. Interim receipts and temporary bonds; bonds mutilated, lost or  
15 destroyed.

16           Prior to the preparation of definitive bonds, the authority may, under like restrictions,  
17 issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive  
18 bonds when such bonds have been executed and are available for delivery.

19           ~~Should~~ If any bond issued under this chapter ~~become~~ is mutilated ~~or be~~, lost or destroyed,  
20 the authority may cause a new bond of like date, number and tenor to be executed and delivered  
21 ~~in exchange and substitution for, and upon the cancellation of such~~ in exchange or substitution  
22 for a mutilated bond and its interest coupons, or in lieu of and in substitution for ~~such a~~ a lost or  
23 destroyed bond and its unmatured interest coupons. Such new bond or coupon shall not be  
24 executed or delivered until the holder of the mutilated, lost or destroyed bond ~~(1)~~ (i) paid the  
25 reasonable expense and charges in connection therewith and ~~(2)~~, in the case of a lost or destroyed  
26 bond, has filed with the authority and its treasurer evidence satisfactory to such authority and its  
27 treasurer that such bond was lost or destroyed and that the holder was the owner ~~thereof~~ and ~~(3)~~  
28 has (ii) furnished indemnity satisfactory to the treasurer of the authority.

29           **Drafting note: No substantive change in the law.**

30  
31           § ~~15.1-1255~~ 15.2-5129. Provisions of chapter only requirements for issue.

1 Bonds may be issued under the provisions of this chapter without obtaining the approval  
2 or consent of any department, division, commission, board, bureau or agency of the  
3 Commonwealth, and without any other proceeding or the happening of any other condition or  
4 thing than those proceedings, conditions or things which are specifically required by this chapter.

5 **Drafting note: No change.**

6  
7 § ~~15.1-1256~~ 15.2-5130. Limitations in bond resolution or trust agreement.

8 The resolution providing for the issuance of revenue bonds of the authority, and any trust  
9 agreement securing such bonds, may contain such limitations upon the issuance of additional  
10 revenue bonds as the authority ~~may deem~~ deems proper, and such additional. Such additional  
11 revenue bonds shall be issued under such ~~restrictions and limitations as may be prescribed by~~  
12 ~~such resolution or trust agreement~~.

13 **Drafting note: No substantive change in the law.**

14  
15 § ~~15.1-1257~~ 15.2-5131. Bonds not debts of Commonwealth or participating political  
16 subdivision.

17 Revenue bonds issued under the provisions of this chapter shall not ~~be deemed to~~  
18 constitute a pledge of the faith and credit of the Commonwealth or of any political subdivision  
19 ~~thereof~~. All ~~such~~ bonds shall contain a statement on their face substantially to the effect that  
20 neither the faith and credit of the Commonwealth nor the faith and credit of any ~~county, city,~~  
21 ~~town or other~~ political subdivision ~~of the Commonwealth~~ are pledged to the payment of the  
22 principal of or the interest on ~~such~~ the bonds. The issuance of revenue bonds under the  
23 provisions of this chapter shall not directly or indirectly or contingently obligate the  
24 Commonwealth or any ~~county, city, town or other~~ political subdivision ~~of the Commonwealth~~ to  
25 levy any taxes ~~whatever therefor~~ or to make any appropriation for their payment except from the  
26 funds pledged under the provisions of this chapter.

27 **Drafting note: No substantive change in the law.**

28  
29 § ~~15.1-1258~~ 15.2-5132. Exemption from taxation.

30 No authority shall be required to pay any taxes or assessments upon any water ~~or sewer~~  
31 ~~system, sewage disposal system, or garbage and refuse collection and disposal~~ or waste system

1 acquired or constructed by it under the provisions of this chapter or upon the income therefrom;  
2 ~~and the.~~ The bonds issued under the provisions of this chapter, their transfer and the income  
3 therefor ~~(, including any profit made on the~~ their sale ~~thereof),~~ shall ~~at all times~~ be free from  
4 taxation within the Commonwealth.

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-1259~~ 15.2-5133. Trust agreement; bond resolution.

8 In the discretion of the authority, any revenue bonds issued under the provisions of this  
9 chapter may be secured by a trust agreement by and between the authority and a corporate  
10 trustee, which may be any trust company or bank having the powers of a trust company within or  
11 ~~without~~ outside the Commonwealth. The resolution authorizing the issuance of the bonds or the  
12 trust agreement may pledge or assign the revenues to be received, ~~but.~~ The resolution or trust  
13 agreement shall not convey or mortgage any water ~~system, sewage disposal system, sewer~~  
14 ~~system, or garbage and refuse collection and disposal~~ or waste system or any part thereof, or any  
15 improvement financed pursuant to § ~~15.1-1250.03~~ 15.2-5158 which is, or will be, dedicated to a  
16 public entity, ~~provided that.~~ However, a bond issued by a community development authority  
17 pursuant to subdivision A 2 of § ~~15.1-1250.03~~ 15.2-5158 may pledge or assign a mortgage in  
18 other real property or improvements not otherwise proscribed hereunder and may contain such  
19 provisions for protecting and enforcing the rights and remedies of the bondholders as may be  
20 reasonable and proper and not in violation of law, ~~including.~~ Such provisions may include  
21 covenants setting forth the duties of the authority in relation to the acquisition, construction,  
22 improvement, maintenance, operation, repair and insurance of the system or systems ~~on account~~  
23 ~~of~~ for which such bonds are issued and provisions for the custody, safeguarding and application  
24 of all moneys and for the employment of consulting engineers in connection with such  
25 construction, reconstruction, or operation. ~~Such~~ The resolution or trust agreement may set forth  
26 the rights and remedies of the bondholders, and may restrict the individual right of action by  
27 bondholders as is customary in trust agreements or trust indentures securing bonds or debentures  
28 of corporations. ~~In addition to the foregoing, such~~ The resolution or trust agreement may also  
29 contain such other provisions as the authority ~~may deem~~ deems reasonable and proper for the  
30 security of the bondholders. Except as ~~in this chapter~~ otherwise provided in this chapter, the  
31 authority may provide for the payment of the proceeds of the sale of the bonds and its revenues

1 to such officer, board or depositary as it may designate for the custody thereof, and for the  
2 method of disbursement thereof, with such safeguards and restrictions as it may determine. All  
3 expenses incurred in carrying out the provisions of ~~such~~ the resolution or trust agreement may be  
4 treated as a part of the cost of operation.

5 **Drafting note: No substantive change in the law.**

6  
7 § 15.2-5134. Disposition of unclaimed funds due on matured bonds or coupons.

8 Any authority having bonds outstanding on which principal, premium or interest has  
9 matured for a period of more than five years may pay any money being held to pay the matured  
10 principal, premium or interest into the general fund of the authority. Thereafter, the owners of  
11 the matured bonds may look only to the authority for payment. The authority shall maintain a  
12 record of the bonds for which the funds were held.

13 **Drafting note: This new section governs the disposition of unclaimed principal,**  
14 **premium or interest on bonds. The language of this section is substantially identical to**  
15 **Public Finance Act § 15.2-2605, which applies to localities.**

16  
17 § 15.2-5135. Contracts concerning interest rates, currency, cash flow and other basis.

18 A. Any authority may enter into any contract which the authority determines to be  
19 necessary or appropriate to place the obligation or investment of the authority, as represented by  
20 the bonds or the investment of their proceeds, in whole or in part, on the interest rate, cash flow  
21 or other basis desired by the authority. Such contracts may include without limitation contracts  
22 commonly known as interest rate swap agreements and futures or contracts providing for  
23 payments based on levels of, or changes in, interest rates. Such contracts or arrangements may  
24 be entered into by the authority in connection with, or incidental to, entering into or maintaining  
25 any (i) agreement which secures bonds or (ii) investment, or contract providing for investment,  
26 otherwise authorized by law. These contracts and arrangements may contain such payment,  
27 security, default, remedy, and other terms and conditions as determined by the authority, after  
28 giving due consideration to the creditworthiness of the counterparty or other obligated party,  
29 including any rating by any nationally recognized rating agency.

30 B. Any money set aside and pledged to secure payments of bonds or any contracts  
31 entered into pursuant to this section, may be invested in accordance with Chapter 18 (§ 2.1-327

1 et seq.) of Title 2.1 and may be pledged to and used to service any of the contracts or agreements  
2 entered into pursuant to this section, and any other criteria as may be appropriate.

3 **Drafting note: This new section is substantially identical to Public Finance Act §**  
4 **15.2-2627, which applies to localities.**

5  
6 § ~~15.1-1260~~ 15.2-5136. Rates and charges.

7 A. The authority is hereby authorized to may fix and revise ~~from time to time~~ rates, fees  
8 and other charges (which shall include, but not be limited to, a penalty not to exceed ten percent  
9 on delinquent accounts, and interest on the principal), subject to the provisions ~~hereinafter~~  
10 ~~provided of this section~~, for the use of and for the services furnished or to be furnished by any  
11 water system, sewer system, sewage disposal system, or garbage and refuse collection and  
12 disposal or waste system, or streetlight system in a county having a population between 13,200  
13 and 14,000 according to the 1990 United States Census, or facilities incident thereto, owned,  
14 operated or maintained by the authority, or facilities incident thereto, ~~and on account of for~~  
15 which the authority ~~shall have~~ has issued revenue bonds as authorized by this chapter. Such  
16 rates, fees and charges shall be so fixed and revised as to provide funds, with other funds  
17 available for such purposes, sufficient at all times (i) to pay the cost of maintaining, repairing and  
18 operating the system or systems, or facilities incident thereto, ~~on account of for~~ which such  
19 bonds ~~are~~ were issued, including reserves for such purposes and for replacement and  
20 depreciation and necessary extensions, (ii) to pay the principal of and the interest on the revenue  
21 bonds as ~~the same shall~~ they become due and reserves therefor, and (iii) to provide a margin of  
22 safety for making such payments. The authority shall charge and collect the rates, fees and  
23 charges so fixed or revised ~~and such rates, fees and charges shall be~~, subject to the jurisdiction of  
24 the State Corporation Commission and to any applicable regulation of the State Corporation  
25 Commission or law ~~appertaining~~ pertaining thereto.

26 B. The rates for water, (including fire protection,) and sewer service, (including disposal,  
27 ~~respectively,)~~ shall be sufficient to cover the expenses necessary or properly attributable to ~~the~~  
28 ~~furnishing of~~ the class of services for which the charges are made; ~~provided, however, that,~~  
29 However, the authority may fix rates and charges for the services and facilities of its water  
30 system sufficient to pay all or any part of the cost of operating and maintaining its sewer system,  
31 (including disposal,) and all or any part of the principal of or the interest ~~upon~~ on the revenue

1 bonds issued ~~on account of~~ for such sewer ~~and/or~~ or sewage disposal system, and ~~to~~ may pledge  
2 any surplus revenues of its water system, subject to prior pledges thereof, for such purposes.

3 C. Rates, fees and charges for the services of a sewer ~~and/or~~ or sewage disposal system  
4 shall be just and equitable, and may be based ~~or computed either~~ upon the:

5 1. The quantity of water used or ~~upon~~ the number and size of sewer connections ~~or upon~~  
6 the;

7 2. The number and kind of plumbing fixtures in use in the premises connected with the  
8 sewer or sewage disposal system ~~or upon the~~;

9 3. The number or average number of persons residing or working in or otherwise  
10 connected with such premises or ~~upon~~ the type or character of such premises ~~or upon any~~;

11 4. Any other factor affecting the use of the facilities furnished ~~or upon any~~; or

12 5. Any combination of the foregoing factors; ~~provided, however, that.~~

13 However, the authority may fix rates and charges for services of its sewer or sewage disposal  
14 system sufficient to pay all or any part of the cost of operating and maintaining its water system,  
15 including distribution and disposal, and all or any part of the principal of or the interest ~~upon~~ on  
16 the revenue bonds issued ~~on account of~~ for such water system, and to pledge any surplus  
17 revenues of its water system, subject to prior pledges thereof, for such purposes.

18 D. Rates, fees and charges for the service of a streetlight system shall be just and  
19 equitable, and may be based ~~or computed either~~ upon the:

20 1. The quantity portion of such system used, ~~or upon the~~;

21 2. The number and size of premises benefiting therefrom, ~~or upon the~~;

22 3. The number or average number of persons residing or working in or otherwise  
23 connected with such premises, ~~or upon the~~;

24 4. The type or character of such premises, ~~or upon any~~;

25 5. Any other factor affecting the use of the facilities furnished; ~~or upon any~~

26 6. Any combination of the foregoing factors; ~~however.~~

27 However, the authority may fix rates and charges for the service of its streetlight system  
28 sufficient to pay all or any part of the cost of operating and maintaining such system.

29 E. The authority may also fix rates and charges for the services and facilities of a water  
30 system or a ~~garbage and~~ refuse collection and disposal system sufficient to pay all or any part of  
31 the cost of operating and maintaining facilities incident thereto for the generation or transmission



1 of power ~~or energy~~ and all or any part of the principal of or interest upon the revenue bonds  
2 issued ~~on account of~~ for any such facilities incident thereto, and to pledge any surplus revenues  
3 from any such system, subject to prior pledges thereof, for such purposes. Charges for services to  
4 premises, including services to manufacturing and industrial plants, obtaining all or a part of  
5 their water supply from sources other than a public water system may be determined by gauging  
6 or metering or in any other manner approved by the authority.

7 F. No sewer, sewage disposal, or ~~garbage and~~ refuse collection and disposal rates, fees or  
8 charges shall be fixed under ~~the foregoing provisions of this section~~ subsections A through E  
9 until after a public hearing at which all of the users of such facilities ~~and;~~ the owners, tenants or  
10 occupants of property served or to be served thereby; and all others interested ~~shall~~ have had an  
11 opportunity to be heard concerning the proposed rates, fees and charges. After the adoption by  
12 the authority of a resolution setting forth the preliminary schedule or schedules fixing and  
13 classifying such rates, fees and charges, notice of ~~such a~~ a public hearing, setting forth the  
14 proposed schedule or schedules of rates, fees and charges, shall be given by two publications,  
15 ~~which publications shall be~~ at least six days apart, in a newspaper having a general circulation in  
16 the area to be served by such systems at least sixty days before the date fixed in such notice for  
17 the hearing, ~~which.~~ The hearing may be adjourned from time to time. A copy of ~~such the~~ the notice  
18 shall be mailed to the governing bodies of all ~~local governments in the area served by the~~  
19 authority localities in which such systems or any part thereof is located. After ~~such the~~ the hearing  
20 ~~such the~~ the preliminary schedule or schedules, either as originally adopted or as ~~modified or~~  
21 amended, shall be adopted and put into effect. A copy of the schedule or schedules of ~~such the~~ the  
22 final rates, fees and charges ~~finally fixed in such resolution~~ shall be kept on file in the office of  
23 the clerk or secretary of the governing body of each ~~political subdivision~~ locality in which such  
24 systems or any part thereof is located, and shall be open to inspection by all interested parties  
25 ~~interested~~. The rates, fees or charges so fixed for any class of users or property served shall be  
26 extended to cover any additional properties thereafter served which fall within the same class,  
27 without the necessity of ~~any a~~ a hearing or notice. Any change or revision of ~~such the~~ the rates, fees or  
28 charges may be made in the same manner as ~~such the~~ the rates, fees or charges were originally  
29 established as ~~hereinabove~~ provided in this section.

30 **Drafting note: No substantive change in the law.**

31

1           § ~~15.1-1261~~ 15.2-5137. Water and sewer connections; exceptions.

2           A. Upon the acquisition or construction of any water system or sewer system under the  
3 provisions of this chapter, the owner, tenant, or occupant of each lot or parcel of land (i) which  
4 abuts ~~upon~~ a street or other public right of way which contains, or is adjacent to an easement  
5 containing, a water main or a water system, or a sanitary sewer which is a part of or which is  
6 ~~served~~ or may be served by such sewer system and (ii) upon which ~~lot or parcel~~ a building ~~shall~~  
7 ~~have~~ has been constructed for residential, commercial or industrial use, shall, if so required by  
8 the rules and regulations or a resolution of the authority, with concurrence of ~~such local~~  
9 ~~government, municipality, or county that may be involved~~ the locality in which the land is  
10 located, connect ~~such~~ the building with ~~such~~ the water main or sanitary sewer, and shall cease to  
11 use any other source of water supply for domestic use or any other method for the disposal of  
12 sewage, sewage waste or other polluting matter. All such connections shall be made in  
13 accordance with rules and regulations ~~which shall be adopted from time to time~~ by the authority,  
14 which ~~rules and regulations~~ may provide for a reasonable charge for making ~~any~~ such a  
15 connection ~~in such reasonable amount as the authority may fix and establish~~. A private water  
16 company which purchases water from a regional authority for sale or delivery to or within a  
17 ~~municipal corporation~~ municipality may impose a charge for connection to the water company's  
18 system in the same manner, and subject to the same restrictions, as an authority may impose a  
19 ~~charge~~ for connection to its water system, subject to the approval of the State Corporation  
20 Commission.

21           B. Notwithstanding any other provision of this chapter, those persons having a domestic  
22 supply or source of potable water shall not be required to discontinue the use of ~~same~~ such water.  
23 However, persons not served by a water supply system, as defined in § ~~15.1-341~~ 15.2-2149,  
24 producing potable water meeting the standards established by the Virginia Department of Health  
25 may be required to pay a connection fee, a front footage fee, and a monthly nonuser service  
26 charge, which charge shall not be more than that proportion of the minimum monthly user  
27 charge, imposed by the authority, as debt service bears to the total operating and debt service  
28 costs, or any combination of such fees and charges. In York County and James City County  
29 ~~such,~~ the monthly nonuser fee may be as provided by general law or not more than eighty-five  
30 percent of the minimum monthly user charge imposed by the authority, whichever is greater.

1           C. Notwithstanding any other provision of this chapter, those persons having a private  
2 septic system or domestic sewage system meeting applicable standards established by the  
3 Virginia Department of Health shall not be required under this chapter to discontinue the use of  
4 ~~same such system~~. However, such persons may be required to pay a connection fee, a front  
5 footage fee, and a monthly nonuser service charge, which charge shall not be more than that  
6 proportion of the minimum monthly user charge, imposed by the authority, as debt service bears  
7 to the total operating and debt service costs, or any combination of such fees and charges.

8           D. Persons who have obtained exemption from or deferral of taxation pursuant to an  
9 ordinance authorized by § 58.1-3210 may be exempted or deferred by the authority from paying  
10 any charges and fees authorized by ~~the preceding paragraph~~ subsection C, to the same extent as  
11 the exemption from or deferral of taxation pursuant to such ordinance.

12           **Drafting note: The changes in the first sentence are made in recognition of the fact**  
13 **that water mains and sewers are often not located in a roadway. Otherwise, No substantive**  
14 **change in the law.**

15  
16           § ~~15.1-1262~~ 15.2-5138. Enforcement of charges.

17           Any resolution or trust agreement providing for the issuance of revenue bonds under the  
18 provisions of this chapter may include any ~~or all~~ of the following provisions, and may require the  
19 authority to adopt such resolutions or to take such other lawful action as ~~shall be~~ is necessary to  
20 effectuate such provisions, ~~and the~~. ~~The authority is hereby authorized to~~ may adopt such  
21 resolutions and ~~to take such other action~~ actions as follows:

22           ~~(a) That the authority may require~~ 1. Require the owner, tenant or occupant of each lot or  
23 parcel of land who is obligated to pay rates, fees or charges for the use of or for the services  
24 furnished by any system acquired or constructed by the authority under the provisions of this  
25 chapter to make a reasonable deposit with the authority in advance to insure the payment of such  
26 rates, fees or charges and to be subject to application to the payment thereof if ~~and when~~  
27 delinquent.

28           ~~(b) That if~~ 2. If any rates, fees or charges for the use of and for the services furnished by  
29 any system acquired or constructed by the authority under the provisions of this chapter ~~shall~~ are  
30 not ~~be~~ paid within thirty days after ~~the same shall become due and payable~~, the authority may at  
31 the expiration of such thirty-day period disconnect the premises from the water ~~and/or~~ or sewer

1 system, or otherwise suspend services and ~~the authority may~~ proceed to recover the amount of  
2 any such delinquent rates, fees or charges, with interest, in a civil action.

3 ~~(e) That if~~ 3. If any rates, fees or charges for the use and services of any sewer system  
4 acquired or constructed by the authority under the provisions of this chapter ~~shall~~ are not be paid  
5 within thirty days after ~~the same shall they~~ become due ~~and payable~~, require that the owner,  
6 tenant or occupant of such premises ~~shall cease to dispose~~ disposing of sewage or industrial  
7 wastes originating from or on such premises by discharge ~~thereof~~ directly or indirectly into the  
8 sewer system until such rates, fees or charges, with interest, ~~shall be~~ are paid; ~~that if~~ . If such  
9 owner, tenant or occupant ~~shall does~~ not cease such disposal at the expiration of ~~such~~ the thirty-  
10 day period, ~~it shall be the duty of~~ the authority may require any political subdivision, district,  
11 private corporation, board, body or person supplying water to or selling water for use on such  
12 premises to cease supplying water to or selling water for use on such premises within five days  
13 after the receipt of notice of such delinquency from the authority, ~~and that if~~. If such political  
14 subdivision, district, private corporation, board, body or ~~persons shall~~ person does not, at the  
15 expiration of such five-day period, cease supplying water to or selling water for use on such  
16 premises, then the authority may shut off the supply of water to such premises.

17 ~~(d)~~ The water supply to or for any person, or for use on real estate of any person, shall not  
18 be shut off or stopped under ~~the provisions of~~ this section; if the State Health Commissioner,  
19 upon application of the local board of health or health officer of the ~~county, city or town wherein~~  
20 locality in which such water is supplied or such real estate is located, ~~shall have~~ has found and  
21 ~~shall certify~~ certifies to the authorities charged with the responsibility of ceasing to supply or sell  
22 such water, or to shut off the supply of such water, that ceasing to supply or shutting off such  
23 water supply will endanger the health of such person and the health of others in ~~such county, city~~  
24 ~~or town~~ the locality.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-1263~~ 15.2-5139. Lien for charges.

28 ~~(a)~~ A. There shall be a lien upon real estate for the amount of any fees, rents or other  
29 charges by an authority to the owner or lessee or tenant of the real estate for the use and services  
30 of any system of the authority by or in connection with the real estate from ~~and after~~ the time  
31 when the fees, rents or charges are due ~~and payable~~, and for the interest which may accrue

1 thereon. Such lien shall be superior to the interest of any owner, lessee or tenant of the real estate  
2 and rank on a parity with liens for unpaid real estate taxes. An authority may contract with a  
3 locality to collect amounts due on properly recorded utility liens in the same manner as unpaid  
4 real estate taxes due the locality. ~~No such~~ A lien for delinquent rates or charges applicable to  
5 three or fewer delinquent billing periods ~~but not to exceed a period of ninety~~ exceeding thirty  
6 days ~~each for the delinquency shall~~ may be placed by an authority ~~unless~~ if the authority or its  
7 billing and collection agent (i) has advised the owner of such real estate at the time of initiating  
8 service to a lessee or tenant of such real estate that a lien will be placed on the real estate if the  
9 lessee or tenant fails to pay any fees, rents or other charges when due for services rendered to the  
10 lessee or tenant; (ii) has mailed to the owner of the real estate a duplicate copy of the final bill  
11 rendered to the lessee or tenant at the time of rendering the final bill to such lessee or tenant; and  
12 (iii) employs the same collection efforts and practices to collect amounts due the authority from a  
13 lessee or a tenant as are employed with respect to collection of such amounts due from customers  
14 who are owners of the real estate for which service is provided.

15 ~~(b) Such~~ B. The lien shall not bind or affect a subsequent bona fide purchaser of the real  
16 estate for valuable consideration without actual notice of the lien, until the amount of such fees,  
17 rents and charges ~~are~~ is entered in a judgment lien book in the office where deeds may be  
18 recorded in the ~~political subdivision wherein~~ locality in which the real estate or a part thereof is  
19 located. The clerk in whose office deeds may be recorded shall ~~cause~~ make and index the entries  
20 ~~to be made and indexed~~ therein upon certification by the authority, for which he shall be entitled  
21 to a fee of two dollars per entry, to be paid by the authority and added to the amount of the lien.  
22 The authority shall give the owner of the real estate notice in writing that it has made such  
23 certification to the clerk.

24 ~~(c) C. Such~~ C. The lien on any real estate may be discharged by the payment to the authority  
25 of the total lien amount, and the interest which has accrued to the date of the payment. The  
26 authority shall deliver a certificate thereof to the person ~~paying the same, and upon~~ making the  
27 payment. Upon presentation thereof of such certificate, the clerk having the record of ~~such~~ the  
28 lien shall mark the entry of ~~such~~ the lien satisfied, for which he shall be entitled to a fee of one  
29 dollar.

30 **Drafting note: No substantive change in the law.**

31

1 § ~~15.1-1264~~ 15.2-5140. Trust funds.

2 All moneys received pursuant to ~~the authority~~ of this chapter shall be deemed to be trust  
3 funds, to be held and applied solely as provided in this chapter. The resolution or trust agreement  
4 providing for the issuance of revenue bonds of the authority shall provide that any officer to  
5 whom, or any bank, trust company or other fiscal agent to which, such moneys ~~shall be~~ are paid  
6 shall act as trustee of such moneys and shall hold and apply the same for the purposes ~~hereof~~  
7 provided in this chapter, subject to such regulations as such resolution or trust agreement may  
8 provide.

9 **Drafting note: No substantive change in the law.**

10  
11 § ~~15.1-1265~~ 15.2-5141. Bondholder's remedies.

12 Any holder of revenue bonds issued by an authority under ~~the provisions~~ of this chapter,  
13 or of any of the coupons appertaining thereto, except to the extent the rights ~~herein~~ given by this  
14 chapter may be restricted by the resolution or trust agreement providing for the issuance of such  
15 bonds, may, either at law or in equity, by suit, mandamus or other proceeding, ~~protect and~~  
16 ~~enforce any and~~ all rights under the laws of Virginia or granted ~~hereunder~~ by this chapter or  
17 under such resolution or trust agreement, ~~and~~. Such holder may ~~enforce and also~~ compel the  
18 performance of all duties required by this chapter or by ~~such~~ the resolution or trust agreement to  
19 be performed by the authority or by any officer thereof, including the fixing, charging and  
20 collecting of rates, fees and charges for the use of or for the services furnished by any water or  
21 sewer system.

22 **Drafting note: No substantive change in the law.**

23  
24 § ~~15.1-1266~~ 15.2-5142. Refunding bonds.

25 ~~Each~~ An authority ~~created hereunder is hereby authorized to~~ may provide by resolution  
26 for the issuance of revenue refunding bonds of the authority ~~for the purpose of refunding to~~  
27 refund any revenue bonds ~~then~~ outstanding and issued under ~~the provisions~~ of this chapter,  
28 whether or not such outstanding bonds have matured or are then subject to redemption. Proceeds  
29 of such revenue refunding bonds may be used to discharge the revenue bonds, or such revenue  
30 refunding bonds may be exchanged for the revenue bonds. Each such authority ~~is further~~  
31 ~~authorized to~~ may provide by resolution for the issuance of a single issue of revenue bonds of the

1 authority for the combined purposes of ~~(1)~~ (i) paying the cost of any water system, sewer system  
2 or sewage disposal system, or any combination of ~~any~~ thereof, or the improvement, extension,  
3 addition or reconstruction thereof, and ~~(2)~~ (ii) refunding revenue bonds of the authority which  
4 ~~shall theretofore~~ have been issued under the provisions of this chapter ~~and shall then be~~ which  
5 are outstanding, whether or not such outstanding bonds have matured or are then subject to  
6 redemption. The issuance of such bonds, the maturities and other details thereof, the rights and  
7 remedies of the ~~holders thereof~~ bondholders, and the rights, powers, privileges, duties and  
8 obligations of the authority with respect to ~~the same~~ such bonds, shall be governed by the  
9 foregoing provisions of this chapter ~~insofar as the same may be~~ to the extent that they are  
10 applicable.

11 **Drafting note: Language is added to show that revenue refunding bonds may be**  
12 **used to discharge revenue bonds or in exchange for revenue bonds. A similar provision**  
13 **appears in § 15.1-227.45 (the Public Finance Act).**

14

15 § 15.2-5143. Purchase in open market or otherwise.

16 Provision may be made in the proceedings authorizing refunding revenue bonds for the  
17 purchase of the refunded revenue bonds in the open market or pursuant to tenders made from  
18 time to time when there is available in the escrow or sinking fund for the payment of the  
19 refunded revenue bonds a surplus in an amount or amounts to be fixed in such proceedings.

20 **Drafting note: This new section is substantially identical to Public Finance Act §**  
21 **15.2-2650, which applies to localities.**

22

23 ~~§ 15.1-1267~~ 15.2-5144. Investment in bonds.

24 Any bonds issued pursuant to ~~the authority~~ of this chapter are hereby made securities in  
25 which all public officers ~~and~~, bodies and political subdivisions of the Commonwealth ~~and all~~  
26 ~~political subdivisions thereof~~; all insurance companies and associations; and all savings banks  
27 and savings institutions, including savings and loan associations, trust companies, beneficial and  
28 benevolent associations, administrators, guardians, executors, trustees and other fiduciaries in the  
29 Commonwealth, may properly and legally invest funds in their control.

30 **Drafting note: The list of possible investors is expanded to conform to Public**  
31 **Finance Act § 15.2-2621.**

1  
2 § ~~15.1-1269.2~~ 15.2-5145. Financial report; authority budget; audit.

3 A. ~~The governing body of Henry County~~ Any locality may, by resolution, require ~~the an~~  
4 authority to submit to it ~~a semiannual~~ an annual financial statement, setting forth all revenues and  
5 expenditures of the authority in accordance with standards prescribed by the governing body.

6 B. ~~The governing body of Henry County~~ Any locality may, by resolution, require ~~the an~~  
7 authority to have an audit conducted for any fiscal year according to generally accepted auditing  
8 and accounting standards or according to the audit specifications and audit program prescribed  
9 by the Auditor of Public Accounts.

10 **Drafting note: SUBSTANTIVE CHANGE. The Code Commission felt that all**  
11 **localities should have the authority granted by this section. Under this section as revised,**  
12 **localities may require the submission of an annual statement (rather than a semiannual**  
13 **statement).**

14  
15 Article 5.

16 Miscellaneous.

17  
18 § 15.2-5146. Use of state land.

19 The Commonwealth ~~of Virginia~~ hereby consents to the use of all lands above or under  
20 water and owned or controlled by it which are necessary for the construction, improvement,  
21 operation or maintenance of any ~~such~~ water or waste system; except that the use of any portion  
22 between the right-of-way limits of any primary or secondary highway in this Commonwealth  
23 shall be subject to the approval of the Commonwealth Transportation Commissioner.

24 **Drafting note: Formerly the 3rd sentence of subdivision (m) of § 15.1-1250. No**  
25 **substantive change in the law.**

26  
27 § ~~15.1-1268~~. ~~Jurisdiction of Water Control Board.~~

28 ~~Any authority created under the provisions of this chapter shall be and is hereby declared~~  
29 ~~to be an "owner" as such word is defined in the State Water Control Law and any authority so~~  
30 ~~created shall be subject in all respects to the jurisdiction of the State Water Control Board under~~  
31 ~~the provisions of the State Water Control Law. No authority created under the provisions of this~~



1 ~~chapter shall so operate any water system, sewer system, sewage disposal system or garbage and~~  
2 ~~refuse disposal system which in its operation results in the discharge of "sewage," "industrial~~  
3 ~~wastes" or "other wastes" as such terms are defined in the State Water Control Law, which~~  
4 ~~would flow or be discharged into any "State waters" as defined in the State Water Control Law~~  
5 ~~and thereby cause a pollution of the same unless such authority shall first provide proper and~~  
6 ~~adequate treatment of such "sewage," "industrial wastes" or "other wastes" approved by the State~~  
7 ~~Water Control Board so that if and when flowing or discharged into the state waters the effluence~~  
8 ~~thereof shall not be detrimental to the public health or to animal or aquatic life or prevent the use~~  
9 ~~of water for domestic, industrial or recreational purposes. When in the opinion of the State Water~~  
10 ~~Control Board the discharge of such wastes is not detrimental to the public health or to animal or~~  
11 ~~aquatic life or to the use of the water for domestic, industrial or recreational purposes, the State~~  
12 ~~Water Control Board shall grant a certificate for the discharge of such wastes into the state~~  
13 ~~waters, but the Board shall not issue a certificate authorizing the discharge of such wastes~~  
14 ~~untreated into any state waters deemed by the Board to be clean. The procedure governing the~~  
15 ~~issuance of a certificate to any authority shall be the same as is provided for the issuance of a~~  
16 ~~certificate under the provisions of § 62.1-44.16. The State Water Control Board shall have the~~  
17 ~~same authority over or with respect to any authority created under the provisions of this chapter~~  
18 ~~or to any certificate issued to such authority by the Board as it does in the case of any person~~  
19 ~~defined as an "owner" under the State Water Control Law; and any such authority shall have the~~  
20 ~~same rights of review of and appeal from any rule, regulation, order or requirement issued by the~~  
21 ~~Board or any revocation of a certificate by the Board as is the case with any other party~~  
22 ~~aggrieved by any action of the Board under the provisions of the State Water Control Law.~~

23 **Drafting note: Repealed. This section has not been amended since 1962.**  
24 **Authorities are encompassed within the definition of owner in § 62.1-44.3, the definition**  
25 **section for the State Water Control Law. Section 62.1-44.5 prohibits any person from**  
26 **discharging into or changing the properties of state waters without a certificate issued by**  
27 **the State Water Control Board.**

28

29 ~~§ 15.1-1269 15.2-5147. Powers of counties, municipalities, etc. localities, etc., to make~~  
30 ~~grants and conveyances to and contracts with authority.~~

1 Each county, municipality and other public body is hereby authorized and empowered  
2 political subdivision may:

3 (a) ~~To convey~~ 1. Convey or lease to any authority ~~created hereunder~~, with or without  
4 consideration, any water system or ~~any facilities~~ facility for the collection, treatment or disposal  
5 of sewage, ~~garbage and~~ or refuse, or any right or interest in such facilities or any property  
6 appertaining thereto, upon such terms and conditions as the governing body ~~thereof shall~~  
7 ~~determine~~ determines to be ~~for~~ in the best interest of such county, municipality or other public  
8 ~~body~~ political subdivision;

9 (b) ~~To contract~~ 2. Contract, jointly or severally, with any authority ~~created hereunder~~ for  
10 the collection, treatment or disposal of sewage ~~or~~, industrial waste, ~~or garbage and~~ refuse; and ~~to~~  
11 grant to such authority the right to receive, use and dispose of all or any portion of the ~~garbage or~~  
12 refuse generated or collected by or within the jurisdiction or under the control of such unit; and  
13 in implementation of such contract or grant, ~~to~~ exercise the powers set forth in §§ ~~15.1-857 and~~  
14 ~~15.1-879~~ 15.2-927 and 15.2-928; and

15 (c) ~~To contract~~ 3. Contract with any authority ~~created hereunder~~ for shutting off the  
16 supply of water furnished by any water system owned or operated by such county, municipality  
17 ~~or other public body~~ political subdivision or under its jurisdiction or control to any premises  
18 connected with any sewer system of the authority ~~in the event that~~ if the owner, tenant or  
19 occupant of such premises ~~shall fail~~ fails to pay any rates, fees or charges for the use of or for the  
20 services furnished by such sewer system within the time or times specified in such contract.

21 **Drafting note: No substantive change in the law. The reference to § 15.1-879 was**  
22 **an erroneous reference to a section that was replaced by § 15.1-11.5:3 (now § 15.2-928) in**  
23 **Chapter 665 of the 1991 Acts of Assembly.**

24  
25 § 15.2-5148. Units may convey property.

26 ~~The governing body of any~~ Any unit, notwithstanding any contrary provision of law, is  
27 ~~hereby authorized and empowered to~~ may transfer jurisdiction over, ~~to~~ or lease, lend, grant or  
28 convey, to ~~the~~ an authority, upon the request of the authority, and upon such terms and  
29 conditions as to which the governing body ~~of such unit and authority~~ may agree ~~with the~~  
30 ~~authority as reasonable and fair~~, such real or personal property as may be necessary or desirable  
31 in connection with the acquisition, construction, improvement, operation or maintenance of a

1 water system, sewer system, sewage disposal system, or garbage and refuse collection and  
2 disposal or waste system by the authority, including public roads and other property already  
3 devoted to public use.

4 **Drafting note: Formerly the 2nd sentence of subdivision (m) of § 15.1-1250. No**  
5 **substantive change in the law.**

6  
7 § 15.2-5149. Interference with railroad structures.

8 Whenever any railroad tracks, pipes, poles, wires, conduits or other structures or facilities  
9 which are located in, along, across, over or under any public road, street, highway, alley or other  
10 public right-of-way shall become an obstruction to, interfere with or ~~be~~ are endangered by the  
11 construction, operation or maintenance of any system of the authority, the ~~governmental~~ unit  
12 having ownership, control or jurisdiction over such public road, street, highway, alley or other  
13 public right-of-way may, as the exercise of an essential governmental function, order the  
14 safeguarding, maintaining, relocating, rebuilding, removing ~~and~~ or replacing of such railroad  
15 tracks, pipes, poles, wires, conduits or other structures or facilities by the owner thereof at the  
16 expense of the authority, ~~and~~ subject to the provisions of § 25-233 ~~of the Code of Virginia;~~

17 **Drafting note: Formerly the 4th sentence of subdivision (m) of § 15.1-1250. No**  
18 **substantive change in the law.**

19  
20 § ~~15.1-1254~~ 15.2-5150. Creating or joining another more than one authority.

21 No governing body ~~which shall have created a then existing authority or which shall have~~  
22 ~~joined with any other governing body or governing bodies in the creation of or which shall have~~  
23 ~~joined an authority under the provisions of this chapter and which shall then be~~ that is a member  
24 of ~~the~~ an authority ~~so created or joined,~~ shall thereafter create or join with any other governing  
25 body ~~or governing bodies in the creation of or join an~~ another authority ~~under the provisions of~~  
26 ~~this chapter or join another authority~~ if the latter authority ~~then to be created or joined~~ would  
27 duplicate the services ~~then~~ being performed in ~~the whole or~~ any part of the areas ~~then~~ being  
28 served by ~~such~~ the authority ~~theretofore created or joined by said governing body of which the~~  
29 governing body is a member.

30 **Drafting note: No substantive change in the law.**

1           § 15.2-5151. Water utilities may act as billing agents.

2           ~~Each water company, which is a~~ Any public utility supplying water to the owners, lessees  
3 or tenants of real estate which is or will be served by any sewer or sewage disposal system of an  
4 authority ~~is authorized to~~ may act as the billing and collecting agent of the authority for any  
5 rates, fees, rents or charges imposed by the authority for the service rendered by such sewer or  
6 sewage disposal system ~~and~~. Such water utility shall furnish to the authority copies of its regular  
7 periodic meter reading and water consumption records and other pertinent data as may be  
8 required for the authority to act as its own billing and collecting agent. The authority shall pay to  
9 ~~such the water company~~ utility the reasonable additional cost of clerical services and other  
10 expenses incurred by the water ~~company~~ utility in rendering such services to the authority. Upon  
11 the inability of ~~an the~~ authority and ~~such the water company~~ utility to agree upon the terms and  
12 conditions under which the water ~~company shall~~ utility will act as the billing and collecting agent  
13 of the authority, either or both may petition the State Corporation Commission for a  
14 determination of the terms and conditions under which the water company shall act as the billing  
15 and collecting agent of the authority. ~~In the event that such~~ If the water company utility acts as  
16 the billing and collecting agent of an authority it shall set forth separately on its bills the rates,  
17 fees or charges imposed by the authority, ~~but~~. However, both the water and sewage disposal  
18 charges shall be payable to and collected by the water ~~company~~ utility, and payment of either  
19 shall be refused unless both ~~shall be~~ are paid. The authority shall pay to the water ~~company~~  
20 utility the cost of shutting off any water service on account of nonpayment of the sewage  
21 disposal charge. In the event of such discontinuance of water service the ~~same water service~~ shall  
22 not be reestablished until ~~such time as~~ the sewage disposal charge ~~shall have~~ has been paid;

23           **Drafting note: Formerly 2nd half of subdivision (1) of § 15.1-1250. No substantive**  
24 **change in the law.**

25   Article 6.

26   Community Development Authorities.

27  
28           **Article drafting note: This article consists of the contents of § 15.1-1250.03 and**  
29 **subsection B of § 15.1-1241. The latter is divided into six sections.**

30  
31           § 15.2-5152. Localities may consider petitions for creation of authority.

1           ~~The owners of at least fifty one percent of the land area or assessed value of land which~~  
2 ~~is within the boundaries of a proposed authority district in any city or, which (i) in any~~

3           A. Any city may consider petitions for the creation of community development  
4 authorities in accordance with this article.

5           B. Any town may by ordinance elect to assume the power to consider petitions for the  
6 creation of community development authorities in accordance with this article. A public hearing  
7 shall be held on such ordinance.

8           C. The following counties may consider petitions for the creation of community  
9 development authorities in accordance with this article:

10           1. Any county with a population of at least 75,000, ~~contains at least 250 acres, (ii) in any;~~

11           2. Any county with a population of less than 50,000 through which an interstate highway  
12 passes, ~~and which contains at least 3000 acres, a portion of which lies within two miles of the~~  
13 centerline of the right-of-way of an interstate highway, or (iii) in any; and

14           3. Any county with a population between 50,000 and 75,000 through which an interstate  
15 highway passes, ~~contains at least 250 acres, may petition for the creation of a community~~  
16 development authority therein, which shall be a public body politic and corporate.

17           C. Any county not listed in subsection C may by ordinance elect to assume the power to  
18 consider petitions for the creation of community development authorities in accordance with this  
19 article. A public hearing shall be held on such ordinance.

20           **Drafting note: Language in this section comes from the first, fourth and fifth**  
21 **sentences of subsection B of § 15.1-1241. The section attempts to clarify which governing**  
22 **bodies may consider petitions to create community development authorities.**

23  
24           § 15.2-5153. Landowners may petition localities.

25           The owners of at least fifty-one percent of the land area or assessed value of land in the  
26 following tracts may, by petitioning the locality or localities in which the tract is located, propose  
27 the creation of a community development authority:

28           1. Any tract of any size in any city;

29           2. Any tract of any size in any town which has elected to consider such petitions pursuant  
30 to subsection B of § 15.2-5152;

1           3. Any tract containing at least 250 acres in any county with a population of at least  
2 75,000;

3           4. Any tract containing at least 3000 acres, a portion of which lies within two miles of the  
4 centerline of the right-of-way of an interstate highway, in any county with a population of less  
5 than 50,000;

6           5. Any tract containing at least 250 acres in any county with a population between 50,000  
7 and 75,000 through which an interstate highway passes; and

8           6. Any tract of any size in any county not listed in subdivisions 3, 4 or 5 of this section.

9           However, in ~~any eligible county~~ the counties listed in subdivisions 3, 4 and 5 of this  
10 section, the minimum acreage required for a proposed authority district shall be 100 acres for  
11 commercial property or for mixed use commercial- and residential-zoned property. Counties  
12 over 50,000 in population may modify minimum district size limits where amounts financed  
13 equal or exceed three million dollars.

14           **Drafting note: Language in this section comes from the first, second and fourth**  
15 **sentences of subsection B of § 15.1-1241. The section attempts to clarify required sizes of**  
16 **proposed districts.**

17  
18           § 15.2-5154. Contents of petition.

19           ~~Such petitions~~ A petition for the creation of a community development authority shall:

20           1. Set forth the name and describe the boundaries of the proposed district;

21           2. Describe the services and facilities proposed to be undertaken by the community  
22 development authority within the district;

23           3. Describe a proposed plan for providing and financing such services and facilities ~~as~~  
24 ~~proposed~~ within the district;

25           4. Describe the benefits which can be expected from the provision of such services and  
26 facilities by the community development authority ~~within the district;~~

27           5. Provide that the board members of the community development authority shall be  
28 selected under the applicable provisions of § 15.1-1249 15.2-5113 ~~shall consist of a majority of~~  
29 ~~petitioning landowners or their designees or nominees;~~ and

30           6. Request the local governing body to establish the proposed community development  
31 authority for the purposes set forth in the petition.

1        Such petition may provide that the board members of the community development  
2 authority appointed pursuant to § 15.2-5113 shall consist of a majority of the petitioning  
3 landowners or their designees or nominees.

4        **Drafting note: Formerly the second part of subsection B of § 15.1-1241. The**  
5 **requirement that the board consist of a majority of petitioning landowners has been made**  
6 **optional in order to conform the section to a 1996 amendment to § 15.1-18.3 (see proposed**  
7 **Chapter 23).**

8  
9        § 15.2-5155. Ordinance or resolution creating authority.

10        A. Any locality authorized to consider petitions under this article may, by ordinance or  
11 resolution ~~An ordinance or resolution adopted or approved under this subsection shall not be~~  
12 inconsistent with the petition ~~creating~~ proposing the creation of the development authority. ~~Not~~  
13 shall such, create a community development authority. Community development authorities  
14 proposed for districts which are within any two or more localities may be formed by concurrent  
15 ordinances of each locality, and such localities may contract with one another for administration  
16 of the authority.

17        B. An ordinance or resolution creating a community development authority shall not  
18 permit the community development authority to provide services which are provided by, or are  
19 obligated to be provided by, any authority ~~then~~ already in existence whose charter requires or  
20 permits service within the proposed community development district, unless the existing  
21 authority first certifies to the governing body that the services provided by the proposed  
22 community development authority will not have a negative impact upon the existing authority's  
23 operational or financial condition ~~of such existing authority.~~ Such certification shall not be  
24 unreasonably withheld by the existing authority.

25        **Drafting note: Formerly the fourth part of subsection B of § 15.1-1241. The second**  
26 **sentence of the first subsection is from the third sentence of the first paragraph of**  
27 **subsection B of § 15.1-1241.**

28  
29        § 15.2-5156. Hearing; notice.

30        A. An ordinance or resolution creating ~~such~~ a community development authority shall not  
31 be adopted or approved until a public hearing has been held by the governing body on the

1 question of its adoption or approval. Notice of the public hearing shall be ~~given by publication~~  
2 published once a week for three successive weeks in a newspaper of general circulation within  
3 the locality, ~~and the hearing shall not be held sooner than ten days after completion of such~~  
4 ~~publication~~. The petitioning landowners shall bear the expense of ~~such publication~~ publishing the  
5 notice. The hearing shall not be held sooner than ten days after completion of publication of the  
6 notice.

7 B. After the public hearing and before adoption of the ordinance or resolution, the local  
8 governing body shall ~~deliver~~ mail a true copy of its proposed ordinance or resolution creating the  
9 development authority to the petitioning landowners or their attorney in fact. Any petitioning  
10 landowner shall ~~then~~ have thirty days from mailing of the proposed ordinance or resolution in  
11 which to withdraw his signature ~~on~~ from the petition in writing prior to the vote of the local  
12 governing body on such ordinance or resolution. If any signatures on the petition are so  
13 ~~withdrawn as provided herein~~, the local governing body may pass the proposed ordinance or  
14 resolution ~~in conformance herewith~~ only upon certification by the petitioners that the petition  
15 continues to meet the ~~provisions of this subsection with respect to minimum acreage or assessed~~  
16 ~~value as the case may be~~ requirements of § 15.2-5152.

17 **Drafting note: Formerly the third and fifth parts of subsection B of § 15.1-1241. No**  
18 **substantive change in the law.**

19  
20 § 15.2-5157. Recording in land records.

21 The local governing body, upon approving the resolution or ordinance creating the  
22 district, shall direct that a copy of the resolution or ordinance be recorded in the land records of  
23 the circuit court for the locality in which the district is located for each parcel included in the  
24 district and be noted on the land books of the locality. For the purposes of this ~~subsection~~  
25 section, "parcel" is ~~to be~~ defined as tax map parcel.

26 **Drafting note: Formerly the last part of subsection B of § 15.1-1241. No substantive**  
27 **change in the law.**

28  
29 § 15.1-1250.03 15.2-5158. Additional powers of ~~authority~~ community development  
30 authorities.



1           A. Each community development authority created under § 15.1-1241-B this article, in  
2 addition to the powers provided in § 15.1-1250, is hereby authorized and empowered Article 3 (§  
3 15.2-5110 et seq.), may:

4           1. Subject to any statutory or regulatory jurisdiction and permitting authority of all  
5 applicable governmental bodies and agencies having authority with respect to any area included  
6 therein, ~~to~~ finance, fund, plan, establish, acquire, construct or reconstruct, enlarge, extend, equip,  
7 operate, and maintain the infrastructure improvements enumerated in the ordinance or resolution  
8 establishing the district, as necessary to meet the increased demands placed upon ~~local~~  
9 ~~government~~ the locality as a result of development within the district, including, but not limited  
10 to, ~~the following~~:

11           a. Roads, bridges, parking facilities, curbs, gutters, sidewalks, traffic signals, storm water  
12 management and retention systems, gas and electric lines and street lights within ~~the district~~, or  
13 serving the district, which ~~shall~~ meet or ~~may~~ exceed the specifications of the locality in which  
14 ~~such authority's~~ the roads are located.

15           b. Parks and facilities for indoor and outdoor recreational, cultural and educational uses;  
16 entrance areas;  
17 security facilities;  
18 fencing and landscaping improvements throughout the  
19 district.

20           c. Fire prevention and control systems, including fire stations, water mains and plugs, fire  
21 trucks, rescue vehicles and other vehicles and equipment.

22           d. School buildings and related structures, which may be leased, sold or donated to the  
23 school district, for use in the educational system when authorized by the local governing body  
24 and the school board.

25           2. ~~To issue~~ Issue revenue bonds of the development authority as provided in § ~~15.1-1252~~  
26 15.2-5125, including but not limited to refunding bonds, subject to such limitation in amount,  
27 and terms and conditions regarding capitalized interest, reserve funds, contingent funds, and  
28 investment restrictions, as may be established in the ordinance or resolution establishing the  
29 district, for all costs associated with the improvements enumerated in subdivision 1 of this  
30 ~~section, such~~ subsection. Such revenue bonds ~~to~~ shall be payable solely from revenues received  
31 by the development authority.

          3. ~~To request~~ Request annually that the locality levy and collect a special tax on taxable  
real property within the development authority's jurisdiction to finance the services and facilities

1 provided by the ~~development~~ authority. Notwithstanding the provisions of Article 4 (§ 58.1-3229  
2 et seq.) of Chapter 32 of Title 58.1, any such special tax imposed by the locality shall be levied  
3 upon the assessed fair market value of the taxable real property. Unless requested by every  
4 property owner within the proposed district, the rate of the special tax shall not be more than  
5 twenty-five cents per \$100 of the assessed fair market value of any taxable real estate or the  
6 assessable value of taxable leasehold property as specified by § 58.1-3203. ~~Such~~ The special  
7 taxes shall be collected at the same time and in the same manner as the locality's taxes are  
8 collected, and the proceeds shall be kept in a separate account, and ~~shall~~ be used only for the  
9 purposes ~~contemplated herein~~ provided in this chapter. All revenues received by the locality  
10 ~~pursuant to any such taxes which the locality elects to impose upon request of the development~~  
11 ~~authority~~ from such special tax shall be paid over to the development authority for its use  
12 pursuant to this chapter subject to annual appropriation. No other funds of the locality shall be  
13 loaned or paid ~~over~~ to the development authority without the prior approval of the local  
14 governing body.

15 4. ~~To provide~~ Provide special services, including: garbage and trash removal and  
16 disposal, street cleaning, snow removal, extra security personnel and equipment, recreational  
17 management and supervision, and grounds keeping.

18 5. ~~To request that the local governing body impose a special assessment upon the~~  
19 ~~abutting property within the district to finance the services and facilities provided by the~~  
20 ~~development authority.~~ Finance the services and facilities it provides to abutting property within  
21 the district by special assessment thereon imposed by the local governing body. All assessments  
22 pursuant to this section shall be subject to the laws pertaining to assessments under Article 2 (§  
23 ~~15.1-239~~ 15.2-2404 et seq.) of Chapter 7 24 ~~of Title 15.1~~; provided that any other provision of  
24 law notwithstanding, (i) the taxes or assessments ~~permitted may equal but~~ shall not exceed the  
25 full cost of the improvements, including without limitation the legal, financial and other directly  
26 attributable costs of creating the district; and the planning, designing, operating and financing of  
27 the improvements which include administration of the collection and payment of the assessments  
28 and reserve funds permitted by applicable law; (ii) the taxes or assessments may be imposed  
29 upon abutting land which is later subdivided in accordance with the terms of the ordinance  
30 forming the district, in amounts which do not exceed the peculiar benefits of the improvements  
31 to the abutting land as subdivided; and (iii) the taxes or assessments may be made subject to

1 installment payments for up to forty years in an amount calculated to cover principal, interest and  
2 administrative costs in connection with any financing by ~~any~~ the authority, without a penalty for  
3 prepayment. Notwithstanding any other provision of law, any assessments made pursuant to this  
4 section may be made effective as a lien upon a specified date, by ordinance, but such  
5 assessments may not thereafter be modified in a manner inconsistent with the terms of the debt  
6 instruments financing the improvements. All assessments pursuant to this section may also be  
7 made subject to installment payments and other provisions allowed for local assessments under  
8 this section or under ~~such~~ Article 2 of Chapter 24. All revenues received by the locality pursuant  
9 to any such special assessments which the locality elects to impose upon request of the  
10 development authority shall be paid over to the development authority for its use under ~~the Act~~  
11 this chapter, subject to annual appropriation, and may be used for no other purposes.

12       6. B. Nothing contained in this chapter shall relieve the local governing body of its  
13 general obligations to provide services and facilities to the district to the same extent as would  
14 otherwise be provided were the district not formed.

15       **Drafting note: No substantive change in the law.**



1           ~~The governing body or~~ Governing bodies, ~~as the case may be,~~ may adopt a ~~resolution~~  
2 resolutions declaring ~~that there is~~ the need for a hospital or health center ~~commission~~  
3 commissions in ~~such~~ political ~~subdivision or~~ subdivisions, if ~~it or they shall~~ find that the public  
4 health and welfare, including the health and welfare of persons of low income in such  
5 ~~subdivision or~~ subdivisions and surrounding ~~area~~ areas require the acquisition, construction or  
6 operation of public hospital facilities ~~for the inhabitants thereof.~~

7           **Drafting note: No substantive change in the law.**

8  
9           § ~~15.1-1517~~ 15.2-5203. Effect of adoption of resolution.

10           In any suit, action, or proceeding involving the validity or enforcement of or relating to  
11 any contract of the hospital or health center commission, such commission shall be conclusively  
12 deemed to have become created as a body politic and corporate, and to have become established  
13 and authorized to transact business and exercise its powers ~~hereunder~~, upon proof of the adoption  
14 of a resolution by the governing body of each ~~city, county or town~~ locality for which the  
15 commission is created declaring ~~that there is~~ the need for such commission, and, if more than one  
16 political subdivision is involved, that it unites with the other political subdivisions in declaring  
17 such needs. A copy of ~~such~~ the resolution, ~~duly~~ certified by the clerk of the ~~city, county or town~~  
18 locality by which it is adopted, shall be admissible in evidence in any suit, action or proceeding.

19           **Drafting note: No substantive change in the law.**

20  
21           § ~~15.1-1518~~ 15.2-5204. Members of commission; quorum; compensation; expenses;  
22 removal and vacancies.

23           A hospital or health center commission shall consist of the following number of members  
24 based upon the number of political subdivisions participating: for one political subdivision, five  
25 members; for two, six members; for three, six members; for four, eight members; and for more  
26 than four, one member for each of the participating subdivisions. The respective members shall  
27 be appointed by the governing bodies of the subdivisions they represent, may be members of  
28 such governing bodies, shall be residents of such subdivisions, and shall be appointed for such  
29 terms as the appointing body ~~shall designate~~ designates . ~~The members of the commission so~~  
30 ~~appointed shall constitute the commission, and the~~ powers of the commission conferred by this  
31 chapter shall be vested in and exercised by the members in office. A majority of the members ~~in~~

1 ~~office~~ shall constitute a quorum. The commission shall elect its own chairman and shall adopt  
2 rules and regulations for its own procedure and government. The commission members ~~of the~~  
3 ~~commission~~ may receive ~~compensation at a rate not to exceed~~ up to \$50 for attendance at each  
4 commission meeting ~~of the commission~~, not to exceed \$1,200 per year, and shall be paid their  
5 actual expenses incurred in the performance of their duties. Any commission member ~~of the~~  
6 ~~commission~~ may be removed at any time by the governing body appointing him, and vacancies  
7 on the commission shall be filled for the unexpired terms.

8 In any county having a population between 200,000 and 215,000, the number of  
9 commission members ~~of the commission~~ shall be seven and their terms may be staggered as the  
10 appointing body ~~shall designate~~ designates.

11 **Drafting note: No substantive change in the law; unnecessary language is deleted.**

12  
13 § ~~15.1-1519~~ 15.2-5205. Powers of commission.

14 Any hospital or health center commission established hereunder shall have all powers  
15 necessary or convenient to carry out the general purposes of this chapter, including the following  
16 ~~powers in addition to others herein granted:~~

17 1. ~~In General.~~— To sue and be sued; to adopt a seal and alter the same at pleasure; to have  
18 perpetual succession; and to make and execute contracts and other instruments necessary or  
19 convenient to the exercise of its powers.

20 2. ~~Officers, Agents and Employees.~~— To employ such technical experts and such other  
21 officers, agents and employees as it may require, to fix their qualifications, duties and  
22 compensation and to remove such employees at pleasure.

23 3. ~~Acquisition of Property.~~— To acquire within the territorial limits of the political  
24 subdivisions for which it is formed, by purchase, lease, gift or otherwise, whatever lands,  
25 buildings and structures as may be reasonably necessary for the purpose of establishing,  
26 constructing, enlarging, maintaining and operating one or more hospitals or health centers.

27 4. ~~Sale or Lease of Property.~~ To sell, lease, exchange, transfer, or assign any of its real or  
28 personal property, or any portion thereof or interest therein, to any person, firm, or corporation,  
29 whenever the commission finds such action to be in furtherance of the purposes for which the  
30 commission was created.

1           5. ~~Construction.~~— To acquire, establish, construct, enlarge, improve, maintain, equip and  
2 operate any hospital or health center, and any other facilities and services for the care and  
3 treatment of sick persons.

4           6. ~~Rules and Regulations for Management.~~— To make and enforce rules and regulations  
5 for the management and conduct of its business and affairs and for the use, maintenance and  
6 operation of its facilities and properties.

7           7. ~~Acceptance of Donations.~~— To accept gifts and grants, including real or personal  
8 property, from the Commonwealth or any political subdivision thereof and from the United  
9 States and any of its agencies; and to accept donations of money, personal property or real estate,  
10 and take title thereto from any person, ~~firm, corporation or association.~~

11           8. ~~Rules and Regulations as to Patients.~~— To make rules and regulations governing the  
12 admission, care and treatment of patients in such hospital or health center, to classify patients as  
13 to charges to be paid by them, if any, and to determine the nature and extent of the service to be  
14 rendered patients.

15           9. ~~Federal and State Aid.~~— To comply with the provisions of the laws of the United States  
16 and the Commonwealth, and any rules and regulations made thereunder, for the expenditures of  
17 federal or state money in connection with hospitals or health centers and to accept, receive and  
18 receipt for federal and state money granted the commission, or granted any of the political  
19 subdivisions for which it is formed, for hospital or health center purposes.

20           10. ~~Borrowing Money.~~— To borrow money upon its bonds, notes, debentures, or other  
21 evidences of indebtedness issued for the purpose only of acquiring, constructing, improving,  
22 furnishing or equipping buildings or structures for use as a hospital or health center, and to  
23 secure the same by pledges of its revenues and property as hereafter provided.

24           11. ~~Execution of Instruments for Borrowing.~~— To execute all instruments necessary or  
25 convenient in connection with the borrowing of money and ~~the issuance of~~ issuing bonds as  
26 herein authorized.

27           12. ~~Leases and Construction Agreements.~~— To enter into leases and agreements with  
28 persons, ~~firms, corporations, associations or other groups which provide~~ for the construction  
29 ~~and/or~~ or operation or both of a hospital or health center by such persons, ~~firms, corporations,~~  
30 ~~associations or other groups~~ on land of the commission.

1           13. ~~Management Agreements.~~— To contract ~~with persons, firms, corporations,~~  
2 ~~associations or other groups as it may deem appropriate~~ for the management and operation of  
3 any hospital or health center subject to the control of the commission; however, the commission  
4 may ~~agree that it will~~ charge such rates for service as will enable it to make reasonable  
5 compensation for such management and operation.

6           **Drafting note: No substantive change in the law; definition of “person” in § 1-13.19**  
7 **includes the deleted entities; headings are deleted as unnecessary.**

8  
9           § ~~15.1-1520~~ 15.2-5206. Appropriations to commission.

10           Any political subdivision for which the commission is created is authorized to make  
11 appropriations to the commission from available funds, or from funds provided for the purpose  
12 by bond issues, for the acquisition of land or improvements to land, and/or the construction,  
13 improvement, maintenance and operation of any hospital or health center operated or controlled  
14 or proposed to be operated or controlled by the commission. The political subdivision may also  
15 transfer to the commission, with or without consideration, real or personal property for any or all  
16 of such purposes.

17           **Drafting note: No substantive change in the law.**

18  
19           § ~~15.1-1521~~ 15.2-5207. Issuance of bonds by political subdivisions and validation  
20 thereof.

21           Any political subdivision for which the commission is created may issue its general  
22 obligation bonds in the manner provided in the Public Finance Act (§ ~~15.1-227.1~~ 15.2-2600 et  
23 seq.) in furtherance of the establishment, construction and enlargement of a hospital or health  
24 center; ~~and all.~~ All such bonds issued prior to June 1, 1975, for such purposes by any political  
25 subdivision are hereby ratified, validated and confirmed, and all proceedings taken prior to such  
26 date to authorize the issuance of bonds for such purposes by any political subdivision are hereby  
27 ratified, validated and confirmed, and all such bonds may be issued pursuant to the Public  
28 Finance Act.

29           **Drafting note: No substantive change in the law.**

30  
31           § ~~15.1-1522~~ 15.2-5208. Issuance and sale of bonds.



1 Any bonds issued by a hospital or health center commission may be issued in one or  
2 more series, shall bear such date or dates, mature at such time or times, bear interest at such rate  
3 or rates payable at such time or times, be in such denominations, be in such form, either coupon  
4 or registered, carry such registration privileges, be executed in such manner, be payable in such  
5 medium of payment, at such place or places, be subject to such terms of redemption, with or  
6 without premium, as the commission by resolution may prescribe. Such bonds may be sold at  
7 public or private sale for such price or prices as the commission ~~shall determine~~ determines.

8 **Drafting note: No substantive change in the law.**

9  
10 § ~~15.1-1523~~ 15.2-5209. Provisions to secure payment of bonds.

11 Any commission resolution ~~or resolutions of the commission~~ authorizing the issuance of  
12 any bonds may contain provisions, which shall be a part of the contract with the holders of the  
13 bonds, (i) pledging any or all revenues of the hospital or health center to secure the payment of  
14 the interest on such bonds and to create a sinking fund to retire the principal thereof at maturity;  
15 (ii) providing for the granting of a lien on, or the creation of a security interest in, any property,  
16 real or personal, of the commission as security for the payment of the principal of, and interest  
17 on, such bonds and the due and punctual performance of any agreements made in connection  
18 therewith; (iii) providing for such schedule of fees and charges as will produce funds sufficient  
19 to pay operating costs and debt service until such bonds are retired; and (iv) prescribing the  
20 rights, obligations, powers and duties of the commission, the trustee under any trust indenture  
21 under which the bonds are issued, and the bondholders, in connection with or pertaining to such  
22 bonds.

23 **Drafting note: No substantive change in the law.**

24  
25 § ~~15.1-1524~~ 15.2-5210. Bonds made legal investments.

26 Any bonds issued pursuant to the authority of this chapter are hereby made securities in  
27 which all public officers and bodies of this Commonwealth and all political subdivisions thereof,  
28 all insurance companies and associations, and all savings banks and savings institutions,  
29 including savings and loan associations, in the Commonwealth may properly and legally invest  
30 funds in their control.

31 **Drafting note: No substantive change in the law.**

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§ ~~15.1-1525~~ 15.2-5211. Bonds payable from revenues of hospital or health centers.

Any bonds issued under this chapter shall be payable only from the revenues and receipts of the hospital or health center for the acquisition, establishment or construction of which the bonds were issued and from any property the commission has made subject to a lien to secure such bonds. The bonds and other obligations of the commission shall not be a debt of any ~~city, county or town~~ locality or of the Commonwealth, and neither the commission members ~~of the commission~~ nor any person executing the bonds or other obligations shall be liable personally thereon by reason of the issuance thereof.

**Drafting note: No substantive change in the law.**

§ ~~15.1-1526~~ 15.2-5212. Property of commission exempt from foreclosure or execution sale and judgment lien.

No interest of the commission in any property, real or personal, shall be subject to sale by foreclosure of a mortgage, trust indenture, or any other instrument ~~thereon or relating thereto~~, either through judicial proceedings or the exercise of a power of sale contained in the instrument. All commission property ~~of the commission~~ shall be exempt from levy and sale by virtue of an execution, and no execution or judicial process shall issue against ~~such~~ the commission. No judgment against the commission shall be a charge or lien upon its property, real or personal.

Nothing contained in this section shall prohibit the owner of a leasehold interest granted by the commission from granting a lien or other security interest in his leasehold which would be subject to sale or foreclosure as provided in any instrument creating the lien or other security interest. Nothing contained in this section shall prohibit the commission from granting a lien on, or creating a security interest in, commission property, real or personal, ~~of the commission~~ to secure any bonds issued under this chapter, any of which property will be subject to sale or foreclosure as provided in the instrument granting such lien or creating such security interest.

**Drafting note: No substantive change in the law.**

§ ~~15.1-1527~~ 15.2-5213. Receiver.

The commission may, by its trust indenture given to secure bond issues or other obligations, provide for the appointment of a receiver of the hospital or health center or that part

1 thereof acquired or constructed from funds received from a sale of bonds secured by the pledge  
2 of its revenues. If ~~any such a~~ receiver ~~be~~ is appointed, he may enter, ~~and~~ take possession of,  
3 operate and maintain such hospital or health center or part thereof, ~~and operate and maintain~~  
4 ~~same, and;~~ collect and receive all fees, rents, revenues or other charges arising therefrom in the  
5 same manner as the commission might do, ~~and;~~ keep such moneys in a separate account or  
6 accounts; and apply the ~~same~~ moneys in accordance with the obligations of the commission as  
7 the court ~~shall direct~~ directs.

8 **Drafting note: No substantive change in the law; language is rewritten for clarity.**

9  
10 § ~~15.1-1528~~ 15.2-5214. Eminent domain.

11 The commission shall have the right to acquire by eminent domain any real property,  
12 including fixtures and improvements, which it ~~may deem~~ deems necessary to carry out the  
13 purposes of this chapter after ~~the adoption by it of~~ it adopts a resolution declaring that the  
14 acquisition of the property described therein is in the public interest and necessary for public use.  
15 The commission may exercise the power of eminent domain pursuant to the provisions of any  
16 applicable statutory provisions now in force or hereafter enacted for the exercise of the power of  
17 eminent domain by any ~~city, county or town~~ locality.

18 Property already devoted to a public use may be acquired, ~~provided, that; however,~~ no  
19 property belonging to any ~~city, county or town or to any~~ locality, government or ~~to any~~ religious  
20 or charitable corporation may be acquired without its consent.

21 **Drafting note: No substantive change in the law.**

22  
23 § ~~15.1-1529~~ 15.2-5215. Records and reports.

24 The commission shall keep and preserve complete records of its operations and  
25 transactions, which records shall be open to inspection by the participating subdivisions at all  
26 times. It shall make reports to such subdivisions annually and at such other times as they may  
27 require.

28 **Drafting note: No change.**

29  
30 § ~~15.1-1530~~ 15.2-5216. When court may enter order declaring need for commission no  
31 longer exists.

1           Whenever it ~~shall appear~~ appears to ~~the~~ commission members of a ~~commission~~ that the  
2 need, as stated in § ~~45.1-1516~~ 15.2-5202, for such commission no longer exists, the members  
3 may, after ten days' notice to the governing body of the ~~county, city, town or combination thereof~~  
4 locality establishing a commission pursuant to §§ ~~45.1-1514~~ 15.2-5200 and ~~45.1-1516~~ 15.2-  
5 5202, file a petition with the circuit court ~~in~~ for such political subdivision or ~~in~~ for any of such  
6 political subdivisions. Upon the production of satisfactory evidence in support of ~~such~~ the  
7 petition, the court may, in its discretion, enter an order declaring that the need for such  
8 commission in the ~~county, city, town~~ locality or combination thereof no longer exists and  
9 approving a plan for ~~the winding up of~~ completing the business of the commission, the payment  
10 or assumption of its obligations, and the transfer of its assets.

11           **Drafting note: No substantive change in the law.**

12

13           § ~~45.1-1531~~ 15.2-5217. Finality of order; effect.

14           If the court enters an order as provided in § ~~45.1-1530~~ 15.2-5216 that the need for the  
15 commission no longer exists, such order shall be final and, except for ~~the winding up of~~  
16 completing its affairs in accordance with the plan approved by the court, its authorities, powers  
17 and duties to transact business or to function shall cease to exist as of the date set forth in the  
18 court order ~~of the court~~.

19           **Drafting note: No substantive change in the law.**

20

21           § ~~45.1-1532~~ 15.2-5218. Appeal from order; supersedeas.

22           Any party aggrieved by such order may apply for an appeal to the Supreme Court of  
23 Virginia and a supersedeas may be granted in the same manner as is now or hereafter shall be  
24 provided by law and the rules of court applicable to civil cases.

25           **Drafting note: No change.**

1 PROPOSED  
2 CHAPTER 38 53.  
3 HOSPITAL AUTHORITIES.  
4

5 Chapter drafting note: There are no substantive changes made to this chapter  
6 which was enacted in 1946. However, there are numerous changes made with the intent to  
7 simplify and clarify language.  
8

9 Article 1.

10 In General.

11  
12 § ~~15.1-1533~~ 15.2-5300. Finding and declaration of necessity.

13 It is declared that conditions resulting from the concentration of population of various  
14 cities of the Commonwealth require the construction, maintenance and operation of adequate  
15 hospital facilities for the care of the public health and, for the control and treatment of epidemics,  
16 for the care of the indigent and for the public welfare; ~~that in.~~ In various cities of the  
17 Commonwealth ~~there is a lack of,~~ adequate hospital facilities are not available to the inhabitants  
18 ~~thereof,~~ and ~~that,~~ consequently, many persons, including persons of low income, are forced to do  
19 without adequate medical and hospital care and accommodations; ~~that these.~~ These conditions  
20 cause an increase in and the spread of disease and crime and constitute a menace to the health,  
21 safety, morals and welfare of the Commonwealth and impair economic values; ~~that the.~~ The  
22 aforesaid conditions also exist in certain areas surrounding such cities; ~~that, and~~ these conditions  
23 cannot be remedied by the ordinary operations of private enterprises; ~~that the.~~ The providing of  
24 adequate hospital and medical care are public uses and purposes for which public money may be  
25 spent and private property acquired; ~~that it.~~ It is in the public interest that adequate hospital and  
26 medical facilities and care be provided in such concentrated centers of population in order to care  
27 for and protect the health and public welfare; ~~and the necessity in the public interest for the.~~ The  
28 provisions hereinafter enacted ~~is hereby~~ are declared as a matter of legislative determination  
29 necessary in the public interest.

30 **Drafting note: No substantive change in the law.**  
31

1           § ~~15.1-1534~~ 15.2-5301. Definitions.

2           As used or referred to in this chapter unless a different meaning clearly appears from the  
3 context:

4           ~~1.~~ "Authority" or "hospital authority" means a ~~public~~ body ~~and a body~~ corporate ~~and~~  
5 ~~politic~~ organized in accordance with the provisions of this chapter for the purposes, with the  
6 powers and subject to the restrictions hereinafter set forth.

7           ~~2.~~ "City" ~~means any city in the Commonwealth. "The city" means the particular city for~~  
8 ~~which a particular hospital authority is created.~~

9           ~~3.~~ "Council" ~~means the council or other body charged with governing the city.~~

10          ~~4.~~ "City clerk" and "mayor" ~~mean the clerk of the council and mayor, respectively, of the~~  
11 ~~city or the officers thereof charged with the duties customarily imposed on the clerk and mayor~~  
12 ~~respectively.~~

13          ~~9.~~ "Bonds" ~~shall mean~~ means any bonds, interim certificates, notes, debentures, or other  
14 obligations of the authority issued pursuant to this chapter.

15          ~~5.~~ "Commissioner" means one of the members of an authority appointed in accordance  
16 with the provisions of this chapter.

17          ~~11.~~ "Contract" means any agreement of an authority with or for the benefit of an obligee  
18 whether contained in a resolution, trust indenture, mortgage, lease, bond or other instrument.

19          ~~14.~~ "Cost," as applied to a hospital project, means all or any part of the cost of  
20 acquisition, construction, alteration, enlargement, reconstruction and remodeling of a hospital  
21 project, including all lands, structures, real or personal property, interest in land and air rights,  
22 the cost of demolishing or removing any buildings or structures on land so acquired, including  
23 the cost of acquiring any lands to which such buildings or structures may be moved, the cost of  
24 all labor, materials, machinery and equipment, financing charges, interest on all bonds prior to,  
25 during and for a period of time not to exceed two years after completion, provisions for working  
26 capital, the cost of architectural engineering, financial and legal services, plans, specifications,  
27 studies, surveys, estimates of cost and revenues, administrative expenses, expenses necessary or  
28 incident to determining the feasibility or practicability of acquiring or constructing the hospital  
29 project and such other expenses as may be necessary or incidental to the acquisition and  
30 construction of such project, the financing of such acquisition and construction and the placing  
31 of the project in operation.

1           7. "Federal government" ~~includes~~ means the United States of America, ~~the Federal~~  
2 ~~Emergency Administration of Public Works~~ or any agency; or instrumentality, corporate or  
3 otherwise, of the United States of America.

4           6. "Government" ~~includes~~ means the Commonwealth and the federal ~~governments~~  
5 government and any subdivision, agency or instrumentality, corporate or otherwise, of either of  
6 them.

7           8. "Hospital project" or "project" means all facilities suitable for providing adequate  
8 hospital facilities and medical care for concentrated centers of population, and ~~shall~~ also ~~include~~  
9 includes any and all structures, buildings, improvements, additions, extensions, replacements,  
10 appurtenances, lands, rights in land, franchises, machinery, equipment, furnishings, landscaping,  
11 approaches, roadways and other facilities necessary or desirable in connection therewith or  
12 incidental thereto.

13           13. "Obligee of the authority" or "obligee" includes any bondholder, trustee or trustees  
14 for any bondholders, any lessor demising property to the authority used in connection with a  
15 hospital project or any assignee or assignees of such lessor's interest or any part thereof, and the  
16 United States of America when it is a party to any contract with the authority.

17           12. "Real property" includes lands under water, structures, and any and all easements,  
18 franchises and incorporeal hereditaments and every estate and right therein, legal and equitable,  
19 including terms for years and liens by way of judgments, mortgage or otherwise.

20           10. "Trust indenture" includes instruments pledging the revenues of real or personal  
21 properties but not conveying such properties or conferring a right to foreclose and cause a sale  
22 thereof.

23           **Drafting note: No substantive change in the law; unnecessary definitions are**  
24 **deleted; remaining terms are alphabetized.**

25  
26           § ~~15.1-1535~~ 15.2-5302. Creation of hospital authorities.

27           In each city there shall be a political subdivision of the Commonwealth, with such public  
28 and corporate powers as are set forth in this chapter, to be known as the "hospital authority" of  
29 the city.

30           **Drafting note: No change.**

1 § ~~15.1-1536~~ 15.2-5303. Not to function until council declares need.

2 No authority shall transact any business or exercise its powers ~~hereunder~~ until or unless  
3 the council of the city, by ~~proper~~ resolution ~~shall declare~~ declares at any time hereafter that there  
4 is need for an authority to function in ~~such~~ the city.

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-1537~~ 15.2-5304. How need determined.

8 The determination as to whether there is ~~such~~ a need for an authority to function may be  
9 made by the governing body on its own motion or upon the filing of a petition, signed by 100  
10 registered voters of the city, asserting that there is need for an authority to function in ~~such~~ the  
11 city and requesting that the governing body so declare.

12 **Drafting note: No substantive change in the law.**

13  
14 § ~~15.1-1538~~ 15.2-5305. What constitutes need.

15 The council may adopt a resolution declaring that there is need for a hospital authority in  
16 the city if it ~~shall find~~ finds (i) that there ~~is a lack of adequate~~ are inadequate hospital facilities  
17 and medical accommodations from the operations of private enterprises in the city and the  
18 surrounding area, or (ii) that the public health and welfare, including the health and welfare of  
19 persons of low income in the city and the surrounding area, require the construction,  
20 maintenance or operation of public hospital facilities for ~~the~~ such inhabitants ~~of the city and~~  
21 ~~surrounding area~~.

22 **Drafting note: No substantive change in the law.**

23  
24 § ~~15.1-1539~~ 15.2-5306. Effect and sufficiency of resolution declaring need.

25 In any suit, action or proceeding involving the validity or enforcement of or relating to  
26 any contract of the authority, the authority shall be conclusively deemed to have become  
27 established and authorized to transact business and exercise its powers hereunder upon proof of  
28 the adoption of a resolution of the governing body declaring the need for the authority. Such  
29 resolution shall be deemed sufficient if it declares that there is such need for an authority and  
30 finds in substantially the foregoing terms (no further detail being necessary) that either or both of



1 the conditions enumerated in § ~~15.1-1538~~ 15.2-5305 exist in the city. A copy of such resolution  
2 duly certified by the clerk shall be admissible in evidence in any suit, action or proceeding.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-1540~~ 15.2-5307. Appointment, qualifications, tenure and compensation of  
6 commissioners.

7 An authority shall consist of not more than fifteen commissioners appointed by the  
8 mayor, and he shall designate the first chairman. No more than three commissioners shall be  
9 practicing physicians. No officer or employee of the city shall be eligible for appointment, ~~nor~~  
10 ~~shall any.~~ No practicing physician shall be appointed to such authority in any city having a  
11 population of not more than 18,000 and not less than 17,500 according to the 1960 or any  
12 subsequent census and bordered by one county and two rivers.

13 One-third of the commissioners who are first appointed shall be designated by the mayor  
14 to serve for terms of two years, one-third to serve for terms of four years, and one-third to serve  
15 for terms of six years, respectively, from the date of their appointment. Thereafter, the term of  
16 office shall be six years. No person shall be appointed to succeed himself following four  
17 successive terms in office ~~but~~; no term of less than six years shall be deemed a term in office for  
18 the purposes of this sentence.

19 A commissioner shall hold office until his successor has been appointed and has  
20 qualified. Vacancies shall be filled for the unexpired term. In the event of a vacancy ~~or vacancies~~  
21 in the office of commissioner by expiration of term of office or otherwise, the remaining  
22 commissioners shall submit to the mayor nominations for appointments. The mayor may  
23 successively require ~~any number of~~ additional nominations and shall have power to appoint any  
24 person so nominated. All such vacancies shall be filled from such nominations. A majority of the  
25 commissioners currently in office shall constitute a quorum. The mayor may file with the city  
26 clerk a certificate of the appointment or reappointment of any commissioner, and such certificate  
27 shall be conclusive evidence of the due and proper appointment of such ~~commissioners~~  
28 commissioner. A commissioner shall receive no compensation for his services, but he shall be  
29 entitled to the necessary expenses including traveling expenses incurred in the discharge of his  
30 duties.

31 **Drafting note: No substantive change in the law.**

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§ ~~15.1-1541~~ 15.2-5308. Officers and agents.

When the office of the first chairman of the authority becomes vacant, the authority shall select a chairman from among its ~~members~~ commissioners. An authority shall select from among its members a vice-chairman, and it may employ a secretary, technical experts, and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. An authority may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers or duties as it ~~may deem~~ deems proper.

**Drafting note: No substantive change in the law; “members” is changed to “commissioners” for consistency.**

§ ~~15.1-1542~~ 15.2-5309. Effect of inclusion of existing hospital.

~~In the event that~~ If the authority and the trustees, directors or managers of any nonprofit or charitable hospital in a city should ~~thereafter~~ agree upon and consummate a transaction whereby the nonprofit or charitable hospital should thereafter be included within the hospital project or projects of the authority, ~~then~~ the number of commissioners of such authority shall be increased to not exceeding fifteen ~~and the~~. The additional commissioners shall be appointed by the mayor from nominations of the commissioners then in office, and the terms of the additional commissioners shall be arranged by the mayor in making such appointments as follows:

The terms of one-third of the commissioners shall expire in two years or less, one-third in four years or less, and one-third in six years or less, concurrently with the expiration of the terms of the commissioners then in office.

**Drafting note: No substantive change in the law.**

§ ~~15.1-1543~~ 15.2-5310. Authority and commissioners must comply with law and contracts.

The authority and its commissioners shall be under a statutory duty to comply or to cause compliance strictly with all provisions of this chapter and the laws of the Commonwealth and, in addition thereto, with each and every term, provision and covenant in any contract of the authority on its part to be kept or performed.

1           **Drafting note: No substantive change in the law.**

2  
3           § ~~15.1-1544~~ 15.2-5311. Removal of commissioner on charges of mayor.

4           The mayor may remove a commissioner for inefficiency or neglect of duty or misconduct  
5 in office, but only after the commissioner ~~shall have~~ has been given a copy of the charges against  
6 him, which may be made by the mayor, at least ten days prior to the hearing thereon and has had  
7 an opportunity to be heard in person or by counsel.

8           **Drafting note: No substantive change in the law.**

9  
10          § ~~15.1-1545~~ 15.2-5312. Removal of commissioner on charges of obligee.

11          Any obligee of the authority may file with the mayor written charges that the authority is  
12 willfully violating ~~willfully~~ any law of the Commonwealth or any term, provision or covenant in  
13 any contract to which the authority is a party. The mayor shall give each of the commissioners a  
14 copy of such charges at least ten days prior to the hearing thereon and an opportunity to be heard  
15 in person or by counsel and shall within fifteen days after receipt of such charges remove any  
16 commissioners of the authority who shall have been found to have acquiesced in any such willful  
17 violation.

18          **Drafting note: No substantive change in the law.**

19  
20          § ~~15.1-1546~~ 15.2-5313. Service on commissioner by mail.

21          If, after due and diligent search, a commissioner to whom charges are required to be  
22 delivered hereunder cannot be found within the city where the authority is located, such charges  
23 shall be deemed served upon the commissioner if mailed to him at his last known address as it  
24 appears upon the records of the authority.

25          **Drafting note: No change.**

26  
27          § ~~15.1-1547~~ 15.2-5314. When commissioner deemed to have acquiesced in violation.

28          A commissioner shall be deemed to have acquiesced in a willful violation by the  
29 authority of a law of this Commonwealth or of any term, provision or covenant contained in ~~the a~~ a  
30 contract to which the authority is a party, if, before a hearing is held on charges against him, he

1 shall ~~has~~ not ~~have~~ filed a written statement with the authority of his objections to, or lack of  
2 participation in, such violation.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-1548~~ 15.2-5315. Record of removal proceedings.

6 In the event of the removal of any commissioner, the mayor shall file in the office of the  
7 city clerk a record of the proceedings together with the charges made against the commissioner  
8 and the findings thereon.

9 **Drafting note: No change.**

10  
11 § ~~15.1-1549~~ 15.2-5316. Removed commissioner may appeal.

12 Any commissioner thus removed may, within ten days after the mayor's action, appeal to  
13 the circuit court of the city, and the decision of such court shall be final.

14 **Drafting note: No substantive change in the law.**

15  
16 § ~~15.1-1550~~ 15.2-5317. Planning and zoning laws.

17 All hospital projects of an authority shall be subject to the planning and zoning laws,  
18 ordinances and regulations applicable to the locality in which the hospital project is situated.

19 **Drafting note: No change.**

20  
21 § ~~15.1-1551~~ 15.2-5318. Reports.

22 The authority shall at least once a year file with the mayor of the city an audit report by a  
23 certified public accountant of its activities for the preceding year, and shall make any  
24 recommendations with reference to any additional legislation or other action that may be  
25 necessary in order to carry out the purposes of this chapter.

26 **Drafting note: No change.**

27  
28 § ~~15.1-1552~~ 15.2-5319. Appropriations by city.

29 The governing body of any city in which the authority is located may make  
30 appropriations for the improvement, maintenance or operation of any public hospital or hospital

1 project constructed, maintained, or operated by or to be constructed, maintained or operated by  
2 an authority.

3 **Drafting note: No change.**

4  
5 § ~~15.1-1553~~ 15.2-5320. Conveyance, lease or transfers of property by city to authority.

6 In order to provide for the construction, reconstruction, improvement, repair or  
7 management of any hospital or hospital project or in order to accomplish any of the purposes of  
8 this chapter, any city may, with or without consideration or for a nominal consideration, lease,  
9 sell, convey or otherwise transfer to an authority, within such city, any real, personal or mixed  
10 property including, but not limited to, any existing hospital or hospital project as a going concern  
11 or otherwise, and including the assignment and transfer of any part of or all money, choses in  
12 action and other assets used or held for the use of such hospital or hospital project, ~~and in.~~ In  
13 connection with any such transaction the authority involved may accept such lease, transfer,  
14 assignment and conveyance and bind itself to the performance and observance of any agreements  
15 and conditions attached thereto.

16 **Drafting note: No substantive change in the law.**

17  
18 § ~~15.1-1554~~ 15.2-5321. Chapter controlling.

19 Insofar as the provisions of this chapter are inconsistent with the provisions of any other  
20 law, the provisions of this chapter shall be controlling, ~~provided that nothing.~~ Nothing in this  
21 chapter shall prevent any city from establishing, equipping, and operating a hospital or hospitals  
22 or improving or extending existing hospitals and hospital facilities under the provisions of its  
23 charter or any general law other than this chapter.

24 **Drafting note: No substantive change in the law.**

25  
26 Article 2.

27 Powers.

28  
29 § ~~15.1-1555~~ 15.2-5322. In general.

30 An authority shall constitute ~~a public body and~~ a body politic and corporate and politic  
31 with perpetual succession, exercising public powers, and having all the powers necessary or

1 convenient to carry out and effectuate the purposes and provisions of this chapter. It may sue and  
2 be sued and have a seal with power to alter same at pleasure.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-1556~~ 15.2-5323. Study and investigation concerning plan.

6 An authority shall have power to investigate ~~into~~ hospital, medical and health conditions  
7 and ~~into~~ the means and methods of improving such conditions; to determine where inadequate  
8 hospital and medical facilities exist; to study and make recommendations concerning the plan of  
9 any city in relation to the problem of providing adequate hospital, medical and nursing facilities;  
10 and ~~the providing of~~ to provide adequate hospital, medical and nursing facilities for the  
11 inhabitants of such city and surrounding area, including persons of low income in such city and  
12 area.

13 **Drafting note: No substantive change in the law.**

14  
15 § ~~15.1-1557~~ 15.2-5324. Preparation and operation of hospital projects; facilities relating  
16 to health care; additional powers.

17 An authority shall have power to prepare, carry out and operate hospital projects and to  
18 establish facilities to provide goods and services relating to health care.

19 § ~~15.1-1558~~. ~~Additional powers.~~

20 The powers granted to an authority pursuant to the provisions of this chapter may be  
21 exercised in cities or counties other than the city or county in which the authority has been  
22 organized. However, an authority shall not commence the exercise of any of these powers in any  
23 city in which another authority already has been organized.

24 **Drafting note: No substantive change in the law; combines two former sections (§§**  
25 **15.1-1557 and 15.1-1558).**

26  
27 § ~~15.1-1559~~ 15.2-5325. Clinics and instruction programs.

28 An authority shall have power to provide and operate outpatient departments, maternity  
29 clinics and any other clinics customarily operated in hospitals in metropolitan centers and to  
30 provide teaching and instruction programs and schools for medical students, interns, physicians  
31 and nurses.

1           **Drafting note: No change.**

2  
3           § ~~15.1-1560~~ 15.2-5326. Physicians and employees.

4           An authority shall have power to provide and maintain continuous resident physician and  
5 intern medical services; to appoint an administrator or superintendent and necessary assistants,  
6 and any and all other employees deemed necessary or advisable and fix their compensation; and  
7 to remove such appointees.

8           **Drafting note: No substantive change in the law.**

9  
10          § ~~15.1-1561~~ 15.2-5327. Powers of nonstock corporations.

11          An authority shall have all powers granted to corporations under the provisions of § 13.1-  
12 826, including, without limitation, the power to own or control stock and nonstock subsidiaries.

13          **Drafting note: No substantive change in the law.**

14  
15          § ~~15.1-1562~~ 15.2-5328. Bylaws and rules and regulations.

16          An authority shall have power to adopt bylaws for the conduct of its business and to  
17 adopt necessary rules and regulations for the government of the authority and its employees.

18          **Drafting note: No change.**

19  
20          § ~~15.1-1563~~ 15.2-5329. Committees.

21          An authority shall have power to appoint such committees or subcommittees as it ~~shall~~  
22 ~~deem~~ deems advisable and fix their duties and responsibilities.

23          **Drafting note: No substantive change in the law.**

24  
25          § ~~15.1-1564~~ 15.2-5330. Construction, repair and management.

26          An authority shall have power to do all things necessary in connection with the  
27 construction, improvement, alteration, repair, reconstruction, management, supervision, control  
28 and operation of its business, including but not limited to the hospitals and all departments  
29 thereof.

30          **Drafting note: No change.**

1           § ~~15.1-1565~~ 15.2-5331. Donations.

2           An authority shall have power to accept donations of money, personal property or real  
3           estate for the benefit of the authority and take title thereto from any person, ~~firm, corporation or~~  
4           ~~society~~ desiring to make such donations.

5           **Drafting note: No substantive change in the law; the deleted words are included in**  
6           **the statutory definition of “person”.**

7  
8           § ~~15.1-1566~~ 15.2-5332. Regulating practice and nursing in hospital.

9           An authority shall have power to determine and regulate the conditions under which the  
10          privilege of practicing within any hospital operated by the authority may be available to  
11          physicians ~~and~~, to promulgate reasonable rules ~~and regulations~~ governing the conduct of  
12          physicians and nurses while on duty in such hospital and to establish and maintain a training  
13          school for nurses.

14          **Drafting note: No substantive change in the law.**

15  
16          § ~~15.1-1567~~ 15.2-5333. Rules as to patients.

17          An authority shall have power to make rules ~~and regulations~~ governing the admission of  
18          patients to, and the care, conduct, and treatment of patients in, any hospital operated by the  
19          authority; to determine whether patients presented to the hospital for treatment are subjects for  
20          charity ~~and~~, to fix the compensation to be paid by patients other than those unable to assist  
21          themselves; and to maintain and operate isolation wards for the care and treatment of mental,  
22          contagious or other similar diseases.

23          **Drafting note: No substantive change in the law.**

24  
25          § ~~15.1-1568~~ 15.2-5334. Purchases or leases of hospital projects.

26          An authority shall have power to take over by purchase, lease or otherwise any hospital  
27          project located within its boundaries undertaken by any government or by any city.

28          **Drafting note: No substantive change in the law.**

29  
30          § ~~15.1-1569~~ 15.2-5335. Acting with federal government.



1 An authority shall have power to act as agent for the federal government in connection  
2 with the acquisition, construction, operation and management of a hospital project or any part  
3 thereof.

4 **Drafting note: No substantive change in the law.**

5  
6 § ~~15.1-1570~~ 15.2-5336. Cooperation with subdivision of Commonwealth.

7 An authority shall have power:

8 1. To arrange with any city or with a government ~~(a)~~ for the (i) furnishing, planning,  
9 replanning, installing, opening or closing of streets, roads, roadways, alleys, sidewalks, or other  
10 places or facilities, ~~(b) for the,~~ (ii) acquisition by such city or government of property, options or  
11 property rights and ~~(c) for the,~~ (iii) furnishing of property or services in connection with a  
12 project;

13 2. To arrange with the Commonwealth, its subdivisions and agencies, and any ~~county,~~  
14 ~~city or town~~ locality of the Commonwealth, to the extent that it is within the scope of each of  
15 their respective functions, ~~(a)~~ to cause the services customarily provided by each of them to be  
16 rendered for the benefit of such hospital authority, ~~(b)~~ to provide and maintain parks and  
17 ~~sewage~~ sewerage, water and other facilities adjacent to or in connection with hospital projects  
18 and ~~(c)~~ to lease or rent any of the dwellings or other accommodations or any of the lands,  
19 buildings, structures or facilities embraced in any hospital project and to establish and revise the  
20 rents or charges therefor.

21 **Drafting note: No substantive change in the law.**

22  
23 § ~~15.1-1571~~ 15.2-5337. Purchase or lease of property; sale of property.

24 An authority shall have power to purchase, lease, obtain options upon, acquire by gift,  
25 grant, bequest, devise, or otherwise any property real or personal or any interest therein from any  
26 person, ~~firm, corporation, city, county, town~~ locality or government.

27 § ~~15.1-1572~~. ~~Sale of property~~.

28 An authority shall have power to sell, exchange, transfer, or assign any of its property  
29 real or personal or any interest therein to any person, ~~firm, corporation, city, county, town~~  
30 locality or government.

1           **Drafting note: No substantive change in the law; combines §§ 15.1-1571 and 15.1-**  
2 **1572. As statutorily defined, “person” includes firm and corporation and new “locality”**  
3 **includes city, county and town; therefore, in the new section those terms are deleted or**  
4 **added.**

5  
6           § ~~15.1-1573~~ 15.2-5338. Owning property.

7           An authority shall have power to own, hold, clear and improve property and to insure or  
8 provide for the insurance of the property or operations of the authority against such risks as the  
9 authority may deem advisable.

10           **Drafting note: No change.**

11  
12           § ~~15.1-1574~~ 15.2-5339. Borrowing money.

13           An authority shall have power to borrow money upon its bonds, notes, debentures, or  
14 other evidences of indebtedness and to secure the same by pledges of its revenues in the manner  
15 and to the extent hereinafter provided and, in connection with any loan by a government, to agree  
16 to limitations upon the exercise of any powers conferred upon the authority by this chapter.

17           **Drafting note: No substantive change in the law.**

18  
19           § ~~15.1-1575~~ 15.2-5340. Contracts.

20           An authority shall have power to make and execute contracts and other instruments  
21 necessary or convenient to the exercise of the powers of the authority.

22           **Drafting note: No change.**

23  
24           § ~~15.1-1576~~ 15.2-5341. Rules and regulations not to be inconsistent.

25           An authority shall have power to make and from time to time amend and repeal bylaws,  
26 rules and regulations, not inconsistent with this chapter, to carry into effect the powers and  
27 purposes of the authority.

28           **Drafting note: No change.**

29  
30           § ~~15.1-1577~~ 15.2-5342. Incidental powers.

1 An authority shall have power, in addition to all of the other powers herein conferred  
2 upon it, to do all things necessary and convenient to carry out the powers expressly given in this  
3 chapter.

4 **Drafting note: No change.**

5  
6 § ~~15.1-1578~~ 15.2-5343. Eminent domain.

7 The authority shall have the right to acquire by eminent domain any real property,  
8 including fixtures and improvements, which it may deem necessary to carry out the purposes of  
9 this chapter after the adoption by it of a resolution declaring that the acquisition of the property  
10 described therein is in the public interest and necessary for public use. The authority may  
11 exercise the power of eminent domain pursuant to the provisions of Title 25 and any applicable  
12 statutory provisions in force or hereafter enacted for the exercise of the power of eminent domain  
13 by cities.

14 Property already devoted to a public use may be acquired, ~~provided that no~~. No property  
15 belonging to any ~~city, town or county or to any~~ locality, government or ~~to any~~ religious or  
16 charitable corporation may be acquired without its consent.

17 **Drafting note: No substantive change in the law.**

18  
19 § ~~15.1-1579~~ 15.2-5344. Contracts with federal government.

20 ~~In addition to the powers conferred upon the authority by other provisions of this chapter,~~  
21 ~~the~~ The authority is empowered to borrow money and accept grants from the federal government  
22 for or in aid of the construction of any hospital project which such authority is authorized by this  
23 chapter to undertake, to take over any land acquired by the federal government for the  
24 construction of a hospital project, to take over or lease or manage any hospital project  
25 constructed or owned by the federal government, and to these ends, to enter into such contracts,  
26 trust indentures, leases, or other agreements that the federal government shall have the right to  
27 supervise and approve the construction, maintenance and operation of such hospital project. ~~It is~~  
28 ~~the purpose and intent of~~ Pursuant to this chapter ~~to authorize every~~ an authority ~~to~~ may do any  
29 and all things necessary to secure the financial aid and the cooperation of the federal government  
30 in the construction, maintenance and operation of any hospital project ~~which~~ of the authority is  
31 ~~empowered by this chapter to undertake.~~

1           **Drafting note: No substantive change in the law ; deletes unnecessary language.**

2  
3           § ~~15.1-1580~~ 15.2-5345. Security for funds deposited by authorities; deposit in certain  
4 savings accounts, etc., authorized.

5           The authority may by resolution provide that all moneys deposited by it shall be secured:

6           1. By obligations of the United States or of the Commonwealth of a market value equal at  
7 all times to the amount of such deposits;

8           2. By any securities in which trustees, guardians, executors, administrators and others  
9 acting in a fiduciary capacity may legally invest funds within their control; or

10           3. By an undertaking with such sureties as shall be approved by the authority faithfully to  
11 keep and pay over upon the order of the authority any such deposits and agreed interest thereon.

12           All banks and trust companies are authorized to give any such security for such deposits.

13           Deposit of such funds in savings accounts and certificates of savings institutions which  
14 are under state supervision, and of federal associations organized under the laws of the United  
15 States and under federal supervision is hereby authorized, provided that such institution's  
16 deposits are insured by the Federal Deposit Insurance Corporation or other federal insurance  
17 agency.

18           **Drafting note: No change.**

19  
20           Article 3.

21           Bonds.

22  
23           § ~~15.1-1581~~ 15.2-5346. Authority to issue.

24           The authority shall have power and is hereby authorized from time to time in its  
25 discretion to issue bonds for any of its purposes, including the payment of all or any part of the  
26 cost of any hospital project and the refunding of any bonds previously issued by it. Bonds may  
27 be issued under this chapter notwithstanding any debt or other limitation prescribed in any statute  
28 and without obtaining the consent of any ~~city, town or county~~ locality, government or any  
29 commission, board, bureau or agency of any of the foregoing; and without any other proceedings  
30 or the happening of other conditions or things than those proceedings, conditions or things which  
31 are specifically required by this chapter.

1           **Drafting note: No substantive change in the law.**

2  
3           § ~~15.1-1582~~ 15.2-5347. How payable.

4           The principal and interest on such bonds shall be payable from such sources as the  
5 authority may determine, including (without limiting the generality of the foregoing) ~~(a)~~ its  
6 revenues generally, ~~(b)~~ (ii) exclusively from the revenues and receipts of a particular hospital  
7 project, or ~~(c)~~ (iii) exclusively from the revenues and receipts of certain designated hospital  
8 projects, whether ~~or not~~ they are financed in whole or in part from the proceeds of such bonds.  
9 ~~Any such~~ The bonds may be additionally secured by a pledge of any grant or contribution from  
10 any ~~city, town or county~~ locality or from any government or governmental authority.

11           **Drafting note: No substantive change in the law.**

12  
13           § ~~15.1-1583~~ 15.2-5348. Commissioners not liable.

14           Neither the commissioners of the authority nor any person executing the bonds shall be  
15 liable personally on the bonds by reason of the issuance thereof.

16           **Drafting note: No change.**

17  
18           § ~~15.1-1584~~ 15.2-5349. Bond indebtedness.

19           The bonds and other obligations of the authority, and such bonds and obligations shall so  
20 state on their face, shall not be a debt of any city in which the authority is located or of the  
21 Commonwealth, and neither the Commonwealth nor any such city shall be liable thereon, ~~nor in~~  
22 ~~any~~. In no event shall they be payable out of any funds or properties other than those of the  
23 authority. The bonds shall not constitute an indebtedness within the meaning of any  
24 constitutional or statutory debt limitation of the laws of the Commonwealth.

25           **Drafting note: No substantive change in the law.**

26  
27           § ~~15.1-1585~~ 15.2-5350. Form.

28           The bonds of the authority shall be authorized by its resolution and shall be issued in one  
29 or more series and shall bear such date or dates, mature at such time or times, not exceeding sixty  
30 years from their respective dates, bear interest at such rate or rates payable at such time or times,  
31 be in such denominations (which may be made interchangeable), be in such form, either coupon

1 or registered, carry such registration privileges, be executed in such manner, be payable in such  
2 medium of payment, at such place or places, and be subject to such terms of redemption, with or  
3 without premium, as such resolution or its trust indenture may provide.

4 **Drafting note: No change.**

5  
6 § ~~15.1-1586~~ 15.2-5351. Sale.

7 The bonds may be sold at public or private sale at such price or prices as the authority  
8 ~~shall determine~~ determines.

9 **Drafting note: No substantive change in the law.**

10  
11 § ~~15.1-1587~~ 15.2-5352. Interim certificates.

12 Pending the authorization, preparation, execution or delivery of definitive bonds, the  
13 authority may issue interim certificates, or other temporary obligations, to the purchaser of such  
14 bonds. Such interim certificates, or other temporary obligations, shall be in such form, contain  
15 such terms, conditions and provisions, bear such date or dates, and evidence such agreements,  
16 relating to their discharge or payment or the delivery of definitive bonds as the authority may by  
17 resolution or trust indenture determine.

18 **Drafting note: No change.**

19  
20 § ~~15.1-1588~~ 15.2-5353. Signature of former officers.

21 ~~In case~~ If any of the officers whose signatures appear on any bonds or coupons ~~shall~~  
22 cease to be such officers before the delivery of ~~such~~ the bonds, ~~such~~ their signatures shall,  
23 ~~nevertheless,~~ be valid and sufficient for all purposes, ~~the same~~ as if they had remained in office  
24 until such delivery.

25 **Drafting note: No substantive change in the law.**

26  
27 § ~~15.1-1589~~ 15.2-5354. Purchase by authority.

28 The authority shall have the power out of any funds available therefor to purchase any  
29 bonds issued by it; ~~provided, however, that bonds.~~ Bonds payable exclusively from the revenues  
30 of a designated project or projects shall only be purchased ~~only out of any such~~ with the revenues

1 available therefor. All bonds so purchased shall be canceled. This section shall not apply to the  
2 redemption of bonds.

3 **Drafting note: No substantive change in the law.**

4

5 § ~~15.1-1590~~ 15.2-5355. Negotiability.

6 Any provision of any law to the contrary notwithstanding, any bonds, interim certificates,  
7 or other obligations issued pursuant to this chapter shall be fully negotiable.

8 **Drafting note: No change.**

9

10 § ~~15.1-1591~~ 15.2-5356. Provisions of bonds and trust indentures.

11 In connection with the issuance of bonds or the incurring of any obligations and in order  
12 to secure the payment of such bonds or obligations, the authority shall have power:

13 1. To pledge by resolution, trust indenture, or other contract, all or any part of its rents,  
14 fees, or revenues.

15 2. To covenant to impose and maintain such schedule of fees and charges as will produce  
16 funds sufficient to pay operating costs and debt service.

17 3. To covenant with respect to limitations on its right to sell, lease or otherwise dispose of  
18 any hospital project or other property of the authority or any part thereof or with respect to  
19 limitations on its right to undertake additional hospital projects.

20 4. To covenant against pledging all or any part of its rents, fees and revenues to which its  
21 right then exists or the right to which may thereafter come into existence or against permitting or  
22 suffering any lien thereon.

23 5. To provide for the release of rents, fees, and revenues, from any pledge and to reserve  
24 rights and powers in, or the right to dispose of, property, the rents, fees and revenues from which  
25 are subject to a pledge.

26 6. To covenant as to the bonds to be issued pursuant to any resolution, trust indenture, or  
27 other instrument and as to the issuance of such bonds in escrow or otherwise, and as to the use  
28 and disposition of the proceeds thereof.

29 7. To covenant as to what other, or additional, debt may be incurred by it.

30 8. To provide for the terms, form, registration, exchange, execution and authentication of  
31 bonds.

- 1           9. To provide for the replacement of lost, destroyed, or mutilated bonds.
- 2           10. To covenant as to the use of any or all of its property, real or personal.
- 3           11. To create or ~~to~~ authorize the creation of special funds in which there shall be  
4 segregated: (ai) the proceeds of any loan or grant; (bi) all of the rents, fees and revenues of any  
5 hospital project or projects or parts thereof; (ciii) any moneys held for the payment of the costs  
6 of operation and maintenance of any such hospital projects or as a reserve for the meeting of  
7 contingencies in the operation and maintenance thereof; (dii) any moneys held for the payment  
8 of the principal and interest on its bonds or the sums due under its leases or as a reserve for such  
9 payments; and (ey) any moneys held for any other reserve or ~~contingencies~~ contingency; and to  
10 covenant as to the use and disposal of the moneys held in such funds.
- 11           12. To redeem the bonds and ~~to~~ covenant for their redemption and ~~to~~ provide the terms  
12 and conditions thereof.
- 13           13. To covenant against extending the time for the payment of its bonds or interest  
14 thereon, directly or indirectly, by any means or in any manner.
- 15           14. To prescribe the procedure, if any, by which the terms of any contract with  
16 bondholders may be amended or abrogated, the amount of bonds the holders of which must  
17 consent thereto and the manner in which such consent may be given.
- 18           15. To covenant as to the maintenance of its property, the replacement thereof, the  
19 insurance to be carried thereon and the use and disposition of insurance moneys.
- 20           16. To vest in an obligee of the authority the right, in the event of the failure of the  
21 authority, to observe or perform any covenant on its part to be kept or performed, ~~to~~ cure any  
22 such default and ~~to~~ advance any moneys necessary for such purpose, ~~and the~~ The moneys so  
23 advanced may be made an additional obligation of the authority with such interest, security and  
24 priority as may be provided in any trust indenture, lease or contract of the authority with  
25 reference thereto.
- 26           17. To covenant and prescribe as to the events of default and terms and conditions upon  
27 which any or all of its bonds shall become or may be declared due before maturity and as to the  
28 terms and conditions upon which such declaration and its consequences may be waived.
- 29           18. To covenant as to the rights, liabilities, powers and duties arising upon the breach by  
30 it of any covenant, condition, or obligation.



1           19. To covenant to surrender possession of all or any part of any hospital project or other  
2 property of the authority, the revenues from which have been pledged, upon the happening of  
3 any event of default (as defined in the contract) and to vest in an obligee the right without  
4 judicial proceeding to take possession ~~and~~; to use, operate, manage and control such hospital  
5 project or other property or any part thereof, ~~and~~; to collect and receive all rents, fees and  
6 revenues arising therefrom in the same manner as the authority itself might do; and to dispose of  
7 the moneys collected in accordance with the agreement of the authority with such obligee.

8           20. To vest in a trustee or trustees the right to enforce any covenant made to secure, to  
9 pay, or in relation to the bonds, to provide for the powers and duties of such trustee or trustees, to  
10 limit liabilities thereof and to provide the terms and conditions upon which the trustee or trustees  
11 or the holders of bonds or any proportion of them may enforce any such covenant.

12           21. To make covenants other than and in addition to the covenants herein expressly  
13 authorized, of like or different character.

14           22. To execute all instruments necessary or convenient in the exercise of the powers  
15 herein granted or in the performance of its covenants or duties, which may contain such  
16 covenants and provisions, in addition to those above specified, as the government or any  
17 purchaser of the bonds of the authority may reasonably require.

18           23. To make such covenants and to do any and all such acts and things as may be  
19 necessary or convenient or desirable in order to secure its bonds or, in the absolute discretion of  
20 the authority, tend to make the bonds more marketable, notwithstanding that such covenants, acts  
21 or things may not be enumerated herein; ~~it being.~~ It is the intention hereof to give the authority  
22 power to do all things in the issuance of bonds and in the provisions for their security that are not  
23 inconsistent with the Constitution of Virginia.

24           **Drafting note: No substantive change in the law.**

25  
26           § ~~15.1-1592~~ 15.2-5357. Further provisions as to trust indenture or bond resolution;  
27 security required of depository of proceeds of bonds.

28           In the discretion of the authority, any bonds issued under the provisions of this chapter  
29 may be secured by a trust indenture by and between the authority and a corporate trustee or  
30 trustees, which may be any trust company or bank having the powers of a trust company within  
31 the Commonwealth. Such trust indenture or the resolution authorizing the issuance of such bonds

1 may pledge or assign the fees, rents and other charges to be received or proceeds of or rights  
2 under any contract or contracts pledged. Such trust indenture or resolution may contain such  
3 provisions for protecting and enforcing the rights and remedies of the bondholders as may be  
4 reasonable and proper and not in violation of law, including particularly the appointment of a  
5 receiver for any hospital project or other property of the authority from which the revenues have  
6 been pledged and such other provisions as have hereinabove been specifically authorized to be  
7 included in any trust indenture or resolution of the authority. Any bank or trust company  
8 incorporated under the laws of the Commonwealth acting as depository of the proceeds of bonds  
9 or of revenues or other moneys may furnish such indemnifying bonds or pledge such securities  
10 as may be required by the authority. Any such trust indenture or resolution may set forth the  
11 rights and remedies of the bondholders and of the trustee or trustees and may restrict individual  
12 rights of action by bondholders. In addition to the foregoing, any such trust indenture or  
13 resolution may contain such other provisions as the authority may deem reasonable and proper  
14 for the security of the bondholders. All expenses incurred in carrying out the provisions of such  
15 trust indenture or resolution may be treated as a part of the cost of the operation of a project.

16 **Drafting note: No substantive change in the law.**

17

18 § ~~15.1-1593~~ 15.2-5358. Fees, rents and charges for use of project and facilities; sinking  
19 fund.

20 The authority is hereby authorized to fix, revise, charge and collect fees, rents and other  
21 charges for the use of any project and the facilities thereof. Such fees, rents and other charges  
22 shall be so fixed and adjusted as to provide, together with other revenues determined by the  
23 authority to be available, a fund sufficient to pay the cost of maintaining, repairing and operating  
24 the project, the principal of and interest on such bonds as ~~the same shall~~ they become due and  
25 payable and the amounts necessary to create and maintain reserves for such purposes and for  
26 other purposes of the authority. Such fees, rents and charges shall not be subject to supervision or  
27 regulation by any ~~city, town or county government~~ locality or by any commission, board, bureau  
28 or agency of any of the foregoing. The authority may provide in the resolution authorizing the  
29 issuance of such bonds, or in the trust indenture securing the same, for setting aside any part or  
30 all of the fees, rents and other charges received by it in a sinking or other similar fund which is  
31 hereby pledged to, and charged with, the payment of the principal of and the interest on such

1 bonds, as ~~the same shall~~ they become due, and the redemption price or the purchase price of such  
2 bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding  
3 from the time when the pledge is made. The fees, rents and charges so pledged and thereafter  
4 received by the authority shall immediately be subject to the lien of such pledge without any  
5 physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding  
6 as against all parties having claims of any kind in tort, contract or otherwise against the authority,  
7 irrespective of whether such parties have notice thereof. Neither ~~such~~ the resolution nor trust  
8 indenture need be filed or recorded except in the records of the authority. The use and disposition  
9 of moneys to the credit of ~~such~~ a sinking or other similar fund shall be subject to the provisions  
10 of such resolution or trust indenture. Except as may otherwise be provided in such resolution or  
11 trust indenture, ~~such~~ the sinking or other similar fund shall be a fund for all such bonds without  
12 distinction or priority of one over another.

13 **Drafting note: No substantive change in the law.**

14

15 § ~~15.1-1594~~ 15.2-5359. Moneys received deemed trust funds.

16 All moneys received pursuant to the ~~authority~~ provisions of this chapter, whether as  
17 proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and  
18 applied solely as provided in this chapter. Any officer with whom, or any bank or trust company  
19 with which, such moneys ~~shall be~~ are deposited shall act as trustee of such moneys and shall hold  
20 and apply the same for the purposes hereof, subject to the provisions of this chapter and the  
21 resolution authorizing the issuance of such bonds or the trust indenture securing the same.

22 **Drafting note: No substantive change in the law.**

23

24 § ~~15.1-1595~~ 15.2-5360. Protection and enforcement of rights and duties under chapter.

25 Any holder of bonds issued under the provisions of this chapter, or of any of the coupons  
26 appertaining thereto, and the trustee under any trust indenture securing the same, except to the  
27 extent the rights herein given may be restricted by such trust indenture or any resolution  
28 authorizing the issuance of such bonds, may, either at law or in equity, by suit, action, injunction,  
29 mandamus or other proceedings, protect and enforce any and all rights under the laws of this  
30 Commonwealth or granted by this chapter or under such trust indenture or resolution and may  
31 enforce and compel the performance of all duties required by this chapter or by such trust

1 indenture or resolution to be performed by the authority or by any officer, employee or agent  
2 thereof, including the fixing, charging and collection of fees, rents and other charges.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-1596~~ 15.2-5361. Exemption from taxation.

6 The exercise of the powers granted by this chapter shall be in all respects for the benefit  
7 of the inhabitants of the Commonwealth; and for the promotion of their safety, health, welfare,  
8 convenience and prosperity; ~~and as the~~ The operation and maintenance of any hospital project  
9 which the authority is authorized to undertake will constitute the performance of an essential  
10 governmental function; therefore the authority shall not be required to pay any taxes or  
11 assessments upon any hospital project acquired or constructed by it; ~~and the~~ The bonds issued  
12 under the provisions of this chapter, their transfer and the income therefrom, including any profit  
13 made on the sale thereof, shall at all times be free and exempt from taxation by the  
14 Commonwealth and any political subdivision thereof.

15 **Drafting note: No substantive change in the law.**

16  
17 § ~~15.1-1597~~ 15.2-5362. Bonds legal investments; deposit with public agencies.

18 Bonds issued by the authority under the provisions of this chapter are hereby made  
19 securities in which all public officers and public bodies of the Commonwealth and all its political  
20 subdivisions, all insurance companies, trust companies, banking associations, investment  
21 companies, executors, trustees and other fiduciaries may properly and legally invest funds,  
22 including capital in their control or belonging to them. Such bonds are hereby made securities  
23 which may properly and legally be deposited with and received by any state or municipal officer  
24 or any agency or political subdivision of the Commonwealth for any purpose for which the  
25 deposit of bonds or obligations of the Commonwealth is now or may hereafter be authorized by  
26 law.

27 **Drafting note: No change.**

28  
29 § ~~15.1-1598~~ 15.2-5363. Chapter supplemental; application of other laws; consent of local  
30 governing bodies or other agencies not required.

1 The foregoing sections of this chapter shall be deemed to provide a complete, additional  
2 and alternative method for ~~the~~ doing of the things authorized thereby and shall be regarded as  
3 supplemental and additional to powers conferred by other laws; ~~provided~~ the issuance of revenue  
4 bonds and revenue refunding bonds under the provisions of this chapter need not comply with  
5 the requirements of any other laws applicable to the issuance of bonds. Except as otherwise  
6 expressly provided in this chapter, none of the powers granted to the authority under the  
7 provisions of this chapter shall be subject to the supervision or regulation or require the approval  
8 or consent of any ~~city, town or county government~~ locality or any commission, board, bureau or  
9 agency of any of the foregoing.

10 **Drafting note: No substantive change in the law.**

11  
12 § ~~15.1-1599~~ 15.2-5364. Severability; liberal construction.

13 The provisions of this chapter are severable, and if any of its provisions shall be declared  
14 unconstitutional or invalid by any court of competent jurisdiction, the decision of such court  
15 shall not affect or impair any of the other provisions of this chapter. This chapter, being  
16 necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed  
17 to effect the purposes hereof.

18 **Drafting note: No change.**

19  
20 Article 4.

21 Dissolution.

22  
23 § ~~15.1-1600~~ 15.2-5365. Proceedings for dissolution.

24 Whenever it ~~shall appear~~ appears to the commissioners of an authority that the need, as  
25 provided in § ~~15.1-1538~~ 15.2-5305, for such authority in the city in which it was created no  
26 longer exists, ~~then~~ upon petition by the commissioners to the circuit court ~~of~~ for such city, after  
27 giving to the city ten days' notice, and upon the production of satisfactory evidence in support of  
28 such petition, the court may, in its discretion, enter an order declaring that the need for such  
29 authority in the city no longer exists and approving a plan for ~~the winding up of~~ completing the  
30 business of the authority, the payment or assumption of its obligations, and the transfer of its  
31 assets.

1           **Drafting note: No substantive change in the law.**

2  
3           § ~~15.1-1601~~ 15.2-5366. When powers and duties cease to exist.

4           If the court ~~shall enter~~ enters an order, as provided in § ~~15.1-1600~~ 15.2-5365, that the  
5 need for such authority no longer exists, ~~then,~~ except for ~~the winding-up~~ completing of its affairs  
6 in accordance with the plan approved by the court, its authorities, powers and duties to transact  
7 business or to function shall cease to exist as of ~~that~~ the date set forth in the order of the court.

8           **Drafting note: No substantive change in the law.**

9  
10          § ~~15.1-1602~~ 15.2-5367. Appeal.

11          An appeal may be granted by the Supreme Court of Virginia, or any judge thereof, to  
12 either the authority or the city from the judgment of the court, and the appeal shall be heard and  
13 determined without reference to the principles of demurrer to evidence. The trial court shall  
14 certify the facts in the case to the Supreme Court and the evidence shall be considered as on  
15 appeal in proceedings under Chapter 1.1 (§ 25-46.1 et seq.) of Title 25. ~~In any case, by~~ By  
16 consent of both parties of record, the petition may be dismissed at any time before final judgment  
17 on the appeal.

18          **Drafting note: No substantive change in the law.**

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**PROPOSED**  
**CHAPTER 39 54.**  
**ELECTRIC AUTHORITIES ACT.**

**Chapter drafting note: This chapter, which was passed during the 1979 Session, is not currently being used by any localities.**

§ ~~15.1-1603~~ 15.2-5400. Short title.

This chapter shall be known and may be cited as the "Electric Authorities Act."

**Drafting note: No change.**

§ ~~15.1-1604~~ 15.2-5401. Intent of General Assembly.

It is the intent of the General Assembly by the passage of this chapter to authorize the creation of electric authorities by ~~counties, cities and towns~~ localities of this Commonwealth, either acting jointly or separately, in order to provide facilities for the generation and transmission of electric power and energy, and to vest such authorities with all powers that may be necessary to enable them to accomplish such purposes, which powers shall be exercised for the benefit of the inhabitants of the Commonwealth.

It is further the intent of the General Assembly that in order to achieve the economies and efficiencies made possible by the proper planning, financing, sizing and location of facilities for the generation and transmission of electric power and energy which are not practical for any ~~county, city or town~~ locality or electric authority acting alone, and to insure an adequate, reliable and economical supply of electric power and energy to the inhabitants of the Commonwealth, electric authorities shall be authorized to jointly cooperate and plan, finance, develop, own and operate with other electric authorities and other public corporations and governmental entities and investor-owned electric power companies and electric power cooperative associations or corporations, within or ~~without~~ outside the Commonwealth, electric generation and transmission facilities in order to provide for the present and future requirements of the electric authorities and their participating ~~counties, cities and towns~~ localities.

1           Accordingly, it is determined that the exercise of the powers granted herein will benefit  
2 the inhabitants of the Commonwealth and serve a valid public purpose in improving and  
3 otherwise promoting their health, welfare and prosperity.

4           This chapter shall be liberally construed in conformity with these intentions.

5           **Drafting note: No substantive change in the law.**

6  
7           § ~~15.1-1605~~ 15.2-5402. Definitions.

8           Wherever used in this chapter, unless a different meaning clearly appears in the context,  
9 ~~the following terms, whether used in the singular or plural, shall be given the following~~  
10 ~~respective interpretations:~~

11           ~~1. "Authority" shall mean~~ means a political subdivision and a body politic and corporate  
12 created, organized and existing pursuant to the provisions of this chapter, or if the authority ~~shall~~  
13 ~~be is~~ abolished, the board, body, commission, department or officer succeeding to the principal  
14 functions thereof or to whom the powers given by this chapter shall be given by law;.

15           ~~2. "Bonds" or "revenue bonds" shall mean~~ means bonds, notes and other evidences of  
16 indebtedness of an authority issued by the authority pursuant to the provisions of this chapter;.

17           ~~3. "Cost" or "cost of a project" shall mean~~ means, but shall not be limited to, the cost of  
18 acquisition, construction, reconstruction, improvement, enlargement, betterment or extension of  
19 any project, including the cost of studies, plans, specifications, surveys, and estimates of costs  
20 and revenues relating thereto, the cost of labor and materials; the cost of land, land rights, rights-  
21 of-way and easements, water rights, fees, permits, approvals, licenses, certificates, franchises,  
22 and the preparation of applications for and securing the same; administrative, legal, engineering  
23 and inspection expenses; financing fees, expenses and costs; working capital; costs of fuel and of  
24 fuel supply resources and related facilities; interest on bonds during the period of construction  
25 and for such reasonable period thereafter as may be determined by the issuing authority;  
26 establishment of reserves; and all other expenditures of the issuing authority incidental,  
27 necessary or convenient to the acquisition, construction, reconstruction, improvement,  
28 enlargement, betterment or extension of any project and the placing of the ~~same~~ project in  
29 operation;.

30           ~~4. "Commonwealth" shall mean the Commonwealth of Virginia;~~



1           5. "~~Governing body~~" shall mean the board or body in which the general legislative  
2 powers of the governmental unit are vested;

3           6. "Governmental unit" shall ~~mean~~ means any incorporated city or town in the  
4 Commonwealth owning on January 1, 1979, a system or facilities for the generation,  
5 transmission or distribution of electric power and energy for public and private uses and engaged  
6 in the generation or retail distribution of electricity; ~~and~~ any incorporated city in the  
7 Commonwealth which on January 1, 1979, has a population of 200,000 or more; ~~and~~ or any  
8 county or incorporated city or town in the Commonwealth which after January 1, 1979, is  
9 authorized to participate in an authority pursuant to an act of the General Assembly;

10           7. "Project" shall ~~mean~~ means any system of facilities for the generation, transmission,  
11 transformation or supply of electric power and energy by any means whatsoever, including fuel  
12 and fuel supply resources and other related facilities, any interest therein and any right to output,  
13 capacity or services thereof, but does not include facilities for the distribution of electric energy  
14 for retail sale; ~~and~~.

15           8. "Unit" shall ~~mean~~ means any governmental unit; any electric authority; any investor-  
16 owned electric power company; any electric cooperative association or corporation; the  
17 Commonwealth or any other state; or any department, institution, commission, public  
18 instrumentality or political subdivision of the Commonwealth ~~or of~~ any other state, or ~~of~~ the  
19 United States.

20           **Drafting note: No substantive change in the law. The definitions for**  
21 **“Commonwealth” and “governing body” are deleted since those terms are defined**  
22 **elsewhere.**

23  
24           § ~~15.1-1606~~ 15.2-5403. Creation of electric authority; referendum.

25           The governing body of a governmental unit may by ordinance, or the governing bodies of  
26 two or more governmental units may by concurrent ordinances or agreement authorized by  
27 ordinance of each of the respective governmental units, create an electric authority, under any  
28 appropriate name and title containing the words "electric authority;" ~~which, upon.~~ Upon  
29 compliance with the provisions of this section and §§ ~~15.1-1518~~ 15.2-5404 and ~~15.1-1519~~ 15.2-  
30 5405, the authority shall be a political subdivision of the Commonwealth and a body politic and  
31 corporate. Any such ordinance shall be adopted in accordance with applicable general or special

1 laws or charter provisions providing for the adoption of ordinances of the particular  
2 governmental unit, and shall be published once a week for two successive weeks prior to  
3 adoption in a newspaper of general circulation within the governmental unit. The second  
4 publication shall not be sooner than one calendar week after the first publication.

5 No governmental unit shall participate as a member of such an authority unless and until  
6 such participation is authorized by a majority of the voters voting in a referendum held in the  
7 governmental unit on the question of whether or not the governmental unit should participate in  
8 said the authority. ~~The State Board of Elections shall approve the form of the ballot; and shall be~~  
9 ~~obligated to see to it that the question is clearly expressed, and such~~ referendum shall be held as  
10 provided in §§ ~~24.1-165~~ 24.2-682 and 24.2-684.

11 **Drafting note: No substantive change in the law. The existing citations to §§ 15.1-**  
12 **1518 and 15.1-1519 are incorrect.**

13  
14 § ~~15.1-1607~~ 15.2-5404. Articles of incorporation.

15 Each ordinance or agreement providing for the creation of an authority shall include  
16 articles of incorporation which shall set forth:

- 17 1. The name of the authority and the address of its principal office;
- 18 2. The names of the governmental units which are to be the initial members of the  
19 authority;
- 20 3. The purpose or purposes for which the authority is to be created;
- 21 4. The number of directors who shall initially serve on the board of directors which shall  
22 exercise the powers of the authority, the number of directors from each member governmental  
23 unit, and the names, addresses and terms of office of the initial directors of the authority; and
- 24 5. Any other provisions for regulating the business of the authority or the conduct of its  
25 affairs, including provisions for amendment of the articles of incorporation.

26 **Drafting note: No change.**

27  
28 § ~~15.1-1608~~ 15.2-5405. Certificate of incorporation or charter; addition and withdrawal  
29 of members; board of directors; indemnification of directors, officers or employees.

30 A. After adoption or approval of the ordinances or agreement providing for the creation  
31 of an authority, ~~there shall be filed with the State Corporation Commission~~ the articles of

1 incorporation of the authority shall be filed with the State Corporation Commission. If the State  
2 Corporation Commission finds that the articles of incorporation conform to law, and the creation  
3 of such an authority is in the public interest, a certificate of incorporation or charter shall  
4 forthwith be issued, and thereupon the authority shall constitute a political subdivision of the  
5 Commonwealth and a body politic and corporate and shall be deemed to have been lawfully and  
6 properly created ~~and~~, established and authorized to exercise the powers granted under this  
7 chapter.

8 In any suit, action or proceeding involving the validity or enforcement of, or relating to,  
9 any contract or action of the authority, the authority, in the absence of establishing fraud in the  
10 premises, shall be conclusively deemed to have been established in accordance with the  
11 provisions of this chapter upon proof of the issuance of the aforesaid certificate by the State  
12 Corporation Commission. A copy of such certificate, duly certified by the State Corporation  
13 Commission, shall be admissible in evidence in any such suit, action or proceeding, and shall be  
14 conclusive evidence of the filing and contents thereof.

15 Notice of the issuance of such certificate by the State Corporation Commission shall be  
16 given to each of the member governmental units of the authority by the State Corporation  
17 Commission.

18 B. After the creation of an authority, any other governmental unit may become a member  
19 thereof upon application to such authority after the adoption of an ordinance by the governing  
20 body of the governmental unit authorizing such governmental unit to become a member of the  
21 authority, and with the unanimous consent of the members of the authority evidenced by  
22 ordinances of their respective governing bodies. Any governmental unit may withdraw from an  
23 authority, ~~provided;~~ however, ~~that~~ all contractual rights acquired and obligations incurred while  
24 a governmental unit was a member shall remain in full force and effect.

25 In the case of the joining of a new member governmental unit to an authority, or in the  
26 case of the withdrawal of an existing member governmental unit from an authority, the articles of  
27 incorporation of the authority shall be amended to evidence such joinder or withdrawal, as the  
28 case may be, and such amendment shall be filed with the State Corporation Commission.  
29 Thereupon, the State Corporation Commission shall issue a certificate of joinder or withdrawal,  
30 as the case may be, to which shall be attached a copy of the amendment to the articles of

1 incorporation. The joining or withdrawal shall become effective upon the issuance of such  
2 certificate.

3 C. The powers of each authority created by the governing body of a single governmental  
4 unit shall be exercised by a board of five directors, or, at the option of the governing body of the  
5 particular governmental unit, a number of directors equal to the number of persons on the  
6 governing body of the governmental unit. The powers of each authority created by the governing  
7 bodies of two or more governmental units shall be exercised by a board of such number of  
8 directors specified in its articles of incorporation, which shall be not less than one member for  
9 each governmental unit and not less than a total of five directors. The directors of an authority  
10 shall be selected in the manner and for the terms provided by the ordinance of a single  
11 governmental unit, or the concurrent ordinances or agreement of two or more of the  
12 governmental units creating the authority. No director shall be appointed for a term of more than  
13 four years but a director may be reappointed and succeed himself or herself. Directors shall hold  
14 office until their successors have been appointed. When one or more additional governmental  
15 units join an existing authority, each of such joining governmental units shall appoint not less  
16 than one director of the authority.

17 The directors of the authority shall elect one of their number chairman of the authority,  
18 and shall elect a secretary and treasurer and such other officers as are deemed necessary who  
19 need not be directors of the authority. The offices of secretary and treasurer may be combined. A  
20 majority of the directors of the authority shall constitute a quorum, and the vote of a majority of  
21 the directors shall be necessary for any action taken by the authority. No vacancy in the board of  
22 directors of the authority shall impair the right of a quorum to exercise all the rights and perform  
23 all the duties of the authority. If a vacancy ~~shall occur~~ occurs by reason of the death,  
24 disqualification or resignation of a director, the governing body of the governmental unit which  
25 ~~shall have~~ appointed such director shall appoint a successor to fill his unexpired term. In the  
26 event of a vacancy in the board of directors for any reason, a successor shall be appointed within  
27 six months of the date on which such vacancy occurred.

28 Whenever a governmental unit ~~shall withdraw~~ withdraws from an authority, the term of  
29 any director appointed to the board of directors from such governmental unit shall immediately  
30 terminate, and, if such termination ~~shall result~~ results in less than five directors of the authority,  
31 additional directors shall be selected in the manner and for the terms provided by the ordinances

1 or agreement creating the authority so as to comply with the requirements of this section. No  
2 elected official of a member governmental unit shall be a director of an authority. No person  
3 shall serve as a director unless he ~~or she shall reside~~ resides within the governmental unit which  
4 has appointed him ~~or her~~. Directors shall receive such compensation as shall be fixed from time  
5 to time by resolution or resolutions of the governing body or bodies of the member governmental  
6 unit or units of the authority, and shall be reimbursed for any actual expenses necessarily  
7 incurred in the performance of their duties.

8 D. An authority may defend, indemnify against loss or liability and save harmless any of  
9 its directors, officers or employees whenever a claim or demand is made or threatened, or  
10 whenever proceeded against in any investigation or before any court, board, commission or other  
11 public body to defend or maintain his official position or a position taken in the course of the  
12 execution of his duties or because of any act or omission arising out of the performance of his  
13 official duties if the director, officer or employee acted in good faith and in a manner he  
14 reasonably believed to be in, or not opposed to, the best interests of the authority. If it is  
15 ultimately determined that a director, officer or employee of an authority is entitled to be  
16 indemnified by the authority as authorized in this section, he shall be indemnified against  
17 expenses, including attorneys' fees, actually and reasonably incurred by him in connection  
18 therewith. Expenses, including attorneys' fees, incurred in defending a civil action, suit or  
19 proceeding may be paid by an authority in advance of the final disposition of such action, suit or  
20 proceeding as authorized in the manner provided in this section upon receipt of an undertaking  
21 by or on behalf of the director, officer or employee, to repay such amount unless it shall  
22 ultimately be determined that he is entitled to be indemnified by the authority as authorized in  
23 this section.

24 The indemnification provided by this section shall not be deemed exclusive of any other  
25 rights to which those indemnified may be entitled under any bylaw, agreement, or otherwise,  
26 both as to action in his official capacity and as to action in another capacity while holding such  
27 office, and shall continue as to a person who has ceased to be a director, officer or employee, and  
28 shall inure to the benefit of the heirs, executors and administrators of such person. An authority  
29 shall have power to purchase and maintain insurance on behalf of any person who is or was a  
30 director, officer or employee of the authority against any liability asserted against him and  
31 incurred by him in any such capacity or arising out of his status as such, whether or not the

1 authority would have the power to indemnify him against such liability under the provisions of  
2 this section.

3 **Drafting note: No substantive change in the law. Paragraph breaks have been**  
4 **added in subsections C and D for clarity.**

5

6 § ~~15.1-1609~~ 15.2-5406. Rights, powers and duties of authority.

7 An authority shall have all of the rights and powers necessary and convenient to carry out  
8 and effectuate the purposes and provisions of this chapter, including, but without limiting the  
9 generality of the foregoing, the rights and powers:

10 1. To adopt bylaws or rules for the regulation of its affairs and the conduct of its business;

11 2. To adopt an official seal and alter the same at pleasure;

12 3. To maintain an office at such place or places as it may designate;

13 4. To sue and be sued;

14 5. To receive, administer and comply with the conditions and requirements respecting  
15 any gift, grant or donation of any property or money;

16 6. To study, plan, research, develop, finance, construct, reconstruct, acquire, improve,  
17 enlarge, extend, better, lease, own, operate and maintain; any project or any interest in any  
18 project, within or ~~without~~ outside the Commonwealth, including the acquisition of an ownership  
19 interest in any project as a tenant in common with any other unit or units whether public or  
20 private, and to enter into and perform contracts with respect thereto, and if the authority acquires  
21 an ownership interest as a tenant in common in any project within the Commonwealth, the  
22 surrender or waiver by any such owner of its right to partition such property for a period not  
23 exceeding the period for which the property is used or useful for electric utility purposes shall  
24 not be invalid and unenforceable by reason of length of such period or as unduly restricting the  
25 alienation of such property;

26 7. To acquire by private negotiated purchase or lease or otherwise an existing project, a  
27 project under construction, or other property within or ~~without~~ outside the Commonwealth, either  
28 individually or jointly with any other unit or units whether public or private ~~and~~; to acquire by  
29 private negotiated purchase or lease or otherwise any facilities for the development, production,  
30 manufacture, procurement, handling, transportation, storage, fabrication, enrichment, processing  
31 or reprocessing of fuel of any kind or any facility or rights with respect to the supply of water;;

1 and to enter into agreements by private negotiation or otherwise, for such period as the authority  
2 shall determine, for the development, production, manufacture, procurement, handling, storage,  
3 fabrication, enrichment, processing or reprocessing of fuel of any kind or any facility or rights  
4 with respect to the supply of water;

5 8. To acquire by purchase, lease, gift, or otherwise, or to obtain options for the  
6 acquisition of, any property, real or personal, improved or unimproved, including an interest in  
7 land less than the fee thereof;

8 9. To sell, lease, exchange, transfer or otherwise dispose of, or to grant options for any  
9 such purposes with respect to, any real or personal property or interest therein;

10 10. To dispose of by private negotiated sale or lease or otherwise an existing project, a  
11 project under construction, or other property owned either individually or jointly, and to dispose  
12 of by private negotiated sale or lease or otherwise any facilities for the development, production,  
13 manufacture, procurement, handling, transportation, storage, fabrication, enrichment, processing  
14 or reprocessing of fuel of any kind or any facility or rights with respect to the supply of water;

15 11. To borrow money and issue revenue bonds of the authority in the manner hereinafter  
16 provided;

17 12. To accept advice and money from any member governmental unit of the authority;

18 13. To apply and contract for and to expend assistance from the United States or other  
19 public or private sources, whether in form of a grant or loan or otherwise;

20 14. To fix, charge and collect rents, rates, fees and charges for output or capacity of any  
21 project and for the use of, or for, the other services, facilities and commodities sold, furnished or  
22 supplied through any project;

23 15. To authorize the acquisition, construction, operation or maintenance of any project by  
24 any unit or individual on such terms as the authority shall deem proper, and, in connection with  
25 any project which is owned jointly by the authority and one or more units, to act as agent, or  
26 designate one or more of the other units to act as agent, for all the owners of the project for the  
27 construction, operation or maintenance of such project;

28 16. To generate, produce, transmit, deliver, exchange, purchase or sell electric power and  
29 energy at wholesale, and to enter into contracts for any or all such purposes;

1           17. To negotiate and enter into contracts for the purchase, sale, exchange, interchange,  
2 wheeling, pooling, transmission or use of electric power and energy at wholesale with any unit  
3 within or ~~without~~ outside the Commonwealth;

4           18. To purchase power and energy and related services from any source on behalf of its  
5 member governmental units and other customers and to sell the same to its member  
6 governmental units and other customers in such amounts, with such characteristics, for such  
7 periods of time and under such terms and conditions as the authority shall determine;

8           19. In the event of any annexation by a governmental unit which is not a member  
9 governmental unit of the authority of lands, areas, or territory in which the authority's projects  
10 exist, to continue to do business and to exercise jurisdiction over its properties and facilities in  
11 and upon or over such lands, areas or territory as long as any bonds remain outstanding or  
12 unpaid, or any contracts or other obligations remain in force;

13           20. To amend the articles of incorporation with respect to the name or powers of such  
14 authority or in any other manner not inconsistent with this chapter by following the procedure  
15 prescribed by law for the creation of an authority;

16           21. To enter into contracts with any unit on such terms as the authority shall deem proper  
17 for the purposes of acting as a billing and collecting agent for electric service or electric service  
18 fees, rents or charges imposed by any such unit;

19           22. To pledge or assign any moneys, fees, rents, charges or other revenues and any  
20 proceeds derived by the authority from the sales of bonds, property, insurance or condemnation  
21 awards;

22           23. To make and execute contracts and other instruments necessary or convenient in the  
23 exercise of the powers and functions of the authority under this chapter, including contracts with  
24 persons, firms, corporations and others;

25           24. To apply to the appropriate agencies of the Commonwealth, the United States or any  
26 state thereof, and to any other proper agency for such permits, licenses, certificates or approvals  
27 as may be necessary, ~~and~~, to construct, maintain and operate projects in accordance with such  
28 licenses, permits, certificates or approvals; and to obtain, hold and use such licenses, permits,  
29 certificates and approvals in the same manner as any other person or operating unit;

30           25. To employ such persons as may be required in the judgment of the authority and to  
31 fix and pay their compensation from funds available to the authority therefor; and



1           26. To do all acts and things necessary and convenient to carry out the purposes and to  
2 exercise the powers granted to the authority herein.

3           In undertaking a project, an authority shall apply to the appropriate agencies of the  
4 Commonwealth, the United States, or any state therein, for such permits, licenses, certificates, or  
5 approvals as may be necessary, including, in any event, those referred to in §§ 56-46.1, 56-234.3,  
6 and 56-265.2; ~~former § 62.1-3~~; and Chapter 7 (§ 62.1-80 et seq.) of Title 62.1 of the Code of  
7 Virginia. An authority shall construct, maintain and operate such projects in accordance with  
8 such permits, licenses, certificates and approvals.

9           In determining which project or projects to undertake in furtherance of its purposes and  
10 powers under this chapter, an authority shall take into account estimated future power  
11 requirements of member governmental units which have entered into, or propose to enter into,  
12 contracts with the authority for the purchase of output, capacity, use or services of such project  
13 or projects, and in making such determinations the authority shall consider the following:

14           1. ~~The economies~~ Economies and efficiencies to be achieved in constructing, on a large  
15 scale, facilities for the generation of electric power and energy;

16           2. Needs of the authority for reserve and peaking capacity and to meet obligations under  
17 pooling and reserve-sharing agreements reasonably related to its needs for power and energy to  
18 which the authority is or may become a party;

19           3. ~~The estimated~~ Estimated useful life of such project;

20           4. ~~The estimated~~ Estimated time necessary for the planning, development, acquisition, or  
21 construction of such project and ~~the~~ length of time required in advance to obtain, acquire or  
22 construct an additional power supply for the member governmental units of the authority; and

23           5. ~~The reliability~~ Reliability and availability of alternative power supply sources and ~~the~~  
24 cost of such alternative power supply sources.

25           Nothing herein contained shall prevent an authority from undertaking studies to  
26 determine whether there is a need for a project or whether such project is feasible.

27           **Drafting note: No substantive change in the law. Section 62.1-3 was repealed in**  
28 **1992.**

29  
30           § ~~15.1-1610~~ 15.2-5407. Membership in more than one authority.

1 Nothing herein contained shall prohibit any governmental unit from being a member of  
2 more than one authority for the purpose of obtaining an adequate electric power supply.

3 **Drafting note: No change.**

4  
5 § ~~15.1-1611~~ 15.2-5408. Sale of power and energy, including capacity and output to  
6 member governmental units by authority; duration of contracts; source of payments; furnishing  
7 of money, property or services by member governmental units.

8 Any member governmental unit of an authority may contract to buy from the authority  
9 power and energy required for its present or future requirements, including the capacity and  
10 output of one or more specified projects. Any such contract may provide that the governmental  
11 unit so contracting shall be obligated to make payments required by the contract whether or not a  
12 project is completed, operable or operating and notwithstanding the suspension, interruption,  
13 interference, reduction or curtailment of the output of a project or the power and energy  
14 contracted for, and that such payments under the contract shall not be subject to any reduction,  
15 whether by offset or otherwise, and shall not be conditioned upon the performance or  
16 nonperformance by the authority or any other member governmental unit under the contract or  
17 any other instrument. Such contracts with respect to any project may also provide, in the event of  
18 default by any member governmental unit which is a party to any such contract for such project  
19 in the performance of its obligations thereunder, for other member governmental units which are  
20 parties to any such contract for such project to succeed to the rights and interests and assume the  
21 obligations of the defaulting party, pro rata or otherwise as may be agreed upon in such  
22 contracts.

23 Notwithstanding the provisions of any other law or local charter provision to the contrary,  
24 any such contracts with respect to the sale or purchase of capacity, output, power or energy from  
25 a project may extend for a period not exceeding fifty years from the date a project is estimated to  
26 be placed in normal continuous operation; ~~and~~ the execution and effectiveness thereof shall not  
27 be subject to any authorizations or approvals by the Commonwealth or any agency, commission  
28 or instrumentality or political subdivision thereof except as ~~in this chapter~~ specifically required  
29 and provided in this chapter.

30 Payments by a governmental unit under any contract for the purchase of capacity and  
31 output from an authority shall be made solely from, and may be secured by a pledge of and lien

1 upon, the revenues derived by such governmental unit from the ownership and operation of the  
2 electric system of such governmental unit, and such payments may be made as an operating  
3 expense of such electric system. No obligation under such contract shall constitute a legal or  
4 equitable pledge, charge, lien or encumbrance upon any property of the governmental unit or  
5 upon any of its income, receipts or revenues, except the revenues of its electric system, and  
6 neither the faith and credit nor the taxing power of the governmental unit are, or may be, pledged  
7 for the payment of any obligation under any such contract. A governmental unit shall be  
8 obligated to fix, charge and collect rents, rates, fees and charges for electric power and energy  
9 and other services, facilities and commodities sold, furnished or supplied through its electric  
10 system sufficient to provide revenues adequate to meet its obligations under any such contract  
11 and to pay any and all other amounts payable from or constituting a charge and lien upon such  
12 revenues, including amounts sufficient to pay the principal of and interest on bonds of such  
13 governmental unit heretofore or hereafter issued for purposes related to its electric system. Any  
14 pledge made by a governmental unit pursuant to this paragraph shall be governed by the laws of  
15 the Commonwealth.

16 Any member governmental unit of an authority may furnish the authority with money  
17 and provide the authority with personnel, equipment and property, both real and personal. Any  
18 member governmental unit may also provide any services to an authority. Any member  
19 governmental unit may contract for, advance or contribute funds to an authority as may be  
20 agreed upon by the authority, and the member governmental unit and the authority shall repay  
21 such advances or contributions from proceeds of bonds, from operating revenues or from any  
22 other funds of the authority, together with interest thereon as may be agreed upon by the member  
23 governmental units and authority.

24 **Drafting note: No substantive change in the law.**

25

26 § ~~15.1-1612~~ 15.2-5409. Sale of capacity and output to nonmembers; limitations.

27 An authority may sell or exchange the capacity or output of a project not then required by  
28 any of its member governmental units for such consideration ~~and~~, for such period, and upon such  
29 other terms and conditions as may be determined by the parties, to any person, firm, association  
30 or corporation, public or private within or ~~without~~ outside the Commonwealth; ~~provided,~~  
31 however, ~~that~~ this shall not authorize retail sales by an authority to any nongovernmental end

1 user of electric capacity or energy, and ~~further, that~~ sales of such capacity or output of a project  
2 shall not be made in such amounts, for such periods of time, and under such terms and conditions  
3 as will cause the interest on bonds issued to finance the cost of a project to become taxable by  
4 the federal government.

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-1613~~ 15.2-5410. Contents of agreement as to joint ownership of project;  
8 designation of party to agreement as agent for construction, operation and maintenance of  
9 project; powers and duties of agent.

10 Any agreement between an authority and a unit with respect to the joint ownership of a  
11 project shall provide that each party to the agreement shall own a percentage of the project equal  
12 to the percentage of the money furnished or the value of property supplied by the respective  
13 parties for the acquisition and construction thereof and shall own and control a like percentage of  
14 the output thereof. ~~Such~~ The agreement shall further provide that an authority shall be liable only  
15 for its own acts thereunder and that no moneys or other contributions supplied by an authority  
16 shall be applied in any way to the account of any other party to the agreement. Any such  
17 agreement may contain such terms, conditions, and provisions as the board of directors of an  
18 authority shall deem to be in the best interest of such authority.

19 The agreement may include, but shall not be limited to, provisions for the construction,  
20 operation and maintenance of a project by one of the parties thereto, which shall be designated in  
21 or pursuant to such agreement as agent on behalf of itself and the other parties, or by such other  
22 means as may be determined by the parties and provisions for a uniform method of determining,  
23 and allocating among the parties, costs of construction, operation, maintenance, renewals,  
24 replacements, and improvements with respect to such project. In carrying out its functions and  
25 activities as such agent with respect to the construction, operation, and maintenance of such a  
26 project, including without limitation the letting of contracts therefor, ~~such~~ the agent shall be  
27 governed by the laws and regulations applicable to such agent as a separate legal entity and not  
28 by any laws or regulations which may be applicable to any of the other parties. Notwithstanding  
29 the provisions of any other law to the contrary, ~~such~~ the authority may delegate its powers and  
30 duties with respect to the construction, operation and maintenance of such project to such agent,  
31 and all actions taken by ~~such~~ the agent in accordance with the provisions of such agreement shall

1 be binding upon each of the parties without further action or approval by their respective boards  
2 of directors or governing bodies. ~~Such~~ The agent shall be required to exercise all such powers  
3 and perform its duties and functions under the agreement in a manner consistent with prudent  
4 utility practice.

5 As used in this section, “prudent utility practice” ~~shall mean~~ means any of the practices,  
6 methods, and acts at a particular time which, in the exercise of reasonable judgment in the light  
7 of the facts, including but not limited to the practices, methods, and acts engaged in or approved  
8 by a significant portion of the electrical utility industry prior thereto, known at the time the  
9 decision was made, would have been expected to accomplish the desired result at the lowest  
10 reasonable cost consistent with reliability, safety and expedition.

11 **Drafting note: No substantive change in the law. Two paragraph breaks are added**  
12 **for clarity.**

13  
14 § ~~15.1-1614~~ 15.2-5411. Contracts for planning, acquisition, construction, etc., of projects.

15 An authority may contract for the planning, acquisition, construction, reconstruction,  
16 operation, maintenance, repair, extension, and improvement of a project or may contract with  
17 one or more units to perform these functions, by advertising for bids, preparing plans and  
18 specifications in advance of construction, or securing performances and payment bonds to the  
19 extent that its board of directors determines that these actions are desirable in furtherance of the  
20 purposes of this chapter. Except as otherwise provided by this section, no contract shall be  
21 invalid or unenforceable by reason of nonperformance of the conditions required by any other  
22 law relating to public contracts.

23 **Drafting note: No change.**

24  
25 § ~~15.1-1615~~ 15.2-5412. Issuance of bonds by authority.

26 An authority may issue from time to time its bonds in such principal amounts as the  
27 authority shall deem necessary to provide sufficient funds to carry out any of its corporate  
28 purposes and powers, including but not limited to the payment of all or any part of the cost of a  
29 project or projects. The principal of, redemption premium, if any, and interest on such bonds  
30 shall be payable solely from, and may be secured solely by, a pledge of and lien upon, the  
31 revenues, or any portion thereof, derived or to be derived by the authority from one or more of its

1 projects, or contributions or advances from its members, or moneys derived from any source, as  
2 the authority shall determine. Bonds of the authority shall be authorized by a resolution adopted  
3 by its board of directors, and such resolution shall be spread upon its minutes. The bonds of each  
4 issue shall be dated, shall bear interest at such rate or rates, shall mature at such time or times not  
5 exceeding fifty years from their date or dates, shall have such rank or priority and may be made  
6 redeemable before maturity at the option of the authority, at such price or prices and under such  
7 terms and conditions, all as may be determined by the authority. The authority shall determine  
8 the form of the bonds, including any interest coupons to be attached thereto, and the manner of  
9 execution of the bonds, and shall fix the denomination or denominations of the bonds and the  
10 place or places of payment of principal and interest, which may be at any bank or trust company  
11 within or ~~without~~ outside the Commonwealth. In case any officer whose signature or a facsimile  
12 of whose signature ~~shall appear~~ appears on any bonds or coupons shall cease to be such officer  
13 before the delivery of such bonds, ~~such~~ his signature or ~~such~~ facsimile shall nevertheless be valid  
14 and sufficient for all purposes the same as if he had remained in office until such delivery. The  
15 bonds may be issued in coupon or in registered form, or both, as the authority may determine,  
16 and provisions may be made for the registration of any coupon bonds as to principal alone and  
17 also as to both principal and interest, and for the reconversion into coupon bonds of any bonds  
18 registered as to both principal and interest. The authority may sell such bonds in such manner,  
19 either, at public or at private sale, and for such price as it may determine to be for the best  
20 interest of the authority and the member governmental units to be served thereby.

21 The issuance of such bonds shall not be subject to any limitations or conditions contained  
22 in any other law, and bonds may be issued without obtaining the consent of the Commonwealth  
23 or any political subdivisions, or of any agency, commission or instrumentality of either thereof,  
24 and without any other approvals, proceedings or the happening of any conditions or things other  
25 than those specifically required by this chapter, and the provisions of the resolution authorizing  
26 the issuance of such bonds or the trust agreement securing the same.

27 **Drafting note: No substantive change in the law.**

28

29 § ~~15.1-1616~~ 15.2-5413. Interim receipts and temporary bonds; lost, stolen and destroyed  
30 bonds.

1 Prior to the preparation of definitive bonds, the authority may issue interim receipts or  
2 temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds  
3 have been executed and are available for delivery.

4 Should any bond issued under this chapter or any coupon appertaining thereto become  
5 mutilated or be lost, stolen or destroyed, the authority may cause a new bond or coupon of like  
6 date, number and tenor to be executed and delivered in exchange and substitution for, and upon  
7 the cancellation of such mutilated bond or coupon, or in lieu of and in substitution for such lost,  
8 stolen or destroyed bond or coupon. Such new bond or coupon shall not be executed or delivered  
9 until the holder of the mutilated, lost, stolen or destroyed bond or coupon has (i) paid the  
10 reasonable expense and charges in connection therewith ~~and~~; (ii) in the case of a lost, stolen or  
11 destroyed bond or coupon, ~~has~~ filed with the authority or its fiduciary evidence satisfactory to  
12 such authority or its fiduciary that such bond or coupon was lost, stolen or destroyed and that the  
13 holder was the owner thereof; and (iii) ~~has~~ furnished indemnity satisfactory to the authority.

14 **Drafting note: No substantive change in the law.**

15  
16 § ~~15.1-1617~~ 15.2-5414. Bonds not debts of Commonwealth or member governmental  
17 unit.

18 Bonds issued under the provisions of this chapter shall not be deemed to constitute a  
19 pledge of the faith and credit of the Commonwealth or of any governmental unit thereof. All  
20 such bonds shall contain a statement on their face substantially to the effect that neither the faith  
21 and credit of the Commonwealth nor the faith and credit of any governmental unit of the  
22 Commonwealth ~~are~~ is pledged to the payment of the principal of or the interest on such bonds.  
23 The issuance of bonds under the provisions of this chapter shall not directly, indirectly or  
24 contingently obligate the Commonwealth or any governmental unit of the Commonwealth to  
25 levy any taxes whatever therefor or to make any appropriation for their payment.

26 **Drafting note: No substantive change in the law.**

27  
28 § ~~15.1-1618~~ 15.2-5415. Security for bonds; trust agreement; bond resolution.

29 In the discretion of any authority, any revenue bonds issued under the provisions of this  
30 chapter may be secured by a trust agreement by and between the authority and a corporate  
31 trustee. Such corporate trustee, and any depository of funds of the authority, may be any trust

1 company or bank having the powers of a trust company within the Commonwealth. The  
2 resolution authorizing the issuance of the bonds or the trust agreement may pledge or assign all  
3 or a portion of the revenues to be received by the authority in respect of any project or projects  
4 but shall not convey or mortgage any project, ~~and~~ may contain such provisions for protecting and  
5 enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in  
6 violation of law, and may restrict the individual right of action by bondholders. The trust  
7 agreement or the resolution providing for the issuance of such bonds may contain covenants  
8 including, but not limited to, the following:

9           1. The pledge of all or any part of the revenues derived from the project or projects to be  
10 financed by the bonds or from the electric system or facilities of the authority;

11           2. The rents, rates, fees and charges to be established, maintained, and collected, and the  
12 use and disposal of revenues, gifts, grants and funds received or to be received by the authority;

13           3. The setting aside of reserves and the investment, regulation and disposition thereof;

14           4. The custody, collection, securing, investment, and payment of any moneys held for the  
15 payment of bonds;

16           5. Limitations or restrictions on the purposes to which the proceeds of the sale of bonds  
17 then or thereafter to be issued may be applied;

18           6. Limitations or restrictions on the issuance of additional bonds, the terms upon which  
19 additional bonds may be issued and secured or the refunding of outstanding or other bonds;

20           7. The procedure, if any, by which the terms of any contract with bondholders may be  
21 amended, the percentage of bonds the bondholders of which must consent thereto, and the  
22 manner in which such consent may be given;

23           8. Events of default and the rights and liabilities arising thereupon, the terms and  
24 conditions upon which bonds issued under this chapter shall become or may be declared due  
25 before maturity, and the terms and conditions upon which such declaration and its consequences  
26 may be waived;

27           9. The preparation and maintenance of a budget;

28           10. The retention or employment of consulting engineers, independent auditors, and other  
29 technical consultants;

30           11. Limitations on or the prohibition of free service to any person, firm or corporation,  
31 public or private;



1           12. The acquisition and disposal of property, and the appointment of a receiver of the  
2 funds and property of the authority in the event of a default;

3           13. Provisions for insurance and for accounting reports and the inspection and audit  
4 thereof; and

5           14. The continuing operation and maintenance of the project or projects.

6           Any pledge made by an authority pursuant to this chapter shall be governed by the laws  
7 of the Commonwealth.

8           **Drafting note: No substantive change in the law.**

9  
10          § ~~15.1-1619~~ 15.2-5416. Rents, rates, fees and other charges.

11          The authority is hereby authorized to fix, charge and collect rents, rates, fees and other  
12 charges for the purchase of output or capacity of, or for the use of and for the electric power and  
13 energy or services, facilities and commodities sold, furnished or supplied by, any project. Such  
14 rates, fees and charges shall be so fixed and revised as to provide funds, with other funds  
15 available for such purposes, sufficient at all times to (i) ~~to~~ pay the cost of maintaining, operating  
16 and repairing the project or projects on account of which such bonds are issued, including  
17 reserves for such purposes and for replacement and depreciation and necessary extensions; (ii) ~~to~~  
18 pay the principal of and redemption premium, if any, and interest on the revenue bonds as the  
19 same shall become due and to create and maintain reserves therefor; (iii) ~~to~~ comply with the  
20 terms of any resolution or trust agreement securing bonds of the authority; and (iv) ~~to~~ pay any  
21 and all amounts which the authority may be obligated to pay from such revenues by law or  
22 contract.

23          In fixing rents, rates, fees and other charges as provided in this section, the authority shall  
24 hold a public hearing, advertised as required in § ~~15.1-1517~~ 15.2-5403, at which hearing the  
25 public may submit comments with respect to such rents, rates, fees and other charges to the  
26 authority. The authority shall charge and collect the rates, fees and charges so fixed or revised.  
27 Rates, rentals, fees and charges for the sale or purchase of output or capacity of, or for the use of  
28 and for the electric power and energy or services, facilities and commodities sold, furnished or  
29 supplied by a project may be fixed and revised and charged and collected by the authority under  
30 this chapter without obtaining the approval or consent of any department, division, commission,  
31 board, bureau or agency of the Commonwealth, and without any other proceeding or the

1 happening of any other condition or thing than those proceedings, conditions or things which are  
2 specifically required by this chapter.

3 **Drafting note: No substantive change in the law. The existing citation to § 15.1-**  
4 **1517 is incorrect.**

5

6 § ~~15.1-1620~~ 15.2-5417. Moneys received deemed trust funds.

7 Notwithstanding any other provisions of law to the contrary, all moneys received  
8 pursuant to the authority of this chapter, whether as proceeds from the sale of bonds or as  
9 revenues, shall be deemed to be trust funds to be held and applied solely as provided in this  
10 chapter. The resolution authorizing the issuance of bonds or the trust agreement securing such  
11 bonds may provide that any of such moneys may be temporarily invested and reinvested,  
12 pending the disbursement thereof, in such securities and other investments as shall be provided  
13 ~~and in~~ such resolution or trust agreement, and shall provide that any officer with whom, or any  
14 bank or trust company with which, such moneys ~~shall be~~ are deposited shall act as trustee of such  
15 moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as  
16 this chapter and ~~such the~~ resolution or trust agreement may provide.

17 **Drafting note: No substantive change in the law.**

18

19 § ~~15.1-1621~~ 15.2-5418. Bondholders' and trustees' remedies.

20 Any holder of bonds issued under the provisions of this chapter or any of the coupons  
21 appertaining thereto, and the trustee under any trust agreement, except to the extent the rights  
22 herein given may be restricted by such trust agreement or the resolution authorizing the issuance  
23 of such bonds, may, either at law or in equity, by suit, action, mandamus or other proceeding,  
24 protect and enforce any and all rights under the laws of the Commonwealth or granted hereunder,  
25 or, to the extent permitted by law, under such trust agreement or resolution authorizing the  
26 issuance of such bonds or under any agreement or other contract executed by the authority  
27 pursuant to this chapter, and may enforce and compel the performance of all duties required by  
28 this chapter or by such trust agreement or resolution to be performed by any authority or by any  
29 officer thereof, including the fixing, charging and collecting of rents, rates, fees and charges for  
30 the purchase of output or capacity of any project or for the use of or for the electric power and  
31 energy or services furnished by any project.

1           **Drafting note: No change.**

2  
3           § ~~15.1-1622~~ 15.2-5419. Refunding bonds.

4           An authority created hereunder is hereby authorized to provide by resolution for the  
5 issuance of revenue refunding bonds of the authority for the purpose of refunding any revenue  
6 bonds then outstanding and issued under the provisions of this chapter, whether or not such  
7 outstanding bonds have matured or are then subject to redemption. Each such authority is further  
8 authorized to provide by resolution for the issuance of a single issue of revenue bonds of the  
9 authority for the combined purposes of (i) paying the cost of any project and (ii) refunding the  
10 revenue bonds of the authority which ~~shall theretofore~~ have been issued under the provisions of  
11 this chapter and ~~shall~~ are then ~~be~~ outstanding, whether or not such outstanding bonds have  
12 matured or are then subject to redemption. The issuance of such bonds, the maturities and other  
13 details thereof, the rights and remedies of the holders thereof, and the rights, powers, privileges,  
14 duties and obligations of the authority with respect to the ~~same bonds~~, shall be governed by the  
15 foregoing provisions of this chapter insofar as ~~the same may be~~ they are applicable.

16           **Drafting note: No substantive change in the law.**

17  
18           § ~~15.1-1623~~ 15.2-5420. Status of bonds under Uniform Commercial Code.

19           Notwithstanding any of the provisions of this chapter or any recitals in any bonds issued  
20 under this chapter, all such bonds shall be deemed to be investment securities under the Uniform  
21 Commercial Code as enacted in this Commonwealth, subject only to the provisions of the bonds  
22 pertaining to registration.

23           **Drafting note: No change.**

24  
25           § ~~15.1-1624~~ 15.2-5421. Bonds as legal investments and lawful security.

26           The bonds issued pursuant to this chapter shall be and are hereby declared to be legal and  
27 authorized investments for banks, savings institutions, trust companies, building and loan  
28 associations, insurance companies, fiduciaries, trustees, and guardians and for all public funds of  
29 the Commonwealth or other political corporations or subdivisions of the Commonwealth. Such  
30 bonds shall be eligible to secure the deposit of any and all public funds of the Commonwealth  
31 and any and all public funds of ~~cities, towns, counties~~ localities, school districts or other political

1 corporations or subdivisions of the Commonwealth, and such bonds shall be lawful and  
2 sufficient security for such deposits to the extent of their value when accompanied by all  
3 unmatured coupons appertaining thereto.

4 **Drafting note: No substantive change in the law.**

5  
6 § ~~15.1-1625~~ 15.2-5422. Bonds exempt from taxation.

7 Bonds, their transfer and the income therefrom, including any profit made on the sale  
8 thereof, shall at all times be exempt from all taxation by the Commonwealth or any political  
9 subdivision thereof ~~excepting~~, except inheritance or gift taxes.

10 **Drafting note: No substantive change in the law.**

11  
12 § ~~15.1-1626~~ 15.2-5423. Payments in lieu of property taxes; license tax.

13 A project owned by an authority shall be exempt from property taxes; ~~provided, however,~~  
14 ~~that.~~ However, an authority owning a project shall, in lieu of property taxes, pay to any  
15 governmental body authorized to levy property taxes, the amount which would be assessed as  
16 taxes on real and personal property of a project if such project were otherwise subject to  
17 valuation and assessment by the State Corporation Commission, in the same manner as are  
18 public utility companies. Such payments in lieu of taxes shall be due and shall bear interest, if  
19 unpaid, as in the cases of taxes on other property. Authorities shall pay the annual state license  
20 tax imposed by § 58.1-2626, or an equal amount in lieu of such tax, to the same extent as if §  
21 58.1-2626 were by its terms expressly applicable to authorities. Payments in lieu of taxes made  
22 hereunder shall be treated in the same manner as taxes for purposes of all procedural and  
23 substantive provisions of law. Except as herein expressly provided with respect to projects  
24 owned by an authority, no other property of such authority used or useful in the generation,  
25 transmission and transformation of electric power and energy shall be subject to payment in lieu  
26 of taxes.

27 **Drafting note: No substantive change in the law.**

28  
29 § ~~15.1-1627~~ 15.2-5424. Transfer, etc., of property of political subdivisions upon request  
30 of authority.

1           The governing body of any political subdivision, notwithstanding any contrary provision  
2 of law, is hereby authorized ~~and empowered~~ to transfer jurisdiction over, to permit the use of,  
3 lease, lend, grant or convey to the authority upon the request of the authority, upon such terms  
4 and conditions as the governing body of such subdivision may agree with the authority as  
5 reasonable and fair, such real or personal property as may be necessary or desirable in  
6 connection with the acquisition, construction, improvement, operation or maintenance of any  
7 project by the authority, including public roads and other property already donated to public use;  
8 ~~provided, however, that.~~ However, the authority must pay full market value for any such real or  
9 personal property conveyed by the governing body of any political subdivision to ~~any such~~ the  
10 authority. Whenever any railroad tracks, pipes, poles, wires, conduits or other structures or  
11 facilities which are located in, along, across, over or under any public road, street, highway, alley  
12 or other public right-of-way shall become an obstruction to, interfere with or be endangered by  
13 the construction, operation or maintenance of any project of the authority, the political  
14 subdivision having ownership, control or jurisdiction over such public road, street, highway,  
15 alley or other public right-of-way may, as the exercise of an essential governmental function,  
16 order the safeguarding, maintaining, relocating, rebuilding, removing and replacing of such  
17 railroad tracks, pipes, poles, wires, conduits or other structures or facilities by the owner thereof  
18 at the expense of the authority, and subject to the provisions of § 25-233 ~~of this Code.~~

19           **Drafting note: No substantive change in the law.**

20

21           § ~~15.1-1628~~ 15.2-5425. Eminent domain.

22           An authority created under the provisions of this chapter is hereby vested with the power  
23 of eminent domain and the same authority to exercise the power of eminent domain as is granted  
24 in ~~Title 25~~, Chapter 1.1 (§ 25-46.1 et seq.) of Title 25 and, mutatis mutandis, as is granted to the  
25 Commonwealth Transportation Board, subject to the provisions of § 25-233, provided that this  
26 power shall not be used to acquire existing power supply facilities or ~~plant~~ plants held for future  
27 use; ~~provided further, however.~~ Furthermore, no authority may condemn property outside of the  
28 territorial limits of its member governmental units without obtaining the consent of the  
29 governing body of the locality in which such property is located; ~~provided~~ however, ~~that~~ in any  
30 case in which the approval by such ~~county or municipality~~ locality is withheld, the authority

1 seeking such approval may petition for the convening of a special court, pursuant to §§ ~~15.1-~~  
2 ~~37.1:1~~ 15.2-2135 through ~~15.1-37.1:7~~ 15.2-2141.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-1629~~ 15.2-5426. Annual reports.

6 Each authority, promptly following the close of the calendar year, shall submit an annual  
7 report of its activities for the preceding year to the governing body of its member governmental  
8 unit. Each such report shall set forth a complete operating and financial statement covering the  
9 operation of the authority during such year. The authority shall cause an audit of its books and  
10 accounts to be made at least once each year by a certified public accountant, and the cost thereof  
11 may be treated as part of the cost of a project, or otherwise as part of the expense of operation of  
12 the project by such audit.

13 **Drafting note: No change.**

14  
15 § ~~15.1-1630~~ 15.2-5427. Liability of members or officers.

16 No member of any authority or officer of any governing body of any member  
17 governmental unit creating such authority, or person or persons acting in their behalf, while  
18 acting within the scope of their authority shall be subject to any personal liability by reason of  
19 his carrying out of any of the powers expressly given in this chapter.

20 **Drafting note: No change.**

21  
22 § ~~15.1-1634~~ 15.2-5428. Dissolution of authority.

23 Whenever the board of directors of an authority and its member governmental units ~~shall~~  
24 ~~determine~~ determines that the purposes for which it was created have been substantially fulfilled  
25 or are impractical or impossible ~~of accomplishment~~ to accomplish and that all bonds theretofore  
26 issued and all other obligations theretofore incurred by the authority have been paid or that cash  
27 or a sufficient amount of United States government securities ~~have~~ has been deposited for their  
28 payment, the board of directors of the authority and the governing bodies of the member  
29 governmental units may adopt resolutions or ordinances declaring and finding that the authority  
30 should be dissolved, and that appropriate articles of dissolution shall be filed with the State  
31 Corporation Commission. Upon the filing of such articles of dissolution by the authority, such

1 dissolution shall become effective, and the title to all funds and other property owned by the  
2 authority at the time of such filing shall vest in the member governmental units of the authority.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-1632~~ 15.2-5429. Legislative consent to application of laws of other states.

6 Legislative consent is hereby given (i) to the application of the laws of other states with  
7 respect to taxation, payments in lieu of taxes, and the assessment thereof, to any authority created  
8 pursuant to this chapter, which has acquired or has an interest in a project, real or personal,  
9 situated ~~without~~ outside the Commonwealth or which owns or operates a project ~~without~~ outside  
10 the Commonwealth pursuant to this chapter; and (ii) to the application of regulatory and other  
11 laws of other states and of the United States to any authority which owns or operates a project  
12 ~~without~~ outside the Commonwealth.

13 **Drafting note: No substantive change in the law.**

14  
15 § ~~15.1-1633~~ 15.2-5430. Provisions of chapter cumulative; construction.

16 Neither this chapter nor anything herein contained shall be construed as a restriction or  
17 limitation upon any powers which an authority or governmental unit acting under the provisions  
18 of this chapter might otherwise have under any laws of this Commonwealth, but shall be  
19 construed as cumulative of any such powers. This chapter shall be construed as complete and  
20 independent authority for the performance of each and every act and thing authorized by this  
21 chapter. No proceedings, notice or approval shall be required for the organization of an authority  
22 or the issuance of any bonds or any instrument as security therefor, except as herein provided,  
23 any other law to the contrary notwithstanding; ~~provided, that.~~ However, nothing herein shall be  
24 construed to deprive the Commonwealth and its political subdivisions of their respective police  
25 powers over properties of an authority or to impair any power thereover of any official or agency  
26 of the Commonwealth and its political subdivisions which may be otherwise provided by law.  
27 Nothing contained in this chapter shall be deemed to authorize an authority to occupy or use any  
28 land, streets, buildings, structures or other property of any kind, owned or used by any political  
29 subdivision within its jurisdiction, or any public improvement or facility maintained by such  
30 political subdivision for the use of its inhabitants, without first obtaining the consent of the  
31 governing body thereof.

1           **Drafting note: No substantive change in the law.**

2  
3           § ~~15.1-1634~~ 15.2-5431. Severability; provisions of chapter controlling over other statutes  
4 and charters.

5           The powers granted and the duties imposed in this chapter shall be construed to be  
6 independent and severable. If any one or more sections, subsections, sentences, or parts of any of  
7 this chapter shall be adjudged unconstitutional or invalid, such adjudication shall not affect,  
8 impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the  
9 specific provisions so held unconstitutional or invalid. Any provision of this chapter which is  
10 found to be in conflict with any other statute or charter shall be controlling and shall supersede  
11 such other statute or charter to the extent of such conflict.

12           **Drafting note: No change.**



**PROPOSED**  
**CHAPTER 33.3 55.**  
**TOURISM DEVELOPMENT AUTHORITY.**

**Chapter drafting note: The sections of this chapter, which was passed during the 1993 Session, have been reorganized to follow a more logical sequence.**

§ ~~15.1-1399.19~~ 15.2-5500. Tourism Development Authority established.

A. There is hereby established a Tourism Development Authority for the LENOWISCO and Cumberland Plateau Planning District Commissions. The Authority shall promote, expand and develop the tourism industries of ~~these~~ this coal-producing ~~municipalities~~ region as a whole.

~~B. On the local level, each of the municipalities in these two planning district commissions shall establish a local Tourism Development Committee to promote tourism in the municipality, participate and assist in the planning of the regional Tourism Development Authority, and develop a tourism development plan for its municipality. The local governing body of each municipality shall appoint five members to serve on its local Tourism Development Committee. The Committee shall elect a chairman from its membership, and such chairman shall represent his municipality by serving as a member of the regional Tourism Development Authority.~~

**Drafting note: No substantive change in the law. Subsection B is relocated as § 15.2-5505.**

§ ~~15.1-1399.18~~ 15.2-5501. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Authority" means any political subdivision, a body politic and corporate, created, organized and operated pursuant to the provisions of this chapter, or if such Authority is abolished, the board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers given by this chapter are given by law.

~~"Governing body" means the board or body in which the general legislative powers of the municipality are vested.~~

1           ~~"Municipality"~~ "Participating locality" means any county or ~~incorporated~~ city in the  
2 LENOWISCO or Cumberland Plateau Planning District Commissions with respect to which an  
3 authority may be organized and in which it is contemplated the Authority will function.

4           **Drafting note: No substantive change in the law. "Governing body" is deleted since**  
5 **it is defined in Chapter 1. "Municipality" is changed to "participating locality" to more**  
6 **accurately reflect this chapter's use of those terms.**

7  
8           § ~~15.1-1399.20~~ 15.2-5502. Directors; qualifications; terms; vacancies; compensation and  
9 expenses; quorum; records; certification and distribution of report concerning bond issuance.

10           The Authority shall be governed by a board of directors in which all powers of the  
11 Authority shall be vested and which board shall be composed of the eight chairmen of the local  
12 ~~Tourism Development Committees~~ tourism development committees established in § ~~15.1-~~  
13 ~~1399.19~~ 15.2-5505. The eight directors shall be appointed initially for terms of one, two, three  
14 and four years: the representatives of Buchanan and Dickenson Counties being appointed for  
15 one-year terms; the representatives of Lee County and the City of Norton being appointed for  
16 two-year terms; the representatives of Russell and Scott Counties being appointed for three-year  
17 terms; and the representatives of Tazewell and Wise Counties being appointed for four-year  
18 terms. Subsequent appointments shall be for terms of four years, except appointments to fill  
19 vacancies shall be for the unexpired terms. All terms of office shall be deemed to commence  
20 upon the date of the initial appointment to the Authority, and thereafter, in accordance with the  
21 provisions of the preceding sentence. If, at the end of any term of office of any director a  
22 successor thereto has not been appointed, then the director whose term of office has expired shall  
23 continue to hold office until his successor is appointed and qualified. Each director shall, upon  
24 appointment or reappointment, before entering upon his duties take and subscribe the oath  
25 prescribed by § 49-1.

26           The directors shall elect from their membership a chairman, a vice-chairman, and from  
27 their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who  
28 shall continue to hold such office until their respective successors are elected. The directors shall  
29 receive no salary but the directors may be compensated such amount per regular, special, or  
30 committee meeting as may be approved by the appointing authority, not to exceed fifty dollars  
31 per meeting, and shall be reimbursed for necessary traveling and other expenses incurred in the

1 performance of their duties. Five members of the board of directors shall constitute a quorum of  
2 the board for the purposes of conducting its business and exercising its powers and for all other  
3 purposes. No vacancy in the membership of the board shall impair the right of a quorum to  
4 exercise all the powers and perform all the duties of the board. The board shall keep detailed  
5 minutes of its proceedings, which shall be open to public inspection at all times. It shall keep  
6 suitable records of its financial transactions and, unless exempted by § 2.1-164, it shall arrange to  
7 have the ~~same~~ records audited annually. Copies of each such audit shall be furnished to the  
8 governing bodies of the ~~municipalities~~ participating localities and shall be open to public  
9 inspection.

10 **Drafting note: No substantive change in the law.**

11  
12 § ~~15.1-1399.22~~ 15.2-5503. Executive director; staff.

13 The Authority shall appoint an executive director, who shall be authorized to employ  
14 such staff as necessary to enable the Authority to perform its duties as set forth in this chapter.  
15 The Authority is authorized to determine the duties of such staff and to fix salaries and  
16 compensation from such funds as may be received or appropriated.

17 **Drafting note: No change.**

18  
19 § ~~15.1-1399.21~~ 15.2-5504. Powers of Authority.

20 The Authority shall have the following powers together with all powers incidental thereto  
21 or necessary for the performance of those hereinafter stated:

- 22 1. To sue and be sued and to prosecute and defend, at law or in equity, in any court  
23 having jurisdiction of the subject matter and of the parties;
- 24 2. To adopt and use a corporate seal and to alter the same at pleasure;
- 25 3. To contract and be contracted with;
- 26 4. To employ and pay compensation to such employees and agents, including attorneys,  
27 as the board of directors deem necessary in carrying on the business of the Authority;
- 28 5. To exercise all powers expressly given the Authority by the governing bodies of the  
29 ~~municipalities~~ participating localities which established the Authority and to establish bylaws  
30 and make all rules and regulations, not inconsistent with the provisions of this chapter, deemed  
31 expedient for the management of the Authority's affairs;

1           6. To borrow money and to accept contributions, grants and other financial assistance  
2 from the United States of America and agencies or instrumentalities thereof, the Commonwealth,  
3 or any political subdivision, agency, or public instrumentality of the Commonwealth;

4           7. To formulate a tourism development agenda for each ~~municipality~~ participating  
5 locality in the LENOWISCO and Cumberland Plateau Planning District Commissions;

6           8. To receive and expend moneys on behalf of tourism development; and

7           9. To coordinate the ~~municipalities'~~ participating localities' individual tourism plans.

8           **Drafting note: No substantive change in the law.**

9  
10           § 15.2-5505. Establishment of local tourism development committees.

11           ~~B. On the local level, each~~ Each of the ~~municipalities~~ participating localities in ~~these two~~  
12 ~~planning district commissions~~ the LENOWISCO and Cumberland Plateau Planning District  
13 Commissions shall establish a local ~~Tourism Development Committee~~ tourism development  
14 committee to promote tourism in the ~~municipality~~ participating locality, participate and assist in  
15 the planning of the regional Tourism Development Authority, and develop a tourism  
16 development plan for its ~~municipality~~ participating locality. The local governing body of each  
17 ~~municipality~~ participating locality shall appoint five members to serve on its local ~~Tourism~~  
18 ~~Development Committee~~ tourism development committee. The ~~Committee~~ committee shall elect  
19 a chairman from its membership, and such chairman shall represent his ~~municipality~~  
20 participating locality by serving as a member of the regional Tourism Development Authority.

21           **Drafting note: No substantive change in the law. This section is relocated from**  
22 **subsection B of § 15.1-1399.19 (now 15.2-5500).**

23  
24           ~~§ 15.1-1399.23~~ 15.2-5506. Responsibilities and duties; local ~~Tourism Development~~  
25 ~~Committees~~ tourism development committees.

26           ~~Each of the~~ The local ~~Tourism Development Committees~~ tourism development  
27 committees established in ~~§ 15.1-1399.19~~ 15.2-5505 shall:

28           1. Promote and assist tourism development in their individual ~~municipalities~~ participating  
29 localities;

30           2. Develop and assist in the implementation of a tourism development plan to increase  
31 tourism revenue in their respective ~~municipalities~~ participating localities;

1           3. Encourage individuals, businesses and their local government to invest in tourism  
2 development as an integral part of overall economic development; and

3           4. Assist the regional Tourism Development Authority in planning and implementing a  
4 regional tourism development plan.

5           **Drafting note: No substantive change in the law.**

6  
7           § ~~15.1-1399.24~~ 15.2-5507. Application for and acceptance of gifts and grants by local  
8 tourism development committees.

9           The local ~~Tourism Development Committees~~ tourism development committees are  
10 authorized to apply for, accept and expend gifts, grants or donations from public or private  
11 sources to enable them to carry out their objectives.

12           **Drafting note: No substantive change in the law.**

13  
14           § ~~15.1-1399.25~~ 15.2-5508. Powers, etc., severable; provisions of chapter controlling over  
15 other statutes and charters.

16           The powers granted and the duties imposed in this chapter shall be construed to be  
17 independent and severable. If any one or more sections, subsections, sentences, or parts of any  
18 of this chapter are adjudged unconstitutional or invalid, such adjudication shall not affect, impair  
19 or invalidate the remaining provisions thereof, but shall be confined in its operation to the  
20 specific provisions so held unconstitutional or invalid. Any provision of this chapter which is  
21 found to be in conflict with any other statute or charter shall be controlling and shall supersede  
22 such other statute or charter to the extent of such conflict.

23           **Drafting note: No change.**

**PROPOSED**  
**CHAPTER 29 56.**  
**PUBLIC RECREATIONAL FACILITIES AUTHORITIES ACT.**

**Chapter drafting note: There are no substantive changes in the law made in this chapter, which was enacted in 1962.**

§ ~~15.1-1271~~ 15.2-5600. Short title.

This chapter shall be known and may be cited as the "Public Recreational Facilities Authorities Act."

**Drafting note: No change.**

§ ~~15.1-1272~~ 15.2-5601. Definitions.

As used in this chapter, the following words and terms shall ~~have the following meanings~~ mean unless the context shall indicate another meaning or intent indicates otherwise:

~~(a) The word "authority" shall mean~~ "Authority" means an authority created under the provisions of § ~~15.1-1273~~ 15.2-5602 or, if any such authority shall be abolished the ~~board, body,~~ or ~~commission~~ entity succeeding to the principal functions thereof or to whom the powers ~~given by this chapter to such authority shall be given by law.~~

~~(b) The word "county" shall mean any county in the Commonwealth.~~

~~(c) The word "municipality" shall mean any city or town incorporated under the laws of the Commonwealth.~~

~~(d) The term "political subdivision" shall mean a county or municipality.~~

~~(e) The term "governing body" shall mean in the case of a county, the board of supervisors and in the case of a municipality, the board, commission, council or other body by whatever name it may be known, in which the general legislative powers of the municipality are vested.~~

~~(i) The words "bonds" or "revenue bonds" shall include~~ "Bonds" or "revenue bonds" means bonds, notes, certificates or other evidences of borrowing.

~~(h) The word "cost" shall mean~~ "Cost" means, as applied to any project, ~~shall mean~~ all or any part of the cost of acquisition, construction, alteration, enlargement, reconstruction and remodeling of a

1 project or portion thereof, including the cost of the acquisition of all land, rights-of-way,  
2 property, rights, easements and interests acquired by the authority for such construction,  
3 additions or expansion, the cost of demolishing or removing any building or structure on land so  
4 acquired, including the cost of acquiring any lands to which such building or structures may be  
5 removed, the cost of all labor, materials, machinery and equipment, financing charges, insurance,  
6 interest on all bonds prior to and during such construction, and during the construction of any  
7 addition or expansion, and if deemed advisable by the authority, for a period not exceeding one  
8 year after completion of such construction, addition or expansion, reserves for principal and  
9 interest and for extensions, enlargements, additions, replacements, renovations and  
10 improvements, provisions for working capital, the cost of surveys, engineering and architectural  
11 expenses, borings, plans and specifications and other engineering and architectural services, legal  
12 expenses, studies, estimates of cost and revenues, administrative expenses and such other  
13 expenses as may be necessary or incident to the construction of the project, and of such  
14 subsequent additions thereto or expansion thereof, the cost of financing such construction,  
15 additions or expansion and placing the project and such additions or expansion in operation.

16 ~~(f) The term "federal agency" shall mean~~ "Federal agency" means and include the United  
17 States of America ~~or~~ and any department, bureau, agency or instrumentality thereof.

18 ~~(g) The word "project" or "projects" shall mean~~ "Project" or "projects" means any one or  
19 more of the following: auditorium, theater, concert or entertainment hall, coliseum, convention  
20 center, arena, field house, stadium, fairground, campground, sports facilities, including  
21 racetracks, amusement park or center, garden, park, zoo and museum, as such terms are  
22 generally used, and parking, transportation, utility and restaurant facilities and concessions in  
23 connection with any of the foregoing, including any and all buildings, structures, approaches,  
24 roadways, and other facilities and appurtenances thereto which the authority may deem  
25 necessary or desirable, together with all property, rights, easements and interests which may be  
26 acquired by the authority for the construction, improvement and operation of any of the  
27 foregoing. The transportation facilities hereinabove mentioned may be principally for the use and  
28 benefit of the inhabitants of the ~~political subdivision~~ locality creating the authority so long as  
29 they are incidentally related to the acquisition and construction of any of the foregoing and may  
30 be financed contemporaneously with, prior to or subsequent to the acquisition and construction  
31 of any of the foregoing.

1           **Drafting note: No substantive change in the law. Definitions are deleted because**  
2 **they duplicate definitions in § 15.2-101. The word “locality” is used in place of “political**  
3 **subdivision” throughout this chapter for continuity in language in the title. However,**  
4 **“political subdivision” is used here when referring to other political entities. The**  
5 **remaining definitions are alphabetized.**

6  
7           § ~~15.1-1273~~ 15.2-5602. Creation of authorities.

8           ~~(a) The governing body of a political subdivision~~ A. A locality may by ordinance or  
9 resolution, or ~~the governing bodies of two or more political subdivisions~~ localities, may by  
10 concurrent ordinances or resolutions, signify their intention to ~~adopt an ordinance or resolution~~ to  
11 create an authority under an appropriate name and title containing the word "authority." ~~The~~  
12 ~~governing body of each~~ Each participating ~~political subdivision~~ locality shall hold a public  
13 hearing ~~thereon~~, notice of which ~~hearing~~ shall be given by publication at least once, not less than  
14 ten days prior to the date fixed for ~~such~~ the hearing, in a newspaper having a general circulation  
15 in ~~such political subdivision~~ the locality. ~~Such~~ The notice shall contain a brief statement of the  
16 substance of the proposed ~~resolution~~ authority, shall set forth the proposed articles of  
17 incorporation of the authority and shall state the time and place of the public hearing. The  
18 ~~governing body of any such political subdivision may at its discretion~~ locality, by resolution,  
19 may call for a referendum ~~in such political subdivision~~ on the question of the creation of an  
20 authority, which shall be held as provided by § ~~24.1-165~~ 24.2-681 et seq. When a referendum is  
21 to be held in more than one ~~political subdivision~~ locality, the referendum shall be held on the  
22 same date in all of such ~~political subdivisions~~ localities.

23           ~~(b)~~ B. The articles of incorporation shall set forth:

24           ~~(1)~~ 1. The name of the authority and address of its principal office.

25           ~~(2)~~ 2. A statement that the authority is created under this chapter.

26           ~~(3)~~ 3. The name of each participating ~~political subdivision~~ locality.

27           ~~(4)~~ 4. The names, addresses and terms of office of the first members of the authority.

28           ~~(5)~~ 5. The purpose or purposes for which the authority is to be created.

29           ~~(c)~~ C. Passage of such ordinance or resolution by the governing body or governing bodies  
30 shall constitute the authority a ~~public~~ body politic and corporate of the Commonwealth.



1           (d) ~~D.~~ Any ~~political-subdivision~~ locality may become a member of an existing authority,  
2 and any ~~political-subdivision~~ locality which is a member of an existing authority may withdraw  
3 therefrom, but no ~~political-subdivision~~ locality shall be permitted to withdraw from any authority  
4 ~~after an obligation that has been incurred by the authority~~ outstanding obligations unless United  
5 States securities have been deposited for their payment or without the unanimous consent of all  
6 holders of the outstanding obligations.

7           (e) ~~E.~~ Having specified the initial purpose or purposes of the authority in the articles of  
8 incorporation, the governing bodies of the participating ~~political-subdivisions~~ localities may,  
9 from time to time by subsequent ordinance or resolution, after public hearing, modify the articles  
10 of incorporation and the purpose or purposes specified therein. Such modification may be made  
11 either with or without a referendum.

12           **Drafting note: No substantive change in the law. Added language concerning**  
13 **withdrawal tracks language for withdrawal from a water and sewer authority.**

14  
15           § ~~15.1-1274~~ 15.2-5603. ~~Commission~~ Board to exercise powers of authority.

16           The powers of each authority created hereunder shall be exercised by a ~~commission~~  
17 board which shall consist of not less than five nor more than seventeen members who shall be  
18 appointed by ~~the governing bodies of the participating political-subdivisions~~ localities and who  
19 shall be selected in the manner and for the terms provided by the ordinance or resolution creating  
20 the authority. Officers and employees of the participating ~~political-subdivisions~~ localities may be  
21 appointed to the ~~commission~~ board and may constitute a majority of the members of the  
22 ~~commission~~ board. The members of the ~~commission~~ board shall elect one of their number  
23 chairman and shall elect a secretary and treasurer who need not be members of the ~~commission~~  
24 board. The offices of secretary and treasurer may be combined. A majority of the members of the  
25 ~~commission~~ board shall constitute a quorum and the vote of a majority of such members shall be  
26 necessary for any action taken by the authority. No vacancy in the membership of the  
27 ~~commission~~ board shall impair the right of a quorum to exercise all the rights and perform all the  
28 duties of the authority. The members of the ~~commission~~ board shall be reimbursed for the  
29 amount of actual expenses incurred by them in the performance of their duties. The ~~governing~~  
30 ~~bodies of the participating political-subdivisions~~ localities may provide for compensation of the

1 members of the ~~commission~~ board; provided no compensation shall be paid for meetings not  
2 attended.

3 Alternate members of the ~~commission~~ board may also be selected. Such alternates shall  
4 be selected in the same manner as the members. The term of each alternate shall be the same as  
5 the term of the member for whom each serves as an alternate; however, the alternate's term shall  
6 not expire because of the member's death, disqualification, resignation or termination of  
7 employment with the member's ~~political subdivision~~ locality. If a member is not present at a  
8 meeting of the authority, the alternate for the member shall have all the voting and other rights of  
9 a member and shall be counted for purposes of determining a quorum at any meeting of the  
10 authority.

11 **Drafting note: No substantive change in the law; “board” is substituted for**  
12 **“commission” because in other parts of the Code “Commission” would be the same as**  
13 **“Authority.”**

14

15 § ~~15.1-1275~~ 15.2-5604. Powers of authority generally.

16 Each authority created hereunder shall be a political subdivision of the Commonwealth of  
17 Virginia and shall be ~~deemed to be~~ an instrumentality exercising public and essential  
18 governmental functions to provide for the public health and welfare, ~~and each such~~. Each  
19 authority is ~~hereby~~ authorized and empowered:

20 (a) 1. To have existence for such term of years as specified by the participating ~~political~~  
21 ~~subdivisions~~ localities;

22 (b) 2. To contract and be contracted with; to sue and be sued; to make and from time to  
23 time amend and repeal bylaws, rules and regulations not inconsistent with general law to carry  
24 out its purposes; and to adopt a corporate seal and alter the same at its pleasure;

25 (c) 3. To acquire, purchase, lease as lessee, construct, reconstruct, improve, extend,  
26 operate and maintain projects within or ~~without~~ outside any of the participating ~~political~~  
27 ~~subdivisions~~ localities; and to acquire by gift or purchase lands or rights in land in connection  
28 therewith and to sell, lease as lessor, transfer or dispose of any property or interest therein  
29 acquired by it, at any time;

30 (d) 4. To lease all or any part of any project upon any such terms or conditions and for  
31 such term of years as it may deem advisable to carry out the provisions of this chapter;

1           (ⓔ) 5. To regulate the uses of all lands and facilities under control of the authority;

2           (ⓕ) 6. To fix and revise from time to time and to charge and collect fees, rents and other  
3 charges for the use of any project or facilities thereof owned or controlled, and to establish and  
4 revise from time to time regulations in respect of the use, operation and occupancy of any such  
5 project or facilities thereof;

6           (ⓖ) 7. To enter into contracts with any participating ~~political subdivision~~ locality, the  
7 Commonwealth, or any other political subdivision, agency or instrumentality thereof, any federal  
8 agency or with any ~~unit, private corporation, copartnership, association, or individual person~~  
9 providing for or relating to any project, including contracts for the management or operation of  
10 all or any part of a project;

11           (ⓗ) 8. To accept grants and gifts from any participating ~~political subdivision~~ locality, the  
12 Commonwealth or any other political subdivision, agency or instrumentality thereof, any federal  
13 agency and from any ~~unit, private corporation, copartnership, association or individual person~~;

14           (ⓓ) 9. To issue bonds and refunding bonds of the authority, such bonds to be payable  
15 solely from funds of the authority; and from such other sources of payment as are authorized by  
16 ~~15.1-1278~~ 15.2-5607;

17           (ⓔ) 10. To make and enter into all contracts and agreements necessary or incidental to the  
18 performance of its duties and the execution of its powers under this chapter, including a trust  
19 agreement or trust agreements securing any bonds or refunding bonds issued hereunder; and

20           (Ⓚ) 11. To do all acts and things necessary or convenient to carry out the powers granted  
21 by this chapter.

22           **Drafting note: No substantive change in the law.**

23  
24           § ~~15.1-1276~~ 15.2-5605. Transfers of property, appropriations and contracts by  
25 participating ~~political subdivisions~~ localities.

26           Each participating ~~political subdivision~~ locality is hereby authorized and empowered:

27           (ⓐ) 1. To transfer jurisdiction over, to lease, lend, grant or convey to the authority at its  
28 request, with or without consideration, such real or personal property as may be necessary or  
29 desirable to carry out the purposes of the authority, upon such terms and conditions as ~~the~~  
30 ~~governing body of~~ such participating ~~political subdivision~~ locality shall determine to be for its  
31 best interests;

1           (b) 2. To make appropriations and to provide funds for any purpose of the authority,  
2 including the acquisition, construction, improvement and operation of any project or facilities  
3 thereof and payment of principal and interest on its indebtedness;

4           (e) 3. To enter into contracts agreeing to carry out any of the provisions set forth in  
5 subdivisions (a) 1 or (b) 2, providing for the operation and maintenance of all or any part of a  
6 project or otherwise facilitating the construction, development, operation or financing of all or  
7 any part of a project; and

8           (d) 4. To enter into leases with the authority pursuant to which a project or any part  
9 thereof is leased to ~~such political subdivision~~ the locality. ~~Such~~ The lease may be for a term  
10 ending not later than the end of the then current fiscal year of ~~such political subdivision~~ but may  
11 ~~be~~ the locality and renewable for additional terms of one fiscal year each or as may be agreed  
12 upon by the parties provided that the total of the original term and any renewals shall in no event  
13 exceed fifty years. Each renewal shall be at the option of ~~such political subdivision~~ locality and  
14 the lease may provide that it is renewed for an additional term if the ~~political subdivision~~ locality  
15 fails to cancel the lease in writing on or prior to sixty days before the end of the then current  
16 term. Rentals under such lease may be computed at fixed amounts or by a formula based on any  
17 factors provided therein and the rentals payable may include provision for all or any part of or a  
18 share of the amounts necessary (1) (i) to pay or provide for the expenses of operation and  
19 maintenance of a project, (2) (ii) to provide for the payment of principal and interest on any  
20 bonds of the authority, and (3) (iii) to maintain such reserves or sinking funds as may be required  
21 by the terms of any contract of the authority or as may be deemed necessary or desirable by the  
22 authority. Such payments shall be payable only from revenues of the ~~political subdivision~~  
23 locality available during the fiscal year during which the lease is in effect. Notwithstanding the  
24 provisions of § ~~15.1-1277~~ 15.2-5606 or any other provision hereof the authority or the ~~political~~  
25 ~~subdivision~~ locality leasing the project may contract with a person ~~or persons, associations, joint~~  
26 ~~venture or corporation~~ as sublessee or operator of the project at a compensation to be agreed  
27 upon by the parties.

28           **Drafting note: No substantive change in the law.**

29  
30           § ~~15.1-1277~~ 15.2-5606. Acquisition, maintenance and operation of projects; revenues  
31 from projects.

1 The authority may acquire or construct and maintain and operate any one or more  
2 projects under this chapter in such manner as the authority may determine, and the authority may  
3 operate each project separately or it may operate one or more projects together. The authority  
4 shall have exclusive control over the revenues derived from its operations and may use revenues  
5 from one project in connection with any other project. No person, ~~firm, association or~~  
6 ~~corporation~~ shall receive any profit or dividend from the revenues, earnings or other funds or  
7 assets of the authority other than for debts contracted, for services rendered, for materials and  
8 supplies furnished and for other value actually received by the authority.

9 **Drafting note: No substantive change in the law. The deleted words are included in**  
10 **the statutory definition of the word “person”.**

11  
12 § ~~15.1-1278~~ 15.2-5607. Authority to issue bonds; source of payment.

13 The authority is hereby authorized to issue bonds from time to time in its discretion for  
14 the purpose of paying all or any part of the cost of acquiring, purchasing, constructing,  
15 reconstructing, improving or extending any project and acquiring necessary land and equipment  
16 therefor. The authority may issue such types of bonds as it may determine, including (without  
17 limiting the generality of the foregoing) bonds payable as to principal and interest: ~~(a)~~ (i) from its  
18 revenues generally; ~~(b)~~ (ii) exclusively from the income and revenues of a particular project; or  
19 ~~(c)~~ (iii) exclusively from the income and revenues of certain designated projects, whether or not  
20 they are financed in whole or in part from the proceeds of such bonds.

21 Any such bonds may be additionally secured by a pledge of any grant or contribution  
22 from a participating ~~political subdivision~~ locality, the Commonwealth or any political  
23 subdivision, agency or instrumentality thereof, any federal agency or any unit, private  
24 corporation, copartnership, association, or individual, or a pledge of any income or revenues of  
25 the authority, or a mortgage ~~or~~ on any project or other property of the authority, or any contract  
26 obligation or undertaking, whether in the nature of a guaranty or otherwise, of any participating  
27 ~~political subdivision~~ locality. However, any such contract obligation or undertaking by any  
28 participating ~~political subdivision~~ locality which is a city or town ~~must~~ shall not be considered an  
29 indebtedness within the meaning of any debt limitation or restriction and that any such contract  
30 obligation or undertaking by a participating ~~political subdivision~~ locality which is a county ~~must~~

1 shall be authorized in accordance with the provisions of Article VII, Section 10 (b) of the  
2 Constitution of Virginia.

3 Neither the ~~commissioners~~ members of the board of the authority nor any person  
4 executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.  
5 The bonds and other obligations of the authority (and such bonds and obligations shall so state  
6 on their face) shall not be a debt of the Commonwealth or any political subdivision thereof other  
7 than the participating ~~political subdivisions~~ localities which have entered into contract  
8 obligations or other undertakings with respect to the repayment thereof as authorized in the  
9 preceding paragraph, and neither the Commonwealth nor any political subdivision thereof other  
10 than the authority and, to the extent provided in the preceding paragraph, participating ~~political~~  
11 ~~subdivisions~~ localities, shall be liable thereon, nor shall such bonds or obligations be payable out  
12 of any funds or properties other than those of the authority and those created by contract  
13 obligations or undertakings of any participating ~~political subdivisions~~ localities entered into  
14 pursuant to the preceding paragraph. The bonds shall not constitute an indebtedness within the  
15 meaning of any debt limitation or restriction. Bonds of the authority are declared to be issued for  
16 an essential public and governmental purpose.

17 **Drafting note: No substantive change in the law.**

18  
19 § ~~15.1-1279~~ 15.2-5608. Bond resolution; terms, conditions, form and execution of bonds;  
20 sale; interim receipts or temporary bonds.

21 Bonds of the authority shall be authorized by resolution of the board and may be issued in  
22 one or more series, shall be dated, shall mature at such time or times not exceeding forty years  
23 from their date or dates and shall bear interest at such rate or rates, as may be determined by the  
24 authority, and may be made redeemable before maturity, at the option of the authority at such  
25 price or prices and under such terms and conditions as may be fixed by the authority prior to the  
26 issuance of the bonds. The authority shall determine the form of the bonds, including any interest  
27 coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the  
28 denomination or denominations of the bonds and the place or places of payment of principal and  
29 interest, which may be at any bank or trust company within or ~~without~~ outside the  
30 Commonwealth. In case any officer whose signature or a facsimile of whose signature shall  
31 appear on any bonds or coupons shall cease to be such officer before delivery of such bond, such

1 signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as  
2 if he had remained in office until such delivery. Notwithstanding any of the other provisions of  
3 this chapter or any recitals in any bonds issued under the provisions of this chapter, all such  
4 bonds shall be deemed to be negotiable instruments under the laws of the Commonwealth. The  
5 bonds may be issued in coupon or registered form or both, as the authority may determine, and  
6 provision may be made for the registration of any coupon bonds as to principal alone and also as  
7 to both principal and interest, and for the reconversion into coupon bonds of any bonds registered  
8 as to both principal and interest. The authority may sell such bonds in such manner, either at  
9 public or private sale, and for such price, as it may determine to be for the best interests of the  
10 authority.

11 Prior to the preparation of definitive bonds the authority may, under like restrictions,  
12 issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive  
13 bonds when such bonds shall have been executed and are available for delivery. The authority  
14 may also provide for the replacement of any bonds which shall become mutilated or shall be  
15 destroyed or lost.

16 Bonds may be issued under the provisions of this chapter without obtaining the consent  
17 of any commission, board, bureau or agency of the Commonwealth or of any political  
18 subdivision thereof, and without any other proceedings or the happening of other conditions or  
19 things than those proceedings, conditions or things which are specifically required by this  
20 chapter.

21 **Drafting note: No substantive change in the law.**

22  
23 § ~~15.1-1280~~ 15.2-5609. Trust indenture or agreement to secure payment of bonds.

24 In the discretion of the authority, any bonds issued under the provisions of this chapter  
25 may be secured by a trust indenture by way of conveyance, deed of trust or mortgage of any  
26 project or any other property of the authority, whether or not financed in whole or in part from  
27 the proceeds of such bonds, or by a trust agreement by and between the authority and a corporate  
28 trustee, which may be any trust company or bank having the powers of a trust company within or  
29 ~~without~~ outside the Commonwealth or by both such conveyance, deed of trust or mortgage and  
30 indenture or trust agreement. Such trust indenture or agreement, or the resolution providing for  
31 the issuance of such bonds may pledge or assign fees, rents, charges and receipts, collected by,

1 payable to or otherwise derived by the authority ~~from~~, and all other moneys and income of  
2 whatever kind or character collected by, payable to or otherwise derived from any project. Such  
3 trust indenture or agreement, or resolution providing for the issuance of such bonds, may contain  
4 such provisions for protecting and enforcing the rights and remedies of the bondholders as may  
5 be reasonable and proper and not in violation of law, including covenants setting forth the duties  
6 of the authority in relation to the acquisition of property and the construction, improvement,  
7 maintenance, repair, operation and issuance of any project or other property of the authority, and  
8 the rates of fees, rents and other charges to be charged, and the custody, safeguarding and  
9 application of all moneys of the authority, and conditions or limitations with respect to the  
10 issuance of additional bonds. It shall be lawful for any bank or trust company incorporated under  
11 the laws of the Commonwealth which may act as depository of the proceeds of such bonds or of  
12 other revenues of the authority to furnish indemnifying bonds or to pledge such securities as may  
13 be required by the authority. Such trust indenture or agreement or resolution may set forth the  
14 rights and remedies of the bondholders and of the trustee, and may restrict the individual right of  
15 action by bondholders.

16 In addition to the foregoing, such trust indenture or agreement or resolution may contain  
17 such other provisions as the authority may deem reasonable and proper for the security of the  
18 bondholders. All expenses incurred in carrying out the provisions of such trust indenture or  
19 agreement or resolution may be treated as a part of the cost of a project.

20 **Drafting note: No substantive change in the law.**

21

22 § ~~15.1-1284~~ 15.2-5610. Fees, rents and other charges; reserves.

23 The authority is ~~hereby~~ authorized to fix, revise, charge and collect fees, rents and other  
24 charges for the use of any project and the facilities thereof. ~~Such~~ The fees, rents and other  
25 charges shall be ~~so~~ fixed and adjusted so as to provide ~~at least~~ funds, which, when added to other  
26 funds, are sufficient to pay: (i) the cost of maintaining, repairing and operating the project and  
27 (ii) the principal ~~or~~ and any interest on ~~such~~ the bonds as the same shall become due and payable.  
28 Reserves may be accumulated and maintained out of the revenues and receipts of the authority  
29 for extraordinary repairs and expenses and for such other purposes as may be provided in any  
30 resolution authorizing a bond issue or in any trust indenture securing the authority's bonds. Such  
31 fees, rents and charges shall not be subject to supervision or regulation by any commission,



1 board, bureau or agency of the Commonwealth or any ~~such participating political subdivision~~  
2 locality.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-1282~~ 15.2-5611. Moneys received deemed trust funds.

6 All moneys received pursuant to the ~~authority~~ provisions of this chapter, whether as  
7 proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and  
8 applied solely as provided in this chapter.

9 **Drafting note: No substantive change in the law.**

10  
11 § ~~15.1-1283~~ 15.2-5612. Remedies of bondholders and trustee.

12 Any holder of bonds, notes, certificates or other evidences of borrowing or any coupons  
13 appertaining thereto issued under the provisions of this chapter ~~or of any of the coupons~~  
14 ~~appertaining thereto~~, and the trustee under any trust indenture or agreement, except to the extent  
15 of the rights herein given may be restricted by such trust indenture, or agreement may, ~~either at~~  
16 ~~law or in equity, by suit, action, injunction, mandamus or other proceedings~~, protect and enforce  
17 ~~any and all~~ their rights under (i) the laws of the Commonwealth ~~or; (ii) granted by this chapter or~~  
18 ~~under such~~ ; (iii) the trust indenture or agreement; or (iv) the resolution authorizing the issuance  
19 of such bonds, notes or certificates, ~~and~~. Such holder and trustee may enforce and compel the  
20 performance of all duties required by this chapter or by such trust indenture or agreement or  
21 resolution to be performed by the authority or by any officer or agent thereof, including the  
22 fixing, charging and collection of fees, rents and other charges.

23 **Drafting note: No substantive change in the law; excess language is deleted for**  
24 **clarity.**

25  
26 § ~~15.1-1284~~ 15.2-5613. Authority to exercise a governmental function; exemption from  
27 taxation.

28 The exercise of the powers granted by this chapter shall be in all respects for the benefit  
29 of the inhabitants of the Commonwealth, for the increase of their commerce, and for the  
30 promotion of their safety, health, welfare, convenience and prosperity, and as the operation and  
31 maintenance of any project which the authority ~~is authorized to~~ may undertake will constitute the

1 performance of an essential governmental function, no authority shall be required to pay any  
2 taxes or assessments upon any project acquired and constructed by it under the provisions of this  
3 chapter; ~~and the.~~ The bonds, notes, certificates or other evidences of debt issued under the  
4 provisions of this chapter, their transfer and the income therefrom including any profit made on  
5 the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by  
6 any political subdivision thereof.

7 **Drafting note: No substantive change in the law.**

8  
9 § ~~15.1-1285~~ 15.2-5614. Bonds legal investments.

10 Bonds issued by the authority ~~under the provisions of this chapter~~ are hereby made  
11 securities in which all public officers and public bodies of the Commonwealth and its political  
12 subdivisions, all insurance companies, trust companies, banking associations, investment  
13 companies, executors, administrators, trustees and other fiduciaries may properly and legally  
14 invest funds, including capital in their control or belonging to them. Such bonds are ~~hereby made~~  
15 securities which ~~may properly and~~ legally may be deposited with and received by any state or  
16 municipal officer or any agency or political subdivision of the Commonwealth for any purpose  
17 for which the deposit of bonds or obligations is ~~now~~, or may hereafter be, authorized by law.

18 **Drafting note: No substantive change in the law.**

19  
20 § ~~15.1-1286~~ 15.2-5615. Chapter to constitute complete authority for acts authorized;  
21 provisions severable; liberal construction.

22 This chapter shall constitute full and complete authority, without regard to the provisions  
23 of any other law, for the doing of the acts and things herein authorized. The provisions of this  
24 chapter are severable, and if any of its provisions shall be declared unconstitutional or invalid by  
25 any court of competent jurisdiction, the decision of such court shall not affect or impair any of  
26 the other provisions of this chapter. This chapter, being necessary for the welfare of the  
27 Commonwealth and its inhabitants, shall be liberally construed to effect the purposes hereof.

28 **Drafting note: No change.**

29  
30 § ~~15.1-1286.1~~ 15.2-5616. Dissolution of authority; disposition of property.

1           Whenever the ~~commission~~ board of the authority shall by resolution determine that the  
2 purposes for which the authority was formed have been substantially complied with and all  
3 bonds therefore issued and all obligations theretofore incurred by the authority have been fully  
4 paid or adequate provisions have been made for the payment, the ~~commission~~ board shall  
5 ~~thereupon~~ execute and file for record with the ~~governing body~~ bodies of the participating  
6 ~~political subdivisions~~ localities, a resolution declaring such facts. If the ~~governing bodies~~ of the  
7 participating ~~political subdivisions~~ localities are of the opinion that the facts stated in the  
8 authority's resolution are true and the authority should be dissolved, they shall so resolve and the  
9 authority shall stand dissolved as of the date on which the last participating ~~political subdivision~~  
10 locality adopts such resolution. Upon such dissolution, the title to all funds and properties owned  
11 by the authority at the time of such dissolution shall vest in the participating ~~political~~  
12 ~~subdivisions~~ localities.

13           **Drafting note: No substantive change in the law.**



1 ~~Reconstruction Finance Corporation~~, and any other agency or instrumentality of the United  
2 States of America heretofore established or which may be established ~~or created~~ hereafter.

3 ~~(f) The term "park" shall mean~~ "Park" means public parks and recreation areas as the  
4 terms are generally used.

5 **Drafting note: No substantive change in the law. The existing citation in the second**  
6 **paragraph is incorrect. Definitions are deleted because they duplicate definitions in § 15.2-**  
7 **101. The word "locality" is used in place of "political subdivision" throughout the chapter**  
8 **for continuity in language in the title. The remaining definitions are alphabetized.**

9  
10 § ~~15.1-1230~~ 15.2-5702. Creation of authorities.

11 A. ~~The governing body of a political subdivision~~ A locality may by ordinance or  
12 resolution, or ~~the governing bodies of two or more political subdivisions~~ localities may by  
13 concurrent ordinances or resolutions, signify their intention to create a park authority, under an  
14 appropriate name and title, containing the word "authority" which shall be a ~~public~~ body politic  
15 and corporate.

16 Whenever an authority has been incorporated by two or more ~~political subdivisions~~  
17 localities, any one or more of ~~such political subdivisions~~ the localities may withdraw therefrom,  
18 ~~and any political subdivision not having joined in the original incorporation may join in the~~  
19 ~~authority~~ but no ~~political subdivision~~ locality shall be permitted to withdraw from any authority  
20 ~~after any obligation has been incurred by the authority and while any such obligation remains~~  
21 ~~binding~~ that has outstanding obligations unless United States securities have been deposited for  
22 their payment or without unanimous consent of all holders of the outstanding obligations.

23 Other localities may join the authority as provided in the ordinances or resolutions.

24 B. Each ~~such~~ ordinance or resolution shall include articles of incorporation ~~which shall~~  
25 ~~set~~ setting forth:

26 ~~(a)~~ 1. The name of the "authority" and the address of its principal office.

27 ~~(b)~~ 2. The name of each incorporating ~~political subdivision~~ locality, together with the  
28 names, addresses and terms of office of the first members of the board of ~~said~~ the authority.

29 ~~(c)~~ 3. The purpose or purposes for which the authority is ~~to be~~ created.

30 C. ~~The governing body of each~~ Each participating ~~political subdivision~~ locality shall  
31 cause to be published at least one time in a newspaper of general circulation in ~~such political~~

1 ~~subdivision~~ its locality, a copy of ~~such~~ the ordinance or resolution together with a notice stating  
2 that on a day certain, not less than ten days after publication of ~~said~~ the notice, a public hearing  
3 will be held on such ordinance or resolution. If at ~~such~~ the hearing, ~~in the judgment of the~~  
4 ~~governing body of the participating political subdivision~~, substantial opposition to the proposed  
5 park authority is heard, the members of ~~such body~~ the participating localities' governing bodies  
6 may in their discretion call for a referendum on the question of establishing such an authority as  
7 ~~prescribed in the ordinance or resolution to be held on a date specified in a resolution of such~~  
8 ~~governing body~~. The request for a referendum shall be initiated by resolution of the governing  
9 body ~~directed to the election officials of~~ and filed with the clerk of the circuit court for the  
10 ~~county or city and the same shall conform to the provisions of § 24.1-165~~ locality. The court  
11 shall order the referendum as provided for in § 24.2-681 et seq. Where two or more ~~political~~  
12 ~~subdivisions~~ localities are participating in the formation of ~~such an~~ authority the referendum, if  
13 any be ordered, shall be held on the same date in all such ~~subdivisions~~ localities so participating.  
14 In any event if ten ~~per centum~~ percent of the qualified registered voters in such ~~subdivision~~ file  
15 locality file a petition with the governing body at the hearing calling for a referendum such  
16 governing body shall ~~order~~ request a referendum as herein provided.

17 D. Having specified the initial plan of organization of the authority, and having initiated  
18 the program, the ~~governing bodies of any of the political subdivisions~~ localities organizing such  
19 authority may, from time to time, by subsequent ordinance or resolution, after public hearing,  
20 and with or without referendum, specify further parks to be acquired and maintained by the  
21 authority, and no other parks shall be acquired or maintained by the authority than those so  
22 specified. However, if the governing bodies of the ~~political subdivisions~~ localities fail to specify  
23 any project or projects to be undertaken, and if the governing bodies do not disapprove any  
24 project or projects proposed by the authority, then the authority shall be deemed to have all the  
25 powers granted by this chapter.

26 **Drafting note: No substantive change in the law; excess language is deleted.**  
27 **Outstanding obligation language concerning withdrawal tracks language for withdrawal**  
28 **from a water and sewer authority; language pertaining to a referendum updated to current**  
29 **law.**

30

1           § ~~15.1-1234~~ 15.2-5703. Members of authority; appointment, terms, compensation, etc.;  
2 officers, quorum.

3           Each authority created hereunder, whether created by single or multiple ~~political~~  
4 ~~subdivisions~~ localities, shall be governed by a board of not less than six members, but always an  
5 even number, appointed by the governing body of the ~~political-subdivision~~ locality. The board  
6 members shall be appointed for staggered four-year terms. Members of the governing body may  
7 be appointed to the board but shall not comprise a majority thereon.

8           When an authority is created by participating ~~political-subdivisions~~ localities, each shall  
9 appoint at least two members, one of whom may be a member of the governing body. One-half  
10 of the members first appointed by each governing body shall serve for two years and one-half  
11 shall serve for four years. After the first appointment, the term of office of all members shall be  
12 four years. When one or more additional ~~political-subdivisions~~ localities join an existing  
13 authority, each of such participating ~~political-subdivisions~~ localities shall have not less than two  
14 members on the ~~authority~~ authority's board. The first ~~of such~~ members shall be appointed  
15 immediately upon the admission of the ~~political-subdivision~~ locality into the authority in the  
16 same manner as were the first members of the authority.

17           The members of the board of the authority shall elect one of their number chairman ~~of the~~  
18 ~~authority~~, and shall elect a secretary and a treasurer who need not be members of the board of the  
19 authority. The offices of secretary and treasurer may be combined. A majority of the members of  
20 the authority shall constitute a quorum and the vote of a majority of such quorum shall be  
21 necessary for any action taken by the authority. No vacancy in the membership of the board of  
22 the authority shall impair the right of a quorum to exercise all the rights and perform all the  
23 duties of the authority.

24           ~~The political subdivision or subdivisions by action of whose governing body or~~  
25 ~~governing bodies an locality~~ Localities which created or thereafter joined the authority ~~shall~~  
26 ~~have been created and its members appointed hereunder may,~~ by ordinance or resolution or  
27 concurrent ordinances or resolutions, may provide for the payment of compensation to the  
28 members of the authority; provided no compensation shall be paid for meetings not attended and  
29 for the reimbursement to each member of the authority the amount of his actual expenses  
30 necessarily incurred in the performance of that member's duties.

31           **Drafting note: No substantive change in the law. Changes are made for clarity.**

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§ ~~15.1-1232~~ 15.2-5704. Powers of authority.

Each authority ~~created hereunder~~ shall be deemed to be ~~an instrumentality exercising public and performing~~ essential governmental functions ~~to provide~~ providing for the public health and welfare, and ~~each such authority is hereby~~ authorized and empowered:

(~~a~~) 1. To have existence for such term of years as specified by the participating ~~political subdivisions~~ localities;

(~~b~~) 2. To adopt bylaws for the regulation of its affairs and the conduct of its business;

(~~c~~) 3. To adopt an official seal and alter the same at pleasure;

(~~d~~) 4. To maintain an office at such place or places as it may designate;

(~~e~~) 5. To sue and be sued;

(~~f~~) 6. To acquire, purchase, lease as lessee, construct, reconstruct, improve, extend, operate and maintain parks within, or partly within and partly ~~without~~ outside, one or more of the ~~participating political subdivisions by action of whose governing body or governing bodies the authority was created~~ localities; and to acquire by gift, purchase or the exercise of the right of eminent domain lands or rights in land or water rights in connection therewith; and to sell, lease as lessor, transfer or dispose of any property or interest therein acquired by it, ~~at any time~~; ~~provided, however, that~~ the power of eminent domain shall not extend beyond the geographical limits of the ~~political subdivision or subdivisions~~ localities composing the authority;

(~~g~~) 7. To regulate the uses of all lands and facilities under control of the authority;

(~~h~~) 8. To issue revenue bonds and revenue refunding bonds of the authority, such bonds to be payable solely from revenues derived from the use of the facilities or the furnishing ~~to any political subdivision~~ of park services;

(~~i~~) 9. To accept grants and gifts from the ~~political subdivision~~ localities forming or thereafter joining the authority, the Commonwealth ~~of Virginia~~, the federal government or any other governmental bodies or political subdivisions, and from any ~~unit, private corporation, copartnership, association or individual~~ other person;

(~~j~~) 10. To enter into contracts with the federal government, the Commonwealth ~~of Virginia~~, any political subdivision, or any agency or instrumentality thereof, or with any ~~unit, private corporation, copartnership, association, or individual~~ other person providing for or relating to the furnishing of park services or facilities;



1           ~~(k)~~ 11. To contract with any municipality, county, ~~corporation, individual~~ person or any  
2 public authority or ~~unit~~ political subdivision of this or any adjoining state, on such terms as the  
3 ~~said~~ authority shall deem proper, for the construction, operation and maintenance of any park  
4 which is partly in this Commonwealth and partly in such adjoining state;

5           ~~(l)~~ 12. To exercise the same rights ~~of~~ for acquiring property for the construction or  
6 improvement, maintenance or operation of a park as the ~~county or, city~~ locality or ~~counties or,~~  
7 ~~cities~~ localities by which such authority is created may exercise. The governing body of any ~~unit~~  
8 participating locality, notwithstanding any contrary provision of law, general or special, is  
9 ~~hereby~~ authorized and empowered to transfer jurisdiction over, to lease, lend, grant or convey to  
10 the authority, upon the request of the authority, upon such terms and conditions as the governing  
11 body of such ~~unit~~ locality may agree with the authority as reasonable and fair, ~~such~~ real or  
12 personal property as may be necessary or desirable in connection with the acquisition,  
13 construction, improvement, operation or maintenance of a park, including public roads and other  
14 property already devoted to public use. Agreements may be entered into by the authority with the  
15 Commonwealth ~~of Virginia~~, or any agency acting on behalf of the Commonwealth ~~of Virginia~~,  
16 for the acquisition of any lands or property, owned ~~and/or~~ controlled by the Commonwealth ~~of~~  
17 ~~Virginia~~, for the purposes of construction or improvement, maintenance or operation of a park;

18           ~~(m)~~ 13. In the event of annexation by a municipality not a member of the authority of  
19 lands, areas, or territory served by the authority, then such authority may continue to do business,  
20 exercise its jurisdiction over properties and facilities in and upon or over such lands, areas or  
21 territory as long as any bonds or indebtedness remain outstanding or unpaid, or any contracts or  
22 other obligations remain in force;

23           ~~(n)~~ 14. To make and enter into all contracts and agreements necessary or incidental to the  
24 performance of its duties and the execution of its powers under this chapter, including a trust  
25 agreement or trust agreements securing any revenue bonds or revenue refunding bonds issued  
26 hereunder;

27           ~~(o)~~ 15. To do all acts and things necessary or convenient to carry out the powers granted  
28 by this chapter;

29           ~~(p)~~ 16. To borrow, at such rates of interest as the law authorizes, from the federal  
30 government or any agency thereof, individuals, partnerships, or private or municipal  
31 corporations, for the purpose of acquiring parklands and improvements thereon; to issue its

1 notes, bonds or other obligations; to secure such obligations by mortgage or pledge of the  
2 property and improvements being acquired and the income derived therefrom; and to use any  
3 revenues and other income of the authority for payment of interest and retirement of principal of  
4 such obligations; provided that prior approval of the governing body of the ~~county or city~~  
5 locality shall be obtained by an authority that was created by a single ~~political subdivision~~  
6 locality. Any ~~county, city or town~~ locality which has formed or joined an authority may lend  
7 money to ~~such~~ the authority. The power to borrow set forth in this subdivision shall be in  
8 addition to the power to issue revenue bonds and revenue refunding bonds set forth in  
9 subdivision (h) of this section and § ~~15.1-1237~~ 15.2-5712. Notes, bonds or other obligations  
10 issued under this subdivision shall not be deemed to constitute a debt of the Commonwealth or of  
11 any political subdivision of the Commonwealth or a pledge of the faith and credit of the  
12 Commonwealth or of any political subdivision of the Commonwealth; and

13 ~~(e)~~ 17. To adopt such rules and regulations from time to time, not in conflict with the  
14 laws of this Commonwealth, concerning the use of properties under its control as will tend to the  
15 protection of such property and the public thereon. No such rule or regulation shall be adopted  
16 until after descriptive notice of an intention to propose such rule or regulation for passage has  
17 been published in accordance with the procedures required for the adoption of general county  
18 ordinances and emergency county ordinances as set forth in § ~~15.1-504~~ 15.2-1427, mutatis  
19 mutandis. The full text of any proposed rule or regulation shall be available for public inspection  
20 and copying during regular office hours of the authority at a place designated in the published  
21 notice.

22 **Drafting note: No substantive change in the law.**

23

24 § ~~15.1-1232.1~~ 15.2-5705. Violation of rules and regulations.

25 Any violation of any such rule and regulation adopted pursuant to provision 17 of § ~~15.1-~~  
26 ~~1232-(e)~~ 15.2-5704 shall constitute a Class 4 misdemeanor.

27 **Drafting note: No change.**

28

29 § ~~15.1-1232.2~~ 15.2-5706. Appointment of special conservators of the peace.

30 The chairman of the board of any authority created pursuant to the provisions of this  
31 chapter may apply to the circuit court ~~of~~ for any ~~county or city~~ locality for the appointment of

1 one or more special conservators of the peace under procedures specified by § 19.2-13. Any such  
2 special conservator of the peace shall have, within the lands and facilities; controlled by such  
3 authority, the powers, functions, duties, responsibilities and authority of any other conservator of  
4 the peace.

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-1232.3~~ 15.2-5707. Recordation of conveyances of real estate to park authorities.

8 No deed purporting to convey real estate to a park authority shall be recorded unless  
9 accepted by a person authorized to act on behalf of the park authority, which acceptance shall  
10 appear on the face thereof.

11 **Drafting note: No change.**

12  
13 § ~~15.1-1233~~ 15.2-5708. Exemption from taxation.

14 No authority shall be required to pay any taxes or assessments upon any park acquired  
15 and constructed by it under the provisions of this chapter.

16 **Drafting note: No change.**

17  
18 § ~~15.1-1234~~ 15.2-5709. Rates and charges.

19 The authority is hereby authorized to fix and revise from time to time rates, fees and  
20 other charges for the use of and for the services furnished or to be furnished by any park.

21 **Drafting note: No change.**

22  
23 § ~~15.1-1235~~ 15.2-5710. ~~Trust funds~~ Funds.

24 All moneys received pursuant to the ~~authority of powers granted in~~ authority of powers granted in this chapter shall be  
25 ~~deemed to be trust funds, to be held and applied solely as provided in this chapter. The resolution~~  
26 ~~of the authority shall provide that any officer to whom, or any bank, trust company or other fiscal~~  
27 ~~agent to which, such moneys shall be paid shall act as trustee of such moneys and shall hold and~~  
28 ~~apply the same for the purposes hereof, subject to such regulations as such resolution or trust~~  
29 ~~agreement~~ the authority may provide.

30 **Drafting note: The use of the phrase “trust fund” is eliminated since there is no**  
31 **actual trust involved.**

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§ ~~15.1-1236~~ 15.2-5711. Conveyance or lease of park to authority; contract for park services; when referendum required before certain contracts made.

Each ~~county, municipality~~ locality and other public body is hereby authorized and empowered:

(~~a~~) 1. To convey or lease to any authority created hereunder, with or without consideration, any park upon such terms and conditions as the governing body thereof shall determine to be for the best interests of such ~~county, municipality~~ locality or other public body; and

(~~b~~) 2. To contract with any authority created hereunder for park services; provided, ~~however,~~ that no ~~political-subdivision~~ locality shall enter into any contract with an authority involving payments by such ~~political-subdivision~~ locality to such authority for park services which requires the ~~political-subdivision~~ locality to incur an indebtedness extending beyond ~~any~~ one fiscal year, unless the question of entering into such contract shall first be submitted to the ~~qualified~~ voters of the ~~political-subdivision~~ locality for approval or rejection by a majority vote ~~of such qualified voters voting in an election on such question; provided that nothing.~~ Nothing herein ~~contained~~ shall prevent any ~~political-subdivision~~ locality from making a voluntary contribution to any authority ~~at any time~~.

In the event that ~~the governing body~~ of a ~~political-subdivision~~ locality shall desire to contract with an authority under ~~the provisions~~ of this subdivision, such governing body shall adopt a resolution stating in brief and general terms the substance of the proposed contract for park services and requesting the circuit court, ~~or any judge thereof, in and~~ for the ~~county in which such political-subdivision is located~~ locality to order an election upon the question of entering into such contract. A copy of such resolution, certified by the clerk of ~~such~~ the governing body, shall be filed with the judge of ~~such~~ the circuit court who shall thereupon ~~make~~ enter an order ~~requiring the judges of election on the day fixed in such order, not less than ten days nor more than thirty days from the date of such order, to open a poll and take the sense of the qualified voters in the political-subdivision on the question of entering into such contract in accordance with § 24.2-681 et seq.~~ Notice of such election ~~in the form prescribed by the judge of the circuit court~~ entered and paid for by the locality shall be published at least once in a

1 newspaper of general circulation in the ~~political subdivision~~ locality at least ten days before the  
2 election.

3 ~~The regular election officers of the political subdivision, at the time designated in such~~  
4 ~~order authorizing such vote, shall open the polls at the various voting places in the political~~  
5 ~~subdivision and shall conduct such election in such manner as is provided by law for other~~  
6 ~~elections.~~ The question to be submitted to the voters for determination shall include the names of  
7 the ~~political subdivision~~ locality and the authority between whom the contract is proposed; and  
8 the nature, duration and cost of such contract. ~~The votes shall be counted, returns made and~~  
9 ~~canvassed as in other special elections and the results certified by the commissioners of election~~  
10 ~~to the circuit court of the county or a judge thereof in vacation. If it shall appear by the report of~~  
11 ~~the commissioners of election that a majority of the qualified voters of the political subdivision~~  
12 ~~voting on the question approve such contract for park services, the circuit court or a judge~~  
13 ~~thereof in vacation shall forthwith enter an order authorizing the governing body of the political~~  
14 ~~subdivision to enter into such contract.~~

15 **Drafting note: No substantive change in the law; excess language is deleted;**  
16 **language pertaining to the election is updated to current law.**

17  
18 § ~~15.1-1237~~ 15.2-5712. Revenue bonds.

19 Each authority is hereby authorized to issue, at one time or from time to time, revenue  
20 bonds of the authority for the purpose of acquiring, purchasing, constructing, reconstructing,  
21 improving or extending parks and acquiring necessary land or equipment therefor, and revenue  
22 refunding bonds of the authority for the purpose of refunding any revenue bonds outstanding  
23 ~~under the provisions of this chapter.~~ The bonds of each issue shall be dated, shall mature at such  
24 time or times not exceeding forty years from their date or dates and shall bear interest at such  
25 rate or rates ~~not exceeding six per centum per annum~~ as authorized by law, as may be determined  
26 by the authority, ~~and~~ Bonds may be made redeemable before maturity, at the option of the  
27 authority at such price or prices and under such terms and conditions as may be fixed by the  
28 authority prior to the issuance of the bonds. The authority shall determine the form of the bonds,  
29 including any interest coupons to be attached thereto, and the manner of execution of the bonds,  
30 and shall fix the denomination or denominations of the bonds and the place or places of payment  
31 of principal and interest, which may be at any bank or trust company within or ~~without~~ outside

1 the Commonwealth. In case any officer whose signature or a facsimile of whose signature shall  
2 appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds,  
3 such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the  
4 same as if he had remained in office until such delivery. Notwithstanding any of the other  
5 provisions of this chapter or any recitals in any bonds issued under the provisions of this chapter,  
6 all such bonds shall be deemed to be negotiable instruments under the laws of this  
7 Commonwealth. The bonds may be issued in coupon or registered form or both, as the authority  
8 may determine, and provision may be made for the registration of any coupon bonds as to  
9 principal alone and also as to both principal and interest, and for the reconversion into coupon  
10 bonds of any bonds registered as to both principal and interest. The authority may sell such  
11 bonds in such manner, either at public or private sale, and for such price, as it may determine to  
12 be for the best interests of the authority, ~~but no such sale shall be made at a price so low as to~~  
13 ~~require the payment of interest on the money received therefor at more than six per centum per~~  
14 ~~annum, computed with relation to the absolute maturity or maturities of the bonds in accordance~~  
15 ~~with standard tables of bond values, excluding, however, from such computation the amount of~~  
16 ~~any premium to be paid on redemption of any bonds prior to maturity.~~

17 The resolution providing for the issuance of revenue bonds, and any trust agreement  
18 securing such bonds, may also contain such limitations upon the issuance of additional revenue  
19 bonds as the authority may deem proper, and such additional bonds shall be issued under such  
20 restrictions and limitations as may be prescribed by such resolution or trust agreement.

21 Bonds may be issued under the provisions of this chapter without obtaining the consent  
22 of any commission, board, bureau or agency of the Commonwealth of Virginia or of any  
23 political subdivision, and without any other proceedings or the happening of other conditions or  
24 things than those proceedings, conditions or things which are specifically required by this  
25 chapter.

26 Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt  
27 of the Commonwealth or of any political subdivision of the Commonwealth or a pledge of the  
28 faith and credit of the Commonwealth or of any political subdivision of the Commonwealth, but  
29 such bonds shall be payable solely from revenues of the authority as provided herein.

30 **Drafting note: No substantive change in the law; interest rates paid are governed by**  
31 **§ 2.1-326.1.**

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§ ~~15.1-1238~~ 15.2-5713. Same; for water or sewer systems, etc.

An authority created under the provisions of this chapter is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of revenue bonds of the authority for the purpose of paying the whole or any part of the cost of any water system, sewer system, sewage disposal system, or garbage and refuse collection and disposal system, or any combination of any thereof and for improvement and maintenance of any such system. The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates ~~not exceeding five per centum per annum~~ as may be authorized by law, shall mature at such time or times not exceeding twenty years from their date or dates, as may be determined by the authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds.

Revenue bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the Commonwealth or of any incorporating or participating ~~political subdivision~~ locality, or a pledge of the faith and credit of the Commonwealth or of any incorporating or participating ~~political subdivision~~ locality.

**Drafting note: No substantive change in the law. Interest rates paid are governed by § 2.1-326.1.**

§ ~~15.1-1238.1~~ 15.2-5714. Bonds mutilated, lost or destroyed.

Should any bond issued under this chapter become mutilated or be lost or destroyed, the authority may cause a new bond of like date, number and tenor to be executed and delivered in exchange and substitution for, and upon cancellation of, such mutilated bond and its coupons, or in lieu of and in substitution for such lost or destroyed bond and its unmatured coupons. Such new bond or coupon shall not be executed or delivered until the holder of the mutilated, lost or destroyed bond ~~(1)~~ (i) has paid the reasonable expense and charges in connection therewith; ~~and~~ (2) (ii) in the case of a lost, or destroyed bond, has filed with the authority and its treasurer satisfactory evidence that such bond was lost or destroyed and that the holder was the owner thereof; ~~and~~ (3) (iii) has furnished indemnity satisfactory to its treasurer.

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**Drafting note: No substantive change in the law.**





1 "Sales tax revenues" means taxes collected under the Virginia Retail Sales and Use Tax  
2 Act (§ 58.1-600 et seq.), as limited herein. Sales tax revenues shall not include any local general  
3 retail sales and use tax levied pursuant to §§ 58.1-605 and 58.1-606

4 **Drafting note: No change.**

5  
6 § ~~15.1-227.71~~ 15.2-5801. Creation of Authority.

7 There is hereby established a body corporate and politic known as the Virginia Baseball  
8 Stadium Authority. The Authority is a political subdivision of the Commonwealth.

9 **Drafting note: No change.**

10  
11 § ~~15.1-227.72~~ 15.2-5802. Members of Authority; chairman; terms.

12 A. The Authority shall consist of nine members who shall be appointed by the Governor,  
13 and the Governor shall designate one of the members as chairman. The members of the  
14 Authority annually shall elect a vice-chairman from their membership who shall perform the  
15 duties of the chairman in his absence. In making appointments to the Authority, the Governor  
16 shall ensure that the geographic areas of the Commonwealth are represented; however, in the  
17 event a major league baseball stadium is proposed, at least four members of the Authority shall  
18 be residents of the county or city in which the facility is proposed to be located. The  
19 appointments of the members by the Governor shall be confirmed in accordance with § 2.1-42.1.

20 B. The term of a member of the Authority is four years. However, upon the initial  
21 appointment of the members of the Authority, the terms of the members shall be staggered as  
22 follows: The initial term of three of the members shall be four years; the initial term of three  
23 members shall be three years; and the initial term of the remaining three members shall be two  
24 years. The Governor shall designate the term to be served by each appointee at the time of  
25 appointment.

26 At the end of a term, a member shall continue to serve until a successor is appointed and  
27 qualifies. A member who is appointed after a term has begun serves only for the rest of the term  
28 and until a successor is appointed and qualifies. Upon the end of the term of a member, or upon  
29 the resignation or removal of a member, the Governor shall appoint a member to the Authority.  
30 The Governor may remove a member for cause in accordance with § 2.1-43. The members of the  
31 Authority shall receive no compensation for their services, but a member may be reimbursed by

1 the Authority for reasonable expenses actually incurred in the performance of the duties of that  
2 office.

3  
4 **Drafting note: No change.**

5  
6 § ~~15.1-227.73~~ 15.2-5803. Quorum; actions of Authority; meetings.

7 Five members of the Authority shall constitute a quorum for the purpose of conducting  
8 business. Actions of the Authority ~~must~~ shall receive the affirmative vote of a majority of the  
9 quorum to be effective. No vacancy on the Authority shall impair the right of a quorum to  
10 exercise all rights and perform all the duties of the Authority. The Authority shall determine the  
11 times and places of its regular meetings. Special meetings of the Authority shall be held when  
12 requested by two or more members of the Authority. Any such request for a special meeting  
13 shall be in writing, and the request shall specify the time and place of the meeting and the  
14 matters to be considered at the meeting. A reasonable effort shall be made to provide each  
15 member with notice of any special meeting. No matter not specified in the notice shall be  
16 considered at such special meeting unless all the members of the Authority are present.

17 **Drafting note: No substantive change in the law.**

18  
19 § ~~15.1-227.74~~ 15.2-5804. Executive Director appointment; duties.

20 A. The Authority shall appoint an Executive Director, who is the chief administrative  
21 officer and secretary of the Authority and serves at the pleasure of the Authority. The Executive  
22 Director shall be paid from funds as may be appropriated or received by the Authority.

23 B. In addition to any other duties set forth in this chapter, the Executive Director shall:

24 1. Direct and supervise the administrative affairs and activities of the Authority in  
25 accordance with its rules, regulations, and policies;

26 2. Attend all meetings and keep minutes of all proceedings;

27 3. Approve all accounts for salaries, per diem payments, and allowable expenses of the  
28 Authority and its employees and consultants and approve all expenses incidental to the operation  
29 of the Authority;

30 4. Report and make recommendations to the Authority on the merits and status of any  
31 proposed facility; and

1           5. Perform any other duty that the Authority requires for carrying out the provisions of  
2 this chapter.

3           **Drafting note: No change.**

4  
5           § ~~15.1-227.75~~ 15.2-5805. Powers.

6           In addition to the powers set forth elsewhere in this chapter, the Authority may:

7           1. Adopt and alter an official seal;

8           2. Sue and be sued in its own name;

9           3. Adopt bylaws, rules and regulations to carry out the provisions of this chapter;

10          4. Maintain an office at such place as the Authority may designate;

11          5. Employ, either as regular employees or independent contractors, consultants,  
12 engineers, architects, accountants, attorneys, financial experts, construction experts and  
13 personnel, superintendents, managers and other professional personnel, personnel, and agents as  
14 may be necessary in the judgment of the Authority, and fix their compensation;

15          6. Determine the locations of, develop, establish, construct, erect, acquire, own, repair,  
16 remodel, add to, extend, improve, equip, operate, regulate, and maintain facilities to the extent  
17 necessary to accomplish the purposes of the Authority;

18          7. Acquire, hold, lease, use, encumber, transfer, or dispose of real and personal property,  
19 including a lease of its property or any interest therein whatever the condition thereof, whether or  
20 not constructed or acquired, to the Commonwealth or any political subdivision of the  
21 Commonwealth. The Commonwealth and any such political subdivision are authorized to  
22 acquire or lease such property or any interest therein; however, the Commonwealth shall not  
23 enter into any such lease or purchase agreement unless such lease or purchase agreement has first  
24 been approved pursuant to subsections E and F of § ~~15.1-227.76~~; 15.2-5806,

25          8. Enter into contracts of any kind, and execute all instruments necessary or convenient  
26 with respect to its carrying out the powers in this chapter to accomplish the purposes of the  
27 Authority;

28          9. Operate, enter into contracts for the operation of, and regulate the use and operation of  
29 facilities developed under the provisions of the chapter;

30          10. Fix and revise from time to time and charge and collect rates, rents, fees, or other  
31 charges for the use of facilities or for services rendered in connection with the facilities;

1           11. Borrow money from any source for any valid purpose, including working capital for  
2 its operations, reserve funds, or interest, and to mortgage, pledge, or otherwise encumber the  
3 property or funds of the Authority and to contract with or engage the services of any person in  
4 connection with any financing, including financial institutions, issuers of letters of credit, or  
5 insurers;

6           12. Issue bonds under this chapter;

7           13. Receive and accept from any source, private or public, contributions, gifts, or grants  
8 of money or property; and

9           14. Do all things necessary or convenient to carry out the powers granted by this chapter.

10          **Drafting note: No change.**

11  
12          § ~~15.1-227.76~~ 15.2-5806. Public hearings; notice; reports.

13          A. At least sixty days prior to selecting a site for a major league or minor league baseball  
14 stadium, the Authority shall hold a public hearing within thirty miles of the site proposed to be  
15 acquired for the purpose of soliciting public comment.

16          B. Except as otherwise provided herein, at least sixty days prior to the public hearing  
17 required by this section, the Authority shall notify the local governing body in which the major  
18 league or minor league baseball stadium is proposed to be located and advertise the notice in a  
19 newspaper of general circulation in that locality. The notice shall include: (i) a description of the  
20 site proposed to be acquired, (ii) the intended use of the site, and (iii) the date, time, and location  
21 of the public hearing. After receipt of the notice required by this section, the local governing  
22 body in which a major league or minor league baseball stadium is proposed to be located may  
23 require that this period be extended for up to sixty additional days or for such other time period  
24 as agreed upon by the local governing body and the Authority.

25          C. At least thirty days before acquiring or entering into a lease involving a major league  
26 or minor league baseball stadium and before entering into a construction contract involving a  
27 major league or minor league baseball stadium or stadium site, the Authority shall submit a  
28 detailed written report and the findings of the Authority that justify the proposed acquisition,  
29 lease, or contract to the General Assembly. The report and findings shall include a detailed plan  
30 of the method of funding and the economic necessity of the proposed acquisition, lease, or  
31 contract.

1 D. The time periods in subsections A, B, and C of this section may not run concurrently.

2 E. The Commonwealth shall not enter into any purchase agreement, lease agreement,  
3 lease-purchase agreement, master lease agreement or any other contractual arrangement that  
4 creates a direct or contingent financial obligation of the Commonwealth unless such agreement  
5 or arrangement has first been submitted to the State Treasurer sufficiently prior to the execution  
6 of such agreement or arrangement to allow the State Treasurer to undertake a review for the  
7 purposes of determining (i) whether the agreement or arrangement may constitute tax-supported  
8 debt of the Commonwealth and (ii) the potential impact of the agreement or arrangement on the  
9 debt capacity and credit ratings of the Commonwealth. If after such review the State Treasurer  
10 determines that the agreement or arrangement may constitute tax-supported debt of the  
11 Commonwealth, or may have an adverse impact on the debt capacity or the credit ratings of the  
12 Commonwealth, the agreement or arrangement and any associated financing shall be submitted  
13 to the Treasury Board for review and approval of terms and structures in a manner consistent  
14 with § 2.1-179.

15 F. The Commonwealth shall not enter into any purchase agreement, lease agreement,  
16 lease-purchase agreement, master lease agreement or any other contractual arrangement that  
17 creates a direct or contingent financial obligation of the Commonwealth unless such agreement  
18 or arrangement has first been reviewed and approved as required by subsection E and  
19 subsequently approved in writing by the Governor.

20 **Drafting note: No change.**

21  
22 § ~~15.1-227.77~~ 15.2-5807. Acquisition of property.

23 A. The Authority may acquire in its own name, by gift or purchase, any real or personal  
24 property, or interests in property, necessary or convenient to construct or operate any facility.

25 B. In any jurisdiction where planning, zoning, and development regulations may apply,  
26 the Authority shall comply with and is subject to those regulations to the same extent as a private  
27 commercial or industrial enterprise.

28 C. This section does not affect the right of the Authority to acquire an option for  
29 acquisition of the property, prior to 2000, once the approval required by this section is obtained.

30 D. Any ~~county, city or town~~ locality shall have the power to acquire by eminent domain,  
31 in the manner and in accordance with the procedure provided in Title 25 of the Code of Virginia,

1 any real property, including fixtures and improvements, and personal property, including any  
2 interest, right, easement, or estate therein, located within such locality for public purposes. For  
3 purposes of this section, public purpose means the construction and operation of any facility, as  
4 defined in § ~~45.1-227.70~~ 15.2-5800, when determined by the governing body of such locality  
5 that the construction and operation of such a facility would enhance the economic development,  
6 resources, or advantages of the locality. In furtherance of this public purpose, the locality may  
7 convey any such real property, including fixtures and improvements, and personal property  
8 acquired pursuant to this section to the Authority, by sale, gift or lease, upon terms mutually  
9 agreed upon by the Authority and the locality. The Authority and locality may enter into  
10 agreements regarding the initiation and prosecution of such condemnation proceedings,  
11 including payment and reimbursement of any costs, fees, expenses, or awards resulting from the  
12 proceedings. Upon the written request of the Authority, the ~~county, city or town~~ locality in which  
13 the stadium site is proposed may, by majority vote, exercise its power of eminent domain as  
14 provided herein.

15 **Drafting note: No substantive change in the law.**

16

17 § ~~45.1-227.78~~ 15.2-5808. Bond issues.

18 A. The Authority may at any time and from time to time issue bonds for any valid  
19 purpose, including the establishment of reserves and the payment of interest. In this chapter the  
20 term "bonds" includes notes of any kind, interim certificates, refunding bonds, or any other  
21 evidence of obligation.

22 B. The bonds of any issue shall be payable solely from the property or receipts of the  
23 Authority, including, but not limited to:

24 1. Taxes, fees, charges, or other revenues payable to the Authority;

25 2. Payments by financial institutions, insurance companies, or others pursuant to letters or  
26 line of credit, policies of insurance, or purchase agreements;

27 3. Investment earnings from funds or accounts maintained pursuant to a bond resolution  
28 or trust agreement; and

29 4. Proceeds of refunding bonds.

30 C. Bonds shall be authorized by resolution of the Authority and may be secured by a  
31 trust agreement by and between the Authority and a corporate trustee or trustees, which may be

1 any trust company or bank having the powers of a trust company within or ~~without~~ outside the  
2 Commonwealth. The bonds shall:

3 1. Be issued at, above, or below par value, for cash or other valuable consideration, and  
4 mature at a time or times, whether as serial bonds or as term bonds or both, not exceeding forty  
5 years from their respective dates of issue;

6 2. Bear interest at the fixed or variable rate or rates determined by the method provided in  
7 the resolution or trust agreement;

8 3. Be payable at a time or times, in the denominations and form, and carry the registration  
9 and privileges as to conversion and for the replacement of mutilated, lost, or destroyed bonds as  
10 the resolution or trust agreement may provide;

11 4. Be payable in lawful money of the United States at a designated place;

12 5. Be subject to the terms of purchase, payment, redemption, refunding, or refinancing  
13 that the resolution or trust agreement provides;

14 6. Be executed by the manual or facsimile signatures of the officers of the Authority  
15 designated by the Authority which signatures shall be valid at delivery even for one who has  
16 ceased to hold office; and

17 7. Be sold in the manner and upon the terms determined by the Authority including  
18 private (negotiated) sale.

19 D. Any resolution or trust agreement may contain provisions which shall be a part of the  
20 contract with the holders of the bonds as to:

21 1. Pledging, assigning, or directing the use, investment, or disposition of receipts of the  
22 Authority or proceeds or benefits of any contract and conveying or otherwise securing any  
23 property rights;

24 2. The setting aside of loan funding deposits, debt service reserves, capitalized interest  
25 accounts, cost of issuance accounts and sinking funds, and the regulation, investment, and  
26 disposition thereof;

27 3. Limitations on the purpose to which or the investments in which the proceeds of sale  
28 of any issue of bonds may be applied and restrictions to investments of revenues or bond  
29 proceeds in government obligations for which principal and interest are unconditionally  
30 guaranteed by the United States of America;



1           4. Limitations on the issuance of additional bonds and the terms upon which additional  
2 bonds may be issued and secured and may rank on a parity with, or be subordinate or superior to,  
3 other bonds;

4           5. The refunding or refinancing of outstanding bonds;

5           6. The procedure, if any, by which the terms of any contract with bondholders may be  
6 altered or amended and the amount of bonds the holders of which must consent thereto, and the  
7 manner in which consent shall be given;

8           7. Defining the acts or omissions which shall constitute a default in the duties of the  
9 Authority to bondholders and providing the rights or remedies of such holders in the event of a  
10 default which may include provisions restricting individual right of action by bondholders;

11          8. Providing for guarantees, pledges of property, letters of credit, or other security, or  
12 insurance for the benefit of bondholders; and

13          9. Any other matter relating to the bonds which the Authority determines appropriate.

14          E. No member of the Authority nor any person executing the bonds on behalf of the  
15 Authority shall be liable personally for the bonds or subject to any personal liability by reason of  
16 the issuance of the bonds.

17          F. The Authority may enter into agreements with agents, banks, insurers, or others for  
18 the purpose of enhancing the marketability of, or as security for, its bonds.

19          G. A pledge by the Authority of revenues as security for an issue of bonds shall be valid  
20 and binding from the time the pledge is made.

21           The revenues pledged shall immediately be subject to the lien of the pledge without any  
22 physical delivery or further act, and the lien of any pledge shall be valid and binding against any  
23 person having any claim of any kind in tort, contract or otherwise against the Authority,  
24 irrespective of whether the person has notice.

25           No resolution, trust agreement or financing statement, continuation statement, or other  
26 instrument adopted or entered into by the Authority need be filed or recorded in any public  
27 record other than the records of the Authority in order to perfect the lien against third persons,  
28 regardless of any contrary provision of public general or public local law.

29          H. Except to the extent restricted by an applicable resolution or trust agreement, any  
30 holder of bonds issued under this chapter or a trustee acting under a trust agreement entered into

1 under this chapter, may, by any suitable form of legal proceedings, protect and enforce any rights  
2 granted under the laws of Virginia or by any applicable resolution or trust agreement.

3 I. The Authority may issue bonds to refund any of its bonds then outstanding, including  
4 the payment of any redemption premium and any interest accrued or to accrue to the earliest or  
5 any subsequent date of redemption, purchase or maturity of the bonds. Refunding bonds may be  
6 issued for the public purposes of realizing savings in the effective costs of debt service, directly  
7 or through a debt restructuring, for alleviating impending or actual default and may be issued in  
8 one or more series in an amount in excess of that of the bonds to be refunded.

9 J. The franchise holder must agree that the franchise will not be relocated until any  
10 bonds issued hereunder are defeased.

11 K. In the event a major league baseball facility is planned, no bonds shall be issued  
12 hereunder until the Authority has executed a long-term lease with a major league baseball  
13 franchise. In the event a minor league baseball facility is planned, the same requirements, mutatis  
14 mutandis, shall apply.

15 **Drafting note: No substantive change in the law.**

16  
17 § ~~15.1-227.79~~ 15.2-5809. Investments in bonds.

18 Any financial institution, investment company, insurance company or association, and  
19 any personal representative, guardian, trustee, or other fiduciary, may legally invest any moneys  
20 belonging to them or within their control in any bonds issued by the Authority.

21 **Drafting note: No change.**

22  
23 § ~~15.1-227.80~~ 15.2-5810. Bonds are tax exempt.

24 The Authority shall not be required to pay any taxes or assessments of any kind  
25 whatsoever and its bonds, their transfer, the interest payable on them, and any income derived  
26 from them, including any profit realized in their sale or exchange, shall be exempt at all times  
27 from every kind and nature of taxation by this Commonwealth or by any of its political  
28 subdivisions, municipal corporations, or public agencies of any kind.

29 **Drafting note: No change.**

30  
31 § ~~15.1-227.81~~ 15.2-5811. Stadium Authority Financing Fund; use.

1           A. There is hereby created a Virginia Baseball Stadium Authority Financing Fund  
2 ("Fund"). The Authority shall use the Fund as a nonlapsing revolving fund for carrying out the  
3 provisions of this chapter.

4           B. All of the following receipts of the Authority shall be placed in the Fund: (i) proceeds  
5 from the sale of bonds, (ii) revenues collected or received from any source under the provisions  
6 of this chapter, and (iii) any other revenues under the jurisdiction of the Authority.

7           C. The Authority shall pay all expenses and make all expenditures from the Fund. To  
8 the extent deemed appropriate by the Authority, the receipts of the Fund shall be pledged to and  
9 charged with the payment of debt service on Authority bonds and all reasonable charges and  
10 expenses related to Authority borrowing and the management of Authority obligation.

11           **Drafting note: No change.**

12  
13           § ~~15.1-227.82~~ 15.2-5812. Additional duties.

14           In addition to the duties set forth elsewhere in this chapter, the Authority shall:

15           1. Keep records as are consistent with sound business practices and accounting records  
16 using generally accepted accounting practices;

17           2. Cause an audit by an independent certified public accountant to be made of accounts  
18 and transactions at the conclusion of each fiscal year;

19           3. Be subject to audit and examination at any reasonable time of its accounts and  
20 transactions by the Auditor of Public Accounts; and

21           4. Submit a detailed annual report of its activities and financial standing to the Governor  
22 and to the General Assembly.

23           **Drafting note: No change.**

24           § ~~15.1-227.83~~ 15.2-5813. Creation of local advisory boards.

25           Prior to constructing any facility, the Authority shall create a local advisory board for that  
26 facility. Each local advisory board shall be composed of twelve members. Six members shall be  
27 appointed by the local governing body in which the proposed facility is to be located.  
28 Notwithstanding the provisions of § ~~15.1-50.4~~ 15.2-1534, the governing body may appoint one  
29 or more of its members to serve on the local advisory board. Six members shall be appointed by  
30 the Authority, and each of those six members shall reside in the ~~county or city~~ locality in which  
31 the facility is proposed to be located. All advisory board members shall be appointed for a term

1 of four years. All advisory board members shall serve without pay, but a member may be  
2 reimbursed by the Authority for reasonable expenses actually incurred in the performance of  
3 advisory functions. Each advisory board shall elect a chairman and a secretary and such other  
4 officers as it deems necessary. The Authority shall give each local advisory board reasonable  
5 opportunity to provide appropriate comments and recommendations on the design and the  
6 operation of the facility in its locality.

7 **Drafting note: No substantive change in the law.**

8

9 § ~~15.1-227.84~~ 15.2-5814. Entitlement to sales tax revenues derived from a major league  
10 baseball stadium.

11 A. In connection with the issuance of bonds by the Authority to finance or refinance a  
12 major league baseball stadium, the Authority shall be entitled to all sales tax revenues that are  
13 generated by transactions taking place upon the premises of the major league baseball stadium.  
14 Such entitlement shall continue for the lifetime of such bonds, but that entitlement shall not  
15 exceed thirty years. Sales tax revenues may be applied to repayment of the bonds, stadium  
16 operating expenses, master lease rental payments by the Commonwealth, capital expenditures  
17 and other purposes of the Authority. The State Comptroller shall remit such sales tax revenues to  
18 the Authority on a quarterly basis, subject to such reasonable processing delays as may be  
19 required by the Department of Taxation to calculate the actual net sales tax revenues generated  
20 by transactions taking place upon the premises of the major league baseball stadium. The State  
21 Comptroller shall make such remittances to the Authority, as provided herein, notwithstanding  
22 any provisions to the contrary in the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.).

23 B. In connection with the issuance of bonds by the Authority to finance or refinance a  
24 major league baseball stadium, the local governing body of the ~~county or city~~ locality in which  
25 the stadium is located may direct, by ordinance or resolution, that all local sales and use tax  
26 revenues generated by transactions taking place upon the premises of the major league stadium  
27 from taxes levied pursuant to §§ 58.1-605 and 58.1-606 shall be remitted by the State  
28 Comptroller to the Authority for the repayment of bonds, stadium operating expenses, master  
29 lease rental payments by the Commonwealth, capital expenditures and other purposes of the  
30 Authority. Such remittances shall be for the same period and under the same conditions as  
31 remittances to the Authority paid in accordance with subsection A, mutatis mutandis.

1 C. In connection with the issuance of bonds by the Authority to finance or refinance a  
2 major league baseball stadium, the local governing body of the ~~county, city or town~~ locality in  
3 which the stadium is located may direct, by ordinance or resolution, that all admissions tax  
4 revenues of such ~~county or city~~ locality generated by admissions to the major league stadium  
5 from taxes levied pursuant to §§ 58.1-3818 and 58.1-3840 shall be remitted to the Authority for  
6 the repayment of bonds, stadium operating expenses, master lease rental payments by the  
7 Commonwealth, capital expenditures and other purposes of the Authority. Any levy pursuant to  
8 this section may be for the lifetime of such bonds, but such levy shall not exceed thirty years.

9 **Drafting note: No substantive change in the law**

10  
11 § ~~15.1-227.85~~ 15.2-5815. Tax revenues of the Commonwealth or any other political  
12 subdivision not pledged.

13 Nothing in this chapter shall be construed as authorizing the pledging of the faith and  
14 credit of the Commonwealth ~~of Virginia~~, or any of its revenues, or the faith and credit of any  
15 other political subdivision of the Commonwealth, or any of its revenues, for the payment of any  
16 bonds.

17 **Drafting note: No substantive change in the law.**

18  
19 § ~~15.1-227.86~~ 15.2-5816. Cooperation between the Authority and other political  
20 subdivisions.

21 The Authority may enter into agreements with any other political subdivision of the  
22 Commonwealth for joint or cooperative action in accordance with § ~~15.1-24~~ 15.2-1300.

23 **Drafting note: No change.**

24  
25 § ~~15.1-227.87~~ 15.2-5817. Tort liability.

26 No pecuniary liability of any kind shall be imposed on the Commonwealth or on any  
27 other political subdivision of the Commonwealth because of any act, agreement, contract, tort,  
28 malfeasance or nonfeasance by or on the part of the Authority, its agents, servants or employees.

29 **Drafting note: No change.**

30  
31 § ~~15.1-227.88~~. 15.2-5818. Tort claims.

1           For purposes of Article 18.1 (§ 8.01-195.1 et seq.) of Chapter 3 of Title 8.01, the  
2 Authority is an "agency" within the meaning of § 8.01-195.2, and each of its members and  
3 agents is an "employee" within the meaning of such section.

4           **Drafting note: No change.**

5           § ~~15.1-227.89~~. 15.2-5819. Policy statement.

6           It is hereby found, determined, and declared that the acquisition of a major league  
7 baseball franchise and a major league baseball stadium will result in substantial economic  
8 development in the Commonwealth and is in all respects for the benefit of the people of the  
9 Commonwealth and is a public purpose and that the Authority will be performing an essential  
10 government function in the exercise of the powers conferred by this chapter.

11           **Drafting note: No change.**



1           A. The Authority shall consist of fifteen members appointed by the Governor and subject  
2 to confirmation by the General Assembly. The Governor shall consider recommendations from  
3 each locality in Planning District 23 before making such appointments. The members of the  
4 Authority annually shall elect a chairman and a vice-chairman from their membership; the vice-  
5 chairman shall perform the duties of the chairman in his absence.

6           B. The term of a member of the Authority is four years. However, upon the initial  
7 appointment of the members of the Authority, the terms of the members shall be staggered as  
8 follows: the initial term of five of the members shall be four years; the initial term of five  
9 members shall be three years; and the initial term of the remaining five members shall be two  
10 years. The Governor shall designate the initial term to be served by each appointee.

11           At the end of a term, a member shall continue to serve until a successor is appointed and  
12 qualifies. A member who is appointed after a term has begun serves only for the rest of the term  
13 and until a successor is appointed and qualifies. The members of the Authority shall receive no  
14 compensation for their services, but a member may be reimbursed by the Authority for  
15 reasonable expenses actually incurred in the performance of the duties of that office.

16           **Drafting note: No change.**

17  
18           § ~~15.1-1694~~ 15.2-5903. Quorum; actions of Authority; meetings.

19           Eight members of the Authority shall constitute a quorum for the purpose of conducting  
20 business. Actions of the Authority ~~must~~ shall receive the affirmative vote of a majority of the  
21 quorum to be effective. No vacancy on the Authority shall impair the right of a quorum to  
22 exercise all rights and perform all the duties of the Authority. The Authority shall determine the  
23 times and places of its regular meetings. Special meetings of the Authority shall be held when  
24 requested by two or more members of the Authority. Any such request for a special meeting  
25 shall be in writing, and the request shall specify the time and place of the meeting and the  
26 matters to be considered at the meeting. A reasonable effort shall be made to provide each  
27 member with notice of any special meeting. ~~No matter not~~ Only matters specified in the notice  
28 shall be considered at such special meeting unless all the members of the Authority are present.

29           **Drafting note: No substantive change in the law.**

30  
31           § ~~15.1-1692~~ 15.2-5904. Executive Director appointment; duties.



1           A. The Authority shall appoint an Executive Director, who is the chief administrative  
2 officer and secretary of the Authority and serves at the pleasure of the Authority. The Executive  
3 Director shall be paid from funds received by the Authority. No state funds shall be used to pay  
4 the salary or the expenses of this office.

5           B. In addition to any other duties set forth in this chapter, the Executive Director shall:

6           1. Direct and supervise the administrative affairs and activities of the Authority in  
7 accordance with its rules, regulations, and policies;

8           2. Attend all meetings and keep minutes of all proceedings;

9           3. Approve all accounts for salaries, per diem payments, and allowable expenses of the  
10 Authority and its employees and consultants and approve all expenses incidental to the operation  
11 of the Authority;

12           4. Report and make recommendations to the Authority on the merits and status of any  
13 proposed facility; and

14           5. Perform any other duty that the Authority requires for carrying out the provisions of  
15 this chapter.

16           **Drafting note: No change.**

17  
18           § ~~15.1-1693~~ 15.2-5905. Powers.

19           In addition to the powers set forth elsewhere in this chapter, the Authority may:

20           1. Adopt and alter an official seal;

21           2. Sue and be sued in its own name;

22           3. Adopt bylaws, rules and regulations to carry out the provisions of this chapter;

23           4. Maintain an office at such place as the Authority may designate;

24           5. Employ, either as regular employees or independent contractors, consultants,  
25 engineers, architects, accountants, attorneys, financial experts, construction experts and  
26 personnel, superintendents, managers and other professional personnel, personnel, and agents as  
27 may be necessary in the judgment of the Authority, and fix their compensation;

28           6. Determine the locations of, develop, establish, construct, erect, acquire, own, repair,  
29 remodel, add to, extend, improve, equip, operate, regulate, and maintain facilities to the extent  
30 necessary to accomplish the purposes of the Authority;

31           7. Acquire, hold, lease, use, encumber, transfer, or dispose of real and personal property;

1           8. Enter into contracts of any kind, and execute all instruments necessary or convenient  
2 with respect to its carrying out the powers in this chapter to accomplish the purposes of the  
3 Authority;

4           9. Regulate the use and operation of facilities developed under the provisions of this  
5 chapter;

6           10. Fix and revise from time to time and charge and collect rates, rents, fees, or other  
7 charges for the use of facilities or for services rendered in connection with the facilities;

8           11. Borrow money from any source for any valid purpose, including working capital for  
9 its operations, reserve funds, or interest, and to mortgage, pledge, or otherwise encumber the  
10 property or funds of the Authority and to contract with or engage the services of any person in  
11 connection with any financing, including financial institutions, issuers of letters of credit, or  
12 insurers;

13           12. Issue bonds under this chapter;

14           13. Receive and accept from any source, private or public, contributions, gifts, or grants  
15 of money or property; and

16           14. Do all things necessary or convenient to carry out the powers granted by this chapter.

17           **Drafting note: No change.**

18  
19           § ~~15.1-1694~~ 15.2-5906. Public hearings; notice; reports.

20           A. At least sixty days prior to selecting a facility site, the Authority shall hold a public  
21 hearing within thirty miles of the site proposed to be acquired for the purpose of soliciting public  
22 comment.

23           B. Except as otherwise provided herein, at least sixty days prior to the public hearing  
24 required by this section, the Authority shall notify the local governing body in which the facility  
25 is proposed to be located and advertise the notice in a newspaper of general circulation in that  
26 locality. The notice shall include: (i) a description of the site proposed to be acquired, (ii) the  
27 intended use of the site, and (iii) the date, time, and location of the public hearing. After receipt  
28 of the notice required by this section, the local governing body in which a facility is proposed to  
29 be located may require that this period be extended for up to sixty additional days or for such  
30 other time period as agreed upon by the local governing body and the Authority.

1 C. At least thirty days before acquiring or entering into a lease involving a facility site  
2 and before entering into a construction contract involving a new facility or facility site, the  
3 Authority shall submit a detailed written report and findings of the Authority that justify the  
4 proposed acquisition, lease, or contract to the General Assembly. The report and findings shall  
5 include a detailed plan of the method of funding and the economic necessity of the proposed  
6 acquisition, lease, or contract.

7 D. The time periods in subsections A, B, and C of this section may not run concurrently.

8 **Drafting note: No change.**

9  
10 § ~~15.1-1695~~ 15.2-5907. Acquisition of property.

11 A. The Authority may acquire in its own name, by gift or purchase, any real or personal  
12 property, or interests in property, necessary or convenient to construct or operate any facility.

13 B. In any jurisdiction where planning, zoning, and development regulations may apply,  
14 the Authority shall comply with and is subject to those regulations to the same extent as a private  
15 commercial or industrial enterprise.

16 **Drafting note: No change.**

17  
18 § ~~15.1-1696~~ 15.2-5908. Bond issues.

19 A. The Authority may at any time and from time to time issue bonds for any valid  
20 purpose, including the establishment of reserves and the payment of interest. In this chapter the  
21 term "bonds" includes notes of any kind, interim certificates, refunding bonds, or any other  
22 evidence of obligation.

23 B. The bonds of any issue shall be payable solely from the property or receipts of the  
24 Authority, including, but not limited to:

25 1. Taxes, fees, charges, or other revenues payable to the Authority;

26 2. Payments by financial institutions, insurance companies, or others pursuant to letters or  
27 lines of credit, policies of insurance, or purchase agreements;

28 3. Investment earnings from funds or accounts maintained pursuant to a bond resolution  
29 or trust agreement; and

30 4. Proceeds of refunding bonds.

1 C. Bonds shall be authorized by resolution of the Authority and may be secured by a  
2 trust agreement by and between the Authority and a corporate trustee or trustees, which may be  
3 any trust company or bank having the powers of a trust company within or ~~without~~ outside the  
4 Commonwealth. The bonds shall:

5 1. Be issued at, above, or below par value, for cash or other valuable consideration, and  
6 mature at a time or times, whether as serial bonds or as term bonds or both, not exceeding forty  
7 years from their respective dates of issue;

8 2. Bear interest at the fixed or variable rate or rates determined by the method provided in  
9 the resolution or trust agreement;

10 3. Be payable at a time or times, in the denominations and form, and carry the registration  
11 and privileges as to conversion and for the replacement of mutilated, lost, or destroyed bonds as  
12 the resolution or trust agreement may provide;

13 4. Be payable in lawful money of the United States at a designated place;

14 5. Be subject to the terms of purchase, payment, redemption, refunding, or refinancing  
15 that the resolution or trust agreement provides;

16 6. Be executed by the manual or facsimile signatures of the officers of the Authority  
17 designated by the Authority which signatures shall be valid at delivery even for one who has  
18 ceased to hold office; and

19 7. Be sold in the manner and upon the terms determined by the Authority including  
20 private (negotiated) sale.

21 D. Any resolution or trust agreement may contain provisions which shall be a part of the  
22 contract with the holders of the bonds as to:

23 1. Pledging, assigning, or directing the use, investment, or disposition of receipts of the  
24 Authority or proceeds or benefits of any contract and conveying or otherwise securing any  
25 property rights;

26 2. The setting aside of loan funding deposits, debt service reserves, capitalized interest  
27 accounts, cost of issuance accounts and sinking funds, and the regulation, investment, and  
28 disposition thereof;

29 3. Limitations on the purpose to which or the investments in which the proceeds of sale  
30 of any issue of bonds may be applied and restrictions to investments of revenues or bond

1 proceeds in government obligations for which principal and interest are unconditionally  
2 guaranteed by the United States of America;

3 4. Limitations on the issuance of additional bonds and the terms upon which additional  
4 bonds may be issued and secured and may rank on a parity with, or be subordinate or superior to,  
5 other bonds;

6 5. The refunding or refinancing of outstanding bonds;

7 6. The procedure, if any, by which the terms of any contract with bondholders may be  
8 altered or amended and the amount of bonds the holders of which must consent thereto, and the  
9 manner in which consent shall be given;

10 7. Defining the acts or omissions which shall constitute a default in the duties of the  
11 Authority to bondholders and providing the rights or remedies of such holders in the event of a  
12 default which may include provisions restricting individual right of action by bondholders;

13 8. Providing for guarantees, pledges of property, letters of credit, or other security, or  
14 insurance for the benefit of bondholders; and

15 9. Any other matter relating to the bonds which the Authority determines appropriate.

16 E. No member of the Authority nor any person executing the bonds on behalf of the  
17 Authority shall be liable personally for the bonds or subject to any personal liability by reason of  
18 the issuance of the bonds.

19 F. The Authority may enter into agreements with agents, banks, insurers, or others for  
20 the purpose of enhancing the marketability of, or as security for, its bonds.

21 G. A pledge by the Authority of revenues as security for an issue of bonds shall be valid  
22 and binding from the time the pledge is made.

23 The revenues pledged shall immediately be subject to the lien of the pledge without any  
24 physical delivery or further act, and the lien of any pledge shall be valid and binding against any  
25 person having any claim of any kind in tort, contract or otherwise against the Authority,  
26 irrespective of whether the person has notice.

27 No resolution, trust agreement or financing statement, continuation statement, or other  
28 instrument adopted or entered into by the Authority need be filed or recorded in any public  
29 record other than the records of the Authority in order to perfect the lien against third persons,  
30 regardless of any contrary provision of public general or public local law.

1 H. Except to the extent restricted by an applicable resolution or trust agreement, any  
2 holder of bonds issued under this chapter or a trustee acting under a trust agreement entered into  
3 under this chapter, may, by any suitable form of legal proceedings, protect and enforce any rights  
4 granted under the laws of Virginia or by any applicable resolution or trust agreement.

5 I. The Authority may issue bonds to refund any of its bonds then outstanding, including  
6 the payment of any redemption premium and any interest accrued or to accrue to the earliest or  
7 any subsequent date of redemption, purchase or maturity of the bonds. Refunding bonds may be  
8 issued for the public purposes of realizing savings in the effective costs of debt service, directly  
9 or through a debt restructuring, for alleviating impending or actual default and may be issued in  
10 one or more series in an amount in excess of that of the bonds to be refunded.

11 J. The franchise holder ~~must~~ shall agree that the franchise will not be relocated until any  
12 bonds issued hereunder are defeased.

13 K. In the event a facility is planned, no bonds shall be issued hereunder until the  
14 Authority has executed a long-term lease with a person or persons who hold a sports franchise  
15 from the National Basketball Association or the National Hockey League.

16 **Drafting note: No substantive change in the law.**

17  
18 § ~~15.1-1697~~ 15.2-5909. Investments in bonds.

19 Any financial institution, investment company, insurance company or association, and  
20 any personal representative, guardian, trustee, or other fiduciary, may legally invest any moneys  
21 belonging to them or within their control in any bonds issued by the Authority.

22 **Drafting note: No change.**

23  
24 § ~~15.1-1698~~ 15.2-5910. Bonds are tax exempt.

25 The Authority shall not be required to pay any taxes or assessments of any kind  
26 whatsoever and its bonds, their transfer, the interest payable on them, and any income derived  
27 from them, including any profit realized in their sale or exchange, shall be exempt at all times  
28 from every kind and nature of taxation by this Commonwealth or by any of its political  
29 subdivisions, municipal corporations, or public agencies of any kind.

30 **Drafting note: No change.**

1           § ~~15.1-1699~~ 15.2-5911. Sports Facility Authority Financing Fund; use.

2           A. There is hereby created a Hampton Roads Sports Facility Authority Financing Fund  
3 ("Fund"). The Authority shall use the Fund as a nonlapsing revolving fund for carrying out the  
4 provisions of this chapter.

5           B. All of the following receipts of the Authority shall be placed in the Fund: (i) proceeds  
6 from the sale of bonds, (ii) revenues collected or received from any source under the provisions  
7 of this chapter, and (iii) any other revenues under the jurisdiction of the Authority.

8           C. The Authority shall pay all expenses and make all expenditures from the Fund. To the  
9 extent deemed appropriate by the Authority, the receipts of the Fund shall be pledged to and  
10 charged with the payment of debt service on Authority bonds and all reasonable charges and  
11 expenses related to Authority borrowing and the management of Authority obligation.

12           **Drafting note: No change.**

13  
14           § ~~15.1-1700~~ 15.2-5912. Additional duties.

15           In addition to the duties set forth elsewhere in this chapter, the Authority shall:

16           1. Keep records as are consistent with sound business practices and accounting records  
17 using generally accepted accounting practices;

18           2. Cause an audit by an independent certified public accountant to be made of accounts  
19 and transactions at the conclusion of each fiscal year;

20           3. Be subject to audit and examination at any reasonable time of its accounts and  
21 transactions by the Auditor of Public Accounts; and

22           4. Submit a detailed annual report of its activities and financial standing to the Governor  
23 and to the General Assembly.

24           **Drafting note: No change.**

25  
26           § ~~15.1-1701~~ 15.2-5913. Creation of local advisory boards.

27           Prior to constructing any facility, the Authority shall create a local advisory board for that  
28 facility. Each local advisory board shall be composed of twelve members. Six members shall be  
29 appointed by the local governing body in which the proposed facility is to be located.  
30 Notwithstanding the provisions of § ~~15.1-50.4~~ 15.2-1534, the governing body may appoint one  
31 or more of its members to serve on the local advisory board. Six members shall be appointed by

1 the Authority, and each of those six members shall reside in the county or city in which the  
2 facility is proposed to be located. All advisory board members shall be appointed for a term of  
3 four years. All advisory board members shall serve without pay, but a member may be  
4 reimbursed by the Authority for reasonable expenses actually incurred in the performance of  
5 advisory functions. Each advisory board shall elect a chairman and a secretary and such other  
6 officers as it deems necessary. The Authority shall give each local advisory board reasonable  
7 opportunity to provide appropriate comments and recommendations on the design and the  
8 operation of the facility in its locality.

9 **Drafting note: No change.**

10  
11 § ~~15.1-1702~~ 15.2-5914. Entitlement to sales tax revenues derived from a stadium.

12 A. If the Authority has issued bonds to finance or refinance a stadium, the Authority  
13 shall be entitled to all sales tax revenues that are generated by transactions taking place upon the  
14 premises of the stadium. Such entitlement shall continue for the lifetime of such bonds, but that  
15 entitlement shall not exceed thirty years. All sales tax revenues shall be applied to repayment of  
16 the bonds. The State Comptroller shall remit such sales tax revenues to the Authority on a  
17 quarterly basis, subject to such reasonable processing delays as may be required by the  
18 Department of Taxation to calculate the actual net sales tax revenues generated by transactions  
19 taking place upon the premises of the stadium. The State Comptroller shall make such  
20 remittances to the Authority, as provided herein, notwithstanding any provisions to the contrary  
21 in the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.).

22 B. If the Authority has issued bonds to finance or refinance a stadium, the local  
23 governing body of the ~~county or city~~ locality in which the stadium is located may direct, by  
24 ordinance or resolution, that all local sales and use tax revenues generated by transactions taking  
25 place upon the premises of the stadium from taxes levied pursuant to §§ 58.1-605 and 58.1-606  
26 shall be remitted by the State Comptroller to the Authority for the repayment of bonds. Such  
27 remittances shall be for the same period and under the same conditions as remittances to the  
28 Authority paid in accordance with subsection A, mutatis mutandis.

29 **Drafting note: No substantive change in the law**

30



1           § ~~15.1-1703~~ 15.2-5915. Tax revenues of the Commonwealth or any other political  
2 subdivision not pledged.

3           Nothing in this chapter shall be construed as authorizing the pledging of the faith and  
4 credit of the Commonwealth ~~of Virginia~~, or any of its revenues, or the faith and credit of any  
5 other political subdivision of the Commonwealth, or any of its revenues, for the payment of any  
6 bonds. Any appropriation made pursuant to this chapter shall be made only from sales tax  
7 revenues generated from transactions taking place upon the premises of the stadium for which  
8 bonds may have been issued to pay the cost, in whole or in part.

9           **Drafting note: No substantive change in the law**

10

11           § ~~15.1-1704~~ 15.2-5916. Cooperation between the Authority and other political  
12 subdivisions.

13           The Authority may enter into agreements with any other political subdivision of the  
14 Commonwealth for joint or cooperative action in accordance with § ~~15.1-21~~ 15.2-1300.

15           **Drafting note: No change**

16

17           § ~~15.1-1705~~ 15.2-5917. Tort liability.

18           No pecuniary liability of any kind shall be imposed on the Commonwealth or on any  
19 other political subdivision of the Commonwealth because of any act, agreement, contract, tort,  
20 malfeasance or nonfeasance by or on the part of the Authority, its agents, servants or employees.

21           **Drafting note: No change**



1           The Authority shall provide financial support for the purchase of real estate, construction  
2 of buildings for sale or lease, installation of utilities, direct loans and grants to private for-profit  
3 basic employers; may apply for matching funds from the state or federal government, or the  
4 private sector; and any other support improvements it deems necessary, including flood control  
5 dams. All such loans and grants may be managed by the LENOWISCO and Cumberland Plateau  
6 Planning District Commissions in their respective service areas.

7           The exercise of the powers granted by this chapter shall be in all respects for the benefit  
8 of the inhabitants of the Commonwealth, particularly the aforesaid seven county and one city  
9 areas, for the increase of their commerce, and for the promotion of their safety, health, welfare,  
10 convenience and prosperity.

11           **Drafting note: No substantive change in the law.**

12  
13           § ~~15.1-1638~~ 15.2-6003. Board of Authority; members and officers; staff; annual report.

14           All powers, rights and duties conferred by this chapter, or other provisions of law, upon  
15 the Authority shall be exercised by the Board of the Virginia Coalfield Economic Development  
16 Authority, hereinafter referred to as the Board or the Board of the Authority. Board members  
17 shall serve for terms of four years except that all vacancies shall be filled for the unexpired term.  
18 All terms shall commence July 1 of the year of appointment. Initial appointments shall begin  
19 July 1, 1988. The Board shall consist of sixteen members, residents of the Commonwealth, as  
20 follows:

21           Three initial members shall be the sitting chairmen of the county boards of supervisors of  
22 the three counties which are the three largest contributors to the coal and gas road improvement  
23 fund for the fiscal year immediately preceding July 1, 1988, as reported by the treasurers of the  
24 affected counties and city. Every four years thereafter, the three members shall be supervisors  
25 from the county boards of supervisors of the three counties which are the three largest  
26 contributors to the Virginia Coalfield Economic Development Fund for the fiscal year  
27 immediately preceding July 1 of the year in which new terms of members are to begin. Such  
28 supervisors shall be selected by their respective county boards of supervisors.

29           Five members shall be appointed by the Governor at large, ~~provided that~~; however, if  
30 there ~~be~~ is any participating county or city in which there resides no member of the Board  
31 appointed by the other methods herein specified, the Governor shall include at least one member

1 who is a resident of each such county or city among his appointees. For the first four-year terms  
2 these five members shall be selected to the extent possible from former members of the  
3 Southwest Virginia Economic Development Commission who reside in Planning District 1 or 2.

4 One member shall be a representative of the Virginia Economic Development  
5 Partnership, as designated by the Executive Director of the Partnership.

6 One member shall be a representative named by the Virginia Coal Association.

7 Two members shall be the Executive Directors of the LENOWISCO and Cumberland  
8 Plateau Planning District Commissions.

9 Three initial members shall be representatives named by the three largest coal producers  
10 determined by the dollar value of their contribution to the respective county coal and gas road  
11 improvement funds for the fiscal year immediately preceding July 1, 1988, as reported by the  
12 treasurers of the affected counties and city. Every four years thereafter, the three members shall  
13 be representatives named by the three largest coal producers determined by the dollar value of  
14 their contributions to the Virginia Coalfield Economic Development Fund for the fiscal year  
15 immediately preceding July 1 of the year in which new terms of members are to begin.

16 One member shall be a representative named by the largest oil and gas producer  
17 determined by the dollar value of its contributions to the Virginia Coalfield Economic  
18 Development Fund for the fiscal year immediately preceding July 1 of the year in which new  
19 terms of members are to begin.

20 Should a member who is a member solely by virtue of his office as member of a board of  
21 supervisors or executive director of a planning district commission cease to hold such office,  
22 then an immediate vacancy shall occur, and the vacancy shall be filled for the remainder of the  
23 term by his successor selected by the board of supervisors of his county or as executive  
24 director.

25 Each member of the Board shall, before entering upon the discharge of the duties of this  
26 office, take and subscribe the oath prescribed in § 49-1. They shall receive their expenses spent  
27 on business of the Authority.

28 Ten members of the Authority shall constitute a quorum and the affirmative vote of a  
29 majority of the quorum present shall be necessary for any action taken by the Authority. No  
30 vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the  
31 rights and perform all the duties of the Authority.

1           The Board shall elect from its membership a chairman, a vice-chairman, a treasurer and a  
2 secretary for each calendar year. The secretary shall keep the minutes of the Board and affix the  
3 seal of the Authority.

4           The Board may also appoint an executive director, an assistant treasurer and an assistant  
5 secretary, and staff to assist same, who shall discharge such functions as may be directed by the  
6 Board.

7           Staff functions of the Authority may be undertaken by the LENOWISCO and  
8 Cumberland Plateau Planning District Commissions, as agreed by the Board and participating  
9 Commissions.

10          The Board, promptly following the close of the calendar year, shall submit an annual  
11 report of the Authority's activities for the preceding year to the Governor, the General Assembly,  
12 the boards of supervisors of the seven coalfield counties and the Norton City Council. Each such  
13 report shall set forth a complete operating and financial statement covering the operation of the  
14 Authority during such year. The Authority shall cause an audit of its books and accounts to be  
15 made at least once each year by a certified public accountant and the cost thereof may be treated  
16 as part of the expense of operation.

17           **Drafting note: No substantive change in the law.**

18  
19           § ~~15.1-1639~~ 15.2-6004. Office of Authority; title to property.

20          The Authority shall have and maintain its principal office as determined by the Board,  
21 within the participating counties and one city at which all of its records shall be kept, and from  
22 which its business shall be transacted. The title to all property of every kind belonging to the  
23 Authority shall be titled to the Authority, which shall hold it for the benefit of the member  
24 localities and the Commonwealth of Virginia.

25           **Drafting note: No substantive change in the law.**

26  
27           § ~~15.1-1640~~ 15.2-6005. General powers of Authority; regulations; enforcement of  
28 statutes, rules, etc.

29          In order to enable it to carry out the purposes of this chapter, the Authority acting through  
30 its Board:

1           1. Is vested with the powers of a body corporate, including the power to sue and be sued,  
2 to plead and be impleaded, to make contracts, and to adopt and use a common seal and to alter  
3 the same as may be deemed expedient;

4           2. May retain legal counsel to represent the Authority in hearings, controversies, or  
5 matters involving the interests of the Authority and the furtherance of its purpose;

6           3. Is vested with power to adopt, alter or repeal its own bylaws, regulations governing the  
7 manner in which its business may be transacted and in which the power granted to it may be  
8 enjoyed, and may provide for the appointment of such committees, and the functions thereof, as  
9 the Authority may deem necessary to facilitate its business. Such committees shall consist of  
10 such number of persons as the Authority shall deem advisable. Members of committees shall  
11 receive no compensation for their services, but may be reimbursed their necessary traveling and  
12 other expenses incurred while on business of the Authority. The Authority may set flat fees for  
13 expenses for a member's attendance at all meetings of the Authority or at its other functions.  
14 Such fees shall not exceed \$100 per day.

15           **Drafting note: No change.**

16  
17           § ~~15.1-1641~~ 15.2-6006. Further powers.

18           The Authority, to accomplish its general purpose, is given the following powers, namely:

19           1. To enter into contractual agreements in furtherance of its purpose;

20           2. To rent, lease, buy, own, acquire and dispose of such property, real or personal, as the  
21 Authority deems proper to carry out any of the purposes and provisions of this chapter, including  
22 the execution of leases with option to purchase;

23           3. To apply for and accept grants or loans of money or other property from any federal  
24 agency for any of the purposes authorized in this chapter, and to expend or use the same in  
25 accordance with the directions and requirements attached thereto or imposed thereon by any such  
26 federal agency; and

27           4. To do and perform any act or function which is in accord with the purposes of the  
28 chapter, including (i) borrowing money and (ii) employing such persons as the Board deems  
29 necessary to carry on the business of the Authority.

30           **Drafting note: No change.**

31

1           § ~~15.1-1642~~ 15.2-6007. Acceptance of funds, property and grants or loans.

2           The Authority may accept funds and property from the federal government, the  
3 Commonwealth, persons, ~~counties, cities and towns~~ localities, and may use the same for any of  
4 the purposes for which the Authority is created.

5           ~~Counties, cities and towns~~ Localities are hereby authorized to lend or donate money or  
6 other property to the Authority for any of its purposes. The ~~local government~~ locality making the  
7 grant or loan may restrict the use of such grants or loans to a specific project, within or ~~without~~  
8 outside that locality.

9           **Drafting note: No material change.**

10  
11           § ~~15.1-1643~~ 15.2-6008. Forms of accounts and records; audit of same.

12           The accounts and records of the Authority showing the receipt and disbursement of funds  
13 from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes,  
14 provided that such accounts shall correspond as nearly as possible to the accounts and records for  
15 such matters maintained by corporate enterprises. The accounts and records of the Authority  
16 shall be subject to audit by the Auditor of Public Accounts on an annual basis and the costs of  
17 such audit services shall be borne by the Authority. The Authority's fiscal year shall be the same  
18 as the Commonwealth's.

19           **Drafting note: No change.**

20  
21           § ~~15.1-1644~~ 15.2-6009. Capitalization of Authority.

22           On September 1, 1988, and on the first day of each month thereafter, each county and  
23 city shall remit to the Virginia Coalfield Economic Development Fund twenty-five percent of the  
24 revenues collected during the next to last calendar month from the coal and gas road  
25 improvement tax pursuant to § 58.1-3713.

26           **Drafting note: No change.**

27  
28           § ~~15.1-1645~~ 15.2-6010. Proceeds held.

29           The treasurer may invest and reinvest funds of the Authority pending their need. All  
30 moneys received by the Authority pursuant to § ~~15.1-1644~~ 15.2-6009, together with any  
31 matching funds received from state or federal sources, shall be applied and used only in the

1 county or city from which the funds were received, unless the governing body of the county or  
2 city consents to their use in another county or city.

3 Moneys received pursuant to § 58.1-3713.4 may be used at the discretion of the ~~authority~~  
4 Authority for purposes and projects as determined by the Authority.

5 **Drafting note: No substantive change in the law.**

6  
7 § ~~15.1-1646~~ 15.2-6011. Eligible use of funds.

8 The Authority is hereby empowered to pledge its funds, and make loans and grants to or  
9 for the benefit of private, for-profit enterprises; governmental or corporate instrumentalities in  
10 the coalfield region of Virginia (including any political subdivision of the Commonwealth and  
11 the Breaks Interstate Park); not-for-profit enterprises; nonprofit industrial development  
12 corporations; or industrial development authorities for financing the following:

- 13 1. Purchase of real estate;
- 14 2. Grading of site(s);
- 15 3. Construction of flood control dams;
- 16 4. Water, sewer, natural gas and electrical line replacement and extensions;
- 17 5. Construction or rehabilitation or expansion of buildings;
- 18 6. Construction of parking facilities;
- 19 7. Access roads construction and street improvements;
- 20 8. Purchase or lease of machinery and tools;
- 21 9. ~~Such other improvements as are deemed necessary by the Authority to accomplish the~~  
22 ~~purposes for which it was created; and~~
- 23 ~~10. Construction of improvements outside the Commonwealth if in the Breaks Interstate~~  
24 ~~Park; and~~
- 25 10. Such other improvements as the Authority deems necessary to accomplish its  
26 purpose.

27 **Drafting note: No substantive change in the law.**

28  
29 § ~~15.1-1647~~ 15.2-6012. Dissolution of Authority.

30 Whenever the Board determines that the purpose for which the Authority was created has  
31 been substantially fulfilled or is impractical or impossible of accomplishment and that all



1 obligations incurred by the Authority have been paid or that cash or a sufficient amount of  
2 United States government securities has been deposited for their payment or provisions  
3 satisfactory for the timely payment of all its outstanding obligations have been arranged, the  
4 Board may adopt resolutions declaring and finding that the Authority shall be dissolved.  
5 Appropriate attested copies of such resolutions shall be delivered to the Governor so that  
6 legislation dissolving the Authority may be introduced in the General Assembly. The dissolution  
7 of the Authority shall become effective according to the terms of such legislation. The title to all  
8 funds and other property owned by the Authority at the time of such dissolution shall vest in the  
9 counties and cities which have contributed to the fund in proportion to their respective  
10 contributions.

11 **Drafting note: No change.**

12

13 § ~~15.1-1648~~ 15.2-6013. Chapter liberally construed.

14 This chapter, being necessary for the welfare of the Commonwealth and its inhabitants,  
15 shall be liberally construed to effect the purposes thereof.

16 **Drafting note: No change.**

17

18 § ~~15.1-1649~~ 15.2-6014. Inconsistent laws inapplicable.

19 All other general or special laws inconsistent with any provision of this chapter are  
20 hereby declared to be inapplicable to the provisions of this chapter.

21 **Drafting note: No change.**

22

23 § ~~15.1-1650~~ 15.2-6015. City of Norton deemed contributing jurisdiction of Wise County.

24 For the purpose of this chapter the City of Norton shall be deemed a contributing  
25 jurisdiction of Wise County and moneys collected from Wise County may be used in the City of  
26 Norton.

27 **Drafting note: No change.**



1 representatives of area planning district commissions; one representative of the Virginia  
2 Economic Development Partnership; and four citizen members, at least two of whom shall be  
3 residents of participating cities or counties not otherwise represented by another appointment.

4 B. Of the members to be appointed in 1992, the three chairmen of county boards of  
5 supervisors shall be appointed for two-, three-, and four-year terms, respectively; the two city  
6 council members shall be appointed for three- and four-year terms, respectively; the two  
7 planning district commission representatives shall be appointed for two- and three-year terms,  
8 respectively; the representative of the Virginia Economic Development Partnership shall be  
9 appointed for a three-year term; and two of the citizen members shall be appointed for two-year  
10 terms and two for four-year terms. Thereafter, all appointments shall be for terms of four years,  
11 except that appointments to fill vacancies shall be for the unexpired terms. No person shall be  
12 eligible to serve for or during more than two successive four-year terms, but after the expiration  
13 of a term of three years or less, or after the expiration of the remainder of a term to which  
14 appointed to fill a vacancy, two additional terms may be served by such member if appointed  
15 thereto.

16 Should a member who is a member solely by virtue of his office as chairman of a board  
17 of supervisors, a member of a city council, a representative of a planning district commission, or  
18 as a representative of the Virginia Economic Development Partnership cease to hold such office,  
19 then an immediate vacancy shall occur, and the vacancy shall be filled for the remainder of the  
20 term by his successor as chairman of the board of supervisors or as executive director.

21 Each member of the Board shall, before entering upon the discharge of the duties of this  
22 office, take and subscribe to the oath prescribed in § 49-1. Members shall be reimbursed for  
23 actual expenses incurred in the performance of their duties.

24 C. Eight members of the Authority shall constitute a quorum, and the affirmative vote of  
25 a majority of the quorum present shall be necessary for any action taken by the Authority. No  
26 vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the  
27 rights and perform all the duties of the Authority.

28 D. The Board shall elect from its membership a chairman, a vice chairman, a treasurer  
29 and a secretary for each calendar year. The secretary shall keep the minutes of the Board and  
30 affix the seal of the Authority.

1 The Board may also appoint an executive director, an assistant treasurer and an assistant  
2 secretary, and staff to assist same, who shall discharge such functions as may be directed by the  
3 Board.

4 Staff functions of the Authority may be undertaken by Southside planning district  
5 commissions, as agreed by the Board and participating commissions.

6 E. The Board, promptly following the close of the fiscal year, shall submit an annual  
7 report of the Authority's activities for the preceding year to the Governor, the General Assembly,  
8 the boards of supervisors, and the city councils of Southside Virginia. Each such report shall set  
9 forth a complete operating and financial statement covering the operation of the Authority during  
10 such year.

11 **Drafting note: No change.**

12  
13 § ~~15.1-1654~~ 15.2-6103. Office of Authority; title to property.

14 The Authority shall have and maintain its principal office within the Southside region as  
15 determined by the Board, within the participating counties and cities at which all of its records  
16 shall be kept, and from which its business shall be transacted. The title to all property of every  
17 kind belonging to the Authority shall be titled to the Authority, which shall hold it for the benefit  
18 of the member localities and the Commonwealth of Virginia.

19 **Drafting note: No substantive change in the law.**

20  
21 § ~~15.1-1655~~ 15.2-6104. General powers of Authority; regulations; enforcement of  
22 statutes, rules, etc.

23 In order to enable it to carry out the purposes of this chapter, the Authority acting through  
24 its Board:

25 1. Is vested with the powers of a body corporate, including the power to sue and be sued,  
26 to plead and be impleaded, to make contracts, and to adopt and use a common seal and to alter  
27 the same as may be deemed expedient;

28 2. May retain legal counsel to represent the Authority in hearings, controversies, or  
29 matters involving the interests of the Authority and the furtherance of its purpose; and

30 3. Is vested with power to adopt, alter or repeal its own bylaws, and regulations  
31 governing the manner in which its business may be transacted and in which the power granted to

1 it may be enjoyed and to provide for the appointment of such committees, and the functions  
2 thereof, as the Authority may deem necessary to facilitate its business. Such committees shall  
3 consist of such number of persons as the Authority shall deem advisable. Members of  
4 committees shall receive no compensation for their services, but may be reimbursed their  
5 necessary traveling and other expenses incurred while on business of the Authority. The  
6 Authority may set flat fees for expenses for a member's attendance at all meetings of the  
7 Authority or at its other functions. Such fees shall not exceed \$100 per day.

8 **Drafting note: No change.**

9

10 § ~~15.1-1656~~ 15.2-6105. Further powers.

11 The Authority, to accomplish its general purpose, is given the following powers, namely:

12 1. To enter into contractual agreements in furtherance of its purpose;

13 2. To rent, lease, buy, own, acquire and dispose of such property, real or personal, as the  
14 Authority deems proper to carry out any of the purposes and provisions of this chapter, including  
15 the execution of leases with option to purchase;

16 3. To apply for and accept grants or loans of money or other property from any federal  
17 agency for any of the purposes authorized in this chapter, and to expend or use the same in  
18 accordance with the directions and requirements attached thereto or imposed thereon by any such  
19 federal agency; and

20 4. To perform any act or function which is in accord with the purposes of the chapter,  
21 including (i) borrowing money, (ii) providing for the guarantee of loans, and (iii) employing such  
22 persons as the Board deems necessary to carry on the business of the Authority.

23 **Drafting note: No change.**

24

25 § ~~15.1-1657~~ 15.2-6106. Acceptance of funds, property, grants, or loans.

26 The Authority may accept funds and property from the federal government, the  
27 Commonwealth, persons, ~~counties, cities, and towns~~ localities and may use the same for any of  
28 the purposes for which the Authority is created.

29 ~~Counties, cities, and towns~~ Localities are hereby authorized to lend or donate money or  
30 other property to the Authority for any of its purposes. The ~~local government~~ locality making

1 the grant or loan may restrict the use of such grants or loans to a specific project, within or  
2 ~~without~~ outside that locality.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-1658~~ 15.2-6107. Eligible use of funds.

6 From such funds as may be appropriated or received, the Authority is hereby empowered  
7 to make loans and grants for the benefit of qualified private, for-profit enterprises and public or  
8 not-for-profit enterprises, nonprofit industrial development corporations, or industrial  
9 development authorities for financing the following:

- 10 1. Purchase of real estate;
- 11 2. Grading of site(s);
- 12 3. Water, sewer, natural gas or electrical line improvements, replacement and extensions;
- 13 4. Construction, rehabilitation, and expansion of buildings;
- 14 5. Construction of parking facilities;
- 15 6. Access roads construction and street improvements;
- 16 7. Purchase or lease of machinery and tools; and
- 17 8. Any other improvements deemed necessary by the Authority to meet its objectives.

18 **Drafting note: No change.**

19  
20 § ~~15.1-1659~~ 15.2-6108. Forms of accounts and records; audit of same.

21 The accounts and records of the Authority showing the receipt and disbursement of funds  
22 from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes,  
23 provided that such accounts shall correspond as nearly as possible to the accounts and records for  
24 such matters maintained by corporate enterprises. The accounts and records of the Authority  
25 shall be subject to audit by the Auditor of Public Accounts or his legal representative on an  
26 annual basis and the costs of such audit services shall be borne by the Authority. The Authority's  
27 fiscal year shall be the same as the Commonwealth's.

28 **Drafting note: No change.**

29  
30 § ~~15.1-1660~~ 15.2-6109. Dissolution of Authority.

1           Whenever the Board determines that the purpose for which the Authority was created has  
2 been substantially fulfilled or is impractical or impossible to accomplish and that all obligations  
3 incurred by the Authority have been paid, that cash or a sufficient amount of United States  
4 government securities has been deposited for their payment, or provisions satisfactory for the  
5 timely payment of all its outstanding obligations have been arranged, the Board may adopt  
6 resolutions declaring and finding that the Authority shall be dissolved. Appropriate attested  
7 copies of such resolutions shall be delivered to the Governor so that legislation dissolving the  
8 Authority may be introduced in the General Assembly. The dissolution of the Authority shall  
9 become effective according to the terms of such legislation. The title to all funds and other  
10 property owned by the Authority at the time of such dissolution shall vest in the counties and  
11 cities which have contributed to the fund in proportion to their respective contributions.

12           **Drafting note: No change.**

13

14           § ~~15.1-1661~~ 15.2-6110. Chapter liberally construed.

15           This chapter, being necessary for the welfare of the Commonwealth and its inhabitants,  
16 shall be liberally construed to effect the purposes thereof.

17           **Drafting note: No change.**





1 improvements it deems necessary, including flood control dams, and (ii) for direct loans and  
2 grants to private for-profit basic employers. The Authority shall also apply for matching funds  
3 from the state or federal government, or the private sector. All such loans and grants may be  
4 managed by the Fifth Planning District Commission.

5 B. The exercise of the powers granted by this chapter shall be in all respects for the  
6 benefit of the inhabitants of the Commonwealth, particularly the County of Alleghany and the  
7 City of Clifton Forge; for the increase of their commerce; and for the promotion of their safety,  
8 health, welfare, convenience and prosperity.

9 C. For purposes of this chapter, "Alleghany-Highlands Region" includes the County of  
10 Alleghany and the City of Clifton Forge.

11 **Drafting note: No change.**

12  
13 § ~~15.1-1664~~ 15.2-6203. Board of Authority; members and officers; staff; annual report.

14 A. All powers, rights and duties conferred by this chapter, or other provisions of law,  
15 upon the Authority shall be exercised by the Board of the Alleghany-Highlands Economic  
16 Development Authority, hereinafter referred to as the Board or the Board of the Authority. Initial  
17 appointments shall begin July 1, 1993. The Board shall consist of seven members as follows: one  
18 representative of each of the region's governing bodies, or their ~~designee~~ designees, who shall be  
19 appointed by the respective governing ~~body~~ bodies and shall be residents of the region; four at-  
20 large members, who shall be appointed by the Governor and shall be residents of the region; and  
21 one member to be appointed by the Executive Director of the Virginia Economic Development  
22 Partnership. All members shall serve for a term of four years and may be reappointed for one  
23 additional term. For the initial appointments only, two of the four at-large members shall be  
24 appointed for two-year terms and such initial terms shall not be counted toward the term  
25 limitation.

26 B. Each member of the Board shall, before entering upon the discharge of the duties of  
27 his office, take and subscribe to the oath prescribed in § 49-1. Members shall be reimbursed for  
28 actual expenses incurred in the performance of their duties.

29 C. Four members of the Board shall constitute a quorum, and the affirmative vote of four  
30 members of the Board shall be necessary for any action taken by the Board. No vacancy in the

1 membership of the Board shall impair the right of a quorum to exercise all the rights and perform  
2 all the duties of the Board.

3 D. The Board shall elect from its membership a chairman and a secretary-treasurer for  
4 each calendar year. The secretary-treasurer shall keep the minutes of the Board and affix the seal  
5 of the Authority.

6 The Board may also appoint an executive director and staff who shall discharge such  
7 functions as may be directed by the Board.

8 E. The Board, promptly following the close of the fiscal year, shall submit an annual  
9 report of the Authority's activities for the preceding year to the Governor, the General Assembly,  
10 and the board of supervisors and city councils of the Region. Each such report shall set forth a  
11 complete operating and financial statement covering the operation of the Authority during such  
12 year.

13 **Drafting note: No substantive change in the law.**

14

15 § ~~15.1-1665~~ 15.2-6204. Office of Authority; title to property.

16 The Board shall maintain the principal office of the Authority within the Region. All  
17 records shall be kept and business transacted at such office. The title to all property of every  
18 kind belonging to the Authority shall be titled to the Authority, which shall hold it for the benefit  
19 of its members and the Commonwealth of Virginia.

20 **Drafting note: No substantive change in the law.**

21

22 § ~~15.1-1666~~ 15.2-6205. General powers of Authority; regulations; enforcement of  
23 statutes, rules, etc.

24 The Authority acting through its Board:

25 1. Is vested with the powers of a body corporate, including the power to sue and be sued,  
26 plead and be impleaded, make contracts, and adopt and use a common seal and alter the same as  
27 may be deemed expedient;

28 2. May retain legal counsel to represent the Authority in hearings, controversies, or  
29 matters involving the interests of the Authority and the futherance of its purposes; and

30 3. May adopt, alter or repeal its own bylaws and regulations which govern the manner in  
31 which its business may be transacted and may provide for the appointment of such committees,

1 and the functions thereof, as the Authority deems necessary to facilitate its business. Each  
2 committee shall consist of the number of persons as the Authority deems advisable. Committee  
3 members shall receive no compensation for their services, but may be reimbursed their necessary  
4 traveling and other expenses incurred while on the business of the Authority. The Authority may  
5 set a flat fee for the expenses of a member in attendance at a meeting of the Authority or at its  
6 other functions. Such fee shall not exceed \$100 per day.

7 **Drafting note: No change.**

8  
9 § ~~15.1-1667~~ 15.2-6206. Further powers.

10 The Authority may:

- 11 1. Enter into contractual agreements in furtherance of its purpose;
- 12 2. Rent, lease, including the execution of leases with option to purchase, buy, own,  
13 acquire and dispose of such property, real or personal, as the Authority deems proper to carry out  
14 any of the purposes and provisions of this chapter;
- 15 3. Apply for and accept grants or loans of money or other property from any federal  
16 agency for any of the purposes authorized in this chapter and expend or use the same in  
17 accordance with the directions and requirements attached thereto or imposed thereon by any such  
18 federal agency; and
- 19 4. Perform any act or function which is in accord with the purposes of this chapter,  
20 including (i) borrowing money, including issuing bonds, (ii) providing for the guarantee of loans,  
21 and (iii) employing such persons as the Board deems necessary to carry on the business of the  
22 Authority.

23 **Drafting note: No change.**

24  
25 § ~~15.1-1668~~ 15.2-6207. Acceptance of funds, property, grants, or loans.

26 The Authority may accept funds and property from the federal government, the  
27 Commonwealth, persons, ~~counties, cities, and towns~~ localities and may use the same for any of  
28 the purposes for which the Authority is created.

29 ~~Counties, cities and towns~~ Localities are hereby authorized to lend or donate money or  
30 other property to the Authority for any of its purposes. The ~~local government~~ locality making

1 the grant or loan may restrict the use of such grants or loans to a specific project, within or  
2 ~~without~~ outside that locality.

3 **Drafting note: No substantive change in the law.**

4  
5 § ~~15.1-1669~~ 15.2-6208. Eligible use of funds.

6 From such funds as may be appropriated or received, the Authority may make loans and  
7 grants for the benefit of qualified private, for-profit enterprises and public or not-for-profit  
8 enterprises, nonprofit industrial development corporations, or industrial development authorities  
9 for financing the following:

- 10 1. Purchase of real estate;
- 11 2. Grading of sites;
- 12 3. Water, sewer, natural gas or electrical line improvements, replacement and extensions;
- 13 4. Construction, rehabilitation, and expansion of buildings;
- 14 5. Construction of parking facilities;
- 15 6. Access roads construction and street improvements;
- 16 7. Purchase or lease of machinery and tools; and
- 17 8. Any other improvements deemed necessary by the Authority to meet its objectives.

18 **Drafting note: No change.**

19  
20 § ~~15.1-1670~~ 15.2-6209. Capitalization of Authority.

21 On or before January 1, 1994, and on or before the first day of each year thereafter, each  
22 county and city which is a member of the Authority may remit to the Authority an amount it  
23 deems appropriate for Authority purposes. However, in no event shall the contribution be an  
24 amount less than the greater of five percent of the machinery and tools tax collected in the  
25 previous year or a sum equal to its highest previous annual allocation to the Alleghany-  
26 Highlands Economic Development Commission.

27 **Drafting note: No change.**

28  
29 § ~~15.1-1671~~ 15.2-6210. Proceeds held.

30 The secretary-treasurer may invest and reinvest funds of the Authority pending their  
31 need. All moneys received by the Authority pursuant to § ~~15.1-1669~~ 15.2-6208, together with

1 any matching funds received from state or federal sources, shall be applied and used only in the  
2 county or city from which the funds were received, unless the governing body of the county or  
3 city consents to their use in another county or city.

4 **Drafting note: No change.**

5  
6 § ~~15.1-1672~~ 15.2-6211. Forms of accounts and records; audit of same.

7 The accounts and records of the Authority showing the receipt and disbursement of funds  
8 from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes,  
9 provided that such accounts correspond as nearly as possible to the accounts and records for such  
10 matters maintained by corporate enterprises. The accounts and records of the Authority shall be  
11 subject to audit pursuant to § 2.1-164 and the costs of such audit services shall be borne by the  
12 Authority. The Authority's fiscal year shall be the same as the Commonwealth's.

13 **Drafting note: No change.**

14  
15 § ~~15.1-1673~~ 15.2-6212. Dissolution of Authority.

16 Each member locality of the Authority may withdraw from the Authority only upon  
17 dissolution of the Authority as set forth herein. Whenever the Board determines that the purpose  
18 for which the Authority was created has been substantially fulfilled or is impractical or  
19 impossible to accomplish and that all obligations incurred by the Authority have been paid or  
20 that cash or a sufficient amount of United States government securities has been deposited for  
21 their payment, or provisions satisfactory for the timely payment of all its outstanding obligations  
22 have been arranged, the Board may adopt resolutions declaring and finding that the Authority  
23 shall be dissolved. Appropriate attested copies of such resolutions shall be delivered to the  
24 Governor so that legislation dissolving the Authority may be introduced in the General  
25 Assembly. The dissolution of the Authority shall become effective according to the terms of such  
26 legislation. The title to all funds and other property owned by the Authority at the time of such  
27 dissolution shall vest in the counties and cities which have contributed to the fund in proportion  
28 to their respective contributions.

29 **Drafting note: No change.**

30  
31 § ~~15.1-1674~~ 15.2-6213. Chapter liberally construed.

1           This chapter, being necessary for the welfare of the Commonwealth and its inhabitants,  
2 shall be liberally construed to effect the purposes thereof.

3           **Drafting note: No change.**

4  
5           § ~~15.1-1675~~ 15.2-6214. Revenue sharing agreements.

6           Notwithstanding the requirements of Chapter ~~26.1-1~~ 34 (§ ~~15.1-1167.1~~ 3400 et seq.) of  
7 Title ~~15.1~~ 15.2, the County of Alleghany and the City of Clifton Forge may agree to a revenue  
8 and economic growth sharing arrangement with respect to tax revenues generated by any  
9 industry, business or other for-profit employment generating enterprise locating in any of the  
10 ~~said~~ localities. The obligations of the parties to any such agreement shall not be construed to be  
11 debt within the meaning of Article VII, Section 10 of the Constitution of Virginia. Any such  
12 agreement shall be approved by a majority vote of the governing bodies of the localities  
13 reaching ~~such an~~ agreement but shall not require any other approval.

14           **Drafting note: No material change.**



1           (a) "Authority" means any political subdivision created by ~~§ 15.1-1322 hereof~~ this  
2 chapter. The terms "an authority" or "the authority" refer to each such authority.

3           (h) "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations  
4 issued by an authority pursuant to this chapter.

5           ~~(m)~~ "Commissioners" means the members of the board of commissioners of an authority.

6           (⊕) "Facility" means a particular building or structure or particular buildings or structures,  
7 including all equipment, appurtenances and accessories necessary or appropriate for the  
8 operation of such facility.

9           (⊗) "Federal government" includes the United States of America, or any department,  
10 agency or instrumentality, corporate or otherwise, of the United States of America.

11           (⊖) "Former federal area" means an area coextensive with the territorial boundaries which  
12 is, or has been, occupied by a United States governmental military installation and which is, or  
13 appears likely to be, subject to disposal by the United States government to public bodies, or  
14 otherwise.

15           (⊕) "Obligee of the authority" or "obligee" includes any bondholder, trustee or trustees for  
16 any bondholders, and the federal government when it is a party to any contract with the  
17 authority.

18           (⊕) "Person" means as defined in Chapter 2 (§ 1-10 et seq.) of Title 1.

19           (⊕) "Project" means any specific enterprise undertaken by an authority, including the  
20 facilities as hereinafter defined, and all other property, real or personal or any interest therein,  
21 necessary or appropriate for the operation of such property.

22           ~~(e)~~ "Public body of the Commonwealth" means any city, town, county, municipal  
23 corporation, commission, district, authority, other political subdivision or public body of this  
24 Commonwealth.

25           (⊕) "Real property" means all lands, including improvements and fixtures thereon, and  
26 property of any nature appurtenant thereto, or used in connection therewith, and every estate,  
27 interest and right, legal or equitable, therein, including terms for years and liens by way of  
28 judgment, mortgage, or otherwise and the indebtedness secured by such liens.

29           ~~(b) "City" means any city in the Commonwealth. "Town" means any town in the~~  
30 ~~Commonwealth. "County" means any county in the Commonwealth.~~



1 (d) "~~Governing body~~" means, in the case of a city or town, the council (including both  
2 branches where there are two), and in the case of a county, the board of supervisors or other  
3 governing body.

4 (p) ~~Plural or singular. The singular whenever used herein shall include the plural.~~

5 **Drafting note: No substantive change in the law; the deleted provisions are defined**  
6 **elsewhere. The remaining items are alphabetized.**

7  
8 § ~~15.1-1322~~ 15.2-6302. Establishment of development authorities; proclamation by  
9 Governor.

10 There is hereby created with respect to every former federal area a political subdivision  
11 of the Commonwealth, with such public and corporate powers as are set forth in this chapter.  
12 Each such authority shall be designated as the . . . . . Development Authority (with a  
13 name chosen by the Governor descriptive of the area in which the property is located); ~~provided,~~  
14 however, ~~that~~ no authority shall exercise any power or transact any business hereunder unless or  
15 until the Governor upon receipt of a duly certified resolution of the governing body of each of  
16 the ~~counties, cities and towns~~ localities within the area of operation of an authority requesting  
17 such action, shall proclaim that a former federal area exists with respect to which an authority  
18 should function under the terms of this chapter. Any such authority for which such a  
19 proclamation has been issued may proceed to transact business and to exercise its powers  
20 hereunder at any time after the selection of the commissioners of the authority, as ~~hereinafter~~ set  
21 forth in § ~~15.1-1324~~ hereof 15.2-6304.

22 In any suit, action or proceeding involving the validity or enforcement of or relating to  
23 any contract of or action by the authority, the authority shall be conclusively presumed to have  
24 been established and authorized to transact business and exercise its powers hereunder upon  
25 proof of the action of the Governor in issuing a proclamation with reference to such authority  
26 and the designation of its name by the Governor.

27 **Drafting note: No substantive change in the law.**

28  
29 § ~~15.1-1323~~ 15.2-6303. Authorities to file annual reports.

30 At least once a year, each authority shall file with the Governor a report of its activities  
31 for the preceding year.

1           **Drafting note: No change.**

2  
3           § ~~15.1-1324~~ 15.2-6304. Board of commissioners; appointment of director, agents and  
4 employees.

5           All powers, rights and duties conferred by this chapter, or other provisions of law, upon  
6 an authority created hereunder shall be exercised by a board of commissioners of that authority,  
7 hereinafter referred to as board or board of commissioners. The board shall consist of seven  
8 members to be appointed by the Governor, of whom at least five shall be residents of the  
9 counties in which the authority is located. The members shall serve for terms of six years each,  
10 the initial appointment to be two members for terms of six years, two members for terms of five  
11 years, two members for terms of four years and one member for a term of three years, and  
12 subsequent appointments to be made for terms of six years, except appointments to fill vacancies  
13 which shall be made for the unexpired term. Members shall receive from the authority their  
14 necessary travel and business expenses while on business of the board. Each commissioner shall  
15 before entering on his duties take and subscribe the oath prescribed by § 49-1.

16           The board shall appoint the chief executive officer of the authority, who shall not be a  
17 member thereof, to be known as the director of that authority, hereinafter referred to as director,  
18 and whose compensation shall be paid by the authority in the amount determined by the board.  
19 The board shall employ or retain such other agents or employees subordinate to the director as  
20 may be necessary, including persons with special qualifications, and shall determine which such  
21 agents or employees shall be bonded and the amount of such bonds. The director and other  
22 agents and employees so appointed shall serve at the pleasure of the board, which shall fix their  
23 compensation and prescribe their duties.

24           The board shall elect from its membership a chairman, vice-chairman, a secretary and a  
25 treasurer, or secretary-treasurer, and shall prescribe their powers and duties. Four members shall  
26 constitute a quorum of the board for the purpose of conducting its business and exercising its  
27 powers and for all other purposes. The board shall keep detailed minutes of its proceedings,  
28 which shall be open to public inspection. It shall keep suitable records of all of its financial  
29 transactions and shall arrange to have the same audited annually.

30           **Drafting note: No change.**

31

1           § ~~15.1-1325~~ 15.2-6305. Powers and duties of director.

2           The director shall exercise such of the powers and duties relating to the authority  
3 conferred upon the board as may be delegated to him by the board, including powers and duties  
4 involving the exercise of discretion. The director shall also exercise and perform such other  
5 powers and duties as may be lawfully delegated to him, and such powers and duties as may be  
6 conferred or imposed upon him by law.

7           **Drafting note: No change.**

8  
9           § ~~15.1-1326~~ 15.2-6306. Principal and branch offices.

10          The board of each authority shall establish a principal office within one of the counties  
11 included in the authority. The board may also establish such branch offices as may be considered  
12 by the board to be appropriate to the efficient operation of the authority.

13          **Drafting note: No change.**

14  
15          § ~~15.1-1327~~ 15.2-6307. Legal services.

16          For such legal services as it may require, the authority may employ its own counsel and  
17 legal staff or make use of legal services made available to it by any public body, or both.

18          **Drafting note: No change.**

19  
20          § ~~15.1-1329~~ 15.2-6308. Powers of authorities generally.

21          An authority shall have the following powers:

22           1. To sue and be sued; to adopt and use a common seal and to alter the same as may be  
23 deemed expedient; to have perpetual succession; to make and execute contracts and other  
24 instruments necessary or convenient to the exercise of the powers of the authority; and to make  
25 and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with law,  
26 to carry into effect the powers and purposes of the authority.

27           2. To foster and stimulate the industrial, social and other economic development of its  
28 area of operation, including without limitation development for industrial, employment, housing,  
29 commercial, recreational, educational and other public purposes; to prepare and carry out plans  
30 and projects to accomplish such objectives; to provide for the construction, reconstruction,  
31 improvement, alteration, maintenance, removal, equipping or repair of any buildings, structures

1 or land of any kind; to sell, lease or rent to others or to develop, operate or manage with others in  
2 a joint venture or other partnering arrangement, on such terms as it ~~may deem~~ deems proper and  
3 which are consistent with the provisions of § ~~15.1-1338 hereinafter set forth~~ 15.2-6317, any  
4 lands, dwellings, houses, accommodations, structures, buildings, facilities, or appurtenances  
5 embraced within its area of operations; to establish, collect and revise the rents charged and  
6 terms and conditions of occupancy thereof; to terminate any such lease or rental obligation upon  
7 the failure of the lessee or renter to comply with any of the obligations thereof; to arrange or  
8 contract for the furnishing by any person or agency, public or private, of works, services,  
9 privileges or facilities in connection with any activity in which the authority may engage; to  
10 acquire, own, hold, and improve real or personal property; to purchase, lease, obtain options  
11 upon, acquire by gift, grant, bequest, devise, easement, dedication or otherwise any real or  
12 personal property or any interest therein; to sell, lease, exchange, transfer, assign, or pledge any  
13 real or personal property or any interest therein; to dedicate, make a gift of, or lease for a  
14 nominal amount, any real or personal property or any interest therein to the Commonwealth, or  
15 ~~the counties, cities, towns~~ localities or agencies, public or private, within the area of operation or  
16 adjacent to such authority, jointly or severally, for public use or benefit, such as, but not limited  
17 to, game preserves, playgrounds, park and recreational areas and facilities, hospitals, clinics,  
18 schools and airports; to acquire, lease, maintain, alter, operate, improve, expand, sell or  
19 otherwise dispose of on-site utility and infrastructure systems or sell any excess service capacity  
20 for off-site use; to acquire, lease, construct, maintain and operate and dispose of tracks, spurs,  
21 crossings, terminals, warehouses and terminal facilities of every kind and description necessary  
22 or useful in the transportation and storage of goods, wares and merchandise; and to insure or  
23 provide for the insurance of any real or personal property or operation of the authority against  
24 any risks or hazards.

25         3. To invest any funds held in reserves or sinking funds, or any funds not required for  
26 immediate disbursements, in property or security in which fiduciaries may legally invest funds  
27 subject to their control; to purchase its bonds at a price not more than the principal amount  
28 thereof and accrued interest, all bonds so purchased to be cancelled.

29         4. To undertake and carry out examinations, investigations, studies and analyses of the  
30 business, industrial, agricultural, utility, transportation and other economic development needs,  
31 requirements and potentialities of its area of operation, or off-site needs, requirements and

1 potentialities which directly affect the successful industrial and economic development of its area  
2 of operation, and the manner in which such needs and requirements and potentialities are being  
3 met, or should be met, in order to accomplish the purposes for which it is created; to make use of  
4 the facts determined in such research and analyses in its own operation; and to make the results  
5 of such studies and analyses available to public bodies and to private individuals, groups and  
6 businesses, except as such information may be exempted pursuant to the Virginia Freedom of  
7 Information Act (§ 2.1-340 et seq.).

8           5. In the discharge of its enumerated powers, to cooperate with the federal government,  
9 the Commonwealth and the ~~counties, cities and towns~~ localities within its area of operation or  
10 adjacent to such authority.

11           6. To appoint an authority advisory committee to advise it, consisting of such number of  
12 persons as it may deem proper. Such persons so appointed shall be residents of the localities in  
13 which the authority is located. They shall not receive any compensation for their services but  
14 may be reimbursed for their necessary traveling and other expenses incurred while on business of  
15 the authority.

16           7. To exercise all or any part or combination of powers herein granted.

17           8. To do any and all other acts and things which may be reasonably necessary and  
18 convenient to carry out its purposes and powers.

19           No provision of law with respect to the acquisition, operation or disposition of property  
20 by other political subdivisions or public bodies shall be applicable to an authority unless  
21 specifically stated therein. In any locality where planning, zoning or development regulations  
22 may apply, the authority shall comply with and is subject to those regulations to the same extent  
23 as a private commercial or industrial enterprise.

24           **Drafting note: No substantive change in the law.**

25  
26           § ~~15.1-1330~~ 15.2-6309. Two or more authorities may join or cooperate in exercising  
27 powers.

28           Any two or more authorities may join or cooperate with one another in the exercise,  
29 either jointly or otherwise, of any or all of the powers granted to such authorities.

30           **Drafting note: No change.**

1           § ~~15.1-1331~~ 15.2-6310. Payments to Commonwealth or political subdivisions thereof.

2           An authority may agree to make such payments to the Commonwealth, a ~~county, city or~~  
3 ~~town~~ locality, or any political subdivision thereof, which payments such bodies are hereby  
4 authorized to accept, as the authority finds consistent with the purposes for which the authority  
5 has been created.

6           **Drafting note: No substantive change in the law.**

7  
8           § ~~15.1-1332~~ 15.2-6311. Authorities may borrow money, accept contributions, etc.

9           In addition to the powers conferred upon an authority by other provisions of this chapter,  
10 an authority is empowered to borrow money or accept contributions, grants or other financial  
11 assistance from the federal government; the Commonwealth; any ~~county, city, town~~ locality or  
12 political subdivision; or any agency or instrumentality thereof; or from any source, public or  
13 private, for or in aid of any project of the authority, and to these ends, to comply with such  
14 conditions and enter into such mortgages, trust indentures, leases or agreements as may be  
15 necessary, convenient or desirable.

16           **Drafting note: No substantive change in the law.**

17  
18           § ~~15.1-1333~~ 15.2-6312. Authorities empowered to issue bonds; additional security;  
19 liability thereon.

20           An authority shall have power to issue bonds from time to time in its discretion, for any  
21 of its corporate purposes, including the issuance of refunding bonds for the payment or  
22 retirement of bonds previously issued by it. An authority may issue such type of bonds as it may  
23 determine, including (without limiting the generality of the foregoing):

24           1. Bonds on which the principal and interest are payable:

25           a. Exclusively from the income and revenues of the project or facility financed with the  
26 proceeds of such bonds; or

27           b. Exclusively from the income and revenues of certain designated projects or facilities  
28 whether or not they are financed in whole or in part with the proceeds of such bonds; or

29           c. From its revenues generally.

1           2. Bonds on which the principal and/or interest are payable solely from contributions or  
2 grants received from the federal government, the Commonwealth or any other source, public or  
3 private.

4           Any such bonds may be additionally secured by a pledge of any grants or contributions  
5 from the federal government, the Commonwealth or any political subdivision of the  
6 Commonwealth, or other source, or a pledge of any income or revenues of the authority, or a  
7 mortgage of any particular projects or facilities or other property of the authority.

8           Neither the commissioners of an authority nor any person executing the bonds shall be  
9 liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations  
10 of an authority (and such bonds and obligations shall so state on their face) shall not be a debt of  
11 the Commonwealth, or any political subdivision thereof (other than the issuing authority), and  
12 neither the Commonwealth nor any political subdivision thereof (other than the issuing authority)  
13 shall be liable thereon, nor shall such bonds or obligations be payable out of any funds or  
14 properties other than those of the authority. The bonds shall not constitute an indebtedness within  
15 the meaning of any debt limitation or restriction. Bonds of an authority are declared to be issued  
16 for an essential public and governmental purpose.

17           **Drafting note: No change.**

18  
19           § ~~15.1-1334~~ 15.2-6313. Bonds to be authorized by resolution of board; terms; sale;  
20 negotiability; validity.

21           Bonds of an authority shall be authorized by resolution of its board and may be issued in  
22 one or more series and shall bear such date or dates, mature at such time or times, bear interest at  
23 such annual rate or rates, not exceeding nine percent, be in such denomination or denominations,  
24 be in such form, either coupon or registered, carry such conversion or registration privileges,  
25 have such rank or priority, be executed in such manner, be payable to such medium of payment,  
26 at such place or places, and be subject to such terms of redemption (with or without premium) as  
27 such resolution, its trust indenture or mortgage may provide. The bonds may be sold at public or  
28 private sale.

29           In case any of the commissioners or officers of the authority whose signatures appear on  
30 any bonds or coupons shall cease to be such commissioners or officers before the delivery of  
31 such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same

1 as if such commissioners or officers had remained in office until such delivery. Any provisions  
2 of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be  
3 fully negotiable within the meaning and for all the purposes of Title 8.3A.

4 In any suit, action or proceedings involving the validity or enforceability of any bond of  
5 an authority or the security therefor, any such bond reciting in substance that it has been issued  
6 by the authority to aid in financing a specific project or facility of such authority shall be  
7 conclusively deemed to have been issued for such enumerated purpose and such project or  
8 facility shall be conclusively deemed to have been conducted and operated in all respects in  
9 accordance with the purposes and provisions of this chapter.

10 **Drafting note: No change.**

11  
12 § ~~15.1-1335~~ 15.2-6314. Exemption from taxation; authorities to be municipal corporate  
13 instrumentalities of Commonwealth.

14 The bonds or other securities issued by an authority, the interest thereon, and all real and  
15 personal property and any interest therein of an authority, and all income derived therefrom by  
16 an authority shall at all times be free from taxation by the Commonwealth, or by any political  
17 subdivision thereof. The authority shall be regarded as a municipal corporate instrumentality of  
18 the Commonwealth for the purpose of discharging its functions and exercising its powers under  
19 this chapter.

20 **Drafting note: No change.**

21  
22 § ~~15.1-1336~~ 15.2-6315. Provisions for securing payment of bonds.

23 In order to secure the payment of such bonds, the authority shall have power by provision  
24 or provisions included in any resolution authorizing said bonds or in any indenture made to  
25 secure their payment:

26 ~~(a)~~ 1. To pledge all or any part of its gross or net rents, fees or revenues to which its right  
27 then exists or may thereafter come into existence.

28 ~~(b)~~ 2. To mortgage all or any part of its real or personal property, then owned or  
29 thereafter acquired.

30 ~~(c)~~ 3. To covenant against pledging all or any part of its rents, fees and revenues, or  
31 against mortgaging all or any part of its real or personal property to which its right or title then



1 exists or may thereafter come into existence or against permitting or suffering any lien on such  
2 revenues or property; to covenant with respect to limitations on its right to sell, lease or  
3 otherwise dispose of any property or any part thereof; and to covenant as to what other or  
4 additional debts or obligations may be incurred by it.

5 ~~(d)~~ 4. To covenant as to the bonds to be issued and as to the issuance of such bonds in  
6 escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the  
7 replacement of lost, destroyed or mutilated bonds; to covenant against extending the time of the  
8 payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for their  
9 redemption and to provide the terms and conditions thereof.

10 ~~(e)~~ 5. To covenant as to the rents and fees to be charged in the operation of a specific  
11 project or facility, the amount to be raised each year or other period of time by rents, fees, and  
12 other revenues, and as to the use and disposition to be made thereof; to create or to authorize the  
13 creation of special funds for moneys held for construction or operating costs, debt service,  
14 reserves, or other purposes, and to covenant as to the use and disposition of the moneys held in  
15 such funds.

16 ~~(f)~~ 6. To prescribe the procedure, if any, by which the terms of any contract with  
17 bondholders may be amended or abrogated, the amount of bonds the holders of which must  
18 consent thereto and the manner in which such consent may be given.

19 ~~(g)~~ 7. To covenant as to the use of any or all of its real or personal property; and to  
20 covenant as to the maintenance of its real and personal property, the replacement thereof, the  
21 insurance to be carried thereon and the use and disposition of insurance moneys.

22 ~~(h)~~ 8. To covenant as to the rights, liabilities, powers and duties arising upon the breach  
23 by it of any covenant, condition, or obligation; and to covenant and prescribe as to events of  
24 default and terms and conditions upon which any or all of its bonds or obligations shall become  
25 or may be declared due before maturity, and as to the terms and conditions upon which such  
26 declaration and its consequences may be waived.

27 ~~(i)~~ 9. To vest in a trustee or trustees or the holders of bonds or any proportion of them the  
28 right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to  
29 vest in a trustee or trustees the right, in the event of a default by the authority, to take possession  
30 and use, operate and manage any property or part thereof, and to collect the rents and revenues  
31 arising therefrom and to dispose of such moneys in accordance with the agreement of the

1 authority with said trustee; to provide for the powers and duties of a trustee or trustees and to  
2 limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or  
3 trustees or the holders of bonds or any portion of them may enforce any covenant or rights  
4 securing or relating to the bonds.

5 ~~(j)~~ 10. To exercise all or any part or combination of the powers herein granted; and to  
6 make covenants other than and in addition to the covenants herein expressly authorized, of like  
7 or different character; to make such covenant and to do any and all such acts and things as may  
8 be necessary or convenient or desirable in order to secure its bonds, or in the absolute discretion  
9 of the authority as will tend to make the bonds more marketable notwithstanding that such  
10 covenants, acts or things may not be enumerated herein.

11 **Drafting note: No change.**

12  
13 § ~~15.1-1337~~ 15.2-6316. Rights and remedies of obligees.

14 An obligee of an authority shall have the right in addition to all other rights which may be  
15 conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

16 ~~(a)~~ 1. By mandamus, suit, action or proceeding at law or in equity to compel the authority  
17 and the commissioners, officers, agents or employees thereof, to perform each and every term,  
18 provision and covenant contained in any contract of the authority with or for the benefit of such  
19 obligee, and to require the carrying out of any or all such covenants and agreements of the  
20 authority and the fulfillment of all duties imposed upon the authority by this chapter.

21 ~~(b)~~ 2. By suit, action or proceeding in equity, to enjoin any acts or things which may be  
22 unlawful or the violation of any of the rights of such obligee of the authority.

23 **Drafting note: No change.**

24  
25 § ~~15.1-1338~~ 15.2-6317. Rents, fees and charges; disposition of revenues.

26 The rents, fees and charges established by the authority for the use of its property,  
27 projects and facilities and for any other service furnished or provided by the authority shall be  
28 fixed so that they, together with other revenues of the authority, shall provide at least sufficient  
29 funds to pay the cost of maintaining, repairing and operating the authority, its property, projects  
30 and facilities and the principal and interest of any bonds issued by the authority or other debts  
31 contracted as the same shall become due and payable. A reserve may be accumulated and

1 maintained out of the revenues of the authority for extraordinary repairs and expenses and for  
2 such other purposes as may be provided in any resolution authorizing a bond issue or in any trust  
3 indenture securing such bonds. Subject to such provisions and restrictions as may be set forth in  
4 the resolution or in the trust indenture authorizing or securing any of the bonds or other  
5 obligations issued hereunder, the authority shall have exclusive control of the revenue derived  
6 from the operation of the authority and the right to use such revenues in the exercise of its  
7 powers and duties set forth in this chapter. No person, firm, association or corporation shall  
8 receive any profit or dividend from the revenues, earnings or other funds or assets of such  
9 authority other than for debts contracted, for services rendered, for materials and supplies  
10 furnished and for other value actually received by the authority.

11 **Drafting note: No change.**

12

13 § ~~15.1-1339~~ 15.2-6318. Investment in bonds issued by authorities.

14 The Commonwealth and all public officers, municipal corporations, political  
15 subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and  
16 institutions, building and loan associations, savings and loan associations, investment companies  
17 and other persons carrying on a banking business, all insurance companies, except domestic life  
18 insurance companies, and all fiduciaries may legally invest any sinking funds, moneys or other  
19 funds belonging to them or within their control in any bonds or other obligations issued by any  
20 such authority, and such bonds and other obligations shall be authorized security for all public  
21 deposits and shall be fully negotiable in this Commonwealth; it being the purpose of this chapter  
22 to authorize any persons, firms, corporations, associations, political subdivisions, bodies and  
23 officers, public or private, to use any funds owned or controlled by them, including (but not  
24 limited to) sinking, insurance, investment, retirement, compensation, pension funds, and funds  
25 held on deposit, for the purchase of any such bonds or other obligations and that any such bonds  
26 or other obligations shall be authorized security for all public deposits and shall be fully  
27 negotiable in this Commonwealth.

28 **Drafting note: No change.**

29

30 § ~~15.1-1339.1~~ 15.2-6319. Dissolution of authority.

1           Whenever the commission of the authority by resolution determines that the purposes for  
2 which the authority was formed have been substantially complied with and all bonds issued and  
3 all obligations incurred by the authority have been fully paid, the commission shall execute and  
4 file for record with the governing bodies of the ~~counties, cities or towns~~ localities within the area  
5 of operation of the authority, a resolution declaring such facts. If the governing bodies of the  
6 ~~counties, cities or towns~~ localities within the area of operation are of the opinion that the facts  
7 stated in the authority's resolution are true and the authority should be dissolved, they shall so  
8 resolve; however, the authority shall not be dissolved unless or until the Governor, upon receipt  
9 of the duly certified resolution of each governing body of each ~~county, city or town~~ locality  
10 within the area of operation of the authority requesting dissolution, shall proclaim that the  
11 authority is dissolved. Any such authority for which such a proclamation was issued shall be  
12 dissolved as of the date on which the proclamation was issued. Upon such dissolution, the title to  
13 all funds and properties owned by the authority at the time of such dissolution shall vest in the  
14 ~~counties, cities or towns~~ localities in the area of operation or to not-for-profit agencies, public or  
15 private, as may be designated by the ~~counties, cities or towns~~ localities.

16           **Drafting note: No substantive change in the law.**

17

18           § ~~15.1-1340~~ 15.2-6320. Powers conferred additional and supplemental; severability;  
19 liberal construction.

20           The powers conferred by this chapter shall be in addition and supplemental to the powers  
21 conferred by any other law. The powers granted and the duties imposed in this chapter shall be  
22 construed to be independent and severable. If any one or more sections, subsections, sentences or  
23 parts of any of this chapter shall be adjudged unconstitutional or invalid, such adjudication shall  
24 not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its  
25 operation to the specific provisions held unconstitutional or invalid. This chapter shall be  
26 liberally construed to effect the purposes hereof.

27           **Drafting note: No change.**

28

29           § ~~15.1-1341~~ 15.2-6321. Chapter controlling over inconsistent laws.

1           Insofar as the provisions of this chapter are inconsistent with the provisions of any other  
2 law, general, special or local, including provisions of charters of ~~cities and towns~~ localities, the  
3 provisions of this chapter shall be controlling.

4           **Drafting note: No substantive change in the law.**

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 1**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-100	§ 15.1-1
§ 15.2-101	§ 15.1-6
§ 15.2-102	§ 15.1-34
§ 15.2-103	§ 15.1-37.3:13
§ 15.2-104	§ 15.1-37.3:6
§ 15.2-105	§ 15.1-29.4
§ 15.2-106	§ 15.1-29.14

**REPEALED SECTIONS**

- § 15.1-2
- § 15.1-3
- § 15.1-4
- § 15.1-5
- § 15.1-5.1
- § 15.1-5.2
- § 15.1-5.3
- § 15.1-5.4
- § 15.1-33
- § 15.1-35
- § 15.1-36
- § 15.1-29.5

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 2**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-200	§ 15.1-833
§ 15.2-201	§ 15.1-834
§ 15.2-202	§ 15.1-835
§ 15.2-203	§ 15.1-836
§ 15.2-204	New
§ 15.2-205	§ 15.1-836.1
§ 15.2-206	§ 15.1-836.1:1
§ 15.2-207	§ 15.1-836.2
§ 15.2-208	§ 15.1-836.3

**REPEALED SECTIONS**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 3**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-300	Added
§ 15.2-301	Added
§ 15.2-302	Added
§ 15.2-303	Added
§ 15.2-304	Added
§ 15.2-305	Added
§ 15.2-306	Added
§ 15.2-307	Added

**REPEALED SECTIONS**

None



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 4**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-400	§ 15.1-699
§ 15.2-401	§ 15.1-697
§ 15.2-402	§ 15.1-700
§ 15.2-403	§ 15.1-701
§ 15.2-404	§ 15.1-702
§ 15.2-405	§ 15.1-703
§ 15.2-406	§ 15.1-704
§ 15.2-407	§ 15.1-705
§ 15.2-408	§ 15.1-706
§ 15.2-409	§ 15.1-707
§ 15.2-410	§ 15.1-708
§ 15.2-411	§ 15.1-709
§ 15.2-412	§ 15.1-710
§ 15.2-413	§ 15.1-711.1
§ 15.2-414	§ 15.1-712
§ 15.2-415	§ 15.1-714
§ 15.2-416	§ 15.1-715
§ 15.2-417	§ 15.1-716
§ 15.2-418	§ 15.1-720

**REPEALED**

- § 15.1-698
- § 15.1-718
- § 15.1-721

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 5**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-500	§ 15.1-588
§ 15.2-501	Added
§ 15.2-502	§ 15.1-589
§ 15.2-503	§ 15.1-589.3
§ 15.2-504	§ 15.1-590
§ 15.2-505	§ 15.1-590.1
§ 15.2-506	§ 15.1-592
§ 15.2-507	§ 15.1-593
§ 15.2-508	§ 15.1-594
§ 15.2-509	§ 15.1-595
§ 15.2-510	§ 15.1-596
§ 15.2-511	§ 15.1-597
§ 15.2-512	§ 15.1-598
§ 15.2-513	§ 15.1-599
§ 15.2-514	§§ 15.1-600 and 15.1-616
§ 15.2-515	§ 15.1-600.1
§ 15.2-516	§ 15.1-602
§ 15.2-517	§ 15.1-603
§ 15.2-518	§ 15.1-604
§ 15.2-519	§ 15.1-605
§ 15.2-520	§ 15.1-605
§ 15.2-521	§ 15.1-605
§ 15.2-522	§ 15.1-605
§ 15.2-523	§ 15.1-605
§ 15.2-524	§ 15.1-605
§ 15.2-525	§ 15.1-605
§ 15.2-526	§ 15.1-606
§ 15.2-527	§ 15.1-607
§ 15.2-528	§ 15.1-608
§ 15.2-529	§ 15.1-608
§ 15.2-530	§ 15.1-608
§ 15.2-531	§ 15.1-609

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 5 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-532	§ 15.1-609.1
§ 15.2-533	Added
§ 15.2-534	§ 15.1-611
§ 15.2-535	§ 15.1-612
§ 15.2-536	§ 15.1-614
§ 15.2-537	§ 15.1-662
§ 15.2-538	§ 15.1-615
§ 15.2-539	§ 15.1-617
§ 15.2-540	§ 15.1-619
§ 15.2-541	§ 15.1-621

**REPEALED**

§ 15.1-582  
§ 15.1-583  
§ 15.1-584  
§ 15.1-585  
§ 15.1-586  
§ 15.1-587  
§ 15.1-589.1  
§ 15.1-589.2  
§ 15.1-601  
§ 15.1-610  
§ 15.1-620  
§ 15.1-613.1

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 6**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-600	§ 15.1-622
§ 15.2-601	Added
§ 15.2-602	§ 15.1-623
§ 15.2-603	§ 15.1-623.1
§ 15.2-604	§ 15.1-625
§ 15.2-605	§ 15.1-626
§ 15.2-606	§ 15.1-627
§ 15.2-607	§ 15.1-628
§ 15.2-608	§ 15.1-629
§ 15.2-609	§ 15.1-631
§ 15.2-610	§ 15.1-632
§ 15.2-611	§ 15.1-633
§ 15.2-612	§ 15.1-634
§ 15.2-613	§ 15.1-635
§ 15.2-614	§ 15.1-637
§ 15.2-615	§ 15.1-638
§ 15.2-616	§ 15.1-639
§ 15.2-617	§ 15.1-640
§ 15.2-618	§ 15.1-640
§ 15.2-619	§ 15.1-640
§ 15.2-620	§ 15.1-640
§ 15.2-621	§ 15.1-640
§ 15.2-622	§ 15.1-640
§ 15.2-623	§ 15.1-640
§ 15.2-624	§ 15.1-640
§ 15.2-625	§ 15.1-641
§ 15.2-626	§ 15.1-642
§ 15.2-627	§ 15.1-644
§ 15.2-628	§ 15.1-644.1
§ 15.2-629	§ 15.1-646
§ 15.2-630	§ 15.1-647
§ 15.2-631	§ 15.1-648

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 6 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-632	§ 15.1-649
§ 15.2-633	Added
§ 15.2-634	§ 15.1-650
§ 15.2-635	§ 15.1-652
§ 15.2-636	§ 15.1-653
§ 15.2-637	§ 15.1-654
§ 15.2-638	§ 15.1-655
§ 15.2-639	§ 15.1-657
§ 15.2-640	§ 15.1-658
§ 15.2-641	§ 15.1-660
§ 15.2-642	§ 15.1-662

**REPEALED**

- § 15.1-582
- § 15.1-583
- § 15.1-584
- § 15.1-585
- § 15.1-586
- § 15.1-587
- § 15.1-624
- § 15.1-630
- § 15.1-636
- § 15.1-643
- § 15.1-645
- § 15.1-659
- § 15.1-661
- § 15.1-663
- § 15.1-664
- § 15.1-665
- § 15.1-666
- § 15.1-667
- § 15.1-668

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 7**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-700	Added
§ 15.2-701	Added
§ 15.2-702	§ 15.1-674
§ 15.2-703	§ 15.1-675
§ 15.2-704	§ 15.1-675.1
§ 15.2-705	§ 15.1-676
§ 15.2-706	§ 15.1-677
§ 15.2-707	§ 15.1-678
§ 15.2-708	§ 15.1-679
§ 15.2-709	§ 15.1-681
§ 15.2-710	§ 15.1-682
§ 15.2-711	§ 15.1-683
§ 15.2-712	§ 15.1-684
§ 15.2-713	§ 15.1-684.1
§ 15.2-714	§ 15.1-684.2
§ 15.2-715	§ 15.1-685
§ 15.2-716	§ 15.1-686
§ 15.2-717	§ 15.1-686.01
§ 15.2-718	§ 15.1-686.5
§ 15.2-719	§ 15.1-686.6
§ 15.2-720	§ 15.1-686.7
§ 15.2-721	§ 15.1-687
§ 15.2-722	§ 15.1-687.01
§ 15.2-723	§ 15.1-687.1
§ 15.2-724	§ 15.1-687.2
§ 15.2-725	§§ 15.1-687.3, 15.1-687.20 and 15.1-687.24
§ 15.2-726	§ 15.1-687.4
§ 15.2-727	§ 15.1-687.5
§ 15.2-728	§ 15.1-687.6
§ 15.2-729	§ 15.1-687.7
§ 15.2-730	§ 15.1-687.8
§ 15.2-731	§ 15.1-687.9

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 7 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-732	§ 15.1-687.10
§ 15.2-733	§ 15.1-687.11
§ 15.2-734	§ 15.1-687.12
§ 15.2-735	§ 15.1-687.13
§ 15.2-736	§ 15.1-687.14
§ 15.2-737	§ 15.1-687.15
§ 15.2-738	§ 15.1-687.16
§ 15.2-739	§ 15.1-687.17
§ 15.2-740	§ 15.1-687.18
§ 15.2-741	§ 15.1-687.19
§ 15.2-742	§ 15.1-687.23
§ 15.2-743	§ 15.1-687.21
§ 15.2-744	§ 15.1-687.22
§ 15.2-745	§ 15.1-688
§ 15.2-746	§ 15.1-689
§ 15.2-747	§ 15.1-690
§ 15.2-748	§ 15.1-692
§ 15.2-749	§ 15.1-695

**REPEALED SECTIONS**

§ 15.1-669  
§ 15.1-691  
§ 15.1-693  
§ 15.1-694

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 8**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-800	§ 15.1-728
§ 15.2-801	Added
§ 15.2-802	§ 15.1-729
§ 15.2-803	§ 15.1-730
§ 15.2-804	§ 15.1-731
§ 15.2-805	§ 15.1-732
§ 15.2-806	§ 15.1-733
§ 15.2-807	§ 15.1-734
§ 15.2-808	§ 15.1-735
§ 15.2-809	§ 15.1-736
§ 15.2-810	§ 15.1-736.1
§ 15.2-811	§ 15.1-738
§ 15.2-812	§ 15.1-739
§ 15.2-813	§ 15.1-755
§ 15.2-814	§ 15.1-762
§ 15.2-815	§ 15.1-730.1
§ 15.2-816	§ 15.1-730.2
§ 15.2-817	§ 15.1-785
§ 15.2-818	§ 15.1-786
§ 15.2-819	§ 15.1-499.2
§ 15.2-820	§ 15.1-27.2
§ 15.2-821	§ 15.1-763
§ 15.2-822	§ 15.1-764
§ 15.2-823	§ 15.1-765
§ 15.2-824	§ 15.1-765.1
§ 15.2-825	§ 15.1-765.2
§ 15.2-826	§ 15.1-766
§ 15.2-827	§ 15.1-766
§ 15.2-828	§ 15.1-766
§ 15.2-829	§ 15.1-766
§ 15.2-830	§ 15.1-766
§ 15.2-831	§ 15.1-766



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PROPOSED CHAPTER 8 cont.**

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§ 15.2-832	§ 15.1-766
§ 15.2-833	§ 15.1-766
§ 15.2-834	§ 15.1-767
§ 15.2-835	§ 15.1-768
§ 15.2-836	§ 15.1-769
§ 15.2-837	§ 15.1-770
§ 15.2-838	§ 15.1-771
§ 15.2-839	§ 15.1-772
§ 15.2-840	§ 15.1-773
§ 15.2-841	§ 15.1-774
§ 15.2-842	§ 15.1-775
§ 15.2-843	§ 15.1-776
§ 15.2-844	§ 15.1-777
§ 15.2-845	§ 15.1-778
§ 15.2-846	§ 15.1-778.1
§ 15.2-847	§ 15.1-779
§ 15.2-848	§ 15.1-781
§ 15.2-849	§ 15.1-782
§ 15.2-850	§ 15.1-783
§ 15.2-851	§ 15.1-783.01
§ 15.2-852	§ 15.1-73.4
§ 15.2-853	§ 15.1-783.1
§ 15.2-854	§ 15.1-783.2
§ 15.2-855	§ 15.1-787
§ 15.2-856	§ 15.1-788
§ 15.2-857	§ 15.1-788.1
§ 15.2-858	§ 15.1-791

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 8 cont.**

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**REPEALED SECTIONS**

- § 15.1-722
- § 15.1-723
- § 15.1-724
- § 15.1-725
- § 15.1-726
- § 15.1-727
- § 15.1-737
- § 15.1-740
- § 15.1-754
- § 15.1-756
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- § 15.1-758
- § 15.1-759
- § 15.1-760
- § 15.1-760.1
- § 15.1-761
- § 15.1-784

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PROPOSED CHAPTER 9**

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§ 15.2-901	§ 15.1-11
§ 15.2-902	§ 15.1-28.4
§ 15.2-903	§ 15.1-28
§ 15.2-904	§ 15.1-11.1
§ 15.2-905	§ 15.1-11.03
§ 15.2-906	§ 15.1-11.2
§ 15.2-907	§ 15.1-11.2:1
§ 15.2-908	§ 15.1-11.2:2
§ 15.2-909	§ 15.1-11.3
§ 15.2-910	§ 15.1-11.6
§ 15.2-911	§ 15.1-28.2
§ 15.2-912	§ 15.1-28.3
§ 15.2-913	§§ 15.1-37.3:1 and 15.1-37.3:2
§ 15.2-914	§ 15.1-37.3:12
§ 15.2-915	§ 15.1-29.15
§ 15.2-916	§ 15.1-518.2
§ 15.2-917	§ 15.1-29.20
§ 15.2-918	§ 15.1-29.13
§ 15.2-919	§ 15.1-29.12
§ 15.2-920	§ 15.1-29.8
§ 15.2-921	§ 15.1-29
§ 15.2-922	§ 15.1-29.9
§ 15.2-923	§ 15.1-37.2:1
§ 15.2-924	§ 15.1-37.3:4
§ 15.2-925	§ 15.1-514.1
§ 15.2-926	§ 15.1-33.4
§ 15.2-927	§ 15.1-857
§ 15.2-928	§ 15.1-11.5:3
§ 15.2-929	§ 15.1-11.02
§ 15.2-930	§ 15.1-28.1
§ 15.2-931	§ 15.1-28.01

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 9 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-932	§ 15.1-28.02
§ 15.2-933	§ 15.1-28.03
§ 15.2-934	§ 15.1-28.04
§ 15.2-935	§ 15.1-11.5:1
§ 15.2-936	§ 15.1-11.04
§ 15.2-937	§ 15.1-11.5
§ 15.2-938	§ 15.1-11.5:01
§ 15.2-939	§ 15.1-11.5:2
§ 15.2-940	§ 15.1-10
§ 15.2-941	§ 15.1-18.4
§ 15.2-942	§ 15.1-28.6
§ 15.2-943	§ 15.1-18.1:1
§ 15.2-944	§ 15.1-18.1
§ 15.2-945	§ 15.1-281
§ 15.2-946	§ 15.1-28.7
§ 15.2-947	§ 15.1-526.2
§ 15.2-948	§ 15.1-37.3:5
§ 15.2-949	§ 15.1-37.3:3
§ 15.2-950	§ 15.1-842
§ 15.2-951	§ 15.1-29.17
§ 15.2-952	§ 15.1-32
§ 15.2-953	§§ 15.1-24, 15.1-25 & 15.1-26
§ 15.2-954	§ 15.1-24.1
§ 15.2-955	§ 15.1-26.01
§ 15.2-956	§ 15.1-29.7
§ 15.2-957	§ 15.1-29.6
§ 15.2-958	§ 15.1-37.3:9
§ 15.2-959	§ 15.1-37.3:9
§ 15.2-960	§ 15.1-14.1
§ 15.2-961	§ 15.1-14.2
§ 15.2-962	§ 15.1-11.7
§ 15.2-963	§ 15.1-23.2
§ 15.2-964	§ 15.1-36.2
§ 15.2-965	§ 15.1-37.3:8
§ 15.2-966	§ 15.1-23
§ 15.2-967	§ 15.1-23.1

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PROPOSED CHAPTER 9 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-968	§ 15.1-14
§ 15.2-969	§ 15.1-516
§ 15.2-970	§ 15.1-29.3
§ 15.2-971	§ 15.1-31
§ 15.2-972	§§ 15.1-880 and 15.1-268
§ 15.2-973	§ 15.1-511
§ 15.2-974	§ 15.1-27.1

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- § 15.1-23.3
- § 15.1-15
- § 15.1-27
- § 15.1-28.5
- § 15.1-28.5:1

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 10**

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**NEW SECTION**

**OLD SECTION**

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**RESERVED**

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 11**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-1100	§ 15.1-838
§ 15.2-1101	§ 15.1-838
§ 15.2-1102	§ 15.1-839
§ 15.2-1103	§ 15.1-840
§ 15.2-1104	§ 15.1-841
§ 15.2-1105	§ 15.1-843
§ 15.2-1106	§ 15.1-844
§ 15.2-1107	§ 15.1-845
§ 15.2-1108	§ 15.1-848
§ 15.2-1109	§ 15.1-853
§ 15.2-1110	§ 15.1-858
§ 15.2-1111	§ 15.1-860
§ 15.2-1112	§ 15.1-862
§ 15.2-1113	§ 15.1-865
§ 15.2-1114	§ 15.1-866
§ 15.2-1115	§ 15.1-867
§ 15.2-1116	§ 15.1-868
§ 15.2-1117	§ 15.1-869
§ 15.2-1118	§ 15.1-872
§ 15.2-1119	§ 15.1-881
§ 15.2-1120	§ 15.1-882
§ 15.2-1121	§ 15.1-883
§ 15.2-1122	§ 15.1-884
§ 15.2-1123	§ 15.1-885
§ 15.2-1124	§ 15.1-887
§ 15.2-1125	§ 15.1-906
§ 15.2-1126	§ 15.1-907
§ 15.2-1127	§ 15.1-29.24
§ 15.2-1128	§ 15.1-29.25
§ 15.2-1129	§ 15.1-37.2
§ 15.2-1130	§ 15.1-132.2

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 11 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
<b>REPEALED</b>	
§ 15.1-837	
§ 15.1-846	
§ 15.1-847	
§ 15.1-850	
§ 15.1-851	
§ 15.1-852	
§ 15.1-857.1	
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§ 15.1-899	
§ 15.1-900	
§ 15.1-904	
§ 15.1-37.3:10	
§ 15.1-89.1	



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 12**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-1200	§ 15.1-510
§ 15.2-1201	§ 15.1-522
§ 15.2-1202	§ 15.1-544
§ 15.2-1203	§ 15.1-121
§ 15.2-1204	§ 15.1-10.1
§ 15.2-1205	§ 15.1-511.1
§ 15.2-1206	§ 15.1-523
§ 15.2-1207	§ 15.1-524
§ 15.2-1208	§ 15.1-525
§ 15.2-1209	§ 15.1-518
§ 15.2-1210	§ 15.1-518.1
§ 15.2-1211	§ 15.1-571.1
§ 15.2-1212	§ 15.1-527.1
§ 15.2-1213	§ 15.1-527.3
§ 15.2-1214	§ 15.1-19.1
§ 15.2-1215	§ 15.1-11.01
§ 15.2-1216	§ 15.1-29.10
§ 15.2-1217	§§ 15.1-510.4, 15.1-510.6 & 15.1-510.1
§ 15.2-1218	§ 15.1-512-
§ 15.2-1219	§ 15.1-513
§ 15.2-1220	§ 15.1-514.2
§ 15.2-1221	§ 15.1-515
§ 15.2-1222	§ 15.1-515.2
§ 15.2-1223	§ 15.1-519
§ 15.2-1224	§ 15.1-526.1
§ 15.2-1225	§ 15.1-526.3
§ 15.2-1226	§ 15.1-12.1
§ 15.2-1227	§ 15.1-11
§ 15.2-1228	§ 15.1-37.3:9
§ 15.2-1229	§ 15.1-548
§ 15.2-1230	§ 15.1-556
§ 15.2-1231	§§ 15.1-127, 15.1-128 & 15.1-129
§ 15.2-1232	§ 15.1-508.1

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 12 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-1233	§ 15.1-113
§ 15.2-1234	§ 15.1-106
§ 15.2-1235	§ 15.1-107
§ 15.2-1236	§ 15.1-108
§ 15.2-1237	§ 15.1-109
§ 15.2-1238	§ 15.1-110
§ 15.2-1239	§ 15.1-110
§ 15.2-1240	§ 15.1-112
§ 15.2-1241	§ 15.1-530
§ 15.2-1242	§ 15.1-543
§ 15.2-1243	§ 15.1-547
§ 15.2-1244	§ 15.1-549
§ 15.2-1245	§§ 15.1-550 and 15.1-551
§ 15.2-1246	§ 15.1-552
§ 15.2-1247	§ 15.1-553
§ 15.2-1248	§ 15.1-554
§ 15.2-1249	§ 15.1-555

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§ 15.1-526.4  
 § 15.1-510.8  
 § 15.1-527  
 § 15.1-571  
 § 15.1-126  
 § 15.1-26.1  
 § 15.1-130  
 § 15.1-507  
 § 15.1-514  
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 § 15.1-125  
 § 15.1-503.4:10  
 § 15.1-104

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PROPOSED CHAPTER 13**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-1300	§ 15.1-1227.1
§ 15.2-1301	§ 15.1-1227.2
§ 15.2-1302	§ 15.1-1227.3
§ 15.2-1303	§ 15.1-1227.4
§ 15.2-1304	§ 15.1-1227.5
§ 15.2-1305	§ 15.1-21
§ 15.2-1306	§ 15.1-21.2
§ 15.2-1307	§ 15.1-21.1
§ 15.2-1308	§ 15.1-20
§ 15.2-1309	§ 15.1-20.1
§ 15.2-1310	§ 15.1-20.2

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 14**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-1400	§ 15.1-37.4
§ 15.2-1401	§ 15.1-7
§ 15.2-1402	New
§ 15.2-1403	New
§ 15.2-1404	New
§ 15.2-1405	§ 15.1-7.01
§ 15.2-1406	New
§ 15.2-1407	§ 15.1-13
§ 15.2-1408	§ 15.1-29.22
§ 15.2-1409	§ 15.1-801
§ 15.2-1410	§ 15.1-529
§ 15.2-1411	§ 15.1-33.2
§ 15.2-1412	§ 15.1-8
§ 15.2-1413	§ 15.1-13.1
§ 15.2-1414	§ 15.1-17
§ 15.2-1415	§ 15.1-542
§ 15.2-1416	§ 15.1-536
§ 15.2-1417	§ 15.1-537
§ 15.2-1418	§ 15.1-538
§ 15.2-1419	§ 15.1-37.3:14
§ 15.2-1420	§ 15.1-540
§ 15.2-1421	§ 15.1-535
§ 15.2-1422	New
§ 15.2-1423	New
§ 15.2-1424	New
§ 15.2-1425	New
§ 15.2-1426	New
§ 15.2-1427	§ 15.1-504
§ 15.2-1428	§ 15.1-819
§ 15.2-1429	§§ 15.1-505 and 15.1-901
§ 15.2-1430	§ 15.1-902
§ 15.2-1431	§ 15.1-903

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 14 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-1432	§ 15.1-905
§ 15.2-1433	§ 15.1-37.3

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- § 15.1-803
- § 15.1-805
- § 15.1-830
- § 15.1-506
- § 15.1-508
- § 15.1-827
- § 15.1-809.2
- § 15.1-557
- § 15.1-558
- § 15.1-792
- § 15.1-810
- § 15.1-811
- § 15.1-812
- § 15.1-539
- § 15.1-832
- § 15.1-40.3
- § 15.1-793
- § 15.1-809
- § 15.1-528
- § 15.1-817
- § 15.1-818
- § 15.1-814
- § 15.1-808
- § 15.1-815
- § 15.1-816
- § 15.1-504
- § 15.1-819
- § 15.1-826
- § 15.1-904

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 15**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-1500	New
§ 15.2-1501	New
§ 15.2-1502	§§ 15.1-19.4 and 15.1-19.5
§ 15.2-1503	New
§ 15.2-1504	§ 15.1-29.18
§ 15.2-1505	§ 15.1-29.23
§ 15.2-1506	§ 15.1-7.1
§ 15.2-1507	§ 15.1-7.2
§ 15.2-1508	§ 15.1-7.4
§ 15.2-1509	§ 15.1-7.5
§ 15.2-1510	§ 15.1-849
§ 15.2-1511	§ 15.1-134
§ 15.2-1512	New
§ 15.2-1513	§ 15.1-20.3
§ 15.2-1514	§ 15.1-20.5
§ 15.2-1515	§ 15.1-20.4
§ 15.2-1516	§ 15.1-20.6
§ 15.2-1517	§ 15.1-7.3
§ 15.2-1518	§ 15.1-7.3:1
§ 15.2-1519	§ 15.1-506.2
§ 15.2-1520	§ 15.1-19.2
§ 15.2-1521	§ 15.1-19.2:1
§ 15.2-1522	§ 15.1-38
§ 15.2-1523	§ 15.1-39
§ 15.2-1524	§ 15.1-40
§ 15.2-1525	§ 15.1-51
§ 15.2-1526	§ 15.1-52
§ 15.2-1527	§ 15.1-41
§ 15.2-1528	§ 15.1-42
§ 15.2-1529	§ 15.1-43.1
§ 15.2-1530	§ 15.1-44
§ 15.2-1531	§ 15.1-44.1

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 15 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-1532	§ 15.1-46
§ 15.2-1533	§ 15.1-47
§ 15.2-1534	§ 15.1-50.4
§ 15.2-1535	§ 15.1-50.5
§ 15.2-1536	New
§ 15.2-1537	New
§ 15.2-1538	§ 15.1-533
§ 15.2-1539	§ 15.1-532
§ 15.2-1540	New
§ 15.2-1541	New
§ 15.2-1542	§§ 15.1-9.1:1, 15.1-9.1:01, 15.1-9.1:3
§ 15.2-1543	§§ 15.1-103 and 15.1-105

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- § 15.1-794
- § 15.1-797
- § 15.1-798
- § 15.1-799
- § 15.1-831
- § 15.1-124
- § 15.1-118
- § 15.1-813.1
- § 15.1-829
- § 15.1-41.1
- § 15.1-42.1
- § 15.1-43
- § 15.1-44.2
- § 15.1-45
- § 15.1-800
- § 15.1-828
- § 15.1-531
- § 15.1-115
- § 15.1-116

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**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 15 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
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§ 15.1-119	
§ 15.1-120	
§ 15.1-122	
§ 15.1-795	



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 16**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-1600	§ 15.1-40.1
§ 15.2-1601	New
§ 15.2-1602	§ 15.1-40.2
§ 15.2-1603	§ 15.1-48
§ 15.2-1604	§ 15.1-48.1
§ 15.2-1605	§ 15.1-19.3
§ 15.2-1606	§ 15.1-66.4
§ 15.2-1607	§ 15.1-66.3
§ 15.2-1608	New
§ 15.2-1609	New
§ 15.2-1610	§ 15.1-90.3
§ 15.2-1611	§ 15.1-90.2
§ 15.2-1612	§ 15.1-90.4
§ 15.2-1613	§ 15.1-137.3
§ 15.2-1614	§ 15.1-84.1
§ 15.2-1615	§ 15.1-83.1
§ 15.2-1616	§ 15.1-74
§ 15.2-1617	§ 15.1-75
§ 15.2-1618	§ 15.1-75.1
§ 15.2-1619	§ 15.1-78
§ 15.2-1620	§ 15.1-83
§ 15.2-1621	§ 15.1-84
§ 15.2-1622	§ 15.1-85
§ 15.2-1623	§ 15.1-86
§ 15.2-1624	§ 15.1-87
§ 15.2-1625	§ 15.1-88
§ 15.2-1626	New
§ 15.2-1627	§ 15.1-8.1
§ 15.2-1628	§ 15.1-50.1
§ 15.2-1629	§ 15.1-50.3
§ 15.2-1630	§ 15.1-821
§ 15.2-1631	§ 15.1-821.1

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 16 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-1632	§ 15.1-9
§ 15.2-1633	§ 15.1-50.2
§ 15.2-1634	New
§ 15.2-1635	§ 15.1-49
§ 15.2-1636	New
§ 15.2-1637	§ 15.1-994.1
§ 15.2-1638	§ 15.1-257
§ 15.2-1639	§ 15.1-258
§ 15.2-1640	§ 15.1-259
§ 15.2-1641	§ 15.1-260
§ 15.2-1642	§ 15.1-263
§ 15.2-1643	§ 15.1-267
§ 15.2-1644	§ 15.1-559
§ 15.2-1645	§ 15.1-560
§ 15.2-1646	§ 15.1-561
§ 15.2-1647	§ 15.1-562
§ 15.2-1648	§ 15.1-563
§ 15.2-1649	§ 15.1-564
§ 15.2-1650	§ 15.1-565
§ 15.2-1651	§ 15.1-566
§ 15.2-1652	§ 15.1-567
§ 15.2-1653	§ 15.1-568
§ 15.2-1654	§ 15.1-569
§ 15.2-1655	§ 15.1-570
§ 15.2-1656	§ 15.1-19

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- § 15.1-76
- § 15.1-77
- § 15.1-79
- § 15.1-80
- § 15.1-81
- § 15.1-82
- § 15.1-796

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**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 16 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.1-796.1	
§ 15.1-824	
§ 15.1-825	
§ 15.1-820	
§ 15.1-822	
§ 15.1-823	

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 17**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-1700	§ 15.1-137
§ 15.2-1701	§ 15.1-131.7
§ 15.2-1702	§ 15.1-131.6:1
§ 15.2-1703	§ 15.1-131.6:2
§ 15.2-1704	§ 15.1-138
§ 15.2-1705	§ 15.1-131.8
§ 15.2-1706	§ 15.1-131.8:1
§ 15.2-1707	§ 15.1-131.8:2
§ 15.2-1708	§ 15.1-131.8:3
§ 15.2-1709	§ 15.1-131.8:4
§ 15.2-1710	§ 15.1-138
§ 15.2-1711	§ 15.1-131.6
§ 15.2-1712	§ 15.1-133.1
§ 15.2-1713	§ 15.1-137.2
§ 15.2-1714	§ 15.1-140.1
§ 15.2-1715	§ 15.1-131.12
§ 15.2-1716	§ 15.1-132.1
§ 15.2-1717	§ 15.1-139
§ 15.2-1718	§ 15.1-131.9
§ 15.2-1719	§ 15.1-133.01
§ 15.2-1720	§ 15.1-133
§ 15.2-1721	§ 15.1-133.01:1
§ 15.2-1722	§ 15.1-135.1
§ 15.2-1723	§ 15.1-142.2
§ 15.2-1724	§ 15.1-131
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§ 15.2-1726	§ 15.1-131.3
§ 15.2-1727	§ 15.1-131
§ 15.2-1728	§ 15.1-131.10
§ 15.2-1729	§ 15.1-131.4
§ 15.2-1730	§ 15.1-131.5
§ 15.2-1731	§ 15.1-159.2

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 17 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-1732	§ 15.1-159.3
§ 15.2-1733	§ 15.1-159.4
§ 15.2-1734	§ 15.1-159.5
§ 15.2-1735	§ 15.1-159.6
§ 15.2-1736	§ 15.1-159.7
§ 15.2-1737	§ 15.1-144
§ 15.2-1738	§ 15.1-145
§ 15.2-1739	§ 15.1-146
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§ 15.2-1741	§ 15.1-149
§ 15.2-1742	§ 15.1-150
§ 15.2-1743	§ 15.1-151
§ 15.2-1744	§ 15.1-152
§ 15.2-1745	§ 15.1-153
§ 15.2-1746	§ 15.1-154
§ 15.2-1747	§ 15.1-159.7:1
§ 15.2-1748	§ 15.1-159.7:2
§ 15.2-1749	§ 15.1-159.7:3
§ 15.2-1750	§ 15.1-159.7:4
§ 15.2-1751	§ 15.1-159.7:5
§ 15.2-1752	§ 15.1-159.7.6
§ 15.2-1753	§ 15.1-159.7:7

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- § 15.1-138.1
- § 15.1-143
- § 15.1-143.1
- § 15.1-137.1
- § 15.1-155
- § 15.1-132
- § 15.1-135
- § 15.1-131.11
- § 15.1-142.1
- § 15.1-131.1

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PROPOSED CHAPTER 17 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
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§ 15.1-140	

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 18**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-1800	§ 15.1-262
§ 15.2-1801	§ 15.1-277
§ 15.2-1802	§ 15.1-18
§ 15.2-1803	§ 15.1-286
§ 15.2-1804	§ 15.1-33.3
§ 15.2-1805	§ 15.1-289
§ 15.2-1806	New
§ 15.2-1807	§ 15.1-274
§ 15.2-1808	§ 15.1-886
§ 15.2-1809	§ 15.1-291
§ 15.2-1810	§ 15.1-261
§ 15.2-1811	§ 15.1-278
§ 15.2-1812	§ 15.1-270
§ 15.2-1813	New
§ 15.2-1814	New

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- § 15.1-846
- § 15.1-847
- § 15.1-288
- § 15.1-871
- § 15.1-275
- § 15.1-266
- § 15.1-285
- § 15.1-261.1
- § 15.1-526
- § 15.1-874
- § 15.1-16.2
- § 15.1-274.1
- § 15.1-271
- § 15.1-272
- § 15.1-273
- § 15.1-279
- § 15.1-280

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 18 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
<b>REPEALED</b>	
§ 15.1-290	
§ 15.1-269	
§ 15.1-282	
§ 15.1-284	



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 19**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-1900	§ 15.1-276
§ 15.2-1901	New
§ 15.2-1902	New
§ 15.2-1903	New
§ 15.2-1904	§ 15.1-238
§ 15.2-1905	§ 15.1-238
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- § 15.1-236
- § 15.1-237
- § 15.1-238.1
- § 15.1-851
- § 15.1-898
- § 15.1-899
- § 15.1-900
- § 15.1-320.1

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 20**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-2000	§ 15.1-896
§ 15.2-2001	§ 15.1-889
§ 15.2-2002	§ 15.1-372
§ 15.2-2003	§ 15.1-373
§ 15.2-2004	§ 15.1-890
§ 15.2-2005	§ 15.1-374
§ 15.2-2006	§ 15.1-364
§ 15.2-2007	§ 15.1-364.1
§ 15.2-2008	§ 15.1-366
§ 15.2-2009	§ 15.1-893
§ 15.2-2010	§ 15.1-376
§ 15.2-2011	§ 15.1-377
§ 15.2-2012	§ 15.1-377.1
§ 15.2-2013	§ 15.1-14
§ 15.2-2014	§ 15.1-889.1
§ 15.2-2015	§ 15.1-892
§ 15.2-2016	§ 15.1-895
§ 15.2-2017	§ 15.1-375
§ 15.2-2018	§ 15.1-512.1
§ 15.2-2019	§ 15.1-379
§ 15.2-2020	§ 15.1-380
§ 15.2-2021	§ 15.1-381
§ 15.2-2022	§ 15.1-16.1
§ 15.2-2023	§ 15.1-26.2
§ 15.2-2024	§ 15.1-29.11
§ 15.2-2025	§ 15.1-29.16
§ 15.2-2026	§ 15.1-16
§ 15.2-2027	§ 15.1-510.5:1
§ 15.2-2028	§ 15.1-891
§ 15.2-2029	§ 15.1-14
§ 15.2-2030	§ 15.1-376.1

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 20 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
<b>REPEALED</b>	
§ 15.1-368	
§ 15.1-369	
§ 15.1-370	
§ 15.1-371	
§ 15.1-378	
§ 15.1-363	

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PROPOSED CHAPTER 21**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-2100	§ 15.1-307
§ 15.2-2101	§ 15.1-308
§ 15.2-2102	§ 15.1-309
§ 15.2-2103	§ 15.1-310
§ 15.2-2104	§ 15.1-311
§ 15.2-2105	§ 15.1-312
§ 15.2-2106	§ 15.1-314
§ 15.2-2107	§ 15.1-315
§ 15.2-2108	§ 15.1-316
§ 15.2-2109	§ 15.1-292
§ 15.2-2110	§ 15.1-292.1
§ 15.2-2111	§ 15.1-292.2
§ 15.2-2112	§ 15.1-306.1
§ 15.2-2113	§ 15.1-292.3
§ 15.2-2114	§ 15.1-292.4
§ 15.2-2115	§ 15.1-293
§ 15.2-2116	§ 15.1-293.1
§ 15.2-2117	§ 15.1-294, 15.1-297, 15.1-298
§ 15.2-2118	§ 15.1-295
§ 15.2-2119	§ 15.1-321
§ 15.2-2120	§ 15.1-296
§ 15.2-2121	§ 15.1-299
§ 15.2-2122	§ 15.1-320
§ 15.2-2123	§ 15.1-317.1
§ 15.2-2124	§ 15.1-318
§ 15.2-2125	§ 15.1-319
§ 15.2-2126	§ 15.1-326
§ 15.2-2127	§ 15.1-327
§ 15.2-2128	§ 15.1-327.1
§ 15.2-2129	§ 15.1-328
§ 15.2-2130	§ 15.1-329
§ 15.2-2131	§ 15.1-330

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 21 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-2132	§ 15.1-331
§ 15.2-2133	§ 15.1-332
§ 15.2-2134	§ 15.1-37
§ 15.2-2135	§ 15.1-37.1:1
§ 15.2-2136	§ 15.1-37.1:2
§ 15.2-2137	§ 15.1-37.1:3
§ 15.2-2138	§ 15.1-37.1:4
§ 15.2-2139	§ 15.1-37.1:5
§ 15.2-2140	§ 15.1-37.1:6
§ 15.2-2141	§ 15.1-37.1:7
§ 15.2-2142	§ 15.1-37.1
§ 15.2-2143	§ 15.1-875
§ 15.2-2144	§ 15.1-854
§ 15.2-2145	§ 15.1-334
§ 15.2-2146	§ 15.1-335
§ 15.2-2147	§ 15.1-337
§ 15.2-2148	§ 15.1-338
§ 15.2-2149	§ 15.1-341
§ 15.2-2150	§ 15.1-342
§ 15.2-2151	§ 15.1-343
§ 15.2-2152	§ 15.1-344
§ 15.2-2153	§ 15.1-345
§ 15.2-2154	§ 15.1-346
§ 15.2-2155	§ 15.1-347
§ 15.2-2156	§ 15.1-348
§ 15.2-2157	§ 15.1-856
§ 15.2-2158	§ 15.1-360.1
§ 15.2-2159	§ 15.1-362.1

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§ 15.1-894

§ 15.1-313

§ 15.1-877

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PROPOSED CHAPTER 21 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
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§15.1-300	
§15.1-301	
§15.1-302	
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§15.1-304	
§15.1-305	
§15.1-306	
§15.1-317	
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§15.1-322	
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§15.1-333	
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§15.1-350	
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§15.1-352	
§15.1-353	
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§15.1-520	
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§15.1-358	
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§15.1-360	
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§15.1-361	
§15.1-362	

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 22**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-2200	§ 15.1-427
§ 15.2-2201	§ 15.1-430
§ 15.2-2202	§ 15.1-428.1
§ 15.2-2203	§ 15.1-429
§ 15.2-2204	§ 15.1-431
§ 15.2-2205	§ 15.1-33.1
§ 15.2-2206	§ 15.1-431.1
§ 15.2-2207	§ 15.1-503.4
§ 15.2-2208	§ 15.1-499
§ 15.2-2209	§ 15.1-499.1
§ 15.2-2210	§ 15.1-427.1
§ 15.2-2211	§ 15.1-428
§ 15.2-2212	§ 15.1-437
§ 15.2-2213	§ 15.1-438
§ 15.2-2214	§ 15.1-439
§ 15.2-2215	§ 15.1-440
§ 15.2-2216	§ 15.1-441
§ 15.2-2217	§ 15.1-442
§ 15.2-2218	§ 15.1-443
§ 15.2-2219	§ 15.1-443
§ 15.2-2220	§ 15.1-502.1
§ 15.2-2221	§ 15.1-444
§ 15.2-2222	§ 15.1-445
§ 15.2-2223	§ 15.1-446.1
§ 15.2-2224	§ 15.1-447
§ 15.2-2225	§§ 15.1-448, 15.1-449
§ 15.2-2226	§ 15.1-450
§ 15.2-2227	§ 15.1-451
§ 15.2-2228	§ 15.1-452
§ 15.2-2229	§ 15.1-453
§ 15.2-2230	§ 15.1-454
§ 15.2-2231	§ 15.1-455

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 22 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
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§ 15.2-2233	§ 15.1-458
§ 15.2-2234	§ 15.1-459
§ 15.2-2235	§ 15.1-460
§ 15.2-2236	§ 15.1-461
§ 15.2-2237	§ 15.1-462
§ 15.2-2238	§ 15.1-463
§ 15.2-2239	§ 15.1-464
§ 15.2-2240	§ 15.1-465
§ 15.2-2241	§ 15.1-466
§ 15.2-2242	§ 15.1-466
§ 15.2-2243	§ 15.1-466
§ 15.2-2244	§ 15.1-466
§ 15.2-2245	§ 15.1-466
§ 15.2-2246	§ 15.1-466
§ 15.2-2247	§ 15.1-466.1
§ 15.2-2248	§ 15.1-467
§ 15.2-2249	§ 15.1-468
§ 15.2-2250	§ 15.1-469
§ 15.2-2251	§ 15.1-470
§ 15.2-2252	§ 15.1-471
§ 15.2-2253	§ 15.1-472
§ 15.2-2254	§ 15.1-473
§ 15.2-2255	§ 15.1-474
§ 15.2-2256	§ 15.1-474.1
§ 15.2-2257	§ 15.1-474.2
§ 15.2-2258	§ 15.1-475
§ 15.2-2259	§ 15.1-475
§ 15.2-2260	§ 15.1-475
§ 15.2-2261	§ 15.1-475
§ 15.2-2262	§ 15.1-476
§ 15.1-2263	§ 15.1-501.1
§ 15.1-2264	§ 15.1-477
§ 15.1-2265	§ 15.1-478
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§ 15.2-2267	§ 15.1-478.2



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PROPOSED CHAPTER 22 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-2268	§ 15.1-479
§ 15.2-2269	§ 15.1-480
§ 15.2-2270	§ 15.1-480.1
§ 15.2-2271	§ 15.1-481
§ 15.2-2272	§ 15.1-482
§ 15.2-2273	§ 15.1-482.1
§ 15.2-2274	§ 15.1-483
§ 15.2-2275	§ 15.1-483.1
§ 15.2-2276	§ 15.1-485
§ 15.2-2277	§ 15.1-465.1
§ 15.2-2278	§ 15.1-365
§ 15.2-2279	§ 15.1-29.2
§ 15.2-2280	§ 15.1-486
§ 15.2-2281	§ 15.1-486
§ 15.2-2282	§ 15.1-488
§ 15.2-2283	§ 15.1-489
§ 15.2-2284	§ 15.1-490
§ 15.2-2285	§ 15.1-493
§ 15.2-2286	§ 15.1-491
§ 15.2-2287	§ 15.1-491
§ 15.2-2288	§ 15.1-491
§ 15.2-2289	§ 15.1-486.1
§ 15.2-2290	§ 15.1-486.4
§ 15.2-2291	§ 15.1-486.3
§ 15.2-2292	§ 15.1-486.5
§ 15.2-2293	§ 15.1-491.01
§ 15.2-2294	§ 15.1-491.02
§ 15.2-2295	§ 15.1-491.03
§ 15.2-2296	§ 15.1-491.1
§ 15.2-2297	§ 15.1-491.2
§ 15.2-2298	§ 15.1-492.2:1
§ 15.2-2299	§ 15.1-491.3
§ 15.2-2300	§ 15.1-491.4
§ 15.2-2301	§ 15.1-491.5
§ 15.2-2302	§ 15.1-491.6
§ 15.2-2303	§ 15.1-491

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PROPOSED CHAPTER 22 cont.**

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§ 15.2-2305	§ 15.1-491.9
§ 15.2-2306	§ 15.1-503.2
§ 15.2-2307	§ 15.1-492
§ 15.2-2308	§ 15.1-494
§ 15.2-2309	§ 15.1-495
§ 15.2-2310	§ 15.1-496
§ 15.2-2311	§ 15.1-496.1
§ 15.2-2312	§ 15.1-496.2
§ 15.2-2313	§ 15.1-496.3
§ 15.2-2314	§ 15.1-497
§ 15.2-2315	§ 15.1-498
§ 15.2-2316	§ 15.1-503
§ 15.2-2317	§ 15.1-498.1
§ 15.2-2318	§ 15.1-498.2
§ 15.2-2319	§ 15.1-498.2
§ 15.2-2320	§ 15.1-498.3
§ 15.2-2321	§ 15.1-498.4
§ 15.2-2322	§ 15.1-498.5
§ 15.2-2323	§ 15.1-498.6
§ 15.2-2324	§ 15.1-498.7
§ 15.2-2325	§ 15.1-498.8
§ 15.2-2326	§ 15.1-498.9
§ 15.2-2327	§ 15.1-498.10

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§ 15.1-484  
§ 15.1-500  
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**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 23**

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**NEW SECTION**

**OLD SECTION**

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**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 24**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-2400	§§ 15.1-18.2 and 15.1-18.3
§ 15.2-2401	15.1-18.2
§ 15.2-2402	§ 15.1-18.2
§ 15.2-2403	§§ 15.1-18.2 and 15.1-18.3
§ 15.2-2404	§ 15.1-239
§ 15.2-2405	§ 15.1-240
§ 15.2-2406	§ 15.1-241
§ 15.2-2407	§ 15.1-242
§ 15.2-2408	§ 15.1-243
§ 15.2-2409	§ 15.1-244
§ 15.2-2410	§ 15.1-245
§ 15.2-2411	§ 15.1-246
§ 15.2-2412	§ 15.1-247
§ 15.2-2413	§ 15.1-249.1

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- § 15.1-850
- § 15.1-248
- § 15.1-249
- § 15.1-250
- § 15.1-251
- § 15.1-252
- § 15.1-253
- § 15.1-254
- § 15.1-255
- § 15.1-256

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PROPOSED CHAPTER 25**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
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§ 15.2-2501	NEW
§ 15.2-2502	§ 15.1-159.9
§ 15.2-2503	§ 15.1-160
§ 15.2-2504	§ 15.1-161
§ 15.2-2505	§ 15.1-161.1
§ 15.2-2506	§ 15.1-162
§ 15.2-2507	§ 15.1-162.1
§ 15.2-2508	§ 15.1-163
§ 15.2-2509	§ 15.1-164
§ 15.2-2510	§ 15.1-166
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§ 15.2-2512	§ 15.1-168, 15.1-169

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- § 15.1-802
- § 15.1-163.1
- § 15.1-165
- § 15.1-541
- § 15.1-13.2

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PROPOSED CHAPTER 26**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
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§ 15.2-2601	§ 15.1-227.2
§ 15.2-2602	§ 15.1-227.3
§ 15.2-2603	§ 15.1-227.6
§ 15.2-2604	§ 15.1-227.7
§ 15.2-2605	§ 15.1-227.7
§ 15.2-2606	§ 15.1-227.8
§ 15.2-2607	§ 15.1-227.9
§ 15.2-2608	§ 15.1-227.10
§ 15.2-2609	§ 15.1-227.11
§ 15.2-2610	§ 15.1-227.12
§ 15.2-2611	§ 15.1-227.13
§ 15.2-2612	§ 15.1-227.14
§ 15.2-2613	§ 15.1-227.15
§ 15.2-2614	§ 15.1-227.16
§ 15.2-2615	§ 15.1-227.17
§ 15.2-2616	§ 15.1-227.18
§ 15.2-2617	§ 15.1-227.19
§ 15.2-2618	§ 15.1-227.20
§ 15.2-2619	§ 15.1-227.21
§ 15.2-2620	§ 15.1-227.22
§ 15.2-2621	§ 15.1-227.23
§ 15.2-2622	§ 15.1-227.24
§ 15.2-2623	§ 15.1-227.24:1
§ 15.2-2624	§ 15.1-227.25
§ 15.2-2625	§ 15.1-227.26
§ 15.2-2626	§ 15.1-227.27
§ 15.2-2627	§ 15.1-227.28
§ 15.2-2628	§ 15.1-227.29
§ 15.2-2629	§ 15.1-227.30
§ 15.2-2630	§ 15.1-227.31
§ 15.2-2631	§ 15.1-227.32

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 26 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-2632	§ 15.1-227.33
§ 15.2-2633	§ 15.1-227.34
§ 15.2-2634	§ 15.1-227.35
§ 15.2-2635	§ 15.1-227.36
§ 15.2-2636	§ 15.1-227.37
§ 15.2-2637	§ 15.1-227.38
§ 15.2-2638	§ 15.1-227.39
§ 15.2-2639	§ 15.1-227.40
§ 15.2-2640	§ 15.1-227.41
§ 15.2-2641	§ 15.1-227.42
§ 15.2-2642	§ 15.1-227.43
§ 15.2-2643	§ 15.1-227.44
§ 15.2-2644	§ 15.1-227.45
§ 15.2-2645	§ 15.1-227.47
§ 15.2-2646	§ 15.1-227.48
§ 15.2-2647	§ 15.1-227.49
§ 15.2-2648	§ 15.1-227.50
§ 15.2-2649	§ 15.1-227.51
§ 15.2-2650	§ 15.1-227.52
§ 15.2-2651	§ 15.1-227.53
§ 15.2-2652	§ 15.1-227.54
§ 15.2-2653	§ 15.1-227.55
§ 15.2-2654	§ 15.1-227.56
§ 15.2-2655	§ 15.1-227.57
§ 15.2-2656	§ 15.1-227.58
§ 15.2-2657	§ 15.1-227.59
§ 15.2-2658	§ 15.1-227.60
§ 15.2-2659	§ 15.1-227.61
§ 15.2-2660	§ 15.1-227.62
§ 15.2-2661	§ 15.1-227.63
§ 15.2-2662	§ 15.1-227.64
§ 15.2-2663	§ 15.1-227.64:1
§ 15.2-2664	§ 15.1-227.65

**REPEALED**

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 26 cont.**

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<b>NEW SECTION</b>	<b>OLD SECTION</b>
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None



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 27**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-2700	§ 15.1-503.4:1
§ 15.2-2701	§ 15.1-503.4:2
§ 15.2-2702	§ 15.1-503.4:2.1
§ 15.2-2703	§ 15.1-503.4:3
§ 15.2-2704	§ 15.1-503.4:4
§ 15.2-2705	§ 15.1-503.4:5
§ 15.2-2706	§ 15.1-503.4:6
§ 15.2-2707	§ 15.1-503.4:7
§ 15.2-2708	§ 15.1-503.4:8
§ 15.2-2709	§ 15.1-503.4:9

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 28**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-2800	§ 15.1-291.1
§ 15.2-2801	§ 15.1-291.2
§ 15.2-2802	§ 15.1-291.3
§ 15.2-2803	§ 15.1-291.4
§ 15.2-2804	§ 15.1-291.5
§ 15.2-2805	§ 15.1-291.6
§ 15.2-2806	§ 15.1-291.7
§ 15.2-2807	§ 15.1-291.8
§ 15.2-2808	§ 15.1-291.9
§ 15.2-2809	§ 15.1-291.10
§ 15.2-2810	§ 15.1-291.11

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 29**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-2900	§ 15.1-945.1
§ 15.2-2901	§ 15.1-945.2
§ 15.2-2902	§ 15.1-945.2:1
§ 15.2-2903	§ 15.1-945.3
§ 15.2-2904	§ 15.1-945.4
§ 15.2-2905	§ 15.1-945.5
§ 15.2-2906	§ 15.1-945.6
§ 15.2-2907	§ 15.1-945.7
§ 15.2-2908	§ 15.1-945.8

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 30**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-3000	§ 15.1-1168
§ 15.2-3001	§ 15.1-1168.1
§ 15.2-3002	§ 15.1-1169
§ 15.2-3003	§ 15.1-1170
§ 15.2-3004	§ 15.1-1039

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 31**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-3100	§ 15.1-1026
§ 15.2-3101	§ 15.1-1027
§ 15.2-3102	§ 15.1-1028
§ 15.2-3103	§ 15.1-1029
§ 15.2-3104	§ 15.1-1030
§ 15.2-3105	§ 15.1-1031
§ 15.2-3106	§ 15.1-1031.1
§ 15.2-3107	§ 15.1-1031.2
§ 15.2-3108	§ 15.1-1031.3
§ 15.2-3109	§ 15.1-1031.4

**REPEALED**

§ 15.1-1031.5

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 32**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-3200	§ 15.1-1032
§ 15.2-3201	§ 15.1-1032.2
§ 15.2-3202	§ 15.1-1033
§ 15.2-3203	§ 15.1-1034
§ 15.2-3204	§ 15.1-1035
§ 15.2-3205	§ 15.1-1036
§ 15.2-3206	§ 15.1-1037
§ 15.2-3207	§ 15.1-1040
§ 15.2-3208	§ 15.1-1040.1
§ 15.2-3209	§ 15.1-1041
§ 15.2-3210	§ 15.1-1041.1
§ 15.2-3211	§ 15.1-1042
§ 15.2-3212	§ 15.1-1043
§ 15.2-3213	§ 15.1-1044
§ 15.2-3214	§ 15.1-1045
§ 15.2-3215	§ 15.1-1045.1
§ 15.2-3216	§ 15.1-1046
§ 15.2-3217	§ 15.1-1047
§ 15.2-3218	§ 15.1-1047.2
§ 15.2-3219	§ 15.1-1047.1
§ 15.2-3220	§ 15.1-1048
§ 15.2-3221	§ 15.1-1049
§ 15.2-3222	§ 15.1-1050
§ 15.2-3223	§ 15.1-1051
§ 15.2-3224	§ 15.1-1052
§ 15.2-3225	§ 15.1-1053
§ 15.2-3226	§ 15.1-1054
§ 15.2-3227	§ 15.1-1055
§ 15.2-3228	§ 15.1-1056
§ 15.2-3229	§ 15.1-1057
§ 15.2-3230	§ 15.1-1058
§ 15.2-3231	§ 15.1-1058.1

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 32 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-3232	§ 15.1-1058.2
§ 15.2-3233	§ 15.1-1058.3
§ 15.2-3234	§ 15.1-1058.4
§ 15.2-3235	§ 15.1-1058.5
§ 15.2-3236	§ 15.1-1059
§ 15.2-3237	§ 15.1-1060
§ 15.2-3238	§ 15.1-1061
§ 15.2-3239	§ 15.1-1062
§ 15.2-3240	§ 15.1-1063
§ 15.2-3241	§ 15.1-1064
§ 15.2-3242	§ 15.1-1065
§ 15.2-3243	§ 15.1-1066
§ 15.2-3244	§ 15.1-1067
§ 15.2-3245	§ 15.1-1067.1

**REPEALED**

- § 15.1-1032.1
- § 15.1-1038
- § 15.1-1055.1
- § 15.1-1068
- § 15.1-1069
- § 15.1-1070

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 33**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-3300	§ 15.1-977.19:1
§ 15.2-3301	§ 15.1-977.20
§ 15.2-3302	§ 15.1-977.21
§ 15.2-3303	§ 15.1-977.22
§ 15.2-3304	§ 15.1-977.22:1
§ 15.2-3305	§ 15.1-977.22:2
§ 15.2-3306	§ 15.1-977.23
§ 15.2-3307	§ 15.1-977.24
§ 15.2-3308	§ 15.1-977.25

**REPEALED**

None



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 34**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-3400	§ 15.1-1167.1
§ 15.2-3401	§ 15.1-1167.2

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 35**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-3500	Added
§ 15.2-3501	§ 15.1-1071
§ 15.2-3502	§ 15.1-1072
§ 15.2-3503	§ 15.1-1073
§ 15.2-3504	§ 15.1-1074
§ 15.2-3505	§ 15.1-1075
§ 15.2-3506	§ 15.1-1076
§ 15.2-3507	§ 15.1-1077
§ 15.2-3508	§ 15.1-1078
§ 15.2-3509	Added
§ 15.2-3510	§ 15.1-1079
§ 15.2-3511	§ 15.1-1123
§ 15.2-3512	§§ 15.1-1126 and 15.1-1080
§ 15.2-3513	§ 15.1-1081
§ 15.2-3514	§ 15.1-1082
§ 15.2-3515	§ 15.1-1083
§ 15.2-3516	§ 15.1-1096
§ 15.2-3517	§ 15.1-1097
§ 15.2-3518	§ 15.1-1098
§ 15.2-3519	Added
§ 15.2-3520	§ 15.1-1130.1
§ 15.2-3521	§ 15.1-1130.2
§ 15.2-3522	§ 15.1-1130.3
§ 15.2-3523	§ 15.1-1130.4
§ 15.2-3524	§ 15.1-1130.5
§ 15.2-3525	§ 15.1-1130.7
§ 15.2-3526	§ 15.1-1130.8
§ 15.2-3527	§ 15.1-1130.9
§ 15.2-3528	§ 15.1-1130.10
§ 15.2-3529	§ 15.1-1131
§ 15.2-3530	§ 15.1-1131.1
§ 15.2-3531	§ 15.1-1132

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 35 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-3532	§ 15.1-1133
§ 15.2-3533	§ 15.1-1134
§ 15.2-3534	§ 15.1-1135
§ 15.2-3535	§ 15.1-1135.1
§ 15.2-3536	§ 15.1-1136
§ 15.2-3537	§ 15.1-1137
§ 15.2-3538	§ 15.1-1138
§ 15.2-3539	§ 15.1-1139
§ 15.2-3540	§ 15.1-1140
§ 15.2-3541	§ 15.1-1141
§ 15.2-3542	§ 15.1-1141.1
§ 15.2-3543	§ 15.1-1141.2
§ 15.2-3544	§ 15.1-1142
§ 15.2-3545	§ 15.1-1143
§ 15.2-3546	§ 15.1-1144
§ 15.2-3547	§ 15.1-1145
§ 15.2-3548	§ 15.1-1146.1
§ 15.2-3549	§ 15.1-1146.1:1
§ 15.2-3550	§ 15.1-1147

**REPEALED**

- § 15.1-1084
- § 15.1-1085
- § 15.1-1086
- § 15.1-1087
- § 15.1-1088
- § 15.1-1089
- § 15.1-1090
- § 15.1-1091
- § 15.1-1092
- § 15.1-1093
- § 15.1-1094
- § 15.1-1095
- § 15.1-1099

**REPEALED**

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 35 cont.**

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<b>NEW SECTION</b>	<b>OLD SECTION</b>
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- § 15.1-1100
- § 15.1-1101
- § 15.1-1102
- § 15.1-1103
- § 15.1-1104
- § 15.1-1105
- § 15.1-1106
- § 15.1-1107
- § 15.1-1108
- § 15.1-1109
- § 15.1-1110
- § 15.1-1111
- § 15.1-1112
- § 15.1-1113
- § 15.1-1114
- § 15.1-1115
- § 15.1-1116
- § 15.1-1117
- § 15.1-1118
- § 15.1-1119
- § 15.1-1120
- § 15.1-1121
- § 15.1-1122
- § 15.1-1124
- § 15.1-1125
- § 15.1-1127
- § 15.1-1128
- § 15.1-1129
- § 15.1-1130.6
- § 15.1-1146.1:2
- § 15.1-1149
- § 15.1-1150
- § 15.1-1151
- REPEALED**
  
- § 15.1-1151.1

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 35 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.1-1152	
§ 15.1-1153	
§ 15.1-1154	
§ 15.1-1155	
§ 15.1-1156	
§ 15.1-1157	
§ 15.1-1158	
§ 15.1-1159	
§ 15.1-1160	
§ 15.1-1161	
§ 15.1-1162	
§ 15.1-1163	
§ 15.1-1164	

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 36**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-3600	§ 15.1-966
§ 15.2-3601	§ 15.1-966.1
§ 15.2-3602	§ 15.1-967
§ 15.2-3603	§ 15.1-967.2
§ 15.2-3604	§ 15.1-969
§ 15.2-3605	§ 15.1-971

**REPEALED**

§ 15.1-977

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 37**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-3700	§ 15.1-965.28
§ 15.2-3701	§ 15.1-965.29
§ 15.2-3702	§ 15.1-965.30
§ 15.2-3703	§ 15.1-965.31
§ 15.2-3704	§§ 15.1-965.32 15.1-965.33
§ 15.2-3705	§ 15.1-965.34
§ 15.2-3706	§ 15.1-965.35
§ 15.2-3707	§ 15.1-965.36
§ 15.2-3708	§ 15.1-965.37
§ 15.2-3709	§ 15.1-965.38
§ 15.2-3710	§ 15.1-965.39
§ 15.2-3711	§ 15.1-965.40
§ 15.2-3712	§ 15.1-965.41

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 38**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-3800	§ 15.1-982.1
§ 15.2-3801	§ 15.1-982.2
§ 15.2-3802	§ 15.1-982.2
§ 15.2-3803	§ 15.1-982.3
§ 15.2-3804	§ 15.1-982.4
§ 15.2-3805	§ 15.1-982.5
§ 15.2-3806	§ 15.1-982.7
§ 15.2-3807	§ 15.1-982.8
§ 15.2-3808	§ 15.1-982.9
§ 15.2-3809	§ 15.1-982.10
§ 15.2-3810	§ 15.1-982.11
§ 15.2-3811	§ 15.1-982.12
§ 15.2-3812	§ 15.1-983
§ 15.2-3813	§ 15.1-984
§ 15.2-3814	§ 15.1-985
§ 15.2-3815	§ 15.1-986
§ 15.2-3816	§ 15.1-987
§ 15.2-3817	§ 15.1-988
§ 15.2-3818	§ 15.1-989
§ 15.2-3819	§ 15.1-990
§ 15.2-3820	§ 15.1-991
§ 15.2-3821	§ 15.1-992
§ 15.2-3822	§ 15.1-994.1
§ 15.2-3823	§ 15.1-995
§ 15.2-3824	§ 15.1-996
§ 15.2-3825	§ 15.1-997
§ 15.2-3826	§ 15.1-998
§ 15.2-3827	§ 15.1-1000
§ 15.2-3828	§ 15.1-1002
§ 15.2-3829	§§ 15.1-1003 and 15.1-1004
§ 15.2-3830	§ 15.1-1005
§ 15.2-3831	§ 15.1-1006



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 38 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-3832	§ 15.1-1007
§ 15.2-3833	§ 15.1-1009
§ 15.2-3834	§ 15.1-1010

**REPEALED**

- § 15.1-982.6
- § 15.1-993
- § 15.1-995.1
- § 15.1-999
- § 15.1-1001

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 39**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-3900	§ 15.1-977.1
§ 15.2-3901	§ 15.1-977.2
§ 15.2-3902	§ 15.1-977.2:1
§ 15.2-3903	§ 15.1-977.3
§ 15.2-3904	§ 15.1-977.5
§ 15.2-3905	§ 15.1-977.6
§ 15.2-3906	§ 15.1-977.8
§ 15.2-3907	§ 15.1-977.9
§ 15.2-3908	§ 15.1-977.10
§ 15.2-3909	§ 15.1-977.11
§ 15.2-3910	§ 15.1-977.12
§ 15.2-3911	§ 15.1-977.13
§ 15.2-3912	§ 15.1-977.13:1
§ 15.2-3913	§ 15.1-977.14
§ 15.2-3914	§ 15.1-977.15
§ 15.2-3915	§ 15.1-977.16
§ 15.2-3916	§ 15.1-977.17
§ 15.2-3917	§ 15.1-977.18
§ 15.2-3918	§ 15.1-977.18:1
§ 15.2-3919	§ 15.1-977.19

**REPEALED**

§ 15.1-977.4  
§ 15.1-977.7

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 40**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-4000	§ 15.1-965.1
§ 15.2-4001	§ 15.1-965.2
§ 15.2-4002	§ 15.1-965.3
§ 15.2-4003	§ 15.1-965.6
§ 15.2-4004	New
§ 15.2-4005	New

**REPEALED**

§ 15.1-965.4

§ 15.1-965.5

§ 15.1-965.7

§ 15.1-965.8

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 41**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-4100	§ 15.1-965.9
§ 15.2-4101	§ 15.1-965.10 and §15.1-965.11
§ 15.2-4102	§ 15.1-965.10
§ 15.2-4103	§ 15.1-965.12
§ 15.2-4104	§ 15.1-965.13
§ 15.2-4105	§ 15.1-965.15
§ 15.2-4106	§ 15.1-965.16
§ 15.2-4107	§ 15.1-965.17
§ 15.2-4108	§ 15.1-965.18
§ 15.2-4109	§ 15.1-965.19
§ 15.2-4110	§ 15.1-965.20
§ 15.2-4111	§ 15.1-965.21
§ 15.2-4112	§ 15.1-965.22
§ 15.2-4113	§ 15.1-965.22:1
§ 15.2-4114	§ 15.1-965.23
§ 15.2-4115	§ 15.1-965.24
§ 15.2-4116	§ 15.1-965.24:1
§ 15.2-4117	§ 15.1-965.24:2
§ 15.2-4118	§ 15.1-965.25
§ 15.2-4119	§ 15.1-965.26
§ 15.2-4120	§ 15.1-965.27

**REPEALED**

§ 15.1-965.14

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 42**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-4200	§ 15.1-1400
§ 15.2-4201	§ 15.1-1401
§ 15.2-4202	§ 15.1-1402
§ 15.2-4203	§ 15.1-1403
§ 15.2-4204	§ 15.1-1403.1
§ 15.2-4205	§ 15.1-1404
§ 15.2-4206	§ 15.1-1404.1
§ 15.2-4207	§ 15.1-1405
§ 15.2-4208	§ 15.1-1405.1
§ 15.2-4209	§ 15.1-1406
§ 15.2-4210	§ 15.1-1407
§ 15.2-4211	§ 15.1-1408
§ 15.2-4212	§ 15.1-1409
§ 15.2-4213	§ 15.1-1410
§ 15.2-4214	§ 15.1-1411
§ 15.2-4215	§ 15.1-1411.1
§ 15.2-4216	§ 15.1-1412
§ 15.2-4217	§ 15.1-1412.1
§ 15.2-4218	§ 15.1-1413
§ 15.2-4219	§ 15.1-1415
§ 15.2-4220	§ 15.1-1416
§ 15.2-4221	§ 15.1-1416.1
§ 15.2-4222	§ 15.1-1452

**REPEALED**

§ 15.1-1450

§ 15.1-1451

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 43**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-4300	§ 15.1-1506
§ 15.2-4301	§ 15.1-1507
§ 15.2-4302	§ 15.1-1508
§ 15.2-4303	§ 15.1-1509
§ 15.2-4304	§ 15.1-1510
§ 15.2-4305	§ 15.1-1511
§ 15.2-4306	§ 15.1-1511
§ 15.2-4307	§ 15.1-1511
§ 15.2-4308	§ 15.1-1511
§ 15.2-4309	§ 15.1-1511
§ 15.2-4310	§ 15.1-1511
§ 15.2-4311	§ 15.1-1511
§ 15.2-4312	§ 15.1-1512
§ 15.2-4313	§ 15.1-1512
§ 15.1-4314	§ 15.1-1513

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 44**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-4400	§ 15.1-1513.1
§ 15.2-4401	§ 15.1-1513.2
§ 15.2-4402	§ 15.1-1513.3
§ 15.2-4403	§ 15.1-1513.4
§ 15.2-4404	§ 15.1-1513.5
§ 15.2-4405	§ 15.1-1513.6
§ 15.2-4406	§ 15.1-1513.7
§ 15.2-4407	§§ 15.1-1513.8 and 15.1-1513.9

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 45**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-4500	§ 15.1-1342
§ 15.2-4501	§ 15.1-1343
§ 15.2-4502	§ 15.1-1344
§ 15.2-4503	§ 15.1-1344.1
§ 15.2-4504	§ 15.1-1345
§ 15.2-4505	§ 15.1-1346
§ 15.2-4506	§ 15.1-1347
§ 15.2-4507	§ 15.1-1348
§ 15.2-4508	§ 15.1-1349
§ 15.2-4509	§ 15.1-1350
§ 15.2-4510	§ 15.1-1351
§ 15.2-4511	§ 15.1-1352
§ 15.2-4512	§ 15.1-1353
§ 15.2-4513	§ 15.1-1355
§ 15.2-4514	§ 15.1-1356
§ 15.2-4515	§ 15.1-1357
§ 15.2-4516	§ 15.1-1357.1
§ 15.2-4517	§ 15.1-1357.2
§ 15.2-4518	§§ 15.1-1358 and 15.1-1357.3
§ 15.2-4519	§ 15.1-1358.2
§ 15.2-4520	§ 15.1-1358.3
§ 15.2-4521	§ 15.1-1359
§ 15.2-4522	§ 15.1-1360
§ 15.2-4523	§ 15.1-1361
§ 15.2-4524	§ 15.1-1362
§ 15.2-4525	§ 15.1-1363
§ 15.2-4526	§ 15.1-1364
§ 15.2-4527	§ 15.1-1365
§ 15.2-4528	§ 15.1-1366
§ 15.2-4529	§ 15.1-1367



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 45 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-4530	§ 15.1-1368
§ 15.2-4531	§ 15.1-1369
§ 15.2-4532	§ 15.1-1370
§ 15.2-4533	§ 15.1-1371
§ 15.2-4534	§ 15.1-1372

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 46**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-4600	§§ 15.1-1372.1 and 15.1-1372.3
§ 15.2-4601	§ 15.1-1372.2:1
§ 15.2-4602	§ 15.1-1372.2
§ 15.2-4603	§ 15.1-1372.3
§ 15.2-4604	§ 15.1-1372.4
§ 15.2-4605	§ 15.1-1372.5
§ 15.2-4606	§ 15.1-1372.6
§ 15.2-4607	§ 15.1-1372.7
§ 15.2-4608	§ 15.1-1372.7:1
§ 15.2-4609	§ 15.1-1372.8
§ 15.2-4610	§ 15.1-1372.9
§ 15.2-4611	§ 15.1-1372.10
§ 15.2-4612	§ 15.1-1372.11
§ 15.2-4613	§ 15.1-1372.12
§ 15.2-4614	§ 15.1-1372.13
§ 15.2-4615	§ 15.1-1372.14
§ 15.2-4616	§ 15.1-1372.15
§ 15.2-4617	§ 15.1-1372.16
§ 15.2-4618	§ 15.1-1372.17

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 47**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-4700	§§ 15.1-1372.21 and 15.1-1372.23
§ 15.2-4701	§ 15.1-1372.22
§ 15.2-4702	§ 15.1-1372.23
§ 15.2-4703	§ 15.1-1372.24
§ 15.2-4704	§ 15.1-1372.25
§ 15.2-4705	§ 15.1-1372.26
§ 15.2-4706	§ 15.1-1372.27
§ 15.2-4707	§ 15.1-1372.28
§ 15.2-4708	§ 15.1-1372.29
§ 15.2-4709	§ 15.1-1372.30
§ 15.2-4710	§ 15.1-1372.31
§ 15.2-4711	§ 15.1-1372.32
§ 15.2-4712	§ 15.1-1372.33
§ 15.2-4713	§ 15.1-1372.34
§ 15.2-4714	§ 15.1-1372.35
§ 15.2-4715	§ 15.1-1372.36
§ 15.2-4716	§ 15.1-1372.37

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 48**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-4800	§§ 15.1-791.1 and 15.1-791.3
§ 15.2-4801	§ 15.1-791.2
§ 15.2-4802	§ 15.1-791.3
§ 15.2-4803	§ 15.1-791.4
§ 15.2-4804	§ 15.1-791.5
§ 15.2-4805	§ 15.1-791.6
§ 15.2-4806	§ 15.1-791.7
§ 15.2-4807	§ 15.1-791.8
§ 15.2-4808	§ 15.1-791.9
§ 15.2-4809	§ 15.1-791.10
§ 15.2-4810	§ 15.1-791.11
§ 15.2-4811	§ 15.1-791.12
§ 15.2-4812	§ 15.1-791.13
§ 15.2-4813	§ 15.1-791.14
§ 15.2-4814	§ 15.1-791.15
§ 15.2-4815	§ 15.1-791.16

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 49**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-4900	§ 15.1-1373
§ 15.2-4901	§§ 15.1-1375 and 15.1-1392
§ 15.2-4902	§ 15.1-1374
§ 15.2-4903	§ 15.1-1376
§ 15.2-4904	§ 15.1-1377
§ 15.2-4905	§ 15.1-1378
§ 15.2-4906	§ 15.1-1378.1
§ 15.2-4907	§ 15.1-1378.2
§ 15.2-4908	§ 15.1-1379
§ 15.2-4909	§ 15.1-1380
§ 15.2-4910	§ 15.1-1381
§ 15.2-4911	§ 15.1-1382
§ 15.2-4912	§ 15.1-1383
§ 15.2-4913	§ 15.1-1384
§ 15.2-4914	§ 15.1-1385
§ 15.2-4915	§ 15.1-1386
§ 15.2-4916	§ 15.1-1387
§ 15.2-4917	§ 15.1-1388
§ 15.2-4918	§ 15.1-1389
§ 15.2-4919	§ 15.1-1390
§ 15.2-4920	§ 15.1-1391

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 50**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-5000	§ 15.1-1399.10
§ 15.2-5001	§ 15.1-1399.11
§ 15.2-5002	§ 15.1-1399.14
§ 15.2-5003	§ 15.1-1399.15
§ 15.2-5004	§ 15.1-1399.16
§ 15.2-5005	§ 15.1-1399.17

**REPEALED**

- § 15.1-1399.12
- § 15.1-1399.13

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 51**

NEW SECTION	OLD SECTION
§ 15.2-5100	§ 15.1-1239
§ 15.2-5101	§ 15.1-1240
§ 15.2-5102	§ 15.1-1241
§ 15.2-5103	§ 15.1-1242
§ 15.2-5104	§ 15.1-1243
§ 15.2-5105	§ 15.1-1244
§ 15.2-5106	§ 15.1-1244.1
§ 15.2-5107	§ 15.1-1245
§ 15.2-5108	§ 15.1-1246
§ 15.2-5109	§ 15.1-1269.1
§ 15.2-5110	§ 15.1-1250
§ 15.2-5111	§ 15.1-1247
§ 15.2-5112	§ 15.1-1248
§ 15.2-5113	§ 15.1-1249
§ 15.2-5114	§ 15.1-1250
§ 15.2-5115	§ 15.1-1250
§ 15.2-5116	§ 15.1-1250
§ 15.2-5117	§ 15.1-1250
§ 15.2-5118	§ 15.1-1250
§ 15.2-5119	§ 15.1-1250.2
§ 15.2-5120	§ 15.1-1250.02
§ 15.2-5121	§ 15.1-1250.01
§ 15.2-5122	§ 15.1-1250.1
§ 15.2-5123	§ 15.1-1239.1
§ 15.2-5124	§ 15.1-1250
§ 15.2-5125	§ 15.1-1252
§ 15.2-5126	New
§ 15.2-5127	§ 15.1-1253
§ 15.2-5128	§ 15.1-1254
§ 15.2-5129	§ 15.1-1255
§ 15.2-5130	§ 15.1-1256
§ 15.2-5131	§ 15.1-1257

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 51 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-5132	§ 15.1-1258
§ 15.2-5133	§ 15.1-1259
§ 15.2-5134	New
§ 15.2-5135	New
§ 15.2-5136	§ 15.1-1260
§ 15.2-5137	§ 15.1-1261
§ 15.2-5138	§ 15.1-1262
§ 15.2-5139	§ 15.1-1263
§ 15.2-5140	§ 15.1-1264
§ 15.2-5141	§ 15.1-1265
§ 15.2-5142	§ 15.1-1266
§ 15.2-5143	New
§ 15.2-5144	§ 15.1-1267
§ 15.2-5145	§ 15.1-1269.2
§ 15.2-5146	§ 15.1-1250
§ 15.2-5147	§ 15.1-1269
§ 15.2-5148	§ 15.1-1250
§ 15.2-5149	§ 15.1-1250
§ 15.2-5150	§ 15.1-1251
§ 15.2-5151	§ 15.1-1250
§ 15.2-5152	§ 15.1-1241
§ 15.2-5153	§ 15.1-1241
§ 15.2-5154	§ 15.1-1241
§ 15.2-5155	§ 15.1-1241
§ 15.2-5156	§ 15.1-1241
§ 15.2-5157	§ 15.1-1241
§ 15.2-5158	§ 15.1-1250.03

**REPEALED**

§ 15.1-1270  
§ 15.1-1268



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 52**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-5200	§ 15.1-1514
§ 15.2-5201	§ 15.1-1515
§ 15.2-5202	§ 15.1-1516
§ 15.2-5203	§ 15.1-1517
§ 15.2-5204	§ 15.1-1518
§ 15.2-5205	§ 15.1-1519
§ 15.2-5206	§ 15.1-1520
§ 15.2-5207	§ 15.1-1521
§ 15.2-5208	§ 15.1-1522
§ 15.2-5209	§ 15.1-1523
§ 15.2-5210	§ 15.1-1524
§ 15.2-5211	§ 15.1-1525
§ 15.2-5212	§ 15.1-1526
§ 15.2-5213	§ 15.1-1527
§ 15.2-5214	§ 15.1-1528
§ 15.2-5215	§ 15.1-1529
§ 15.2-5216	§ 15.1-1530
§ 15.2-5217	§ 15.1-1531
§ 15.2-5218	§ 15.1-1532

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 53**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-5300	§ 15.1-1533
§ 15.2-5301	§ 15.1-1534
§ 15.2-5302	§ 15.1-1535
§ 15.2-5303	§ 15.1-1536
§ 15.2-5304	§ 15.1-1537
§ 15.2-5305	§ 15.1-1538
§ 15.2-5306	§ 15.1-1539
§ 15.2-5307	§ 15.1-1540
§ 15.2-5308	§ 15.1-1541
§ 15.2-5309	§ 15.1-1542
§ 15.2-5310	§ 15.1-1543
§ 15.2-5311	§ 15.1-1544
§ 15.2-5312	§ 15.1-1545
§ 15.2-5313	§ 15.1-1546
§ 15.2-5314	§ 15.1-1547
§ 15.2-5315	§ 15.1-1548
§ 15.2-5316	§ 15.1-1549
§ 15.2-5317	§ 15.1-1550
§ 15.2-5318	§ 15.1-1551
§ 15.2-5319	§ 15.1-1552
§ 15.2-5320	§ 15.1-1553
§ 15.2-5321	§ 15.1-1554
§ 15.2-5322	§ 15.1-1555
§ 15.2-5323	§ 15.1-1556
§ 15.2-5324	§§ 15.1-1557 and 15.1-1558
§ 15.2-5325	§ 15.1-1559
§ 15.2-5326	§ 15.1-1560
§ 15.2-5327	§ 15.1-1561
§ 15.2-5328	§ 15.1-1562
§ 15.2-5329	§ 15.1-1563
§ 15.2-5330	§ 15.1-1564

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 53 cont.**

NEW SECTION	OLD SECTION
§ 15.2-5331	§ 15.1-1565
§ 15.2-5332	§ 15.1-1566
§ 15.2-5333	§ 15.1-1567
§ 15.2-5334	§ 15.1-1568
§ 15.2-5335	§ 15.1-1569
§ 15.2-5336	§ 15.1-1570
§ 15.2-5337	§§ 15.1-1571 and 15.1-1572
§ 15.2-5338	§ 15.1-1573
§ 15.2-5339	§ 15.1-1574
§ 15.2-5340	§ 15.1-1575
§ 15.2-5341	§ 15.1-1576
§ 15.2-5342	§ 15.1-1577
§ 15.2-5343	§ 15.1-1578
§ 15.2-5344	§ 15.1-1579
§ 15.2-5345	§ 15.1-1580
§ 15.2-5346	§ 15.1-1581
§ 15.2-5347	§ 15.1-1582
§ 15.2-5348	§ 15.1-1583
§ 15.2-5349	§ 15.1-1584
§ 15.2-5350	§ 15.1-1585
§ 15.2-5351	§ 15.1-1586
§ 15.2-5352	§ 15.1-1587
§ 15.2-5353	§ 15.1-1588
§ 15.2-5354	§ 15.1-1589
§ 15.2-5355	§ 15.1-1590
§ 15.2-5356	§ 15.1-1591
§ 15.2-5357	§ 15.1-1592
§ 15.2-5358	§ 15.1-1593
§ 15.2-5359	§ 15.1-1594
§ 15.2-5360	§ 15.1-1595
§ 15.2-5361	§ 15.1-1596

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 53 cont.**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-5362	§ 15.1-1597
§ 15.2-5363	§ 15.1-1598
§ 15.2-5364	§ 15.1-1599
§ 15.2-5365	§ 15.1-1600
§ 15.2-5366	§ 15.1-1601
§ 15.2-5367	§ 15.1-1602

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 54**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-5400	§ 15.1-1603
§ 15.2-5401	§ 15.1-1604
§ 15.2-5402	§ 15.1-1605
§ 15.2-5403	§ 15.1-1606
§ 15.2-5404	§ 15.1-1607
§ 15.2-5405	§ 15.1-1608
§ 15.2-5406	§ 15.1-1609
§ 15.2-5407	§ 15.1-1610
§ 15.2-5408	§ 15.1-1611
§ 15.2-5409	§ 15.1-1612
§ 15.2-5410	§ 15.1-1613
§ 15.2-5411	§ 15.1-1614
§ 15.2-5412	§ 15.1-1615
§ 15.2-5413	§ 15.1-1616
§ 15.2-5414	§ 15.1-1617
§ 15.2-5415	§ 15.1-1618
§ 15.2-5416	§ 15.1-1619
§ 15.2-5417	§ 15.1-1620
§ 15.2-5418	§ 15.1-1621
§ 15.2-5419	§ 15.1-1622
§ 15.2-5420	§ 15.1-1623
§ 15.2-5421	§ 15.1-1624
§ 15.2-5422	§ 15.1-1625
§ 15.2-5423	§ 15.1-1626
§ 15.2-5424	§ 15.1-1627
§ 15.2-5425	§ 15.1-1628
§ 15.2-5426	§ 15.1-1629
§ 15.2-5427	§ 15.1-1630
§ 15.2-5428	§ 15.1-1631
§ 15.2-5429	§ 15.1-1632
§ 15.2-5430	§ 15.1-1633
§ 15.2-5431	§ 15.1-1634

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 54 cont.**

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<b>NEW SECTION</b>	<b>OLD SECTION</b>
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**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 55**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-5500	§ 15.1-1399.19
§ 15.2-5501	§ 15.1-1399.18
§ 15.2-5502	§ 15.1-1399.20
§ 15.2-5503	§ 15.1-1399.22
§ 15.2-5504	§ 15.1-1399.21
§ 15.2-5505	§ 15.1-1399.19
§ 15.2-5506	§ 15.1-1399.23
§ 15.2-5507	§ 15.1-1399.24
§ 15.2-5508	§ 15.1-1399.25

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 56**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-5600	§ 15.1-1271
§ 15.2-5601	§ 15.1-1272
§ 15.2-5602	§ 15.1-1273
§ 15.2-5603	§ 15.1-1274
§ 15.2-5604	§ 15.1-1275
§ 15.2-5605	§ 15.1-1276
§ 15.2-5606	§ 15.1-1277
§ 15.2-5607	§ 15.1-1278
§ 15.2-5608	§ 15.1-1279
§ 15.2-5609	§ 15.1-1280
§ 15.2-5610	§ 15.1-1281
§ 15.2-5611	§ 15.1-1282
§ 15.2-5612	§ 15.1-1283
§ 15.2-5613	§ 15.1-1284
§ 15.2-5614	§ 15.1-1285
§ 15.2-5615	§ 15.1-1286
§ 15.2-5616	§ 15.1-1286.1

**REPEALED**

None



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 57**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-5700	§ 15.1-1228
§ 15.2-5701	§ 15.1-1229
§ 15.2-5702	§ 15.1-1230
§ 15.2-5703	§ 15.1-1231
§ 15.2-5704	§ 15.1-1232
§ 15.2-5705	§ 15.1-1232.1
§ 15.2-5706	§ 15.1-1232.2
§ 15.2-5707	§ 15.1-1232.3
§ 15.2-5708	§ 15.1-1233
§ 15.2-5709	§ 15.1-1234
§ 15.2-5710	§ 15.1-1235
§ 15.2-5711	§ 15.1-1236
§ 15.2-5712	§ 15.1-1237
§ 15.2-5713	§ 15.1-1238
§ 15.2-5714	§ 15.1-1238.1

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 58**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-5800	§ 15.1-227.70
§ 15.2-5801	§ 15.1-227.71
§ 15.2-5802	§ 15.1-227.72
§ 15.2-5803	§ 15.1-227.73
§ 15.2-5804	§ 15.1-227.74
§ 15.2-5805	§ 15.1-227.75
§ 15.2-5806	§ 15.1-227.76
§ 15.2-5807	§ 15.1-227.77
§ 15.2-5808	§ 15.1-227.78
§ 15.2-5809	§ 15.1-227.79
§ 15.2-5810	§ 15.1-227.80
§ 15.2-5811	§ 15.1-227.81
§ 15.2-5812	§ 15.1-227.82
§ 15.2-5813	§ 15.1-227.83
§ 15.2-5814	§ 15.1-227.84
§ 15.2-5815	§ 15.1-227.85
§ 15.2-5816	§ 15.1-227.86
§ 15.2-5817	§ 15.1-227.87
§ 15.2-5818	§ 15.1-227.88
§ 15.2-5819	§ 15.1-227.89

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 59**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-5900	§ 15.1-1688
§ 15.2-5901	§ 15.1-1689
§ 15.2-5902	§ 15.1-1690
§ 15.2-5903	§ 15.1-1691
§ 15.2-5904	§ 15.1-1692
§ 15.2-5905	§ 15.1-1693
§ 15.2-5906	§ 15.1-1694
§ 15.2-5907	§ 15.1-1695
§ 15.2-5908	§ 15.1-1696
§ 15.2-5909	§ 15.1-1697
§ 15.2-5910	§ 15.1-1698
§ 15.2-5911	§ 15.1-1699
§ 15.2-5912	§ 15.1-1700
§ 15.2-5913	§ 15.1-1701
§ 15.2-5914	§ 15.1-1702
§ 15.2-5915	§ 15.1-1703
§ 15.2-5916	§ 15.1-1704
§ 15.2-5917	§ 15.1-1705

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 60**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-6000	§ 15.1-1635
§ 15.2-6001	§ 15.1-1636
§ 15.2-6002	§ 15.1-1637
§ 15.2-6003	§ 15.1-1638
§ 15.2-6004	§ 15.1-1639
§ 15.2-6005	§ 15.1-1640
§ 15.2-6006	§ 15.1-1641
§ 15.2-6007	§ 15.1-1642
§ 15.2-6008	§ 15.1-1643
§ 15.2-6009	§ 15.1-1644
§ 15.2-6010	§ 15.1-1645
§ 15.2-6011	§ 15.1-1646
§ 15.2-6012	§ 15.1-1647
§ 15.2-6013	§ 15.1-1648
§ 15.2-6014	§ 15.1-1649
§ 15.2-6015	§ 15.1-1650

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 61**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-6100	§ 15.1-1651
§ 15.2-6101	§ 15.1-1652
§ 15.2-6102	§ 15.1-1653
§ 15.2-6103	§ 15.1-1654
§ 15.2-6104	§ 15.1-1655
§ 15.2-6105	§ 15.1-1656
§ 15.2-6106	§ 15.1-1657
§ 15.2-6107	§ 15.1-1658
§ 15.2-6108	§ 15.1-1659
§ 15.2-6109	§ 15.1-1660
§ 15.2-6110	§ 15.1-1661

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 62**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-6200	§ 15.1-1662
§ 15.2-6201	§ 15.1-1662.1
§ 15.2-6202	§ 15.1-1663
§ 15.2-6203	§ 15.1-1664
§ 15.2-6204	§ 15.1-1665
§ 15.2-6205	§ 15.1-1666
§ 15.2-6206	§ 15.1-1667
§ 15.2-6207	§ 15.1-1668
§ 15.2-6208	§ 15.1-1669
§ 15.2-6209	§ 15.1-1670
§ 15.2-6210	§ 15.1-1671
§ 15.2-6211	§ 15.1-1672
§ 15.2-6212	§ 15.1-1673
§ 15.2-6213	§ 15.1-1674
§ 15.2-6214	§ 15.1-1675

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PROPOSED CHAPTER 63**

<b>NEW SECTION</b>	<b>OLD SECTION</b>
§ 15.2-6300	§ 15.1-1320
§ 15.2-6301	§ 15.1-1321
§ 15.2-6302	§ 15.1-1322
§ 15.2-6303	§ 15.1-1323
§ 15.2-6304	§ 15.1-1324
§ 15.2-6305	§ 15.1-1325
§ 15.2-6306	§ 15.1-1326
§ 15.2-6307	§ 15.1-1327
§ 15.2-6308	§ 15.1-1329
§ 15.2-6309	§ 15.1-1330
§ 15.2-6310	§ 15.1-1331
§ 15.2-6311	§ 15.1-1332
§ 15.2-6312	§ 15.1-1333
§ 15.2-6313	§ 15.1-1334
§ 15.2-6314	§ 15.1-1335
§ 15.2-6315	§ 15.1-1336
§ 15.2-6316	§ 15.1-1337
§ 15.2-6317	§ 15.1-1338
§ 15.2-6318	§ 15.1-1339
§ 15.2-6319	§ 15.1-1339.1
§ 15.2-6320	§ 15.1-1340
§ 15.2-6321	§ 15.1-1341

**REPEALED**

None

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 1**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1	§ 15.2-100
§ 15.1-2	Repealed; Ch. 1; see enactment 7
§ 15.1-3	Repealed; Ch. 1; see enactment 8
§ 15.1-4	Repealed; Ch. 1; see enactment 9
§ 15.1-5	Repealed; Ch. 1; see enactment 2
§ 15.1-5.1	Repealed; Ch. 1; see enactment 6
§ 15.1-5.2	Repealed; Ch. 1; see enactment 6
§ 15.1-5.3	Repealed; Ch. 1
§ 15.1-5.4	Repealed; Ch. 1
§ 15.1-6	§ 15.2-101
§ 15.1-7	§ 15.2-1401
§ 15.1-7.01	§ 15.2-1405
§ 15.1-7.1	§ 15.2-1506
§ 15.1-7.2	§ 15.2-1507
§ 15.1-7.3	§ 15.2-1517
§ 15.1-7.3:1	§ 15.2-1518
§ 15.1-7.4	§ 15.2-1508
§ 15.1-7.5	§ 15.2-1509
§ 15.1-8	§ 15.2-1412
§ 15.1-8.1	§ 15.2-1627
§ 15.1-9	§ 15.2-1632
§ 15.1-9.1	§ 15.2-633
§ 15.1-9.1:01	§ 15.2-1542
§ 15.1-9.1:1	§ 15.2-1542
§ 15.1-9.1:3	§ 15.2-1542
§ 15.1-10	§ 15.2-940
§ 15.1-10.1	§ 15.2-1204
§ 15.1-11	§ 15.2-901
§ 15.1-11.01	§ 15.2-1215
§ 15.1-11.02	§ 15.2-929



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 1 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-11.03	§ 15.2-905
§ 15.1-11.04	§ 15.2-936
§ 15.1-11.1	§ 15.2-904
§ 15.1-11.2	§ 15.2-906
§ 15.1-11.2:1	§ 15.2-907
§ 15.1-11.2:2	§ 15.2-908
§ 15.1-11.3	§ 15.2-909
§ 15.1-11.5	§ 15.2-937
§ 15.1-11.5:01	§ 15.2-938
§ 15.1-11.5:1	§ 15.2-935
§ 15.1-11.5:2	§ 15.2-939
§ 15.1-11.5:3	§ 15.2-928
§ 15.1-11.6	§ 15.1-910
§ 15.1-11.7	§ 15.2-962
§ 15.1-12.1	§ 15.2-1226
§ 15.1-13	§ 15.2-1307
§ 15.1-13.1	§ 15.2-1413
§ 15.1-13.2	Repealed; Ch. 25
§ 15.1-14	§§ 15.2-968, 15.2-2013 and 15.2-2029
§ 15.1-14.1	§ 15.2-960
§ 15.1-14.2	§ 15.2-961
§ 15.1-15	Repealed; Ch. 9
§ 15.1-16	§ 15.2-2026
§ 15.1-16.1	§ 15.2-2022
§ 15.1-16.2	Repealed; Ch. 18
§ 15.1-17	§ 15.2-1414
§ 15.1-18	§ 15.2-1802
§ 15.1-18.1	§ 15.2-944
§ 15.1-18.1:1	§ 15.2-943
§ 15.1-18.2	§§ 15.2-2400, 15.2-2401, 15.2-2402 and 15.2-2403
§ 15.1-18.3	§§ 15.2-2400 and 15.2-2403
§ 15.1-18.4	§ 15.2-941
§ 15.1-19	§ 15.2-1656
§ 15.1-19.1	§ 15.2-1214

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 1 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-19.2	§ 15.2-1520
§ 15.1-19.2:1	§ 15.2-1521
§ 15.1-19.3	§ 15.2-1605
§ 15.1-19.4	§ 15.2-1502
§ 15.1-19.5	§ 15.2-1502
§ 15.1-20	§ 15.2-1308
§ 15.1-20.1	§ 15.2-1309
§ 15.1-20.2	§ 15.2-1310
§ 15.1-20.3	§ 15.2-1513
§ 15.1-20.4	§ 15.2-1515
§ 15.1-20.5	§ 15.2-1514
§ 15.1-20.6	§ 15.2-1516
§ 15.1-21	§ 15.2-1305
§ 15.1-21.1	§ 15.2-1307
§ 15.1-21.2	§ 15.2-1306
§ 15.1-23	§ 15.2-966
§ 15.1-23.1	§ 15.2-967
§ 15.1-23.2	§ 15.2-963
§ 15.1-23.3	Repealed; Ch. 9
§ 15.1-24	§ 15.2-953
§ 15.1-24.1	§ 15.2-954
§ 15.1-25	§ 15.2-953
§ 15.1-26	§ 15.2-953
§ 15.1-26.01	§ 15.2-955
§ 15.1-26.1	Repealed; Ch. 12
§ 15.1-26.2	§ 15.2-2023
§ 15.1-27	Repealed; Ch. 9
§ 15.1-27.1	§ 15.2-974
§ 15.1-27.2	§ 15.2-820
§ 15.1-28	§ 15.2-903
§ 15.1-28.01	§ 15.2-931
§ 15.1-28.02	§ 15.2-932
§ 15.1-28.03	§ 15.2-933
§ 15.1-28.04	§ 15.2-934
§ 15.1-28.1	§ 15.2-930
§ 15.1-28.2	§ 15.2-911

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 1 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-28.3	§ 15.2-912
§ 15.1-28.4	§ 15.2-902
§ 15.1-28.5	Repealed; Ch. 9
§ 15.1-28.5:1	Repealed; Ch. 9
§ 15.1-28.6	§ 15.2-942
§ 15.1-28.7	§ 15.2-946
§ 15.1-29	§ 15.2-921
§ 15.1-29.1:1	§ 3.1-796.94
§ 15.1-29.2	§ 15.2-2279
§ 15.1-29.3	§ 15.2-970
§ 15.1-29.4	§ 15.2-105
§ 15.1-29.5	Repealed; Ch. 1
§ 15.1-29.6	§ 15.2-957
§ 15.1-29.7	§ 15.2-956
§ 15.1-29.8	§ 15.2-920
§ 15.1-29.9	§ 15.2-922
§ 15.1-29.10	§ 15.2-1216
§ 15.1-29.11	§ 15.2-2024
§ 15.1-29.12	§ 15.2-919
§ 15.1-29.13	§ 15.2-918
§ 15.1-29.14	§ 15.2-106
§ 15.1-29.15	§ 15.2-915
§ 15.1-29.16	§ 15.2-2025
§ 15.1-29.17	§ 15.2-951
§ 15.1-29.18	§§ 2.1-111.1 and 15.2-1504
§ 15.1-29.20	§ 15.2-917
§ 15.1-29.21	§ 15.2-900
§ 15.1-29.22	§ 15.2-1408
§ 15.1-29.23	§ 15.2-1505
§ 15.1-29.24	§ 15.2-1127
§ 15.1-29.25	§ 15.2-1128
§ 15.1-31	§ 15.2-971
§ 15.1-32	§ 15.2-952
§ 15.1-33	Repealed; Ch. 1
§ 15.1-33.1	§ 15.2-2205
§ 15.1-33.2	§ 15.2-1411

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 1 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-33.3	§ 15.2-1804
§ 15.1-33.4	§ 15.2-926
§ 15.1-34	§ 15.2-102
§ 15.1-35	Repealed; Ch. 1
§ 15.1-36	Repealed; Ch. 1
§ 15.1-36.2	§ 15.2-964
§ 15.1-37	§ 15.2-2134
§ 15.1-37.1	§ 15.2-2142
§ 15.1-37.1:1	§ 15.2-2135
§ 15.1-37.1:2	§ 15.2-2136
§ 15.1-37.1:3	§ 15.2-2137
§ 15.1-37.1:4	§ 15.2-2138
§ 15.1-37.1:5	§ 15.2-2139
§ 15.1-37.1:6	§ 15.2-2140
§ 15.1-37.1:7	§ 15.2-2141
§ 15.1-37.2	§ 15.2-1129
§ 15.1-37.2:1	§ 15.2-923
§ 15.1-37.3	§ 15.2-1433
§ 15.1-37.3:1	§ 15.2-913
§ 15.1-37.3:2	§ 15.2-913
§ 15.1-37.3:3	§ 15.2-949
§ 15.1-37.3:4	§ 15.2-924
§ 15.1-37.3:5	§ 15.2-948
§ 15.1-37.3:6	§ 15.2-104
§ 15.1-37.3:8	§ 15.2-965
§ 15.1-37.3:9	§§ 15.2-958 and 15.2-959
§ 15.1-37.3:10	Repealed; Ch. 11
§ 15.1-37.3:12	§ 15.2-914
§ 15.1-37.3:13	§ 15.2-103
§ 15.1-37.3:14	§ 15.2-1419

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 1.1**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-37.4	§ 15.2-1400

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 2**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-38	§ 15.2-1522
§ 15.1-39	§ 15.2-1523
§ 15.1-40	§ 15.2-1524
§ 15.1-40.1	§ 15.2-1600
§ 15.1-40.2	§ 15.2-1602
§ 15.1-40.3	Repealed; Ch. 14
§ 15.1-41	§ 15.2-1527
§ 15.1-41.1	Repealed; Ch. 15
§ 15.1-42	§ 15.2-1528
§ 15.1-42.1	Repealed; Ch. 15
§ 15.1-43	Repealed; Ch. 15
§ 15.1-43.1	§ 15.2-1529
§ 15.1-44	§ 15.2-1530
§ 15.1-44.1	§ 15.2-1531
§ 15.1-44.2	Repealed; Ch. 15
§ 15.1-45	Repealed; Ch. 15
§ 15.1-46	§ 15.2-1532
§ 15.1-47	§ 15.2-1533
§ 15.1-48	§ 15.2-1603
§ 15.1-48.1	§ 15.2-1604
§ 15.1-49	§ 15.2-1635
§ 15.1-50.01	Repealed; Ch. 16
§ 15.1-50.1	§ 15.2-1628
§ 15.1-50.2	§ 15.2-1633
§ 15.1-50.3	§ 15.2-1629
§ 15.1-50.4	§ 15.2-1534
§ 15.1-50.5	§ 15.2-1535
§ 15.1-51	§ 15.2-1525
§ 15.1-52	§ 15.2-1526

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 2 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-66.3	§ 15.2-1607
§ 15.1-66.4	§ 15.2-1606
§ 15.1-73.4	§ 15.2-852
§ 15.1-74	§ 15.2-1616
§ 15.1-75	§ 15.2-1617
§ 15.1-75.1	§ 15.2-1618
§ 15.1-76	Repealed; Ch. 16
§ 15.1-77	Repealed; Ch. 16
§ 15.1-78	§ 15.2-1619
§ 15.1-79	Repealed; Ch. 16
§ 15.1-80	Repealed; Ch. 16
§ 15.1-81	Repealed; Ch. 16
§ 15.1-82	Repealed; Ch. 16
§ 15.1-83	§ 15.2-1620
§ 15.1-83.1	§ 15.2-1615
§ 15.1-84	§ 15.2-1621
§ 15.1-84.1	§ 15.2-1614
§ 15.1-85	§ 15.2-1622
§ 15.1-86	§ 15.2-1623
§ 15.1-87	§ 15.2-1624
§ 15.1-88	§ 15.2-1625
§ 15.1-89.1	Repealed; Ch. 11
§ 15.1-90	Repealed; Ch. 12
§ 15.1-90.2	§ 15.2-1611
§ 15.1-90.3	§ 15.2-1610
§ 15.1-90.4	§ 15.2-1612
§ 15.1-103	§ 15.2-1543
§ 15.1-104	Repealed; Ch. 12
§ 15.1-105	§ 15.2-1543
§ 15.1-106	§ 15.2-1234
§ 15.1-107	§ 15.2-1235
§ 15.1-108	§ 15.2-1236
§ 15.1-109	§ 15.2-1237
§ 15.1-110	§ 15.2-1238
§ 15.1-112	§ 15.2-1240
§ 15.1-113	§ 15.2-1233

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 2 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-115	Repealed; Ch. 15
§ 15.1-116	Repealed; Ch. 15
§ 15.1-117	Repealed; Ch. 15
§ 15.1-118	Repealed; Ch. 15
§ 15.1-119	Repealed; Ch. 15
§ 15.1-120	Repealed; Ch. 15
§ 15.1-121	§ 15.2-1203
§ 15.1-122	Repealed; Ch. 15
§ 15.1-124	Repealed; Ch. 15
§ 15.1-125	Repealed; Ch. 12
§ 15.1-126	Repealed; Ch. 12
§ 15.1-127	§ 15.2-1231
§ 15.1-128	§ 15.2-1231
§ 15.1-129	§ 15.2-1231
§ 15.1-130	Repealed; Ch. 12



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 3**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-131	§§ 15.2-1724 and 15.2-1727
§ 15.1-131.1	Repealed; Ch. 17
§ 15.1-131.2	Repealed; Ch. 17
§ 15.1-131.3	§ 15.2-1726
§ 15.1-131.4	§ 15.2-1729
§ 15.1-131.5	§ 15.2-1730
§ 15.1-131.6	§ 15.2-1711
§ 15.1-131.6:1	§ 15.2-1702
§ 15.1-131.6:2	§ 15.2-1703
§ 15.1-131.7	§ 15.2-1701
§ 15.1-131.8	§ 15.2-1705
§ 15.1-131.8:1	§ 15.2-1706
§ 15.1-131.8:2	§ 15.2-1707
§ 15.1-131.8:3	§ 15.2-1708
§ 15.1-131.8:4	§ 15.2-1709
§ 15.1-131.9	§ 15.2-1718
§ 15.1-131.10	§ 15.2-1728
§ 15.1-131.11	Repealed; Ch. 17
§ 15.1-131.12	§ 15.2-1715
§ 15.1-132	Repealed; Ch. 17
§ 15.1-132.1	§ 15.2-1716
§ 15.1-132.2	§ 15.2-1130
§ 15.1-133	§ 15.2-1720
§ 15.1-133.01	§ 15.2-1719
§ 15.1-133.01:1	§ 15.2-1721
§ 15.1-133.1	§ 15.2-1712
§ 15.1-134	§ 15.2-1511
§ 15.1-135	Repealed; Ch. 17
§ 15.1-135.1	§ 15.2-1722

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 3 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-137	§ 15.2-1700
§ 15.1-137.1	Repealed; Ch. 17
§ 15.1-137.2	§ 15.2-1713
§ 15.1-137.3	§ 15.2-1613
§ 15.1-138	§§ 15.2-1704 and 15.2-1710
§ 15.1-138.1	Repealed; Ch. 17
§ 15.1-139	§ 15.2-1717
§ 15.1-140	Repealed; Ch. 17
§ 15.1-140.1	§ 15.2-1714
§ 15.1-142	§ 15.2-1725
§ 15.1-142.1	Repealed; Ch. 17
§ 15.1-142.2	§ 15.2-1723
§ 15.1-143	Repealed; Ch. 17
§ 15.1-143.1	Repealed; Ch. 17
§ 15.1-144	§ 15.2-1737
§ 15.1-145	§ 15.2-1738
§ 15.1-146	§ 15.2-1739
§ 15.1-147	§ 15.2-1740
§ 15.1-149	§ 15.2-1741
§ 15.1-150	§ 15.2-1742
§ 15.1-151	§ 15.2-1743
§ 15.1-152	§ 15.2-1744
§ 15.1-153	§ 15.2-1745
§ 15.1-154	§ 15.2-1746
§ 15.1-155	Repealed; Ch. 17
§ 15.1-159.2	§ 15.2-1731
§ 15.1-159.3	§ 15.2-1732
§ 15.1-159.4	§ 15.2-1733
§ 15.1-159.5	§ 15.2-1734
§ 15.1-159.6	§ 15.2-1735
§ 15.1-159.7	§ 15.2-1736
§ 15.1-159.7:1	§ 15.2-1747
§ 15.1-159.7:2	§ 15.2-1748
§ 15.1-159.7:3	§ 15.2-1749
§ 15.1-159.7:4	§ 15.2-1750
§ 15.1-159.7:5	§ 15.2-1751

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 3 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-159.7:6	§ 15.2-1752
§ 15.1-159.7:7	§ 15.2-1753

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 4**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-159.8	§ 15.2-2500
§ 15.1-159.9	§ 15.2-2502
§ 15.1-160	§ 15.2-2503
§ 15.1-161	§ 15.2-2504
§ 15.1-161.1	§ 15.2-2505
§ 15.1-162	§ 15.2-2506
§ 15.1-162.1	§ 15.2-2507
§ 15.1-163	§ 15.2-2508
§ 15.1-163.1	Repealed; Ch. 25
§ 15.1-164	§ 15.2-2509
§ 15.1-165	Repealed; Ch. 25
§ 15.1-166	§ 15.2-2510
§ 15.1-167	§ 15.2-2511
§ 15.1-168	§ 15.2-2512
§ 15.1-169	§ 15.2-2512

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 5.1**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-227.1	§ 15.2-2600
§ 15.1-227.2	§ 15.2-2601
§ 15.1-227.3	§ 15.2-2602
§ 15.1-227.6	§ 15.2-2603
§ 15.1-227.7	§§ 15.2-2604 and 15.2-2605
§ 15.1-227.8	§ 15.2-2606
§ 15.1-227.9	§ 15.2-2607
§ 15.1-227.10	§ 15.2-2608
§ 15.1-227.11	§ 15.2-2609
§ 15.1-227.12	§ 15.2-2610
§ 15.1-227.13	§ 15.2-2611
§ 15.1-227.14	§ 15.2-2612
§ 15.1-227.15	§ 15.2-2613
§ 15.1-227.16	§ 15.2-2614
§ 15.1-227.17	§ 15.2-2615
§ 15.1-227.18	§ 15.2-2616
§ 15.1-227.19	§ 15.2-2617
§ 15.1-227.20	§ 15.2-2618
§ 15.1-227.21	§ 15.2-2619
§ 15.1-227.22	§ 15.2-2620
§ 15.1-227.23	§ 15.2-2621
§ 15.1-227.24	§ 15.2-2622
§ 15.1-227.24:1	§ 15.2-2623
§ 15.1-227.25	§ 15.2-2624
§ 15.1-227.26	§ 15.2-2625
§ 15.1-227.27	§ 15.2-2626
§ 15.1-227.28	§ 15.2-2627
§ 15.1-227.29	§ 15.2-2628
§ 15.1-227.30	§ 15.2-2629
§ 15.1-227.31	§ 15.2-2630

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 5.1 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-227.32	§ 15.2-2631
§ 15.1-227.33	§ 15.2-2632
§ 15.1-227.34	§ 15.2-2633
§ 15.1-227.35	§ 15.2-2634
§ 15.1-227.36	§ 15.2-2635
§ 15.1-227.37	§ 15.2-2636
§ 15.1-227.38	§ 15.2-2637
§ 15.1-227.39	§ 15.2-2638
§ 15.1-227.40	§ 15.2-2639
§ 15.1-227.41	§ 15.2-2640
§ 15.1-227.42	§ 15.2-2641
§ 15.1-227.43	§ 15.2-2642
§ 15.1-227.44	§ 15.2-2643
§ 15.1-227.45	§ 15.2-2644
§ 15.1-227.47	§ 15.2-2645
§ 15.1-227.48	§ 15.2-2646
§ 15.1-227.49	§ 15.2-2647
§ 15.1-227.50	§ 15.2-2648
§ 15.1-227.51	§ 15.2-2649
§ 15.1-227.52	§ 15.2-2650
§ 15.1-227.53	§ 15.2-2651
§ 15.1-227.54	§ 15.2-2652
§ 15.1-227.55	§ 15.2-2653
§ 15.1-227.56	§ 15.2-2654
§ 15.1-227.57	§ 15.2-2655
§ 15.1-227.58	§ 15.2-2656
§ 15.1-227.59	§ 15.2-2657
§ 15.1-227.60	§ 15.2-2658
§ 15.1-227.61	§ 15.2-2659
§ 15.1-227.62	§ 15.2-2660
§ 15.1-227.63	§ 15.2-2661

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PRESENT CHAPTER 5.1 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-227.64	§ 15.2-2662
§ 15.1-227.64:1	§ 15.2-2663
§ 15.1-227.65	§ 15.2-2664

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PRESENT CHAPTER 5.3**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-227.70	§ 15.2-5800
§ 15.1-227.71	§ 15.2-5801
§ 15.1-227.72	§ 15.2-5802
§ 15.1-227.73	§ 15.2-5803
§ 15.1-227.74	§ 15.2-5804
§ 15.1-227.75	§ 15.2-5805
§ 15.1-227.76	§ 15.2-5806
§ 15.1-227.77	§ 15.2-5807
§ 15.1-227.78	§ 15.2-5808
§ 15.1-227.79	§ 15.2-5809
§ 15.1-227.80	§ 15.2-5810
§ 15.1-227.81	§ 15.2-5811
§ 15.1-227.82	§ 15.2-5812
§ 15.1-227.83	§ 15.2-5813
§ 15.1-227.84	§ 15.2-5814
§ 15.1-227.85	§ 15.2-5815
§ 15.1-227.86	§ 15.2-5816
§ 15.1-227.87	§ 15.2-5817
§ 15.1-227.88	§ 15.2-5818
§ 15.1-227.89	§ 15.2-5819



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PRESENT CHAPTER 7**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-236	Repealed; Ch. 19
§ 15.1-237	Repealed; Ch. 19
§ 15.1-238	§ 15.2-1905
§ 15.1-238.1	Repealed; Ch. 19
§ 15.1-239	§ 15.2-2404
§ 15.1-240	§ 15.2-2405
§ 15.1-241	§ 15.2-2406
§ 15.1-242	§ 15.2-2407
§ 15.1-243	§ 15.2-2408
§ 15.1-244	§ 15.2-2409
§ 15.1-245	§ 15.2-2410
§ 15.1-246	§ 15.2-2411
§ 15.1-247	§ 15.2-2412
§ 15.1-248	Repealed; Ch. 24
§ 15.1-249	Repealed; Ch. 24
§ 15.1-249.1	§ 15.2-2413
§ 15.1-250	Repealed; Ch. 24
§ 15.1-251	Repealed; Ch. 24
§ 15.1-252	Repealed; Ch. 24
§ 15.1-253	Repealed; Ch. 24
§ 15.1-254	Repealed; Ch. 24
§ 15.1-255	Repealed; Ch. 24
§ 15.1-256	Repealed; Ch. 24

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PRESENT CHAPTER 8**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-257	§ 15.2-1638
§ 15.1-258	§ 15.2-1639
§ 15.1-259	§ 15.2-1640
§ 15.1-260	§ 15.2-1641
§ 15.1-261	§ 15.2-1810
§ 15.1-261.1	Repealed; Ch. 18
§ 15.1-262	§ 5.2-1800
§ 15.1-263	§ 15.2-1642
§ 15.1-266	Repealed; Ch. 18
§ 15.1-267	§ 15.2-1643
§ 15.1-268	§ 15.2-972
§ 15.1-269	Repealed; Ch. 18
§ 15.1-270	§ 15.2-1812
§ 15.1-271	Repealed; Ch. 18
§ 15.1-272	Repealed; Ch. 18
§ 15.1-273	Repealed; Ch. 18
§ 15.1-274	§ 15.2-1807
§ 15.1-274.1	Repealed; Ch. 18
§ 15.1-275	Repealed; Ch. 18
§ 15.1-276	§ 15.2-1900
§ 15.1-277	§ 15.2-1801
§ 15.1-278	§ 15.2-1811
§ 15.1-279	Repealed; Ch. 18
§ 15.1-280	Repealed; Ch. 18
§ 15.1-281	§ 15.2-945
§ 15.1-282	Repealed; Ch. 18
§ 15.1-283	Repealed; Ch. 18
§ 15.1-284	Repealed; Ch. 18
§ 15.1-285	Repealed; Ch. 18
§ 15.1-286	§ 15.2-1803

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PRESENT CHAPTER 8 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-288	Repealed; Ch. 18
§ 15.1-289	§ 15.2-1805
§ 15.1-290	Repealed; Ch. 18
§ 15.1-291	§ 15.2-1809

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PRESENT CHAPTER 8.1 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-291.1	§ 15.2-2800
§ 15.1-291.2	§ 15.2-2801
§ 15.1-291.3	§ 15.2-2802
§ 15.1-291.4	§ 15.2-2803
§ 15.1-291.5	§ 15.2-2804
§ 15.1-291.6	§ 15.2-2805
§ 15.1-291.7	§ 15.2-2806
§ 15.1-291.8	§ 15.2-2807
§ 15.1-291.9	§ 15.2-2808
§ 15.1-291.10	§ 15.2-2809
§ 15.1-291.11	§ 15.2-2810

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PRESENT CHAPTER 9**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-292	§ 15.2-2109
§ 15.1-292.1	§ 15.2-2110
§ 15.1-292.1:1	§ 15.2-2110
§ 15.1-292.2	§ 15.2-2111
§ 15.1-292.3	§ 15.2-2113
§ 15.1-292.4	§ 15.2-2114
§ 15.1-293	§ 15.2-2115
§ 15.1-293.1	§ 15.2-2116
§ 15.1-294	§ 15.2-2117
§ 15.1-295	§ 15.2-2118
§ 15.1-296	§ 15.2-2120
§ 15.1-297	§ 15.2-2117
§ 15.1-298	§ 15.2-2117
§ 15.1-299	§ 15.2-2121
§ 15.1-300	Repealed; Ch. 21
§ 15.1-301	Repealed; Ch. 21
§ 15.1-302	Repealed; Ch. 21
§ 15.1-303	Repealed; Ch. 21
§ 15.1-304	Repealed; Ch. 21
§ 15.1-305	Repealed; Ch. 21
§ 15.1-306	Repealed; Ch. 21
§ 15.1-306.1	§ 15.2-2112
§ 15.1-307	§ 15.2-2100
§ 15.1-308	§ 15.2-2101
§ 15.1-309	§ 15.2-2102
§ 15.1-310	§ 15.2-2103
§ 15.1-311	§ 15.2-2104
§ 15.1-312	§ 15.2-2105
§ 15.1-313	Repealed; Ch. 21
§ 15.1-314	§ 15.2-2106
§ 15.1-315	§ 15.2-2107
§ 15.1-316	§ 15.2-2108

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PRESENT CHAPTER 9 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-317	Repealed; Ch. 21
§ 15.1-317.1	§ 15.2-2123
§ 15.1-318	§ 15.2-2124
§ 15.1-319	§ 15.2-2125
§ 15.1-320	§ 15.2-2122
§ 15.1-320.1	Repealed; Ch. 19; Ch. 21
§ 15.1-321	§ 15.2-2119
§ 15.1-322	Repealed; Ch. 21
§ 15.1-322.1	Repealed; Ch. 21
§ 15.1-323	Repealed; Ch. 21
§ 15.1-324	Repealed; Ch. 21
§ 15.1-325	Repealed; Ch. 21
§ 15.1-326	§ 15.2-2126
§ 15.1-327	§ 15.2-2127
§ 15.1-327.1	§ 15.2-2128
§ 15.1-328	§ 15.2-2129
§ 15.1-329	§ 15.2-2130
§ 15.1-330	§ 15.2-2131
§ 15.1-331	§ 15.2-2132
§ 15.1-332	§ 15.2-2133
§ 15.1-332.1	Repealed; Ch. 21
§ 15.1-333	Repealed; Ch. 21
§ 15.1-334	§ 15.2-2145
§ 15.1-335	§ 15.2-2146
§ 15.1-337	§ 15.2-2147
§ 15.1-338	§ 15.2-2148
§ 15.1-339	Repealed; Ch. 21
§ 15.1-340	§ 15.2-1906
§ 15.1-341	§ 15.2-2149
§ 15.1-342	§ 15.2-2150
§ 15.1-343	§ 15.2-2151
§ 15.1-344	§ 15.2-2152
§ 15.1-345	§ 15.2-2153
§ 15.1-346	§ 15.2-2154
§ 15.1-347	§ 15.2-2155
§ 15.1-348	§ 15.2-2156

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PRESENT CHAPTER 9 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-349	Repealed; Ch. 21
§ 15.1-350	Repealed; Ch. 21
§ 15.1-351	Repealed; Ch. 21
§ 15.1-352	Repealed; Ch. 21
§ 15.1-353	Repealed; Ch. 21
§ 15.1-354	Repealed; Ch. 21
§ 15.1-355	Repealed; Ch. 21
§ 15.1-356	Repealed; Ch. 21
§ 15.1-357	Repealed; Ch. 21
§ 15.1-358	Repealed; Ch. 21
§ 15.1-359	Repealed; Ch. 21
§ 15.1-360	Repealed; Ch. 21
§ 15.1-360.1	§ 15.2-2158
§ 15.1-361	Repealed; Ch. 21
§ 15.1-362	Repealed; Ch. 21
§ 15.1-362.1	§ 15.2-2159

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PRESENT CHAPTER 10**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-363	Repealed; Ch. 20
§ 15.1-364	§ 15.2-2006
§ 15.1-364.1	§ 15.2-2007
§ 15.1-365	§ 15.2-2278
§ 15.1-366	§ 15.2-2008
§ 15.1-368	Repealed; Ch. 20
§ 15.1-369	Repealed; Ch. 20
§ 15.1-370	Repealed; Ch. 20
§ 15.1-371	Repealed; Ch. 20
§ 15.1-372	§ 15.2-2002
§ 15.1-373	§ 15.2-2003
§ 15.1-374	§ 15.2-2006
§ 15.1-375	§ 15.2-2017
§ 15.1-376	§ 15.2-2010
§ 15.1-376.1	§ 15.2-2030
§ 15.1-377	§ 15.2-2011
§ 15.1-377.1	§ 15.2-2012
§ 15.1-378	Repealed; Ch. 20
§ 15.1-379	§ 15.2-2019
§ 15.1-380	§ 15.2-2020
§ 15.1-381	§ 15.2-2021



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PRESENT CHAPTER 10**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-427	§ 15.2-2200
§ 15.1-427.1	§ 15.2-2210
§ 15.1-428	§ 15.2-2211
§ 15.1-428.1	§ 15.2-2202
§ 15.1-429	§ 15.2-2203
§ 15.1-430	§ 15.2-2201
§ 15.1-431	§ 15.2-2204
§ 15.1-431.1	§ 15.2-2206
§ 15.1-437	§ 15.2-2212
§ 15.1-438	§ 15.2-2213
§ 15.1-439	§ 15.2-2215
§ 15.1-440	§ 15.2-2215
§ 15.1-441	§ 15.2-2216
§ 15.1-442	§ 15.2-2217
§ 15.1-443	§§ 15.2-2218 and 15.2-2219
§ 15.1-444	§ 15.2-2221
§ 15.1-445	§ 15.2-2232
§ 15.1-446.1	§ 15.2-2223
§ 15.1-447	§ 15.2-2224
§ 15.1-448	§ 15.2-2225
§ 15.1-449	§ 15.2-2225
§ 15.1-450	§ 15.2-2226
§ 15.1-451	§ 15.2-2227
§ 15.1-452	§ 15.2-2228
§ 15.1-453	§ 15.2-2229
§ 15.1-454	§ 15.2-2230
§ 15.1-455	§ 15.2-2231
§ 15.1-456	§ 15.2-2232
§ 15.1-458	§ 15.2-2233
§ 15.1-459	§ 15.2-2234
§ 15.1-460	§ 15.2-2235
§ 15.1-461	§ 15.2-2236

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PRESENT CHAPTER 11 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-462	§ 15.2-2237
§ 15.1-463	§ 15.2-2238
§ 15.1-464	§ 15.2-2239
§ 15.1-465	§ 15.2-2240
§ 15.1-465.1	§ 15.2-2277
§ 15.1-466	§§ 15.2-2241, 15.2-2242, 15.2-2243, 15.2-2244, 15.2-2245 and 15.2-2246
§ 15.1-466.01	§ 15.2-2249
§ 15.1-466.1	§ 15.2-2247
§ 15.1-467	§ 15.2-2248
§ 15.1-468	§ 15.2-2249
§ 15.1-469	§ 15.2-2250
§ 15.1-470	§ 15.2-2251
§ 15.1-471	§ 15.2-2252
§ 15.1-472	§ 15.2-2253
§ 15.1-473	§ 15.2-2254
§ 15.1-474	§ 15.2-2255
§ 15.1-474.1	§ 15.2-2256
§ 15.1-474.2	§ 15.2-2257
§ 15.1-475	§§ 15.2-2258, 15.2-2259, 15.2-2260, 15.2-2261
§ 15.1-476	§ 15.2-2262
§ 15.1-477	§ 15.2-2264
§ 15.1-478	§ 15.2-2265
§ 15.1-478.1	§ 15.2-2266
§ 15.1-478.2	§ 15.2-2267
§ 15.1-479	§ 15.2-2268
§ 15.1-480	§ 15.2-2269
§ 15.1-480.1	§ 15.2-2270
§ 15.1-481	§ 15.2-2271
§ 15.1-482	§ 15.2-2272
§ 15.1-482.1	§ 15.2-2273
§ 15.1-483	§ 15.2-2274
§ 15.1-483.1	§ 15.2-2275
§ 15.1-484	Repealed; Ch. 22

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PRESENT CHAPTER 11 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-485	§ 15.2-2276
§ 15.1-486	§§ 15.2-2280 and 15.2-2281
§ 15.1-486.1	§ 15.2-2289
§ 15.1-486.3	§ 15.2-2291
§ 15.1-486.4	§ 15.2-2290
§ 15.1-486.5	§ 15.2-2292
§ 15.1-488	§ 15.2-2282
§ 15.1-489	§ 15.2-2283
§ 15.1-490	§ 15.2-2284
§ 15.1-491	§§ 15.2-2286, 15.2-2287, 15.2-2288 and 15.2-2303
§ 15.1-491.01	§ 15.2-2293
§ 15.1-491.02	§ 15.2-2294
§ 15.1-491.03	§ 15.2-2295
§ 15.1-491.1	§ 15.2-2296
§ 15.1-491.2	§ 15.2-2297
§ 15.1-491.2:1	§ 15.2-2298
§ 15.1-491.3	§ 15.2-2299
§ 15.1-491.4	§ 15.2-2300
§ 15.1-491.5	§ 15.2-2301
§ 15.1-491.6	§ 15.2-2302
§ 15.1-491.8	§ 15.2-2304
§ 15.1-491.9	§ 15.2-2305
§ 15.1-492	§ 15.2-2307
§ 15.1-493	§ 15.2-2285
§ 15.1-494	§ 15.2-2308
§ 15.1-495	§ 15.2-2309
§ 15.1-496	§ 15.2-2310
§ 15.1-496.1	§ 15.2-2311
§ 15.1-496.2	§ 15.2-2312
§ 15.1-496.3	§ 15.2-2313
§ 15.1-497	§ 15.2-2314
§ 15.1-498	§ 15.2-2315
§ 15.1-498.1	§ 15.2-2317
§ 15.1-498.2	§§ 15.2-2318 and 15.2-2319
§ 15.1-498.3	§ 15.2-2320

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PRESENT CHAPTER 11 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-498.4	§ 15.2-2321
§ 15.1-498.5	§ 15.2-2322
§ 15.1-498.6	§ 15.2-2323
§ 15.1-498.7	§ 15.2-2324
§ 15.1-498.8	§ 15.2-2325
§ 15.1-498.9	§ 15.2-2326
§ 15.1-498.10	§ 15.2-2327
§ 15.1-499	§ 15.2-2208
§ 15.1-499.1	§ 15.2-2209
§ 15.1-499.2	§ 15.2-819
§ 15.1-500	Repealed; Ch. 22
§ 15.1-501	Repealed; Ch. 22
§ 15.1-501.1	§ 15.2-2263
§ 15.1-502.1	§ 15.2-2220
§ 15.1-503	§ 15.2-2316
§ 15.1-503.2	§ 15.2-2306
§ 15.1-503.4	§ 15.2-2207

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PRESENT CHAPTER 11.1**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-503.4:1	§ 15.2-2700
§ 15.1-503.4:2	§ 15.2-2701
§ 15.1-503.4:2.1	§ 15.2-2702
§ 15.1-503.4:3	§ 15.2-2703
§ 15.1-503.4:4	§ 15.2-2704
§ 15.1-503.4:5	§ 15.2-2705
§ 15.1-503.4:6	§ 15.2-2706
§ 15.1-503.4:7	§ 15.2-2707
§ 15.1-503.4:8	§ 15.2-2708
§ 15.1-503.4:9	§ 15.2-2709

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PRESENT CHAPTER 12**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-503.4:10	Repealed; Ch. 12
§ 15.1-504	§§ 15.2-1426 and 15.2-1427
§ 15.1-505	§ 15.2-1429
§ 15.1-506	Repealed; Ch. 14
§ 15.1-506.2	§ 15.2-1519
§ 15.1-507	Repealed; Ch. 12
§ 15.1-508	Repealed; Ch. 14
§ 15.1-508.1	§ 15.2-1232
§ 15.1-510	§ 15.2-1200
§ 15.1-510.1	§ 15.2-1217
§ 15.1-510.4	§ 15.2-1217
§ 15.1-510.5:1	§ 15.2-2027
§ 15.1-510.6	§ 15.2-1217
§ 15.1-510.8	Repealed; Ch. 12
§ 15.1-511	§ 15.2-973
§ 15.1-511.1	§ 15.2-1205
§ 15.1-512	§ 15.2-1218
§ 15.1-512.1	§ 15.2-2018
§ 15.1-513	§ 15.2-1219
§ 15.1-514	§ 15.2-926
§ 15.1-514.1	§ 15.2-925
§ 15.1-514.2	§ 15.2-1220
§ 15.1-515	§ 15.2-1221
§ 15.1-515.2	§ 15.2-1222
§ 15.1-516	§ 15.2-969
§ 15.1-517	§ 3.1-796.94:1
§ 15.1-517.1	§ 3.1-796.94:2
§ 15.1-518	§ 15.2-1209
§ 15.1-518.1	§ 15.2-1210
§ 15.1-518.2	§ 15.2-916

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PRESENT CHAPTER 12 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
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§ 15.1-522	§ 15.2-1201
§ 15.1-523	§ 15.2-1206
§ 15.1-524	§ 15.2-1207
§ 15.1-525	§ 15.2-1208
§ 15.1-526	Repealed; Ch. 18
§ 15.1-526.1	§ 15.2-1224
§ 15.1-526.2	§ 15.2-947
§ 15.1-526.3	§ 15.2-1225
§ 15.1-526.4	Repealed; Ch. 12
§ 15.1-527	Repealed; Ch. 12
§ 15.1-527.1	§ 15.2-1212
§ 15.1-527.3	§ 15.2-1213
§ 15.1-528	Repealed; Ch. 14
§ 15.1-529	§ 15.2-1410
§ 15.1-530	§ 15.2-1241
§ 15.1-531	Repealed; Ch. 15
§ 15.1-532	§ 15.2-1539
§ 15.1-533	§ 15.2-1538
§ 15.1-535	§ 15.2-1421
§ 15.1-536	§ 15.2-1416
§ 15.1-537	§ 15.2-1417
§ 15.1-538	§ 15.2-1418
§ 15.1-539	Repealed; Ch. 14
§ 15.1-540	§ 15.2-1420
§ 15.1-541	Repealed; Ch. 25
§ 15.1-542	§ 15.2-1415
§ 15.1-543	§ 15.2-1242
§ 15.1-544	§ 15.2-1202
§ 15.1-547	§ 15.2-1243
§ 15.1-548	§ 15.2-1229
§ 15.1-549	§ 15.2-1244
§ 15.1-550	§ 15.2-1245
§ 15.1-551	§ 15.2-1245
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PRESENT CHAPTER 12 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
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§ 15.1-555	§ 15.2-1249
§ 15.1-556	§ 15.2-1230
§ 15.1-557	Repealed; Ch. 14
§ 15.1-558	Repealed; Ch. 14
§ 15.1-559	§ 15.2-1644
§ 15.1-560	§ 15.2-1645
§ 15.1-561	§ 15.2-1646
§ 15.1-562	§ 15.2-1647
§ 15.1-563	§ 15.2-1648
§ 15.1-564	§ 15.2-1649
§ 15.1-565	§ 15.2-1650
§ 15.1-566	§ 15.2-1651
§ 15.1-567	§ 15.2-1652
§ 15.1-568	§ 15.2-1653
§ 15.1-569	§ 15.2-1654
§ 15.1-570	§ 15.2-1655
§ 15.1-571	Repealed; Ch. 12
§ 15.1-571.1	§ 15.2-1211



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 13**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-582	Repealed; Ch. 5, Ch. 6
§ 15.1-583	Repealed; Ch. 5, Ch. 6
§ 15.1-584	Repealed; Ch. 5, Ch. 6
§ 15.1-585	Repealed; Ch. 5, Ch. 6
§ 15.1-586	Repealed; Ch. 5, Ch. 6
§ 15.1-587	Repealed; Ch. 5, Ch. 6
§ 15.1-588	§ 15.2-500
§ 15.1-589	§ 15.2-502
§ 15.1-589.1	Repealed; Ch. 5
§ 15.1-589.2	Repealed; Ch. 5
§ 15.1-589.3	§ 15.2-503
§ 15.1-590	§ 15.2-504
§ 15.1-590.1	§ 15.2-505
§ 15.1-592	§ 15.2-506
§ 15.1-593	§ 15.2-507
§ 15.1-594	§ 15.2-508
§ 15.1-595	§ 15.2-519
§ 15.1-596	§ 15.2-510
§ 15.1-597	§ 15.2-511
§ 15.1-598	§ 15.2-512
§ 15.1-599	§ 15.2-513
§ 15.1-600	§ 15.2-514
§ 15.1-600.1	§ 15.2-515
§ 15.1-601	Repealed; Ch. 5
§ 15.1-602	§ 15.2-516
§ 15.1-603	§ 15.2-517
§ 15.1-604	§ 15.2-518
§ 15.1-605	§§ 15.2-519 through 15.2-525
§ 15.1-606	§ 15.2-526
§ 15.1-607	§ 15.2-527
§ 15.1-608	§§ 15.2-528, 15.2-529 and 15.2-530

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 13 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-609	§ 15.2-531
§ 15.1-609.1	§ 15.2-532
§ 15.1-610	Repealed; Ch. 5
§ 15.1-611	§ 15.2-534
§ 15.1-612	§ 15.2-535
§ 15.1-613.1	Repealed; Ch. 5
§ 15.1-614	§ 15.2-536
§ 15.1-615	§ 15.2-538
§ 15.1-616	§ 15.2-514
§ 15.1-617	§ 15.2-539
§ 15.1-619	§ 15.2-540
§ 15.1-620	Repealed; Ch. 5
§ 15.1-621	§ 15.2-541
§ 15.1-622	§ 15.2-600
§ 15.1-623	§ 15.2-602
§ 15.1-623.1	§ 15.2-603
§ 15.1-624	Repealed; Ch. 6
§ 15.1-625	§ 15.2-604
§ 15.1-626	§ 15.2-605
§ 15.1-627	§ 15.2-606
§ 15.1-628	§ 15.2-607
§ 15.1-629	§ 15.2-608
§ 15.1-630	Repealed; Ch. 6
§ 15.1-631	§ 15.2-609
§ 15.1-632	§ 15.2-610
§ 15.1-633	§ 15.2-611
§ 15.1-634	§ 15.2-612
§ 15.1-635	§ 15.2-613
§ 15.1-636	Repealed; Ch. 6
§ 15.1-637	§ 15.2-614
§ 15.1-638	§ 15.2-615
§ 15.1-639	§ 15.2-616
§ 15.1-640	§§ 15.2-617 through 15.2-624
§ 15.1-641	§ 15.2-625
§ 15.1-642	§ 15.2-626
§ 15.1-643	Repealed; Ch. 6

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 13 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-644	§ 15.2-627
§ 15.1-644.1	§ 15.2-628
§ 15.1-645	Repealed; Ch. 6
§ 15.1-646	§ 15.2-629
§ 15.1-647	§ 15.2-630
§ 15.1-648	§ 15.2-631
§ 15.1-649	§ 15.2-632
§ 15.1-650	§ 15.2-634
§ 15.1-652	§ 15.2-635
§ 15.1-653	§ 15.2-636
§ 15.1-654	§ 15.2-637
§ 15.1-655	§ 15.2-638
§ 15.1-657	§ 15.2-639
§ 15.1-658	§ 15.2-640
§ 15.1-659	Repealed; Ch. 6
§ 15.1-660	§ 15.2-641
§ 15.1-661	Repealed; Ch. 6
§ 15.1-662	§§ 15.2-537 and 15.2-642
§ 15.1-663	Repealed; Ch. 6
§ 15.1-664	Repealed; Ch. 6
§ 15.1-665	Repealed; Ch. 6
§ 15.1-666	Repealed; Ch. 6
§ 15.1-667	Repealed; Ch. 6
§ 15.1-668	Repealed; Ch. 6

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 14**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-669	Repealed; Ch. 7
§ 15.1-674	§ 15.2-702
§ 15.1-675	§ 15.2-703
§ 15.1-675.1	§ 15.2-704
§ 15.1-676	§ 15.2-705
§ 15.1-677	§ 15.2-706
§ 15.1-678	§ 15.2-707
§ 15.1-679	§ 15.2-708
§ 15.1-681	§ 15.2-709
§ 15.1-682	§ 15.2-710
§ 15.1-683	§ 15.2-711
§ 15.1-684	§ 15.2-712
§ 15.1-684.1	§ 15.2-713
§ 15.1-684.2	§ 15.2-714
§ 15.1-685	§ 15.2-715
§ 15.1-686	§ 15.2-716
§ 15.1-686.01	§ 15.2-717
§ 15.1-686.5	§ 15.2-718
§ 15.1-686.6	§ 15.2-719
§ 15.1-686.7	§ 15.2-720
§ 15.1-687	§ 15.2-721
§ 15.1-687.01	§ 15.2-722
§ 15.1-687.1	§ 15.2-723
§ 15.1-687.2	§ 15.2-724
§ 15.1-687.3	§ 15.2-725
§ 15.1-687.4	§ 15.2-726
§ 15.1-687.5	§ 15.2-727
§ 15.1-687.6	§ 15.2-728
§ 15.1-687.7	§ 15.2-729
§ 15.1-687.8	§ 15.2-730
§ 15.1-687.9	§ 15.2-731
§ 15.1-687.10	§ 15.2-732

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 14 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-687.11	§ 15.2-733
§ 15.1-687.12	§ 15.2-734
§ 15.1-687.13	§ 15.2-735
§ 15.1-687.14	§ 15.2-736
§ 15.1-687.15	§ 15.2-737
§ 15.1-687.16	§ 15.2-738
§ 15.1-687.17	§ 15.2-739
§ 15.1-687.18	§ 15.2-740
§ 15.1-687.19	§ 15.2-741
§ 15.1-687.20	§ 15.2-725
§ 15.1-687.21	§ 15.2-743
§ 15.1-687.22	§ 15.2-744
§ 15.1-687.23	§ 15.2-742
§ 15.1-687.24	§ 15.2-725
§ 15.1-688	§ 15.2-745
§ 15.1-689	§ 15.2-746
§ 15.1-690	§ 15.2-747
§ 15.1-691	Repealed; Ch. 7
§ 15.1-692	§ 15.2-748
§ 15.1-693	Repealed; Ch. 7
§ 15.1-694	Repealed; Ch. 7
§ 15.1-695	§ 15.2-749
§ 15.1-697	§ 15.2-401
§ 15.1-698	Repealed; Ch. 4
§ 15.1-699	§ 15.2-400
§ 15.1-700	§ 15.2-402
§ 15.1-701	§ 15.2-403
§ 15.1-702	§ 15.2-404
§ 15.1-703	§ 15.2-405
§ 15.1-704	§ 15.2-406
§ 15.1-705	§ 15.2-407
§ 15.1-706	§ 15.2-408
§ 15.1-707	§ 15.2-409
§ 15.1-708	§ 15.2-410
§ 15.1-709	§ 15.2-411
§ 15.1-710	§ 15.2-412

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 14 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-711.1	§ 15.2-413
§ 15.1-712	§ 15.2-414
§ 15.1-714	§ 15.2-415
§ 15.1-715	§ 15.2-416
§ 15.1-716	§ 15.2-417
§ 15.1-718	Repealed; Ch. 4
§ 15.1-720	§ 15.2-418
§ 15.1-721	Repealed; Ch. 4

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 15**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-722	Repealed; Ch. 8
§ 15.1-723	Repealed; Ch. 8
§ 15.1-724	Repealed; Ch. 8
§ 15.1-725	Repealed; Ch. 8
§ 15.1-726	Repealed; Ch. 8
§ 15.1-727	Repealed; Ch. 8
§ 15.1-728	§ 15.2-800
§ 15.1-729	§ 15.2-802
§ 15.1-730	§ 15.2-803
§ 15.1-730.1	§ 15.2-815
§ 15.1-730.2	§ 15.2-816
§ 15.1-731	§ 15.2-804
§ 15.1-732	§ 15.2-805
§ 15.1-733	§ 15.2-806
§ 15.1-734	§ 15.2-807
§ 15.1-735	§ 15.2-818
§ 15.1-736	§ 15.2-819
§ 15.1-736.1	§ 15.2-810
§ 15.1-737	Repealed; Ch. 8
§ 15.1-738	§ 15.2-811
§ 15.1-739	§ 15.2-812
§ 15.1-740	Repealed; Ch. 8
§ 15.1-754	Repealed; Ch. 8
§ 15.1-755	§ 15.2-813
§ 15.1-756	Repealed; Ch. 8
§ 15.1-757	Repealed; Ch. 8
§ 15.1-758	Repealed; Ch. 8
§ 15.1-759	Repealed; Ch. 8
§ 15.1-760	Repealed; Ch. 8
§ 15.1-760.1	Repealed; Ch. 8
§ 15.1-761	Repealed; Ch. 8
§ 15.1-762	§ 15.2-814

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 15 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-763	§ 15.2-821
§ 15.1-764	§ 15.2-822
§ 15.1-765	§ 15.2-823
§ 15.1-765.1	§ 15.2-824
§ 15.1-765.2	§ 15.2-825
§ 15.1-766	§§ 15.2-826 through 15.2-833
§ 15.1-767	§ 15.2-834
§ 15.1-768	§ 15.2-835
§ 15.1-769	§ 15.2-836
§ 15.1-770	§ 15.2-837
§ 15.1-771	§ 15.2-838
§ 15.1-772	§ 15.2-839
§ 15.1-773	§ 15.2-840
§ 15.1-774	§ 15.2-841
§ 15.1-775	§ 15.2-842
§ 15.1-776	§ 15.2-843
§ 15.1-777	§ 15.2-844
§ 15.1-778	§ 15.2-845
§ 15.1-778.1	§ 15.2-846
§ 15.1-779	§ 15.2-847
§ 15.1-781	§ 15.2-848
§ 15.1-782	§ 15.2-849
§ 15.1-783	§ 15.2-850
§ 15.1-783.01	§ 15.2-851
§ 15.1-783.1	§ 15.2-853
§ 15.1-783.2	§ 15.2-854
§ 15.1-784	Repealed; Ch. 8
§ 15.1-785	§ 15.2-817
§ 15.1-786	§ 15.2-818
§ 15.1-787	§ 15.2-855
§ 15.1-788	§ 15.2-856
§ 15.1-788.1	§ 15.2-857
§ 15.1-791	§ 15.2-858
§ 15.1-791.1	§ 15.2-4800
§ 15.1-791.2	§ 15.2-4801
§ 15.1-791.3	§§ 15.2-4800 and 15.2-4802



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 15 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-791.4	§ 15.2-4803
§ 15.1-791.5	§ 15.2-4804
§ 15.1-791.6	§ 15.2-4805
§ 15.1-791.7	§ 15.2-4806
§ 15.1-791.8	§ 15.2-4807
§ 15.1-791.9	§ 15.2-4808
§ 15.1-791.10	§ 15.2-4809
§ 15.1-791.11	§ 15.2-4810
§ 15.1-791.12	§ 15.2-4811
§ 15.1-791.13	§ 15.2-4812
§ 15.1-791.14	§ 15.2-4813
§ 15.1-791.15	§ 15.2-4814
§ 15.1-791.16	§ 15.2-4815

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 16**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-792	Repealed; Ch. 14
§ 15.1-793	Repealed; Ch. 14
§ 15.1-794	Repealed; Ch. 15
§ 15.1-795	Repealed; Ch. 15
§ 15.1-796	Repealed; Ch. 16
§ 15.1-796.1	Repealed; Ch. 16
§ 15.1-797	Repealed; Ch. 15
§ 15.1-798	Repealed; Ch. 15
§ 15.1-799	Repealed; Ch. 15
§ 15.1-800	Repealed; Ch. 15
§ 15.1-801	§ 15.2-1409
§ 15.1-802	Repealed; Ch. 25
§ 15.1-803	Repealed; Ch. 14
§ 15.1-805	Repealed; Ch. 14
§ 15.1-808	Repealed; Ch. 14
§ 15.1-809	Repealed; Ch. 14
§ 15.1-809.2	Repealed; Ch. 14
§ 15.1-810	Repealed; Ch. 14
§ 15.1-811	Repealed; Ch. 14
§ 15.1-812	Repealed; Ch. 14
§ 15.1-813.1	Repealed; Ch. 15
§ 15.1-814	Repealed; Ch. 14
§ 15.1-815	Repealed; Ch. 14
§ 15.1-816	Repealed; Ch. 14
§ 15.1-817	Repealed; Ch. 14
§ 15.1-818	Repealed; Ch. 14
§ 15.1-819	§ 15.2-1428
§ 15.1-820	Repealed; Ch. 16
§ 15.1-821	§ 15.2-1630
§ 15.1-821.1	§ 15.2-1631
§ 15.1-822	Repealed; Ch. 16
§ 15.1-823	Repealed; Ch. 16

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 16 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-824	Repealed; Ch. 16
§ 15.1-825	Repealed; Ch. 16
§ 15.1-826	Repealed; Ch. 14
§ 15.1-827	Repealed; Ch. 14
§ 15.1-827.1	§ 14.1-____
§ 15.1-828	Repealed; Ch. 15
§ 15.1-829	Repealed; Ch. 15
§ 15.1-830	Repealed; Ch. 14
§ 15.1-831	Repealed; Ch. 15
§ 15.1-832	Repealed; Ch. 14

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 17**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-833	§ 15.2-200
§ 15.1-834	§ 15.2-201
§ 15.1-835	§ 15.2-202
§ 15.1-836	§ 15.2-203
§ 15.1-836.1	§ 15.2-205
§ 15.1-836.1:1	§ 15.2-206
§ 15.1-836.2	§ 15.2-207
§ 15.1-836.3	§ 15.2-208

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 18**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-837	Repealed; Ch. 11
§ 15.1-838	§§ 15.2-1100 and 15.2-1101
§ 15.1-839	§ 15.2-1102
§ 15.1-840	§ 15.2-1103
§ 15.1-841	§ 15.2-1104
§ 15.1-842	§ 15.2-950
§ 15.1-843	§ 15.2-1105
§ 15.1-844	§ 15.2-1106
§ 15.1-845	§ 15.2-1107
§ 15.1-846	Repealed; Ch. 11, Ch. 18
§ 15.1-847	Repealed; Ch. 11, Ch. 18
§ 15.1-848	§ 15.2-1108
§ 15.1-849	§ 15.2-1510
§ 15.1-850	Repealed; Ch. 11, Ch. 24
§ 15.1-851	Repealed; Ch. 11, Ch. 19
§ 15.1-852	Repealed; Ch. 11
§ 15.1-853	§ 15.2-1109
§ 15.1-854	§ 15.2-2144
§ 15.1-855	Repealed; Ch. 21
§ 15.1-856	§ 15.2-2157
§ 15.1-857	§ 15.2-927
§ 15.1-857.1	Repealed; Ch. 11
§ 15.1-858	§ 15.2-1110
§ 15.1-859	Repealed; Ch. 11
§ 15.1-860	§ 15.2-1111
§ 15.1-861	Repealed; Ch. 11
§ 15.1-862	§ 15.2-1112
§ 15.1-865	§ 15.2-1113
§ 15.1-866	§ 15.2-1114
§ 15.1-867	§ 15.2-1115
§ 15.1-868	§ 15.2-1116
§ 15.1-869	§ 15.2-1117

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 18 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-870	§ 3.1-796.94:1
§ 15.1-871	Repealed; Ch. 11, Ch. 18
§ 15.1-872	§ 15.2-1118
§ 15.1-873	Repealed; Ch. 11
§ 15.1-874	Repealed; Ch. 11, Ch. 18
§ 15.1-875	§ 15.2-2143
§ 15.1-876	Repealed; Ch. 11, Ch. 21
§ 15.1-877	Repealed; Ch. 11, Ch. 21
§ 15.1-878	Repealed; Ch. 11, Ch. 21
§ 15.1-880	§ 15.2-972
§ 15.1-881	§ 15.2-1119
§ 15.1-882	§ 15.2-1120
§ 15.1-883	§ 15.2-1121
§ 15.1-884	§ 15.2-1122
§ 15.1-885	§ 15.2-1123
§ 15.1-886	§ 15.2-1808
§ 15.1-887	§ 15.2-1124
§ 15.1-888	Repealed; Ch. 11
§ 15.1-889	§ 15.2-2001
§ 15.1-889.1	§ 15.2-2014
§ 15.1-890	§ 15.2-2004
§ 15.1-891	§ 15.2-2028
§ 15.1-892	§ 15.2-2015
§ 15.1-893	§ 15.2-2009
§ 15.1-894	Repealed; Ch. 11, Ch. 21
§ 15.1-895	§ 15.2-2016
§ 15.1-896	§ 15.2-2000
§ 15.1-897	Repealed; Ch. 11
§ 15.1-898	Repealed; Ch. 11, Ch. 19
§ 15.1-899	Repealed; Ch. 11, Ch. 19
§ 15.1-900	Repealed; Ch. 11, Ch. 19
§ 15.1-901	§ 15.2-1429
§ 15.1-902	§ 15.2-1430
§ 15.1-903	§ 15.2-1431
§ 15.1-904	Repealed; Ch. 11, Ch. 14
§ 15.1-905	§ 15.2-1432

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 18 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-906	§ 15.2-1125
§ 15.1-907	§ 15.2-1126

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 19**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-916	Repealed
§ 15.1-917	Repealed
§ 15.1-918	Repealed
§ 15.1-919	Repealed
§ 15.1-920	Repealed
§ 15.1-921	Repealed
§ 15.1-922	Repealed
§ 15.1-923	Repealed
§ 15.1-924	Repealed
§ 15.1-925	Repealed
§ 15.1-926	Repealed
§ 15.1-927	Repealed
§ 15.1-928	Repealed
§ 15.1-929	Repealed
§ 15.1-930	Repealed
§ 15.1-931	Repealed
§ 15.1-932	Repealed
§ 15.1-933	Repealed
§ 15.1-935	Repealed
§ 15.1-936	Repealed
§ 15.1-937	Repealed
§ 15.1-938	Repealed
§ 15.1-939	Repealed
§ 15.1-940	Repealed
§ 15.1-941	Repealed
§ 15.1-942	Repealed
§ 15.1-943	Repealed
§ 15.1-944	Repealed
§ 15.1-945	Repealed



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 19.1**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-945.1	§ 15.2-2900
§ 15.1-945.2	§ 15.2-2901
§ 15.1-945.2:1	§ 15.2-2902
§ 15.1-945.3	§ 15.2-2903
§ 15.1-945.4	§ 15.2-2904
§ 15.1-945.5	§ 15.2-2905
§ 15.1-945.6	§ 15.2-2906
§ 15.1-945.7	§ 15.2-2907
§ 15.1-945.8	§ 15.2-2908

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 20**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-946	Repealed
§ 15.1-947	Repealed
§ 15.1-948	Repealed
§ 15.1-949	Repealed
§ 15.1-950	Repealed
§ 15.1-951	Repealed
§ 15.1-952	Repealed
§ 15.1-953	Repealed
§ 15.1-954	Repealed
§ 15.1-955	Repealed
§ 15.1-956	Repealed
§ 15.1-957	Repealed
§ 15.1-958	Repealed
§ 15.1-959	Repealed
§ 15.1-960	Repealed
§ 15.1-961	Repealed
§ 15.1-962	Repealed
§ 15.1-963	Repealed
§ 15.1-964	Repealed
§ 15.1-965	Repealed

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 20.1**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-965.1	§ 15.2-4000
§ 15.1-965.2	§ 15.2-4001
§ 15.1-965.3	§ 15.2-4002
§ 15.1-965.4	Repealed; Ch. 40
§ 15.1-965.5	Repealed; Ch. 40
§ 15.1-965.6	§ 15.2-4003
§ 15.1-965.7	Repealed; Ch. 40
§ 15.1-965.8	Repealed; Ch. 40

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 20.2**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-965.9	§ 15.2-4100
§ 15.1-965.10	§§ 15.2-4101 and 4102
§ 15.1-965.11	§ 15.2-4101
§ 15.1-965.12	§ 15.2-4103
§ 15.1-965.13	§ 15.2-4104
§ 15.1-965.14	Repealed; Ch. 41
§ 15.1-965.15	§ 15.2-4105
§ 15.1-965.16	§ 15.2-4106
§ 15.1-965.17	§ 15.2-4107
§ 15.1-965.18	§ 15.2-4108
§ 15.1-965.19	§ 15.2-4109
§ 15.1-965.20	§ 15.2-4110
§ 15.1-965.21	§ 15.2-4111
§ 15.1-965.22	§ 15.2-4112
§ 15.1-965.22:1	§ 15.2-4113
§ 15.1-965.23	§ 15.2-4114
§ 15.1-965.24	§ 15.2-4115
§ 15.1-965.24:1	§ 15.2-4116
§ 15.1-965.24:2	§ 15.2-4117
§ 15.1-965.25	§ 15.2-4118
§ 15.1-965.26	§ 15.2-4119
§ 15.1-965.27	§ 15.2-4120

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 20.3**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-965.28	§ 15.2-3700
§ 15.1-965.29	§ 15.2-3701
§ 15.1-965.30	§ 15.2-3702
§ 15.1-965.31	§ 15.2-3703
§ 15.1-965.32	§ 15.2-3704
§ 15.1-965.33	§ 15.2-3704
§ 15.1-965.34	§ 15.2-3705
§ 15.1-965.35	§ 15.2-3706
§ 15.1-965.36	§ 15.2-3707
§ 15.1-965.37	§ 15.2-3708
§ 15.1-965.38	§ 15.2-3709
§ 15.1-965.39	§ 15.2-3710
§ 15.1-965.40	§ 15.2-3711
§ 15.1-965.41	§ 15.2-3712

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 21**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-966	§ 15.2-3600
§ 15.1-966.1	§ 15.2-3601
§ 15.1-967	§ 15.2-3602
§ 15.1-967.2	§ 15.2-3603
§ 15.1-969	§ 15.2-3604
§ 15.1-971	§ 15.2-3605
§ 15.1-977	Repealed

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 21.1**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-977.1	§ 15.2-3900
§ 15.1-977.2	§ 15.2-3901
§ 15.1-977.2:1	§ 15.2-3902
§ 15.1-977.3	§ 15.2-3903
§ 15.1-977.4	Repealed; Ch. 39
§ 15.1-977.5	§ 15.2-3904
§ 15.1-977.6	§ 15.2-3905
§ 15.1-977.7	Repealed; Ch. 39
§ 15.1-977.8	§ 15.2-3906
§ 15.1-977.9	§ 15.2-3907
§ 15.1-977.10	§ 15.2-3908
§ 15.1-977.11	§ 15.2-3909
§ 15.1-977.12	§ 15.2-3910
§ 15.1-977.13	§ 15.2-3911
§ 15.1-977.13:1	§ 15.2-3912
§ 15.1-977.14	§ 15.2-3913
§ 15.1-977.15	§ 15.2-3914
§ 15.1-977.16	§ 15.2-3915
§ 15.1-977.17	§ 15.2-3916
§ 15.1-977.18	§ 15.2-3917
§ 15.1-977.18:1	§ 15.2-3918
§ 15.1-977.19	§ 15.2-3919

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 21.2**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-977.19:1	§ 15.2-3300
§ 15.1-977.20	§ 15.2-3301
§ 15.1-977.21	§ 15.2-3302
§ 15.1-977.22	§ 15.2-3303
§ 15.1-977.22:1	§ 15.2-3304
§ 15.1-977.22:2	§ 15.2-3305
§ 15.1-977.23	§ 15.2-3306
§ 15.1-977.24	§ 15.2-3307
§ 15.1-977.25	§ 15.2-3308



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 22**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-982.1	§ 15.2-3800
§ 15.1-982.2	§§ 15.2-3801 and 15.2-3802
§ 15.1-982.3	§ 15.2-3803
§ 15.1-982.4	§ 15.2-3804
§ 15.1-982.5	§ 15.2-3805
§ 15.1-982.6	Repealed; Ch. 38
§ 15.1-982.7	§ 15.2-3806
§ 15.1-982.8	§ 15.2-3807
§ 15.1-982.9	§ 15.2-3808
§ 15.1-982.10	§ 15.2-3809
§ 15.1-982.11	§ 15.2-3810
§ 15.1-982.12	§ 15.2-3811
§ 15.1-983	§ 15.2-3812
§ 15.1-984	§ 15.2-3813
§ 15.1-985	§ 15.2-3814
§ 15.1-986	§ 15.2-3815
§ 15.1-987	§ 15.2-3816
§ 15.1-988	§ 15.2-3817
§ 15.1-989	§ 15.2-3818
§ 15.1-990	§ 15.2-3819
§ 15.1-991	§ 15.2-3820
§ 15.1-992	§ 15.2-3821
§ 15.1-993	Repealed; Ch. 38
§ 15.1-994.1	§§ 15.2-1637 and 15.2-3822
§ 15.1-995	§ 15.2-3823
§ 15.1-995.1	Repealed; Ch. 35
§ 15.1-996	§ 15.2-3824
§ 15.1-997	§ 15.2-3825
§ 15.1-998	§ 15.2-3826
§ 15.1-999	Repealed; Ch. 35
§ 15.1-1000	§ 15.2-3827
§ 15.1-1001	Repealed; Ch. 35

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 22 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1002	§ 15.2-3828
§ 15.1-1003	§ 15.2-3829
§ 15.1-1004	§ 15.2-3829
§ 15.1-1005	§ 15.2-3830
§ 15.1-1006	§ 15.2-3831
§ 15.1-1007	§ 15.2-3832
§ 15.1-1009	§ 15.2-3833
§ 15.1-1010	§ 15.2-3834

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 23**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1011	Repealed
§ 15.1-1012	Repealed
§ 15.1-1013	Repealed
§ 15.1-1016	Repealed
§ 15.1-1017	Repealed
§ 15.1-1018	Repealed
§ 15.1-1019	Repealed
§ 15.1-1020	Repealed
§ 15.1-1021	Repealed
§ 15.1-1022	Repealed
§ 15.1-1023	Repealed
§ 15.1-1024	Repealed
§ 15.1-1025	Repealed

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 24**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1026	§ 15.2-3100
§ 15.1-1027	§ 15.2-3101
§ 15.1-1028	§ 15.2-3102
§ 15.1-1029	§ 15.2-3103
§ 15.1-1030	§ 15.2-3104
§ 15.1-1031	§ 15.2-3105
§ 15.1-1031.1	§ 15.2-3106
§ 15.1-1031.2	§ 15.2-3107
§ 15.1-1031.3	§ 15.2-3108
§ 15.1-1031.4	§ 15.2-3109
§ 15.1-1031.5	Repealed; Ch. 31

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 25**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1032	§ 15.2-3200
§ 15.1-1032.1	Repealed; Ch. 32
§ 15.1-1032.2	§ 15.2-3201
§ 15.1-1033	§ 15.2-3202
§ 15.1-1034	§ 15.2-3203
§ 15.1-1035	§ 15.2-3204
§ 15.1-1036	§ 15.2-3205
§ 15.1-1037	§ 15.2-3206
§ 15.1-1038	Repealed; Ch. 32
§ 15.1-1039	§ 15.2-3004
§ 15.1-1040	§ 15.2-3207
§ 15.1-1040.1	§ 15.2-3208
§ 15.1-1041	§ 15.2-3209
§ 15.1-1041.1	§ 15.2-3210
§ 15.1-1042	§ 15.2-3211
§ 15.1-1043	§ 15.2-3212
§ 15.1-1044	§ 15.2-3213
§ 15.1-1045	§ 15.2-3214
§ 15.1-1045.1	§ 15.2-3215
§ 15.1-1046	§ 15.2-3216
§ 15.1-1047	§ 15.2-3217
§ 15.1-1047.1	§ 15.2-3219
§ 15.1-1047.2	§ 15.2-3218
§ 15.1-1048	§ 15.2-3220
§ 15.1-1049	§ 15.2-3221
§ 15.1-1050	§ 15.2-3222
§ 15.1-1051	§ 15.2-3223
§ 15.1-1052	§ 15.2-3224
§ 15.1-1053	§ 15.2-3225
§ 15.1-1054	§ 15.2-3226
§ 15.1-1055	§ 15.2-3227
§ 15.1-1055.1	Repealed; Ch. 32

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 25 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1056	§ 15.2-3228
§ 15.1-1057	§ 15.2-3229
§ 15.1-1058	§ 15.2-3230
§ 15.1-1058.1	§ 15.2-3231
§ 15.1-1058.2	§ 15.2-3232
§ 15.1-1058.3	§ 15.2-3233
§ 15.1-1058.4	§ 15.2-3234
§ 15.1-1058.5	§ 15.2-3235
§ 15.1-1059	§ 15.2-3236
§ 15.1-1060	§ 15.2-3237
§ 15.1-1061	§ 15.2-3238
§ 15.1-1062	§ 15.2-3239
§ 15.1-1063	§ 15.2-3240
§ 15.1-1064	§ 15.2-3241
§ 15.1-1065	§ 15.2-3242
§ 15.1-1066	§ 15.2-3243
§ 15.1-1067	§ 15.2-3244
§ 15.1-1067.1	§ 15.2-3245
§ 15.1-1068	Repealed; Ch. 32
§ 15.1-1069	Repealed; Ch. 32
§ 15.1-1070	Repealed; Ch. 32

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 26**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1071	§ 15.2-3501
§ 15.1-1072	§ 15.2-3502
§ 15.1-1073	§ 15.2-3503
§ 15.1-1074	§ 15.2-3504
§ 15.1-1075	§ 15.2-3505
§ 15.1-1076	§ 15.2-3506
§ 15.1-1077	§ 15.2-3507
§ 15.1-1078	§ 15.2-3508
§ 15.1-1079	§ 15.2-3510
§ 15.1-1080	§ 15.2-3512
§ 15.1-1081	§ 15.2-3513
§ 15.1-1082	§ 15.2-3514
§ 15.1-1083	§ 15.2-3515
§ 15.1-1084	Repealed; Ch. 35
§ 15.1-1085	Repealed; Ch. 35
§ 15.1-1086	Repealed; Ch. 35
§ 15.1-1087	Repealed; Ch. 35
§ 15.1-1088	Repealed; Ch. 35
§ 15.1-1089	Repealed; Ch. 35
§ 15.1-1090	Repealed; Ch. 35
§ 15.1-1091	Repealed; Ch. 35
§ 15.1-1092	Repealed; Ch. 35
§ 15.1-1093	Repealed; Ch. 35
§ 15.1-1094	Repealed; Ch. 35
§ 15.1-1095	Repealed; Ch. 35
§ 15.1-1096	§ 15.2-3516
§ 15.1-1097	§ 15.2-3517
§ 15.1-1098	§ 15.2-3518
§ 15.1-1099	Repealed; Ch. 35
§ 15.1-1100	Repealed; Ch. 35
§ 15.1-1101	Repealed; Ch. 35
§ 15.1-1102	Repealed; Ch. 35

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 26 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1103	Repealed; Ch. 35
§ 15.1-1104	Repealed; Ch. 35
§ 15.1-1105	Repealed; Ch. 35
§ 15.1-1106	Repealed; Ch. 35
§ 15.1-1107	Repealed; Ch. 35
§ 15.1-1108	Repealed; Ch. 35
§ 15.1-1109	Repealed; Ch. 35
§ 15.1-1110	Repealed; Ch. 35
§ 15.1-1111	Repealed; Ch. 35
§ 15.1-1112	Repealed; Ch. 35
§ 15.1-1113	Repealed; Ch. 35
§ 15.1-1114	Repealed; Ch. 35
§ 15.1-1115	Repealed; Ch. 35
§ 15.1-1116	Repealed; Ch. 35
§ 15.1-1117	Repealed; Ch. 35
§ 15.1-1118	Repealed; Ch. 35
§ 15.1-1119	Repealed; Ch. 35
§ 15.1-1120	Repealed; Ch. 35
§ 15.1-1121	Repealed; Ch. 35
§ 15.1-1122	Repealed; Ch. 35
§ 15.1-1123	§ 15.2-3511
§ 15.1-1124	Repealed; Ch. 35
§ 15.1-1125	Repealed; Ch. 35
§ 15.1-1126	§ 15.2-3512
§ 15.1-1127	Repealed; Ch. 35
§ 15.1-1128	Repealed; Ch. 35
§ 15.1-1129	Repealed; Ch. 35
§ 15.1-1130.1	§ 15.2-3520
§ 15.1-1130.2	§ 15.2-3521
§ 15.1-1130.3	§ 15.2-3522
§ 15.1-1130.4	§ 15.2-3533
§ 15.1-1130.5	§ 15.2-3534
§ 15.1-1130.6	Repealed; Ch. 35
§ 15.1-1130.7	§ 15.2-3525
§ 15.1-1130.8	§ 15.2-3526



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 26 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1130.9	§ 15.2-3527
§ 15.1-1130.10	§ 15.2-3528
§ 15.1-1131	§ 15.2-3529
§ 15.1-1131.1	§ 15.2-3530
§ 15.1-1132	§ 15.2-3531
§ 15.1-1133	§ 15.2-3532
§ 15.1-1134	§ 15.2-3533
§ 15.1-1135	§ 15.2-3534
§ 15.1-1135.1	§ 15.2-3535
§ 15.1-1136	§ 15.2-3536
§ 15.1-1137	§ 15.2-3537
§ 15.1-1138	§ 15.2-3538
§ 15.1-1139	§ 15.2-3539
§ 15.1-1140	§ 15.2-3540
§ 15.1-1141	§ 15.2-3541
§ 15.1-1141.1	§ 15.2-3542
§ 15.1-1141.2	§ 15.2-3543
§ 15.1-1142	§ 15.2-3544
§ 15.1-1143	§ 15.2-3545
§ 15.1-1144	§ 15.2-3546
§ 15.1-1145	§ 15.2-3547
§ 15.1-1146.1	§ 15.2-3548
§ 15.1-1146.1:1	§ 15.2-3549
§ 15.1-1146.1:2	Repealed; Ch. 35
§ 15.1-1147	§ 15.2-3550
§ 15.1-1149	Repealed; Ch. 35
§ 15.1-1150	Repealed; Ch. 35
§ 15.1-1151	Repealed; Ch. 35
§ 15.1-1151.1	Repealed; Ch. 35
§ 15.1-1152	Repealed; Ch. 35
§ 15.1-1153	Repealed; Ch. 35
§ 15.1-1154	Repealed; Ch. 35
§ 15.1-1155	Repealed; Ch. 35
§ 15.1-1156	Repealed; Ch. 35
§ 15.1-1157	Repealed; Ch. 35

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PRESENT CHAPTER 26 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1158	Repealed; Ch. 35
§ 15.1-1159	Repealed; Ch. 35
§ 15.1-1160	Repealed; Ch. 35
§ 15.1-1161	Repealed; Ch. 35
§ 15.1-1162	Repealed; Ch. 35
§ 15.1-1163	Repealed; Ch. 35
§ 15.1-1164	Repealed; Ch. 35

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 26.3**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1227.1	§ 15.2-1300
§ 15.1-1227.2	§ 15.2-1301
§ 15.1-1227.3	§ 15.2-1302
§ 15.1-1227.4	§ 15.2-1303
§ 15.1-1227.5	§ 15.2-1304

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 26.1:1**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1167.1	§ 15.2-3400
§ 15.1-1167.2	§ 15.2-3401

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 26.2**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1168	§ 15.2-3000
§ 15.1-1168.1	§ 15.2-3001
§ 15.1-1169	§ 15.2-3002
§ 15.1-1170	§ 15.2-3003

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 27**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1228	§ 15.2-5700
§ 15.1-1229	§ 15.2-5701
§ 15.1-1230	§ 15.2-5702
§ 15.1-1231	§ 15.2-5703
§ 15.1-1232	§ 15.2-5704
§ 15.1-1232.1	§ 15.2-5705
§ 15.1-1232.2	§ 15.2-5706
§ 15.1-1232.3	§ 15.2-5707
§ 15.1-1233	§ 15.2-5708
§ 15.1-1234	§ 15.2-5709
§ 15.1-1235	§ 15.2-5710
§ 15.1-1236	§ 15.2-5711
§ 15.1-1237	§ 15.2-5712
§ 15.1-1238	§ 15.2-5713
§ 15.1-1238.1	§ 15.2-5714

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 28**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1239	§ 15.2-5100
§ 15.1-1239.1	§ 15.2-5103
§ 15.1-1240	§ 15.2-5101
§ 15.1-1241	§§ 15.2-5102, 15.2-5152, 15.2-5153, 15.2-5154, 15.2-5155, 15.2-5156 and 15.2-5157
§ 15.1-1242	§ 15.2-5103
§ 15.1-1243	§ 15.2-5104
§ 15.1-1244	§ 15.2-5105
§ 15.1-1244.1	§ 15.2-5106
§ 15.1-1245	§ 15.2-5107
§ 15.1-1246	§ 15.2-5108
§ 15.1-1247	§ 15.2-5111
§ 15.1-1248	§ 15.2-5112
§ 15.1-1249	§ 15.2-5113
§ 15.1-1250	§§ 15.2-5110, 15.2-5114, 15.2-5115, 15.2-5116, 15.2-5117, 15.2-5118, 15.2-5124, 15.2-5146, 15.2-5148, 15.2-5149 and 15.2-5151
§ 15.1-1250.01	§ 15.2-5121
§ 15.1-1250.02	§ 15.2-5120
§ 15.1-1250.03	§ 15.2-5158
§ 15.1-1250.1	§ 15.2-5122
§ 15.1-1250.2	§ 15.2-5119
§ 15.1-1251	§ 15.2-5150
§ 15.1-1252	§ 15.2-5125
§ 15.1-1253	§ 15.2-5127
§ 15.1-1254	§ 15.2-5128
§ 15.1-1255	§ 15.2-5129
§ 15.1-1256	§ 15.2-5130
§ 15.1-1257	§ 15.2-5131

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 28 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1258	§ 15.2-5132
§ 15.1-1259	§ 15.2-5133
§ 15.1-1260	§ 15.2-5136
§ 15.1-1261	§ 15.2-5137
§ 15.1-1262	§ 15.2-5138
§ 15.1-1263	§ 15.2-5139
§ 15.1-1264	§ 15.2-5140
§ 15.1-1265	§ 15.2-5141
§ 15.1-1266	§ 15.2-5142
§ 15.1-1267	§ 15.2-5144
§ 15.1-1268	Repealed; Ch. 51
§ 15.1-1269	§ 15.2-5147
§ 15.1-1269.1	§ 15.2-5109
§ 15.1-1269.2	§ 15.2-5145
§ 15.1-1270	Repealed; Ch. 51



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 29**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1271	§ 15.2-5600
§ 15.1-1272	§ 15.2-5601
§ 15.1-1273	§ 15.2-5602
§ 15.1-1274	§ 15.2-5603
§ 15.1-1275	§ 15.2-5604
§ 15.1-1276	§ 15.2-5605
§ 15.1-1277	§ 15.2-5606
§ 15.1-1278	§ 15.2-5607
§ 15.1-1279	§ 15.2-5608
§ 15.1-1280	§ 15.2-5609
§ 15.1-1281	§ 15.2-5610
§ 15.1-1282	§ 15.2-5611
§ 15.1-1283	§ 15.2-5612
§ 15.1-1284	§ 15.2-5613
§ 15.1-1285	§ 15.2-5614
§ 15.1-1286	§ 15.2-5615
§ 15.1-1286.1	§ 15.2-5616

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 30**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1310	Repealed
§ 15.1-1311	Repealed
§ 15.1-1312	Repealed
§ 15.1-1313	Repealed
§ 15.1-1314	Repealed
§ 15.1-1315	Repealed
§ 15.1-1316	Repealed
§ 15.1-1317	Repealed
§ 15.1-1318	Repealed
§ 15.1-1319	Repealed

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 31**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1320	§ 15.2-6300
§ 15.1-1321	§ 15.2-6301
§ 15.1-1322	§ 15.2-6302
§ 15.1-1323	§ 15.2-6303
§ 15.1-1324	§ 15.2-6304
§ 15.1-1325	§ 15.2-6305
§ 15.1-1326	§ 15.2-6306
§ 15.1-1327	§ 15.2-6307
§ 15.1-1329	§ 15.2-6308
§ 15.1-1330	§ 15.2-6309
§ 15.1-1331	§ 15.2-6310
§ 15.1-1332	§ 15.2-6311
§ 15.1-1333	§ 15.2-6312
§ 15.1-1334	§ 15.2-6313
§ 15.1-1335	§ 15.2-6314
§ 15.1-1336	§ 15.2-6315
§ 15.1-1337	§ 15.2-6316
§ 15.1-1338	§ 15.2-6317
§ 15.1-1339	§ 15.2-6318
§ 15.1-1339.1	§ 15.2-6319
§ 15.1-1340	§ 15.2-6320
§ 15.1-1341	§ 15.2-6321

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 32**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1342	§ 15.2-4500
§ 15.1-1343	§ 15.2-4501
§ 15.1-1344	§ 15.2-4502
§ 15.1-1344.1	§ 15.2-4503
§ 15.1-1345	§ 15.2-4504
§ 15.1-1346	§ 15.2-4505
§ 15.1-1347	§ 15.2-4506
§ 15.1-1348	§ 15.2-4507
§ 15.1-1349	§ 15.2-4508
§ 15.1-1350	§ 15.2-4509
§ 15.1-1351	§ 15.2-4510
§ 15.1-1352	§ 15.2-4511
§ 15.1-1353	§ 15.2-4512
§ 15.1-1355	§ 15.2-4513
§ 15.1-1356	§ 15.2-4514
§ 15.1-1357	§ 15.2-4515
§ 15.1-1357.1	§ 15.2-4516
§ 15.1-1357.2	§ 15.2-4517
§ 15.1-1357.3	§ 15.2-4518
§ 15.1-1358	§ 15.2-4518
§ 15.1-1358.2	§ 15.2-4519
§ 15.1-1358.3	§ 15.2-4520
§ 15.1-1359	§ 15.2-4521
§ 15.1-1360	§ 15.2-4522
§ 15.1-1361	§ 15.2-4523
§ 15.1-1362	§ 15.2-4524
§ 15.1-1363	§ 15.2-4525
§ 15.1-1364	§ 15.2-4526
§ 15.1-1365	§ 15.2-4527
§ 15.1-1366	§ 15.2-4528
§ 15.1-1367	§ 15.2-4529
§ 15.1-1368	§ 15.2-4530

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 32 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1369	§ 15.2-4531
§ 15.1-1370	§ 15.2-4532
§ 15.1-1371	§ 15.2-4533
§ 15.1-1372	§ 15.2-4534

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 32.1**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1372.1	§ 15.2-4600
§ 15.1-1372.2	§ 15.2-4602
§ 15.1-1372.2:1	§ 15.2-4601
§ 15.1-1372.3	§§ 15.2-4600 and 15.2-4603
§ 15.1-1372.4	§ 15.2-4604
§ 15.1-1372.5	§ 15.2-4605
§ 15.1-1372.6	§ 15.2-4606
§ 15.1-1372.7	§ 15.2-4607
§ 15.1-1372.7:1	§ 15.2-4608
§ 15.1-1372.8	§ 15.2-4609
§ 15.1-1372.9	§ 15.2-4610
§ 15.1-1372.10	§ 15.2-4611
§ 15.1-1372.11	§ 15.2-4612
§ 15.1-1372.12	§ 15.2-4613
§ 15.1-1372.13	§ 15.2-4614
§ 15.1-1372.14	§ 15.2-4615
§ 15.1-1372.15	§ 15.2-4616
§ 15.1-1372.16	§ 15.2-4617
§ 15.1-1372.17	§ 15.2-4618

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 32.2**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1372.21	§ 15.2-4700
§ 15.1-1372.22	§ 15.2-4701
§ 15.1-1372.23	§§ 15.2-4700 and 15.2-4702
§ 15.1-1372.24	§ 15.2-4703
§ 15.1-1372.25	§ 15.2-4704
§ 15.1-1372.26	§ 15.2-4705
§ 15.1-1372.27	§ 15.2-4706
§ 15.1-1372.28	§ 15.2-4707
§ 15.1-1372.29	§ 15.2-4708
§ 15.1-1372.30	§ 15.2-4709
§ 15.1-1372.31	§ 15.2-4710
§ 15.1-1372.32	§ 15.2-4711
§ 15.1-1372.33	§ 15.2-4712
§ 15.1-1372.34	§ 15.2-4713
§ 15.1-1372.35	§ 15.2-4714
§ 15.1-1372.36	§ 15.2-4715
§ 15.1-1372.37	§ 15.2-4716

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 33**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1373	§ 15.2-4900
§ 15.1-1374	§ 15.2-4902
§ 15.1-1375	§ 15.2-4901
§ 15.1-1376	§ 15.2-4903
§ 15.1-1377	§ 15.2-4904
§ 15.1-1378	§ 15.2-4905
§ 15.1-1378.1	§ 15.2-4906
§ 15.1-1378.2	§ 15.2-4907
§ 15.1-1379	§ 15.2-4908
§ 15.1-1380	§ 15.2-4909
§ 15.1-1381	§ 15.2-4910
§ 15.1-1382	§ 15.2-4911
§ 15.1-1383	§ 15.2-4912
§ 15.1-1384	§ 15.2-4913
§ 15.1-1385	§ 15.2-4914
§ 15.1-1386	§ 15.2-4915
§ 15.1-1387	§ 15.2-4916
§ 15.1-1388	§ 15.2-4917
§ 15.1-1389	§ 15.2-4918
§ 15.1-1390	§ 15.2-4919
§ 15.1-1391	§ 15.2-4920
§ 15.1-1392	§ 15.2-4901



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 33.2**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1399.10	§ 15.2-4500
§ 15.1-1399.11	§ 15.2-4501
§ 15.1-1399.12	Repealed; Ch. 50
§ 15.1-1399.13	Repealed; Ch. 50
§ 15.1-1399.14	§ 15.2-4502
§ 15.1-1399.15	§ 15.2-4503
§ 15.1-1399.16	§ 15.2-4504
§ 15.1-1399.17	§ 15.2-5005

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 33.3**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1399.18	§ 15.2-5501
§ 15.1-1399.19	§ 15.2-5500
§ 15.1-1399.20	§ 15.2-5502
§ 15.1-1399.21	§ 15.2-5504
§ 15.1-1399.22	§ 15.2-5503
§ 15.1-1399.23	§ 15.2-5506
§ 15.1-1399.24	§ 15.2-5507
§ 15.1-1399.25	§ 15.2-5508

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 34**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1400	§ 15.2-4200
§ 15.1-1401	§ 15.2-4201
§ 15.1-1402	§ 15.2-4202
§ 15.1-1403	§ 15.2-4203
§ 15.1-1403.1	§ 15.2-4204
§ 15.1-1404	§ 15.2-4205
§ 15.1-1404.1	§ 15.2-4206
§ 15.1-1405	§ 15.2-4207
§ 15.1-1405.1	§ 15.2-4208
§ 15.1-1406	§ 15.2-4209
§ 15.1-1407	§ 15.2-4210
§ 15.1-1408	§ 15.2-4211
§ 15.1-1409	§ 15.2-4212
§ 15.1-1410	§ 15.2-4213
§ 15.1-1411	§ 15.2-4214
§ 15.1-1411.1	§ 15.2-4215
§ 15.1-1412	§ 15.2-4216
§ 15.1-1412.1	§ 15.2-4217
§ 15.1-1413	§ 15.2-4218
§ 15.1-1415	§ 15.2-4219
§ 15.1-1416	§ 15.2-4220
§ 15.1-1416.1	§ 15.2-4221
§ 15.1-1450	Repealed; Ch. 42
§ 15.1-1451	Repealed; Ch. 42
§ 15.1-1452	§ 15.2-4222

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 36**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1506	§ 15.2-4300
§ 15.1-1507	§ 15.2-4301
§ 15.1-1508	§ 15.2-4302
§ 15.1-1509	§ 15.2-4303
§ 15.1-1510	§ 15.2-4304
§ 15.1-1511	§§ 15.2-4305 through 15.2-4311
§ 15.1-1512	§§ 15.2-4312 and 15.2-4313
§ 15.1-1513	§ 15.2-4314

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 36.1**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1513.1	§ 15.2-4400
§ 15.1-1513.2	§ 15.2-4401
§ 15.1-1513.3	§ 15.2-4402
§ 15.1-1513.4	§ 15.2-4403
§ 15.1-1513.5	§ 15.2-4404
§ 15.1-1513.6	§ 15.2-4405
§ 15.1-1513.7	§ 15.2-4406
§ 15.1-1513.8	§ 15.2-4407
§ 15.1-1513.9	§ 15.2-4407

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 37**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1514	§ 15.2-5200
§ 15.1-1515	§ 15.2-5201
§ 15.1-1516	§ 15.2-5202
§ 15.1-1517	§ 15.2-5203
§ 15.1-1518	§ 15.2-5204
§ 15.1-1519	§ 15.2-5205
§ 15.1-1520	§ 15.2-5206
§ 15.1-1521	§ 15.2-5207
§ 15.1-1522	§ 15.2-5208
§ 15.1-1523	§ 15.2-5209
§ 15.1-1524	§ 15.2-5210
§ 15.1-1525	§ 15.2-5211
§ 15.1-1526	§ 15.2-5212
§ 15.1-1527	§ 15.2-5213
§ 15.1-1528	§ 15.2-5214
§ 15.1-1529	§ 15.2-5215
§ 15.1-1530	§ 15.2-5216
§ 15.1-1531	§ 15.2-5217
§ 15.1-1532	§ 15.2-5218

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 38**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1533	§ 15.2-5300
§ 15.1-1534	§ 15.2-5301
§ 15.1-1535	§ 15.2-5302
§ 15.1-1536	§ 15.2-5303
§ 15.1-1537	§ 15.2-5304
§ 15.1-1538	§ 15.2-5305
§ 15.1-1539	§ 15.2-5306
§ 15.1-1540	§ 15.2-5307
§ 15.1-1541	§ 15.2-5308
§ 15.1-1542	§ 15.2-5309
§ 15.1-1543	§ 15.2-5310
§ 15.1-1544	§ 15.2-5311
§ 15.1-1545	§ 15.2-5312
§ 15.1-1546	§ 15.2-5313
§ 15.1-1547	§ 15.2-5314
§ 15.1-1548	§ 15.2-5315
§ 15.1-1549	§ 15.2-5316
§ 15.1-1550	§ 15.2-5317
§ 15.1-1551	§ 15.2-5318
§ 15.1-1552	§ 15.2-5319
§ 15.1-1553	§ 15.2-5320
§ 15.1-1554	§ 15.2-5321
§ 15.1-1555	§ 15.2-5322
§ 15.1-1556	§ 15.2-5323
§ 15.1-1557	§ 15.2-5324
§ 15.1-1558	§ 15.2-5324
§ 15.1-1559	§ 15.2-5325
§ 15.1-1560	§ 15.2-5326
§ 15.1-1561	§ 15.2-5327
§ 15.1-1562	§ 15.2-5328
§ 15.1-1563	§ 15.2-5329
§ 15.1-1564	§ 15.2-5330

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 38 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1565	§ 15.2-5331
§ 15.1-1566	§ 15.2-5332
§ 15.1-1567	§ 15.2-5333
§ 15.1-1568	§ 15.2-5334
§ 15.1-1569	§ 15.2-5335
§ 15.1-1570	§ 15.2-5336
§ 15.1-1571	§ 15.2-5337
§ 15.1-1572	§ 15.2-5337
§ 15.1-1573	§ 15.2-5338
§ 15.1-1574	§ 15.2-5339
§ 15.1-1575	§ 15.2-5340
§ 15.1-1576	§ 15.2-5341
§ 15.1-1577	§ 15.2-5342
§ 15.1-1578	§ 15.2-5343
§ 15.1-1579	§ 15.2-5344
§ 15.1-1580	§ 15.2-5345
§ 15.1-1581	§ 15.2-5346
§ 15.1-1582	§ 15.2-5347
§ 15.1-1583	§ 15.2-5348
§ 15.1-1584	§ 15.2-5349
§ 15.1-1585	§ 15.2-5350
§ 15.1-1586	§ 15.2-5351
§ 15.1-1587	§ 15.2-5352
§ 15.1-1588	§ 15.2-5353
§ 15.1-1589	§ 15.2-5354
§ 15.1-1590	§ 15.2-5355
§ 15.1-1591	§ 15.2-5356
§ 15.1-1592	§ 15.2-5357
§ 15.1-1593	§ 15.2-5358
§ 15.1-1594	§ 15.2-5359
§ 15.1-1595	§ 15.2-5360
§ 15.1-1596	§ 15.2-5361
§ 15.1-1597	§ 15.2-5362
§ 15.1-1598	§ 15.2-5363
§ 15.1-1599	§ 15.2-5364



**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 38 cont.**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1600	§ 15.2-5365
§ 15.1-1601	§ 15.2-5366
§ 15.1-1602	§ 15.2-5367

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 39**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1603	§ 15.2-5400
§ 15.1-1604	§ 15.2-5401
§ 15.1-1605	§ 15.2-5402
§ 15.1-1606	§ 15.2-5403
§ 15.1-1607	§ 15.2-5404
§ 15.1-1608	§ 15.2-5405
§ 15.1-1609	§ 15.2-5406
§ 15.1-1610	§ 15.2-5407
§ 15.1-1611	§ 15.2-5408
§ 15.1-1612	§ 15.2-5409
§ 15.1-1613	§ 15.2-5410
§ 15.1-1614	§ 15.2-5411
§ 15.1-1615	§ 15.2-5412
§ 15.1-1616	§ 15.2-5413
§ 15.1-1617	§ 15.2-5414
§ 15.1-1618	§ 15.2-5415
§ 15.1-1619	§ 15.2-5416
§ 15.1-1620	§ 15.2-5417
§ 15.1-1621	§ 15.2-5418
§ 15.1-1622	§ 15.2-5419
§ 15.1-1623	§ 15.2-5420
§ 15.1-1624	§ 15.2-5421
§ 15.1-1625	§ 15.2-5422
§ 15.1-1626	§ 15.2-5423
§ 15.1-1627	§ 15.2-5424
§ 15.1-1628	§ 15.2-5425
§ 15.1-1629	§ 15.2-5426
§ 15.1-1630	§ 15.2-5427
§ 15.1-1631	§ 15.2-5428
§ 15.1-1632	§ 15.2-5429
§ 15.1-1633	§ 15.2-5430
§ 15.1-1634	§ 15.2-5431

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 40**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1635	§ 15.2-6000
§ 15.1-1636	§ 15.2-6001
§ 15.1-1637	§ 15.2-6002
§ 15.1-1638	§ 15.2-6003
§ 15.1-1639	§ 15.2-6004
§ 15.1-1640	§ 15.2-6005
§ 15.1-1641	§ 15.2-6006
§ 15.1-1642	§ 15.2-6007
§ 15.1-1643	§ 15.2-6008
§ 15.1-1644	§ 15.2-6009
§ 15.1-1645	§ 15.2-6010
§ 15.1-1646	§ 15.2-6011
§ 15.1-1647	§ 15.2-6012
§ 15.1-1648	§ 15.2-6013
§ 15.1-1649	§ 15.2-6014
§ 15.1-1650	§ 15.2-6015

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 41**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1651	§ 15.2-6100
§ 15.1-1652	§ 15.2-6101
§ 15.1-1653	§ 15.2-6102
§ 15.1-1654	§ 15.2-6103
§ 15.1-1655	§ 15.2-6104
§ 15.1-1656	§ 15.2-6105
§ 15.1-1657	§ 15.2-6106
§ 15.1-1658	§ 15.2-6107
§ 15.1-1659	§ 15.2-6108
§ 15.1-1660	§ 15.2-6109
§ 15.1-1661	§ 15.2-6110

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 42**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1662	§ 15.2-6200
§ 15.1-1662.1	§ 15.2-6201
§ 15.1-1663	§ 15.2-6202
§ 15.1-1664	§ 15.2-6203
§ 15.1-1665	§ 15.2-6204
§ 15.1-1666	§ 15.2-6205
§ 15.1-1667	§ 15.2-6206
§ 15.1-1668	§ 15.2-6207
§ 15.1-1669	§ 15.2-6208
§ 15.1-1670	§ 15.2-6209
§ 15.1-1671	§ 15.2-6210
§ 15.1-1672	§ 15.2-6211
§ 15.1-1673	§ 15.2-6212
§ 15.1-1674	§ 15.2-6213
§ 15.1-1675	§ 15.2-6214

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 43**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1676	§ 37.1-____
§ 15.1-1677	§ 37.1-____
§ 15.1-1678	§ 37.1-____
§ 15.1-1679	§ 37.1-____
§ 15.1-1680	§ 37.1-____
§ 15.1-1681	§ 37.1-____
§ 15.1-1682	§ 37.1-____
§ 15.1-1683	§ 37.1-____
§ 15.1-1684	§ 37.1-____
§ 15.1-1685	§ 37.1-____
§ 15.1-1686	§ 37.1-____
§ 15.1-1687	§ 37.1-____

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 43**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 15.1-1688	§ 15.2-5900
§ 15.1-1689	§ 15.2-5901
§ 15.1-1690	§ 15.2-5902
§ 15.1-1691	§ 15.2-5903
§ 15.1-1692	§ 15.2-5904
§ 15.1-1693	§ 15.2-5905
§ 15.1-1694	§ 15.2-5906
§ 15.1-1695	§ 15.2-5907
§ 15.1-1696	§ 15.2-5908
§ 15.1-1697	§ 15.2-5909
§ 15.1-1698	§ 15.2-5910
§ 15.1-1699	§ 15.2-5911
§ 15.1-1700	§ 15.2-5912
§ 15.1-1701	§ 15.2-5913
§ 15.1-1702	§ 15.2-5914
§ 15.1-1703	§ 15.2-5915
§ 15.1-1704	§ 15.2-5916
§ 15.1-1705	§ 15.2-5917

**COMPARABLE SECTIONS OF TITLE 15.1 AND TITLE 15.2  
PRESENT CHAPTER 43**

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**OLD SECTION**

**NEW SECTION**

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