

**A Report to the
Chairmen of the House Committee on General Laws
and the
Senate Committee on General Laws
and Technology**

**A Review of Localities' Requirements to
Provide Public Notice of Intended Actions
and Events and Recommendations for
Uniformity and Efficiency**

HB 1131 / SB 417

**Prepared by Virginia Code Commission on behalf of the
Public Notice Work Group**

November 1, 2022

Table of Contents

Executive Summary	3
Meetings of the Public Notice Work Group	4
June 15, 2022 Meeting	4
July 27, 2022 Meeting	4
August 29, 2022 Meeting	5
September 21, 2022 Meeting	6
September 29, 2022 Meeting	7
Conclusion and Recommendations	8
Appendices.....	10
Appendix A Code Commission SH417/HB 1131 Work Group Work Plan	11
Appendix B Local Public Notice Work Group Representatives	13
Appendix C Local Public Notice Work Group Working Document, September 29, 2022	14
Appendix D Discussion Draft 1	45
Appendix E Discussion Draft 2	138

A Review A Review of Localities' Requirements to Provide Public Notice of Intended Actions and Events and Recommendations for Uniformity and Efficiency

Executive Summary

This report is submitted pursuant to [Senate Bill 417](#) and [House Bill 1131](#) passed during the 2022 Regular Session of the Virginia General Assembly, which required the Virginia Code Commission ("The Commission") to convene a work group to review requirements throughout the Code of Virginia for localities to provide public notice for intended actions and events and make recommendations for uniformity and efficiency.

That the Virginia Code Commission shall convene a work group, including representatives of the Virginia Press Association, the Virginia Association of Counties, the Virginia Municipal League, and other relevant stakeholders to review requirements throughout the Code of Virginia for localities to provide public notice for intended actions and events, including business meetings, the creation of taxation zones, proposed amendments to existing planning and zoning ordinances, and consideration of budgets. The work group shall also review (i) the varying frequency for publishing notices in newspapers and other print media, (ii) the number of days required to elapse between the publications of notices, and (iii) the amount of information required to be contained in each notice and make recommendations for uniformity and efficiency. The Virginia Code Commission shall submit a report to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2022.

On May 16, 2022, the Code Commission met and adopted the Virginia Code Commission SB417/HB1131 Work Group Work Plan ("the work plan") for the Public Notice Work Group ("the work group.") The work plan as adopted by the Code Commission appears as [Appendix A](#).

After the adoption of the work plan, staff to the Code Commission reached out via email to known stakeholders inviting them to be a part of the work group and requesting contact information for potential stakeholders for the other possible stakeholder groups listed in the work plan.

The legislation specifically provided for the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Press Association ("VPA") to be included on the work group. Other relevant stakeholder groups suggested by the work plan were:

Commission on Local Government	Treasurers
Local Government Attorneys of Virginia, Inc.	Commissioners of the Revenue
Virginia Association of Government Purchasing Officials	VA Chapter of the American Planning Association
Virginia School Boards Association	Residential Builders/Developers
Local Electoral Boards	Commercial Builders/Developers
Coalition for Open Government	

Code Commission staff was able to secure participation from every stakeholder group suggested on the work plan except the Treasurer's Association of Virginia. A copy of the Local Public Notice work group members is attached as [Appendix B](#).

Meetings of the Public Notice Work Group

June 15, 2022 Meeting

The work group held its first meeting on June 15, 2022. During this initial meeting, the work group introduced themselves and went over their charge as laid out in the work plan:

- Focus on the four areas specifically stated in the legislation: (1) business meetings, (2) creation of taxation zones, (3) proposed amendments to existing planning and zoning ordinances, and (4) consideration of budgets.
- Focus on the three areas specifically listed in the legislation: (1) varying frequency for publishing in newspapers and other print media, (2) number of days required to elapse between publications of the notices, and (3) amount of information required to be contained in each notice.
- Construct recommendations around the two areas specifically mentioned in the legislation: (1) uniformity and (2) efficiency.

The work group then determined to reach agreement on individual recommendations based on consensus among the membership and decided to use the [Public Notice Guide 2019](#), compiled by the VPA which provides a comprehensive review of public notice publication requirements throughout the Code of Virginia, as a baseline starting point.

At this end of this initial meeting, the work group scheduled future work group meetings for July, August and September and committed to sending the staff to the work group the sections listed in the VPA Public Notice Guide that should be considered by the work group, and staff committed to putting these sections together into a workable document that the work group could use in future meetings. This document became the "Local Public Notice Work Group Working Document" and it is attached in its final form as [Appendix C](#).

July 27, 2022 Meeting

Prior to the July 27 meeting, Aimee Siebert, a representative from Commonwealth Strategy Group submitted a proposal from the VPA to form a tier system for the sections the work group was considering for uniformity of notice. The proposal suggested the following:

VPA Suggested Framework

Three tiers of public notices:

The tiers would designate a certain number of times and a timeframe for each tier, based on importance to the public. For example:

Tier 1: Run three successive weeks with first notice appearing no more than 21 days before meeting and the last notice no less than 3 days before meeting.

Tier 2: Run two successive weeks with first notice appearing no more than 14 days before meeting and the last notice no less than 3 days before meeting.

Tier 3: Run one time at least 7 days* before meeting.

During the meeting, the group achieved consensus on using the three tier system proposed by the VPA with the following changes and clarifications:

- "and the last notice no less than 3 days before meeting." shall be struck from both Tier 1 and Tier 2
- Those notices that are required to be published 4 times will be merged into Tier 1, requiring 3 successive weeks of publication

During the July meeting, the work group also decided to create a sub work group for the purpose of working through and coming up with recommendations for the third charge of the workgroup: "the amount of information required to be contained in each notice and make recommendations for uniformity and efficiency." Adam Kinsman, a representative from the Local Government Attorneys of Virginia, Inc., offered to lead this sub work group.

At the end of the July meeting, the work group committed to sending staff to the work group those sections not currently in the working document that potentially fell within the scope of the workgroup's charge for consideration at the next meeting as well as potential deletions from the current working document that were outside the work group's charge.

August 29, 2022 Meeting

At the August 29, 2022 work group meeting, work group members continued to refine the working document and came to consensus on the following:

1. The work group decided to change the word "tier" to "group"
2. The work group determined it should reverse the group designations-- "Tier 1" would become "Group 3," "Tier 2" would become "Group 2" and "Tier 3" would become "Group 1"
3. The following three sections would be pulled out of the "group" designations for further study:
 - a. §21-377--Notice of Sale of delinquent land
 - b. §36-55.3:2-- Powers relative to acquisition, development and ownership by HDA of multi-family residential housing
 - c. §62.1-44.15:15--Authorization for more stringent ordinances

4. The work group determined that for any proposed legislation, changes would be made locally, meaning to each section rather than trying to introduce a global change by creating a new section.

In addition, during the meeting the sub work group presented its findings thus far. The sub work group had come to consensus that there were certain sections that should be carved out and remain as they are with respect to the information required in a notice, but for those sections not carved out, the sub work group proposed a bill be introduced to greatly reduce the amount of information required in a notice, specifically with regards to summaries, synopses and descriptions.

At the end of the meeting, the sub workgroup committed to meet again and come up with a draft of a bill that would allow for the changes the sub work group was proposing as well as an example of what a public notice looked like under current law and what a public notice would look like were the bill to pass that the sub workgroup was going to draft.

September 21, 2022 Meeting

During the meeting, the workgroup continued to refine the working document. Specific sections on the working document were pulled out and considered and the work group came to consensus on the following:

1. Amend sections to add the confining language as to when notices could appear: for Group 3 add the language "with first notice appearing not more than 21 days before, for Group 2 add in the language, "with first notice appearing not more than 14 days before, and for Group 1 add "to appear not more than 7 days before", as appropriate.
2. The work group considered the following sections individually and came to consensus to do the following:
 - a. §15.2-4309--Keep this section in Group 1 and amend the section to change publication from at least two weeks prior to adoption of ordinance to at least 7 days before
 - b. §15.2-5104--Keep this section in Group 1 and to amend notice requirement from at least 30 days before hearing date to at least 7 days
 - c. §21-314--Take this section out of consideration as it deals with notice required to be given by circuit court
 - d. §22.1-37--Keep this section in Group 3 and amend section to provide 3 notices rather than 4 notices
 - e. §58.1-3321--Keep this section in Group 1 and amend notice requirement from at least 30 days before to at least 7 days before
 - f. §58.1-3965--Take this section out of the chart and do not consider

- g. §62.1-44.15:65--Add this section to the chart to further review along with 62.1-44.15:33

At the end of this meeting, the work group scheduled one more meeting in September to finalize the working document and finalize recommendations and language for two draft bills.

September 29, 2022 Meeting

At its final meeting, the work group finalized the working document, attached as Appendix C and finalized its recommendations to the Code Commission (see conclusion for final recommendation).

During this final meeting, the work group came to consensus on the following:

1. Use the word "publication" instead of "advertisement" to provide uniformity and consistency
2. Keep the publication times at 21 days, 14 days, 7 days but note in the report that there is concern it may be difficult to adhere to these times depending on when a paper publishes so 28 days, 21 days, and 14 days may need to be considered.
3. Changes to specific sections:
 - a. §15.2-716-insert "21 days from the date of the referendum"
 - b. § 15.2-749 -insert "21 days from the date of the referendum"
 - c. §15.2-3401-make the change to 21 days
 - d. §21-377-leave it in the draft and make the change to 7 days
 - e. §33.2-108-remove section from consideration
 - f. §33.2-208-remove section from consideration
 - g. §33.2-902-remove section from consideration
 - h. §33.2-1005-remove section from consideration
 - i. §36-55.33:2- remove section from consideration
 - j. §58.1-3321-make the change from 30 to 7 days
 - k. §58.1-3924-pull this section out of the draft
 - l. §58.1-3975 - make the change to "at least 7 days"

- m. § 62.1-44.15:33--put in group 2
- n. § 62.1-44.15:65--put in group 2
- 4. Group achieved consensus on sub work group draft bill to amend 15.2-2204 with the addition of "approximate acreage"
- 5. Group agreed to amendments to 15.2-2285, taking out general usage and density range if "approximate acreage" were added to 15.2-2204

At its final meeting, the work group also adopted four recommendations to present to the Code Commission. (listed below)

Conclusion and Recommendations

At the Code Commission's October 3, 2022 meeting, the four recommendations adopted by the work group as well as the two discussion drafts of proposed changes were presented to the Code Commission Members. The recommendations were as follows:

Recommendation #1

The Public Notice Work Group (the Work Group) recommends that notice provisions for localities related to intended actions or hearings in the areas of (i) business meetings, (ii) creation of taxation zones, (iii) proposed amendments to existing planning and zoning ordinances, (iv) consideration of budgets, and (v) other selected areas covered by the Work Group's review be grouped in the following areas:

Group 1: Publication of notice to run once at least seven days before the meeting or intended action of the locality.

Group 2: Publication of notice to run two successive weeks with first notice appearing no more than 14 days before the meeting or intended action of the locality.

Group 3: Publication of notice to run three successive weeks with first notice appearing no more than 21 days before the meeting or intended action of the locality.

Recommendation #2

The Work Group recommends that the terms and conditions of the notices included in the established groupings be standardized to fit the language of the groupings to provide uniformity and efficiency.

A draft of the proposed changes (Discussion Draft 1") encompassing recommendations 1 and 2, amending 66 sections of the Code is attached as [Appendix D](#).

Recommendation #3

The Work Group recommends amending §§ 15.2-2204 and 15.2-2285 of the Code of Virginia. Section 15.2-2204 requires that a published notice related to ordinances and amendments to ordinances contain a descriptive summary of the proposed action and a reference to the place or places within the locality where copies of the proposed plans, ordinances, or amendments may be contained. Section 15.2-2285 requires that a notice be published stating the general usage and density range of a proposed amendment and the density range set forth in the applicable part of the comprehensive plan.

The recommended amendments for these sections would require the notice to identify the place or places within the locality where copies of the proposed plans, ordinances, or amendments may be examined. Specifically, the Work Group proposes the changes to §§ 15.2-2204 and 15.2-2285 as listed below:

Section 15.2-2204

The Work Group proposes that (i) in the case of a proposed amendment of a zoning ordinance involving a change in the zoning map classification of 25 or fewer parcels of land, the notice be required to contain the street address or tax map parcel number of the parcels subject to the proposed amendment and (ii) in the case of a proposed amendment of a zoning ordinance involving a change in the zoning map classification of more than 25 parcels of land, the notice be required to contain the street address or tax map parcel number of the parcels and the approximate acreage subject to the action.

Section 15.2-2285

The Work Group proposes removing the language requiring the notice to state the general usage and density range of the proposed amendment and the general usage and density range set forth in the applicable part of the comprehensive plan.

A draft of the proposed changes ("Discussion Draft 2"), amending §§ 15.2-2204 and 15.2-2285 is attached as [Appendix E](#).

Recommendation #4

The Work Group recommends that its work be extended for an additional year to allow for continued review of public notices related to local entities not included in the current review as well as regional and state-level entities.

The Code Commission received these work group recommendations and corresponding discussion drafts at its October meeting. After review, the Code Commission adopted these recommendations unanimously.

Appendices

**Virginia Code Commission
SB 417/HB 1131 Work Group**

Work Plan

Senate Bill 417 and House Bill 1131, passed during the 2022 legislative session, provide for the Code Commission to convene a work group to review requirements throughout the Code of Virginia for localities to provide public notice for intended actions, including business meetings, creation of taxation zones, proposed amendments to existing planning and zoning ordinances, and consideration of budgets. The Commission is required to submit a report to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology summarizing the work and any recommendations of the work group by November 1, 2022. In consideration of the compressed time period for completion of the work, a proposed work plan has been developed with the objective of meeting the deadline.

I. Scope of Work Group Review and Recommendations

- A. Types of Intended Actions of Localities.** Focus on the four areas specifically stated in the legislation: (1) business meetings, (2) creation of taxation zones, (3) proposed amendments to existing planning and zoning ordinances, and (4) consideration of budgets.

- B. Specific Review of Notices.** Focus on the three areas specifically listed in the legislation: (1) varying frequency for publishing in newspapers and other print media, (2) number of days required to elapse between publications of the notices, and (3) amount of information required to be contained in each notice.

- C. Scope of Recommendations.** Construct recommendations around the two areas specifically mentioned in the legislation: (1) uniformity and (2) efficiency.

II. Composition of Work Group

The legislation specifically provides for the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Press Association to be included on the work group. Below are suggested additional relevant stakeholder groups for inclusion on the work group.

Virginia Press Association	Coalition for Open Government
Virginia Association of Counties	Treasurers*
Commission on Local Government	Commissioners of the Revenue*
Local Government Attorneys of Virginia, Inc.	VA Chapter of the American Planning Association

Virginia Association of Government Purchasing Officials	Residential Builders/Developers*
Virginia School Boards Association	Commercial Builders/Developers*
Local Electoral Boards*	

III. Schedule of Work Group Meetings/Submission of Recommendation

It is anticipated that four to five meetings of the work group will be necessary. These meetings will be a mixture of in-person and virtual meetings. The overall objective will be to have any recommendations finalized by September to allow review and approval by the Commission at its October 3, 2022, meeting for submittal to the two legislative committees by the November 1, 2022, deadline.

Here is a broad outline of the anticipated schedule:

First meeting - June 2022

- Introduction of members
- Review of proposed work plan
- Determine meeting schedule
- Discussion: methodology of review and format of recommendations

Second Meeting - July 2022

- Review of notices related to business meetings
- Review of notices related to the consideration of budgets

Third Meeting - August 2022

- Review of notices related to the creation of tax zones
- Review of notices related to planning and zoning ordinances

Fourth Meeting - September 2022

- Develop recommendations for uniformity and efficiency regarding (i) varying frequency for publishing in newspapers and other print media, (ii) number of days required to elapse between publications of the notices, and (iii) amount of information required to be contained in each notice
- Format recommendations for submittal to Commission

Fifth meeting (if needed) - September 2022

Code Commission Meeting - October 3, 2022

Report submitted to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology by November 1, 2022.

Appendix B Local Public Notice Work Group Representatives

**SB 431 (Stanley)/HB 1131 (Williams)
Local Public Notice Requirements Work Group**

<p>Virginia Press Association Aimee Seibert Commonwealth Strategy Group</p> <p>Betsy Edwards, Executive Director, VPA</p> <p>Bruce Potter Publisher, InsideNoVa</p> <p>Susan Wineland VPA Advertising Director</p>	<p>Coalition for Open Government Megan Rhyne Executive Director</p>
<p>Virginia Association of Counties Phyllis Errico- General Counsel</p>	<p>Virginia Electoral Board Association Jim Nix</p>
<p>Virginia Municipal League Michelle Gowdy- Executive Director</p>	<p>Commissioners of the Revenue Association of VA Eric Maybach</p>
<p>Commission on Local Government Diane Linderman, PE</p> <p>LeGrand Northcutt</p>	<p>VA Chapter of the American Planning Association Tyler Klein</p>
<p>Virginia Association of Governmental Procurement Jennifer Stieffenhofer</p> <p>Bill Hefty Hefty and Wiley</p>	<p>Residential Builders/Developers Andrew Clark Home Builders Association of Virginia</p>
<p>Virginia School Boards Association Elizabeth Ewing, Director Legal and Policy Services</p>	<p>Commercial Builders/Developers Phil Abraham, Director and General Counsel The Vectre Corporation</p> <p>Abigail Thompson, Chesapeake Solar and Energy Storage Assoc.</p>
<p>Local Government Attorneys of Virginia, Inc. Adam R. Kinsman County Attorney</p>	<p>Voter Registrars Association of Virginia Jackie Harris Director of Elections/General Registrar City of Lexington</p>

SB 431/HB 1131

Local Public Notice Work Group

Meeting Working Document

Public Notice Group Levels

Group 3: Run three successive weeks with first notice appearing no more than 21 days before meeting or intended action.

Group 2: Run two successive weeks with first notice appearing no more than 14 days before meeting or intended action.

Group 1: Run once at least 7 days before meeting or intended action.

Color Code

Yellow Highlighted – Notices pertaining to business meetings

Green Highlighted – Notices pertaining to consideration of budget

Blue Highlighted - Notices Pertaining to taxes/taxation zones

Pink Highlighted - Notices pertaining to planning and land use

Orange Highlighted - Notices not included in the categories of work plan

Abbreviations

GC=Newspaper having a general circulation

TITLE 15.2 - COUNTIES, CITIES, AND TOWNS

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-107. Advertise and enactment of certain fees and levies.	Once a week for two successive weeks GC in the county.		Group 2	Time, date and place of hearing; dollar amount or % change of proposed levy, fee or increase; specific reference to COV section or legal authority to impose levy; designation of place where docs can be viewed by the public		Ordinances that include levies and fees imposed or increased; locality required to publish notice	The second publication shall not be sooner than one calendar week after the first publication Contains only references to 15.2-1427 and 15.2-2204 Not included in draft
15.2-202. Public hearing in lieu of election; procedure when bill not introduced or fails to pass in General Assembly	Once GC in the locality	At least ten days prior to the hearing	Group 1	The text or an informative summary of the new charter or amendment desired	Mandatory	Locality requesting the General Assembly to grant to it a new charter or to amend its existing charter	Change from 10 days to 7 days

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-619 . Same; powers of commissioners of revenue; real estate reassessment	Once GC in the county	Ten days prior to any such hearing at which any person applying for review will be heard	Group 1	Does not specify	Mandatory	Continuing board of real estate review and equalization to review all assessments; Board shall grant a hearing to any person making application at a regular advertised meeting of the board	Change from 10 days to 7days
15.2-716 . Referendum for establishment of department of real estate assessments; board of equalization; general reassessments in county where department established	Once a week for three successive weeks GC in the county	Does not appear to specify	Group 3	Does not specify	Mandatory	Notice of referendum to be held on the question of whether the county shall have a department of real estate assessments	Uniform language for Group 3 notice provisions added. First notice to be published 21 days from the date of the referendum.
15.2-749 Certain referenda in certain counties	Once a week for three successive weeks GC in the county	Order issued by 8/15 for referendum November election	Group 3	Depends on the specific question for which the sense of the voters is sought	Mandatory	Generally applicable for referenda held on any question upon which is provided for by any applicable statute,	Uniform language for Group 3 notice provisions added. First notice to be published 21 days from the date of the referendum.

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-858 Creation, enlargement, contraction, etc. of sanitary districts	Once a week for two successive weeks GC in the locality		Group 2	Specific to the intended action	Mandatory	Pertains to the creation, enlargement, contraction, merger, consolidation or dissolution of a district	Contains only reference to 15.2-1427 Not included in the draft
15.2-951 Acquisition, disposition, and use of personal property by localities generally	Once GC in the locality	At least seven days prior to the date of the hearing	Group 1	Does not specify	Mandatory	Where personal property to be sold w/ intent to lease back is school or transit bus fleet, vehicle fleet, or road construction equipment & value of proposed sale exceeds \$2 million	No language change necessary Not included in draft
15.2-958.3 Financing clean energy programs	Once a week for two successive weeks GC in the locality	Sometime prior to adoption of ordinance	Group 2	Does not specify	Mandatory	Ordinance to authorize contracts to provide loans for the initial acquisition and installation of clean energy, resiliency, or stormwater management improvements	Uniform language for Group 2 notice provisions added
15.2-958.6 Financing the repair of failed septic systems	Once a week for two successive weeks GC in the locality		Group 2	Does not specify	Mandatory	Ordinance to authorize contracts with property owners to provide loans for the repair of septic systems.	Uniform language for Group 2 notice provisions added

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-1236 Purchases and sales to be based on competition	At least once A newspaper of countywide circulation	At least five calendar days before the final date of submitting bids	Group 1	Specific to what is being sold	Mandatory	Purchases or contracts for supplies and services required to comply with VPPA. Where amount of sale estimated to exceed \$5,000, sealed bids shall be solicited by the public notice required to be published	Notice changed from 5 days to 7 days
15.2-1301 Voluntary economic growth-sharing agreements	Once a week for two successive weeks GC in the locality	Does not specify	Group 2	Does not specify	Mandatory	Localities may enter into fiscal arrangements to share in the benefits of the economic growth. Terms and conditions of the revenue, tax base or economic growth-sharing agreement may be approved only after public hearing held	Uniform language for Group 2 notice provisions added
15.2-1416 Regular meetings	Once GC in the county or municipality	At least seven days prior to the first such meeting	Group 1	A copy of the resolution prescribing the location of the future meeting	Mandatory	If the governing body prescribes any place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time it is required to publish the notice.	No language change necessary Not included in the draft

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
<u>15.2-1427</u> Adoption of ordinances and resolutions generally; amending or repealing ordinances.	Once a week for two successive weeks GC in the county	Second publication no sooner than one calendar week after the first publication	Group 2	Statement either that the publication contains the full text of the ordinance or that a copy of the full text of the ordinance is on file in the clerk's office of the circuit court of the county or in the office of the county administrator; or in the case of any county organized under the form of government set out in Chapter 5, 7 or 8, a statement that a copy of the full text of the ordinance is on file in the office of the clerk of the county board.	Mandatory	An ordinance may be adopted, amended or repealed by majority vote of those present and voting at any lawful meeting.	Uniform language for Group 2 notice provisions added

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
<u>15.2-1702</u> Referendum required prior to establishment of county police force	Once a week for three consecutive weeks GC in the county		Group 3	The ballot question & neutral statement of explanation written by the county or city attorney in English and not more than 500 words	Mandatory	County cannot establish a police force unless referendum on the question approved by the voters of the county.	Uniform language for Group 3 notice provisions added
<u>15.2-1703</u> Referendum to abolish county police force	Once a week for three consecutive weeks GC in the county		Group 3		Mandatory	County cannot abolish a police force unless referendum on the question approved by the voters of the county.	Uniform language for Group 3 notice provisions added
<u>15.2-1813</u> Notice when public hearing required	Once GC in the locality	At least seven days prior to the date set for the hearing	Group 1		Mandatory	Pertains to any public hearing required under Subtitle II of Title 15.2, which relates to powers of local governments specific to buildings, monuments and land	No language change necessary Not included in the draft

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-2108.7 Public hearings on feasibility study; notice	Once a week for three consecutive weeks GC in the municipality	The last publication shall be at least three days before the first public hearing	Group 3		Mandatory	Feasibility study on providing cable television services. Governing body must schedule at least two public hearings for the purpose of allowing feasibility consultant to present the results of the feasibility study	Uniform language for Group 3 notice provisions added
15.2-2204 Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments	Once a week for two successive weeks GC in the locality	Hearing shall not be less than five days nor more than 21 days after the second advertisement appears.	Group 2	A descriptive summary of the proposed action & reference to the place(s) where the proposed documents may be examined.	Mandatory; however City of Richmond may publish in any newspaper of general circ. in the city	Local planning commission cannot recommend and the governing body adopt any plan, ordinance or amendment until notice of intention to do so has been published	Uniform language for Group 2 notice provisions added
15.2-2214 Meetings	Once GC in the locality	At least seven days prior to the first meeting held pursuant to the adopted schedule	Group 1	A copy of the resolution prescribing the location of the future meeting	Mandatory	When a local planning commission by resolution adopted at a regular meeting, may also fix the day or days to which any meeting shall be continued. Resolution required to be publishes	No language change necessary Not included in the draft

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
<u>15.2-2400</u> Creation of service districts	Once a week for three consecutive weeks GC in the locality	The hearing shall be no sooner than ten days after the date the second notice appears in the newspaper	Group 3		Mandatory	Creation of service districts	Uniform language for Group 3 notice provisions added
<u>15.2-2401</u> Creation of service districts by court order in consolidated cities	Once a week for three consecutive weeks GC within the city	The hearing shall not be held sooner than ten days after the last publication	Group 3		Mandatory	hearing on the question of the proposed service district	Uniform language for Group 3 notice provisions added
<u>15.2-2506</u> Publication and notice; public hearing; adjournment; moneys not to be paid out until appropriated	Once GC in the locality affected	At least seven days prior to the date set for the hearing	Group 1	A brief synopsis of the budget	Mandatory	A brief synopsis of the budget for informative and fiscal planning purposes required to be published.	No language change necessary Not included in the draft
<u>15.2-2507</u> Amendment of budget	Once GC in the locality	At least seven days prior to the meeting date	Group 1	State governing body's intent to amend the budget; Include a brief synopsis of proposed budget amendment	Mandatory	Locality may amend its budget during the current fiscal year as shown in the currently adopted budget. If the amendment exceeds one percent of the total expenditures shown in the currently adopted budget must first publish a notice and hold hearing.	No language change necessary Not included in the draft

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-2606 Public hearing before issuance of bonds	Once a week for two successive weeks GC in the locality	The hearing shall not be held less than six nor more than 21 days after the date of the second notice appears in the newspaper	Group 2	(i) estimated maximum amount of the bonds proposed to be issued, (ii) proposed use of the bond proceeds, and if there is more than one use, state the proposed uses for which more than 10 percent of the total bond proceeds is expected to be used, and (iii) specify the time and place of the hearing at which persons may appear and present their views.	Mandatory	Before the final authorization of the issuance of any bonds by a locality, the governing body of the locality shall hold a public hearing on the proposed bond issue	Uniform language for Group 2 notice provisions added

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-2653 Contesting issuance of bonds; notice and hearing; service on member of governing body, etc.	Once a week for two consecutive weeks GC in the jurisdiction where the issuer is located	The date of the hearing shall not be sooner than ten days after the date of the second publication	Group 2	The motion for judgment or summary of it approved by the court; Time and place of hearing	Mandatory	Upon the filing of a motion for judgment contesting issuance of bonds. the court shall fix a time and place for hearing the proceeding	Uniform language for Group 2 notice provisions added
15.2-3401 Referendum on contracting of debt by counties in voluntary settlement agreements	Once a week for three consecutive weeks GC in the county	The first notice must be published not more than 60 days prior to the election	Group 3		Mandatory	Before a county can contract a debt by entering into a contract for the payment as a part of the proposed voluntary annexation and immunity settlement agreement	Change from 60 to 21 days. Uniform language for Group 3 notice provisions added

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-3600 Petition for incorporation of community; appointment of special court	Once a week for four successive weeks GC in the county		Group 3	Notice of the time and place the petition would be presented; text of the petition in full; or a descriptive summary of the petition and notice that the petition may be inspected at the circuit court clerk's office	Mandatory	A petition signed by 100 voters of any community may be presented to the circuit court for the county in which such community, or the greater part thereof, is situated, requesting that the community be incorporated as a town.	Change from 4 weeks to 3 weeks Uniform language for Group 3 notice provisions added
15.2-4309 Hearing; creation of district; conditions; notice	Once GC within the district	At least two weeks prior to adoption of the ordinance creating the district	Group 1		Mandatory	Relates to ordinance to create the an agricultural, forestal, or agricultural and forestal district or add land to an existing district	Change from 2 weeks to 7 days

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-4906 Public hearing and approval	Once a week for two successive weeks GC in the locality in which the facility is to be located	Not less than six days nor more than twenty-one days after the second notice appears	Group 2	(i) the name and address of the authority; (ii) the name and address (principal place of business, if any) of the party seeking financing; (iii) the maximum dollar amount of financing sought; (iv) the type of business and purpose and specific location, if known, of the facility to be financed	Mandatory	Industrial Development Authorities; where federal law requires public hearing	Uniform language for Group 2 notice provisions added
15.2-5104 Advertisement of ordinance, agreement or resolution and notice of hearing	Once GC in such locality	At least 30 days before the hearing date	Group 1	A copy of the ordinance, agreement or resolution; reference to the place	Mandatory	Virginia Water and Waste Authorities Act; governing body of each participating locality shall cause to be advertised	Change from 30 days to 7 days
15.2-5136 Rates and charges	Twice GC in the area to be served by such systems or facilities	The second publication must be made at least 14 days before the date of the hearing	Group 2	Notice of the meeting setting forth the proposed schedule or schedules of rates, fees, and charges	Mandatory	Virginia Water and Waste Authorities Act; rates, fees or charges cannot be fixed until after a public hearing	Change from "...two publications at least six days apart...with th last appearing at least 14 days before to uniform language for Group 2 notice provisions

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-5156 Hearing; notice	Once a week for three successive weeks GC within the locality	At least ten days before the hearing date	Group 3		Mandatory	Virginia Water and Waste Authorities Act; ordinance or resolution creating a community development authority	Uniform language for Group 3 notice provisions added
15.2-5431.25 Rates and charges	Twice at least six days apart GC	At least 60 days before the date of the hearing	Group 2	Notice of the hearing, setting forth the proposed schedule or schedules of rates, fees and charges	Mandatory	Virginia Wireless Service Authorities Act; rates, fees or charges cannot be fixed until after a public hearing.	Change from two publications, at least six days apart...at least 60 days before the date fixed..” to “publication for two consecutive weeks...” to uniform group 2 notice provisions
15.2-5602 Creation of authorities	Once GC in the locality	At least 10 days before the hearing is held	Group 1		Mandatory	Public Recreational Facilities Authorities Act; required to hold hearing before creation.	Change from 10 days to 7 days
15.2-5702 Creation of authorities	Once GC in its locality	At least 10 days before the hearing is held	Group 1	A copy of the ordinance or resolution; date of hearing	Mandatory	Park Authorities Act; required to hold hearing before creation	Change from 10 days to 7 days

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-5711 Conveyance or lease of park to authority; contact for park services; when referendum is required before certain contracts made	Once GC in the locality	At least 10 days before the election	Group 1		Mandatory	Park Authorities Act; required to hold referendum before can convey or lease a park to authority without consideration or contract for park services	Change from 10 days to 7 days
15.2-5806 Public hearings; notice; reports	Once GC in the locality	At least 60 days before the hearing is held	Group 1	(i) a description of the site proposed to be acquired, (ii) the intended use of the site, and (iii) the date, time, and location of the public hearing	Mandatory	Virginia Baseball Stadium Authority	Change from 60 days to 7 days
15.2-7502 Public hearing required prior to creation or designation of a land bank entity	Once a week for two successive weeks GC in that locality	Not less than five nor more than twenty-one days after the second advertisement appears	Group 2	Time and place of the hearing	Mandatory	Land Bank Entities Act; required to hold hearing before creation	Remove "... , not less than five days nor more than 21 days after the second advertisement appears in such newspaper..." and added uniform group 2 notice provisions

TITLE 21 - DRAINAGE, SOIL CONSERVATION, SANITATION & PUBLIC FACILITIES

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
21-114 Hearing and notice thereof	Once a week for three consecutive weeks GC within the county designated by the governing body	At least ten days before the date of the hearing	Group 3		Mandatory	Sanitary Districts; hearing required before creation.	Remove "At least 10 days shall intervene between the completion of the publication and the date set for the hearing, and such publication shall be considered complete on the twenty-first day after the first publication..." and added uniform group 3 notice provisions
21-117.1 Abolishing sanitary districts	Once a week for three consecutive weeks GC within the county to be designated by the governing body of the county	At least ten days before the date of the hearing	Group 3		Mandatory	Sanitary Districts; hearing required before abolition.	Remove "At least 10 days shall intervene between the completion of the publication and the date set for the hearing, and such publication shall be considered complete on the twenty-first day after the first publication..." and added uniform group 3 notice provisions
21-118 Powers and duties of governing body	Once GC	At least ten days before the date of the hearing	Group 1	Time and place of the hearing	Mandatory		Change from 10 days to 7 days

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
21-146 Notice of hearing on petition for creation	Once a week for three consecutive weeks GC in the proposed sanitation district	At least twenty eight days before the date of the hearing	Group 3	Petition as filed; time & place of the hearing; Statement regarding purpose of the hearing considered	Mandatory	Sanitation Districts Law; Tidal Waters; hearing required before creation.	Change from 28 days to 21 days; added uniform group 3 notice provisions
21-229 Notice of hearing on petition for creation	Once a week for three consecutive weeks GC in the proposed sanitation district	At least twenty eight days prior to the date of such hearing	Group 3	Must include the petition as filed; Time and place of the hearing; Statement regarding purpose of the hearing considered	Mandatory	Sanitation Districts Law; Nontidal Waters; hearing required before creation.	Change from 28 days to 21 days; added uniform group 3 notice provisions
21-314 Notice of consideration of preliminary report	Two consecutive issues A daily or weekly newspaper published in any city, town or village situated within the geographical bounds or the county or counties in which the proposed district is located	The second publication shall not be less than five days prior to the hearing	Group 2		Mandatory	Circuit court authority to establish a levee, or drainage project or projects	Circuit Court rather than locality. Removed from consideration; not included in the draft

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
21-377 Notice of sale of delinquent land	Once GC in the county	At least thirty days prior to the sale	Group 1		Mandatory	Where assessment is delinquent for more than a year, the treasurer of the county proceed to sell the land by having notice of such intended sale served on the record owner of the land	Change from 30 days to 7
21-393 Notice of issuance of bonds	Once a week for three successive weeks A newspaper published in the county in which the project, or some part thereof, is situated		Group 3	Stating that they propose to issue drainage bonds for the total cost of the improvement, giving the amount of the bonds to be issued, the rate of interest that they are to bear, and the time when payable	Mandatory	Issuance of bonds for drainage projects; notice of issuance required to be published & posted	Uniform language for Group 3 notice provisions added
21-420 How additional assessments made	Once a week for two consecutive weeks GC published in a county in which such project is located in whole or in part		Group 2		Mandatory	If additional or new assessments are levied, shall be levied only after all persons interested shall have been given full hearing	Uniform language for Group 3 notice provisions added

TITLE 22.1 - EDUCATION

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
22.1-29.1 Public hearing before appointment of school board members	Once GC within the school division	At least ten days prior to the hearing	Group 1	Does not specify	Mandatory	The appointing authority required to hold one or more public hearings to receive the views of citizens within the school division.	Change from 10 days to 7 days
22.1-37 Notice by commission of meeting for appointment	Once a week for four successive weeks GC in the county		Group 3	Time and place of the hearing	Mandatory	Relates to appointments made by a school board selection commission; hearing required prior to appointment.	Change from 4 weeks to 3 weeks; uniform language for Group 3 notice provisions added
22.1-79 Powers and duties	Once GC in the school division	At least ten days prior to the hearing	Group 1	Specific to the substance of the action contemplated	Mandatory	Required to get public comment prior to moving forward with (i) consolidation of schools; (ii) the transferring of instructional services to a private entity; or (iii) in school divisions having 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting any pupil assignment plan	Change from 10 days to 7 days
22.1-92 Estimate of moneys needed for public schools; notice of costs to be distributed	Once GC within the school division	At least ten days prior to the hearing	Group 1		Mandatory	Before school board gives final approval to its budget for submission to the governing body must hold	Change from 10 days to 7 days

Title 28.2 - FISHERIES AND HABITAT OF THE TITLE WATERS

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
28.2-1302 Adoption of wetlands zoning ordinance; terms of ordinance	Once a week for two weeks GC in the county city or town		Group 2	Notice of the hearing; Specify the place or places within the town, county or city where copies of the application may be examined		Wetlands zoning ordinance; local wetlands boards	Uniform language for Group 2 notice provisions added

TITLE 33.2 - HIGHWAYS AND OTHER SURFACE TRANSPORTATION SYSTEMS

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
33.2-108 Public hearings prior to undertaking projects requested by institutions of higher education	Once GC in the locality in which the project is to be located or established	At least 30 days prior to the hearing	Group 1	Time and place of the hearing	Mandatory	Intended action is by an institution of higher education not a locality	Intended action is by an institution of higher education Removed from consideration; not included in draft

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
33.2-208. Location of Routes	Once GC in the locality in which the route is to be located	At least 30 days prior to the hearing	Group 1	Time and place of the hearing	Mandatory	Intended action is by Commonwealth Transportation Board not a locality	Intended action is by Commonwealth Transportation Board Removed from consideration; not included in draft
33.2-331 Annual meeting with county officers	Once a week for two successive weeks GC in the county		Group 2		Permissive (meeting is not required)	Local governing body of each county in the secondary state highway system may have joint meeting with VDOT representatives	Uniform language for Group 2 notice provisions added
33.2-723 Assumption of district highway indebtedness by counties	Once a week for two successive weeks GC in the county	At least 30 days prior to the election	Group 2	Date of election and question to be voted on	Mandatory	Governing body may assume the payment of and pay any outstanding indebtedness of any magisterial district or districts thereof incurred for the purpose of constructing public highways	Uniform language for Group 2 notice provisions added
33.2-902 Abandonment of highway or railroad crossing; procedure	Twice GC in the county or one of the counties in which the section of the highway crossing is located		Group 2	Time and place of hearing	Not Mandatory; Other options	Intended action is by Commissioner of Highways and Commonwealth Transportation Board and not a locality	Intended action is by Commissioner of Highways and Commonwealth Transportation Board Removed from consideration; not included in draft

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
<u>33.2-909</u> Abandonment of highway, landing, or railroad crossing; procedure	Twice GC in the county	At least 30 days prior to the abandonment?	Group 2	Time and place of hearing	Mandatory	Governing body of any county on its own motion or upon petition of any interested landowner may cause the abandonment of highway, landing, or railroad crossing considered no longer necessary	Uniform language for Group 2 notice provisions added
<u>33.2-1005</u> Acquisition of real property that may be needed for transportation projects	Once GC in the political subdivision in which the property is located	At least 30 days prior to disposition of such property	Group 1		Not Mandatory; Other options	Intended action is by Commissioner of Highways	Intended action is by Commissioner of Highways Removed from consideration; not included in the draft
<u>33.2-2001</u> Creation of district	Once a week for three successive weeks GC within the locality		Group 3		Mandatory	Creation of local transportation district may be created in a single locality or in two or more contiguous localities; hearing on the question required	Remove "At least 10 days shall intervene between the third publication and the date set for the hearing." Uniform language for Group 2 notice provisions added

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
<u>33.2-2101</u> Creation of transportation improvement district	Once a week for three consecutive weeks GC within the locality	At least ten days prior to the meeting	Group 3		Mandatory	Creation of transportation improvement district in a county; hearing on the question required.	Uniform language for Group 3 notice provisions added
<u>33.2-2103</u> Powers and duties of transportation improvement district commission	Once GC in the district	At least ten days prior to the meeting	Group 1		Mandatory	Powers exercised by local commission. Power to dispose of any part of any transportation improvement may be exercised after hearing	Change from 10 days to 7 days
<u>33.2-2701</u> Creation of local transportation district	Once a week for three successive weeks GC within the locality	At least ten days prior to the meeting	Group 3		Mandatory	District may be created in the City of Charlottesville and the County of Albemarle	Uniform language for Group 3 notice provisions added

Title 36 - HOUSING

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
36-19.2 Powers limited by necessity for authority from or approval by governing body; public hearing on proposed budget	Once GC within the area of operation of the authority	At least 10 days prior to the hearing	Group 1		Mandatory	Intended action by local Housing Authority not locality. Before giving final approval to budget or any request for funding to the governing body, the authority shall hold at least one public hearing	Intended action by local Housing Authority Removed from consideration; not included in the draft
36-23 Housing authority operations in other municipalities	Once A newspaper published in such municipality; or if there is none, A newspaper published in the Commonwealth and having a GC in such municipality	At least 10 days prior to the hearing	Group 1	Time, place and purpose of the hearing	Mandatory	Governing body of a city must hold a hearing prior to adoption of a resolution declaring that there is a need for the housing authority	Change from 10 days to 7 days
36-44 Public hearing to create regional authority or change its area of operations and findings	Once A newspaper published in such county; or if none, A newspaper published in the Commonwealth and having GC in such county	At least 10 days prior to the hearing	Group 1	Time, place and purpose of the hearing	Mandatory	Board of supervisors of a county cannot adopt a resolution creating a regional housing authority unless a public hearing has first been held.	Change from 10 days to 7 days

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
<u>36-55.33:2</u> Powers relative to acquisition, development and ownership by HDA of multi-family residential housing	Once GC in the locality in which such development is to be located	At least 60 days prior to purchasing, acquiring, constructing, or rehabilitating any multifamily residential housing development	Group 1	State that HDA intends to purchase, acquire, construct or rehabilitate a multi-family residential housing development or developments in such locality and shall solicit proposals from interested parties for such purchase, acquisition, construction or rehabilitation or (ii) shall identify the multi-family residential housing development or developments to be (purchased, acquired, constructed or rehabilitated and shall request comments Or from the general public with respect to such proposed purchase, acquisition, construction or rehabilitation	Mandatory	Intended action is by local housing authority. At least sixty days prior to purchasing, acquiring, constructing or rehabilitating any multi-family residential housing development pursuant to this section, notice required to be published	Intended action is by local housing authority. Removed from consideration; not included in the draft

TITLE 58.1 - TAXATION

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
58.1-3007 Notice prior to increase local tax levy; hearing	Once GC in the locality affected	At least 7 days before the increased levy is made	Group 1	The Proposed tax increase	Mandatory	Before any local tax levy may be increased by a locality, the proposed increase required to be published	No language change necessary Not included in the draft
58.1-3108 Commissioner to render taxpayer assistance and may go to convenient places to receive returns; advertisement by commissioner	Once GC in the city or county	At least once during the thirty days prior to the time fixed by law for filing returns without penalty	Group 1	The location of the commissioner's office, location of commissioner's branch offices, if any, the hours of the day during which such office(s) shall be open for business, and the time when taxpayers' returns must be filed	Mandatory	Commissioners of revenue must advertise at least once during the thirty days prior to the time fixed by law for filing returns	Change from 30 days to seven days
58.1-3245.2 Tax increment financing	Once a week for three consecutive weeks Each GC in such county, city or town		Group 3	Time, place, and purpose of hearing; Define tax increment financing, proposed boundaries of area, and obligations to be issued to finance the project costs	Mandatory	Local governing body must hold a public hearing on the need for tax increment financing in the locality prior to adopting a tax increment financing ordinance.	Uniform language for Group 3 notice provisions added

SUBJECT & CITATION	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
58.1-3245.8 Adoption of local enterprise zone development taxation program	Once a week for three consecutive weeks Each GC in such county, city or town		Group 3	Time, place, and purpose of the hearing; Define local enterprise zone development taxation; indicate proposed boundaries; whether all or a specified percentage of real property/machinery or tools/or both, will be subject; and the purpose for which funds in the Local Enterprise Zone Development Fund are to be used	Mandatory	Local governing body must hold a public hearing on the need for a local enterprise zone development taxation program in the locality prior to adopting a local enterprise zone development taxation ordinance.	Uniform language for Group 3 notice provisions added
58.1-3256 Reassessment in towns; appeals of assessments	Once GC within the town	At least five days prior to the date of inspection	Group 1		Mandatory	After the assessment of the real estate in a town. governing body required to open such assessments public inspection after advertising notice	Change from 5 days to 7 days
58.1-3321 Effect on rate when assessment results in tax increase; public hearings	Once At least one GC in such county or city	At least 30 days prior to the hearing.	Group 1	Very specific information required in the Notice See endnote #1	Shall <i>not</i> be placed in the classifieds section	Governing body of a locality may, after conducting a public hearing (separate from annual budget hearing), increase the rate above the reduced rate	Change from 30 days to 7

SUBJECT & CITATION	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
<u>58.1-3378</u> Sittings; notices thereof	Once GC in the county or city	At least ten days prior to the board sitting	Group 1	"Inform the public that the board shall sit at the place or places and on the days named therein for the purpose of equalizing real estate assessments in such county or city and for the purpose of hearing complaints of inequalities wherein the property owners allege a lack of uniformity in assessment, or errors in acreage in such real estate assessments"	Mandatory	Notice required for meetings of the local board of equalization	Change from 10 days to 7 days
<u>58.1-3651</u> Property exempt from taxation by classification or designation by ordinance adopted by local governing body	Once GC in the county, city or town where the real property is located	At least five days before the hearing is held	Group 1	The assessed value of the real and tangible personal property for which an exemption is requested, and the property taxes assessed against such property	Mandatory	Pursuant to subsection 6 (a)(6) of Article X of the Constitution of Virginia, where locality intends to designate or classify exempt from real or personal property taxes, must hold public hearing on the issue.	Change from 5 days to 7 days

SUBJECT & CITATION	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
58.1-3924 Delinquent lists involving local taxes submitted to local governing bodies; publication of lists	Once GC in the county, city or town		Group 1		Not Mandatory; Other options	List of real estate on the commissioner's land book improperly placed required to be published.	Not included in the draft
58.1-3965 When land may be sold for delinquent taxes; notice of sale	Once GC in the locality	At least 30 days prior to the commencement of the judicial proceedings	Group 1	A list of real estate which will be offered for sale	Mandatory	Notice required to be published, regarding properties to be sold for delinquent sale.	Removed from consideration; not included in the draft
58.1-3975 Nonjudicial sale of tax delinquent real properties of minimal size and value	Once GC in the locality in which the property is located	At least 7 days but not more than 21 days prior to the sale	Group 1	Must be listed in legal classified section	Not Mandatory if taxes assessed on the property are less than \$500	Treasurer may sell, at public auction, any parcel of real property that is assessed at \$10,000 or less. Notice required to be given prior to sale.	Changed from between 7 days and 21 days to "at least 7 days"

TITLE 62.1 - WATERS OF THE STATE, PORTS, AND HARBORS

SUBJECT & CITATION	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
62.1-44.15:33 Authorization for more stringent ordinances.	Only specifies "public hearing is held after giving due notice"	Only states that "due notice" must be given	Group 1	Does not specify	Mandatory	In instances where a locality seeks to adopt stormwater management ordinances that are more stringent than the state standard.	Uniform language for Group 2 notice provisions added
62.1-44.15:65 Authorization for more stringent regulations	Only specifies "public hearing is held after giving due notice"	Only states that "due notice" must be given	Group 2	Does not specify	Mandatory	In instances where a locality seeks to adopt a soil erosion and sediment control regulation or ordinance that is more stringent	Uniform language for Group 2 notice provisions added

Endnotes

#1 Text of notice required by § 58.1-3321:

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The (name of the county, city or town) proposes to increase property tax levies.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by _____ percent.
2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$_____ per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. Effective Rate Increase: The (name of the county, city or town) proposes to adopt a tax rate of \$_____ per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$_____ per \$100, or _____ percent. This difference will be known as the "effective tax rate increase." Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.
4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of (name of county, city or town) will exceed last year's by _____ percent. A public hearing on the increase will be held on (date and time) at (meeting place). Must be at least one-eighth page of a standard or tabloid sized newspaper with ad headline 18 point type or larger and placed in an area of the paper not typically used for legal and classified ads.

Appendix D Discussion Draft 1

1 A BILL to amend and reenact §§ 15.2-107, 15.2-202, 15.2-619, 15.2-716, 15.2-749, 15.2-958.3,
2 15.2-958.6, 15.2-1236, 15.2-1301, 15.2-1427, 15.2-1702, 15.2-1703, 15.2-1813, 15.2-
3 2108.7, 15.2-2204, 15.2-2400, 15.2-2401, 15.2-2606, 15.2-2653, 15.2-3401, 15.2-3600,
4 15.2-4309, 15.2-4906, 15.2-5104, 15.2-5136, 15.2-5156, 15.2-5431.25, 15.2-5602, 15.2-
5 5702, 15.2-5711, 15.2-5806, 15.2-7502, 21-114, 21-117.1, 21-118, 21-146, 21-229, 21-
6 377, 21-393, 21-420, 22.1-29.1, 22.1-37, 22.1-79, 22.1-92, 28.2-1302, 33.2-331, 33.2-723,
7 33.2-909, 33.2-2001, 33.2-2101, 33.2-2101, 33.2-2103, 33.2-2701, 36-23, 36-44, 58.1-
8 3108, 58.1-3245.2, 58.1-3245.8, 58.1-3256, 58.1-3321, 58.1-3378, 58.1-3651, 58.1-3975,
9 62.1-44.15:33, and 62.1-44.15:65 of the Code of, relating to local government; public
10 notice requirements for intended actions and hearings.

11 **Be it enacted by the General Assembly of Virginia:**

12 **1. That §§ 15.2-107, 15.2-202, 15.2-619, 15.2-716, 15.2-749, 15.2-958.3, 15.2-958.6, 15.2-1236,**
13 **15.2-1301, 15.2-1427, 15.2-1702, 15.2-1703, 15.2-1813, 15.2-2108.7, 15.2-2204, 15.2-2400, 15.2-**
14 **2401, 15.2-2606, 15.2-2653, 15.2-3401, 15.2-3600, 15.2-4309, 15.2-4906, 15.2-5104, 15.2-5136,**
15 **15.2-5156, 15.2-5431.25, 15.2-5602, 15.2-5702, 15.2-5711, 15.2-5806, 15.2-7502, 21-114, 21-**
16 **117.1, 21-118, 21-146, 21-229, 21-377, 21-393, 21-420, 22.1-29.1, 22.1-37, 22.1-79, 22.1-92,**
17 **28.2-1302, 33.2-331, 33.2-723, 33.2-909, 33.2-2001, 33.2-2101, 33.2-2101, 33.2-2103, 33.2-**
18 **2701, 36-23, 36-44, 58.1-3108, 58.1-3245.2, 58.1-3245.8, 58.1-3256, 58.1-3321, 58.1-3378, 58.1-**
19 **3651, 58.1-3975, 62.1-44.15:33, and 62.1-44.15:65 of the Code of Virginia are amended and**
20 **reenacted as follows:**

21 **§ 15.2-202. Public hearing in lieu of election; procedure when bill not introduced or**
22 **fails to pass in General Assembly.**

23 In lieu of the election provided for in § 15.2-201, a locality requesting the General
24 Assembly to grant to it a new charter or to amend its existing charter may hold a public hearing
25 with respect thereto, at which citizens shall have an opportunity to be heard to determine if the
26 citizens of the locality desire that the locality request the General Assembly to grant to it a new
27 charter, or to amend its existing charter. At least ~~ten~~seven days' notice of the time and place of
28 such hearing and the text or an informative summary of the new charter or amendment desired
29 shall be published in a newspaper of general circulation in the locality. Such public hearing may
30 be adjourned from time to time, and upon the completion thereof, the locality may request, in the
31 manner provided in § 15.2-201, the General Assembly to grant the new charter or amend the
32 existing charter and the provisions of § 15.2-201 shall be applicable thereto.

33 If a bill incorporating such charter or amendments is not introduced at the succeeding
34 session of the General Assembly, the authority of the locality to request such charter or
35 amendments by reason of such public hearing shall thereafter be void. If at such session members
36 of the General Assembly fail to enact and do not carry over or pass by indefinitely a bill
37 incorporating such charter or amendments, the charter or amendments may again be submitted to
38 a public hearing in lieu of an election as provided hereinabove before reintroduction in the General
39 Assembly.

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

43 **§ 15.2-619. Same; powers of commissioners of revenue; real estate reassessments.**

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

47 Every general reassessment of real estate in the county, unless some other person is
48 designated for this purpose by the county manager in accordance with § 15.2-612 or unless the
49 board creates a separate department of assessments in accordance with § 15.2-616, shall be made

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

53 In addition to any other method provided by general law or by this article or to certain
54 classified counties, the director of finance may provide for the annual assessment and equalization
55 of real estate and any general reassessment order by the board. The director of finance or his
56 designated agent shall collect data, provide maps and charts, and devise methods and procedures
57 to be followed for such assessment that will make for uniformity in assessments throughout the
58 county.

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

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

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

68 This section shall not apply to real estate assessable under the law by the Commonwealth,
69 and the director of finance or his designated agent shall not make any real estate assessments during
70 the life of any general reassessment board.

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

75 The board shall establish a continuing board of real estate review and equalization to
76 review all assessments made under authority of this section and to which all appeals by any person

77 aggrieved by any real estate assessment shall first apply for relief. The board of real estate review
78 and equalization shall consist of not fewer than three nor more than five members who shall be
79 freeholders in the county. The appointment, terms of office and compensation of the members of
80 such board shall be prescribed by the board of supervisors. The board of real estate review and
81 equalization shall have all the powers conferred upon boards of equalization by general law. All
82 applications for review to such board shall be made not later than April 1 of the year for which
83 extension of taxes on the assessment is to be made. Such board shall grant a hearing to any person
84 making application at a regular advertised meeting of the board, shall rule on all applications within
85 sixty days after the date of the hearing, and shall thereafter promptly certify its action thereon to
86 the director of finance. The equalization board shall conduct hearings at such times as are
87 convenient, after publishing a notice in a newspaper having a general circulation in the county,
88 ~~ten~~ seven days prior to any such hearing at which any person applying for review will be heard.

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

92 **§ 15.2-716. Referendum for establishment of department of real estate assessments;**
93 **board of equalization; general reassessments in county where department established.**

94 A referendum may be initiated by a petition signed by 200 or more qualified voters of the
95 county filed with the circuit court, asking that a referendum be held on the question of whether the
96 county shall have a department of real estate assessments. The court shall on or before August 1
97 enter of record an order requiring the county election officials to open the polls at the regular
98 election to be held in November of such year on the question stated in such order. If the petition
99 seeks the holding of a special election on the question, then the petition hereinabove referred to
100 shall be signed by 1,000 or more qualified voters of the county and the court shall within fifteen
101 days of the date such petition is filed enter an order, in accordance with § 24.2-684, requiring the
102 election officials to open the polls on a date fixed in the order and take the sense of the qualified
103 voters of the county. The clerk of the county shall cause a notice of such election to be published

104 in a newspaper having general circulation in the county once a week for three successive weeks,
105 with the first notice appearing no more than 21 days before the date on which the referendum is
106 held, and shall post a copy of such notice at the door of the county courthouse.

107 If a majority of the voters voting in the referendum vote for the establishment of a
108 department of real estate assessments, the board shall by ordinance establish such department,
109 provide for the compensation of the department head and employees therein, and decide such other
110 matters in relation to the powers and duties of the department, the department head and the
111 employees, as the board deems proper. As used in this section the term "department" refers to the
112 department of real estate assessments and where proper the department head thereof.

113 Upon the establishment of the department, the county manager shall select the head thereof
114 and provide for such employees and assistants as required. Such department shall be vested with
115 the powers and duties conferred or imposed upon commissioners of the revenue by general law to
116 the extent that such duties and powers are consistent with this section, in relation to the assessment
117 of real estate. All real estate shall be assessed at its fair market value as of January 1 of each year
118 by the department and taxes for each year on such real estate shall be entered on the land book by
119 the department in the name of the owner thereof. Whenever any such assessment is increased over
120 the last assessment made prior to such year, the department shall give written notice to the owner
121 of such real estate or of any interest therein, by mailing such notice to the last known post-office
122 address of such owner. However, the validity of such assessment shall not be affected by any
123 failure to receive such notice.

124 If a department of real estate assessments is appointed as above provided, a board of
125 equalization of real estate assessments shall be appointed pursuant to § 15.2-716.1. Any person
126 aggrieved by any assessment made under the provisions of this section may apply for relief to such
127 board as therein provided.

128 When a department of real estate assessments is appointed, the county shall not be required
129 to undertake general reassessments of real estate every six years, but the governing body of the
130 county may, but shall not be required to, request the circuit court of such county to order a general

131 reassessment at such times as the governing body deems proper. Such court shall then enter an
132 order directing a reassessment of real estate in the manner provided by law.

133 The department of real estate assessments may require that the owners of income-
134 producing real estate in the county subject to local taxation, except property producing income
135 solely from the rental of no more than four dwelling units, furnish to the department on or before
136 a time specified by the director of the department statements of the income and expenses
137 attributable over a specified period of time to each such parcel of real estate. If there is a willful
138 failure to furnish statements of income and expenses in a timely manner to the director, the owner
139 of such parcel of real estate shall be deemed to have waived his right in any proceeding contesting
140 the assessment to utilize such income and expenses as evidence of fair market value. Each such
141 statement shall be certified as to its accuracy by an owner of the real estate for which the statement
142 is furnished, or a duly authorized agent thereof. Any statement required by this section shall be
143 kept confidential as required by § 58.1-3.

144 **§ 15.2-749. Certain referenda in certain counties.**

145 If on or before July 15 of any year in which such referendum is provided for by law a
146 petition signed by 200 or more qualified voters of the county is filed with the circuit court of the
147 county asking that a referendum be held on any question upon which a referendum is provided for
148 by any applicable statute, then such court shall on or before August 1 of such year issue and enter
149 of record an order requiring the county election officials to open the polls at the regular election to
150 be held in November of such year on the question stated in such statute. If the statute providing
151 for such referendum shall authorize or require the referendum to be held at a special election, then
152 the petition hereinabove referred to shall be signed by 1,000 or more voters of the county and the
153 court shall within fifteen days of the date such petition is filed enter an order requiring the election
154 officials to open the polls and take the sense of the voters of the county on a date fixed in his order,
155 which shall be in accordance with § 24.2-682. The clerk of the county shall cause a notice of such
156 election to be published in a newspaper published or having general circulation in the county once
157 a week for three successive weeks, with the first publication appearing no more than 21 days before

158 the date on which the referendum is held, and shall post a copy of the notice at the door of the
159 county courthouse.

160 **§ 15.2-958.3. Commercial Property Assessed Clean Energy (C-PACE) financing**
161 **programs.**

162 A. As used in this section:

163 "Eligible improvements" means any of the following improvements made to eligible
164 properties:

- 165 1. Energy efficiency improvements;
- 166 2. Water efficiency and safe drinking water improvements;
- 167 3. Renewable energy improvements;
- 168 4. Resiliency improvements;
- 169 5. Stormwater management improvements;
- 170 6. Environmental remediation improvements; and
- 171 7. Electric vehicle infrastructure improvements.

172 A program administrator may include in its C-PACE loan program guide or other
173 administrative documentation definitions, interpretations, and examples of these categories of
174 eligible improvements.

175 "Eligible properties" means all assessable commercial real estate located within the
176 Commonwealth, with all buildings located or to be located thereon, whether vacant or occupied,
177 whether improved or unimproved, and regardless of whether such real estate is currently subject
178 to taxation by the locality, other than a residential dwelling with fewer than five dwelling units or
179 a condominium as defined in § 55.1-2000 used for residential purposes. Common areas of real
180 estate owned by a cooperative or a property owners' association described in Subtitle IV (§ 55.1-
181 1800 et seq.) of Title 55.1 that have a separate real property tax identification number are eligible
182 properties. Eligible properties shall be eligible to participate in the C-PACE loan program.

183 "Program administrator" means a third party that is contracted for professional services to
184 administer a C-PACE loan program.

185 "Resiliency improvement" means an improvement that increases the capacity of a structure
186 or infrastructure to withstand or recover from natural disasters, the effects of climate change, and
187 attacks and accidents, including, but not limited to:

- 188 1. Flood mitigation or the mitigation of the impacts of flooding;
- 189 2. Inundation adaptation;
- 190 3. Natural or nature-based features and living shorelines, as defined in § 28.2-104.1;
- 191 4. Enhancement of fire or wind resistance;
- 192 5. Microgrids;
- 193 6. Energy storage; and
- 194 7. Enhancement of the resilience capacity of a natural system, structure, or infrastructure.

195 B. Any locality may, by ordinance, authorize contracts to provide C-PACE loans (loans)
196 for the initial acquisition, installation, and refinancing of eligible improvements located on eligible
197 properties by free and willing property owners of such eligible properties. The ordinance may refer
198 to the mode of financing as Commercial Property Assessed Clean Energy (C-PACE) financing
199 and shall include but not be limited to the following:

- 200 1. The kinds of eligible improvements that qualify for loans;
- 201 2. The proposed arrangement for such C-PACE loan program (loan program), including (i)
202 a statement concerning the source of funding for the C-PACE loan; (ii) the time period during
203 which contracting property owners would repay the C-PACE loan; and (iii) the method of
204 apportioning all or any portion of the costs incidental to financing, administration, and collection
205 of the c-pace loan among the parties to the C-PACE transaction;
- 206 3. (i) A minimum dollar amount that may be financed with respect to an eligible property;
207 (ii) if a locality or other public body is originating the loans, a maximum aggregate dollar amount
208 that may be financed with respect to loans originated by the locality or other public body, and (iii)
209 provisions that the loan program may approve a loan application submitted within two years of the
210 locality's issuance of a certificate of occupancy or other evidence that eligible improvements
211 comply substantially with the plans and specifications previously approved by the locality and that

212 such loan may refinance or reimburse the property owner for the total costs of such eligible
213 improvements;

214 4. In the case of a loan program described in clause (ii) of subdivision 3, a method for
215 setting requests from owners of eligible properties for financing in priority order in the event that
216 requests appear likely to exceed the authorization amount of the loan program. Priority shall be
217 given to those requests from owners of eligible properties who meet established income or assessed
218 property value eligibility requirements;

219 5. Identification of a local official authorized to enter into contracts on behalf of the
220 locality. A locality may contract with a program administrator to administer such loan program;

221 6. Identification of any fee that the locality intends to impose on the property owner
222 requesting to participate in the loan program to offset the cost of administering the loan program.
223 The fee may be assessed as a program fee paid by the property owner requesting to participate in
224 the program; and

225 7. A draft contract specifying the terms and conditions proposed by the locality.

226 C. The locality may combine the loan payments required by the contracts with billings for
227 water or sewer charges, real property tax assessments, or other billings; in such cases, the locality
228 may establish the order in which loan payments will be applied to the different charges. The
229 locality may not combine its billings for loan payments required by a contract authorized pursuant
230 to this section with billings of another locality or political subdivision, including an authority
231 operating pursuant to Chapter 51 (§ 15.2-5100 et seq.), unless such locality or political subdivision
232 has given its consent by duly adopted resolution or ordinance. The locality may, either by
233 ordinance or its program guide, delegate the billing; collection, including enforcement; and
234 remittance of C-PACE loan payments to a third party.

235 D. The locality shall offer private lending institutions the opportunity to participate in local
236 C-PACE loan programs established pursuant to this section.

237 E. In order to secure the loan authorized pursuant to this section, the locality shall place a
238 voluntary special assessment lien equal in value to the loan against any property where such

239 eligible improvements are being installed. The locality may bundle or package said loans for
240 transfer to private lenders in such a manner that would allow the voluntary special assessment liens
241 to remain in full force to secure the loans. The placement of a voluntary special assessment lien
242 shall not require a new assessment on the value of the real property that is being improved under
243 the loan program.

244 F. A voluntary special assessment lien imposed on real property under this section:

245 1. Shall have the same priority status as a property tax lien against real property, except
246 that such voluntary special assessment lien shall have priority over any previously recorded
247 mortgage or deed of trust lien only if (i) a written subordination agreement, in a form and substance
248 acceptable to each prior lienholder in its sole and exclusive discretion, is executed by the holder
249 of each mortgage or deed of trust lien on the property and recorded with the special assessment
250 lien in the land records where the property is located, and (ii) evidence that the property owner is
251 current on payments on loans secured by a mortgage or deed of trust lien on the property and on
252 property tax payments, that the property owner is not insolvent or in bankruptcy proceedings, and
253 that the title of the benefited property is not in dispute is submitted to the locality prior to recording
254 of the special assessment lien;

255 2. Shall run with the land, and that portion of the assessment under the assessment contract
256 that has not yet become due is not eliminated by foreclosure of a property tax lien;

257 3. May be enforced by the local government in the same manner that a property tax lien
258 against real property is enforced by the local government. A local government shall be entitled to
259 recover costs and expenses, including attorney fees, in a suit to collect a delinquent installment of
260 an assessment in the same manner as in a suit to collect a delinquent property tax; and

261 4. May incur interest and penalties for delinquent installments of the assessment in the
262 same manner as delinquent property taxes.

263 G. Prior to the enactment of an ordinance pursuant to this section, a public hearing shall be
264 held at which interested persons may object to or inquire about the proposed loan program or any
265 of its particulars. The public hearing shall be ~~advertised~~published once a week for two successive

266 weeks, with the first publication appearing no more than 14 days before the hearing, in a newspaper
267 of general circulation in the locality.

268 H. The Department of Energy shall serve as a statewide sponsor for a loan program that
269 meets the requirements of this section. The Department of Energy shall engage a private program
270 administrator through a competitive selection process to develop the statewide loan program. A
271 locality, in its adoption or amendment of its C-PACE ordinance described in subsection B, may
272 opt into the statewide C-PACE loan program sponsored by the Department of Energy, and such
273 action shall not require the locality to undertake any competitive procurement process.

274 **§ 15.2-958.6. Financing the repair of failed septic systems.**

275 A. Any locality may, by ordinance, authorize contracts with property owners to provide
276 loans for the repair of septic systems. Such an ordinance shall state:

277 1. The kinds of septic system repairs for which loans may be offered;

278 2. The proposed arrangement for such loan program, including (i) the interest rate and time
279 period during which contracting property owners shall repay the loan; (ii) the method of
280 apportioning all or any portion of the costs incidental to financing, administration, and collection
281 of the arrangement among the consenting property owners and the locality; and (iii) the possibility
282 that the locality may partner with a planning district commission (PDC) to coordinate and provide
283 financing for the repairs, including the locality's obligation to reimburse the PDC as the loan is
284 repaid;

285 3. A minimum and maximum aggregate dollar amount that may be financed;

286 4. A method for setting requests from property owners for financing in priority order in the
287 event that requests appear likely to exceed the authorization amount of the loan program. Priority
288 shall be given to those requests from property owners who meet established income or assessed
289 property value eligibility requirements;

290 5. Identification of a local official authorized to enter into contracts on behalf of the
291 locality; and

292 6. A draft contract specifying the terms and conditions proposed by the locality or by a
293 PDC acting on behalf of the locality.

294 B. The locality may combine the loan payments required by the contracts with billings for
295 water or sewer charges, real property tax assessments, or other billings; in such cases, the locality
296 may establish the order in which loan payments will be applied to the different charges. The
297 locality may not combine its billings for loan payments required by a contract authorized pursuant
298 to this section with billings of another locality or political subdivision, including an authority
299 operating pursuant to Chapter 51 (§ 15.2-5100 et seq.), unless such locality or political subdivision
300 has given its consent by duly adopted resolution or ordinance.

301 C. In cases in which local property records fail to identify all of the individuals having an
302 ownership interest in a property containing a failing septic system, the locality may set a minimum
303 total ownership interest that it will require a property owner or owners to prove before it will allow
304 the owner or owners to participate in the program.

305 D. The locality or PDC acting on behalf of the locality shall offer private lending
306 institutions the opportunity to participate in local loan programs established pursuant to this
307 section.

308 E. In order to secure the loan authorized pursuant to this section, the locality is authorized
309 to place a lien equal in value to the loan against any property where such septic system repair is
310 being undertaken. Such liens shall be subordinate to all liens on the property as of the date loans
311 authorized pursuant to this section are made, except that with the prior written consent of the
312 holders of all liens on the property as of the date loans authorized pursuant to this section are made,
313 the liens securing loans authorized pursuant to this section shall be liens on the property ranking
314 on a parity with liens for unpaid local taxes. The locality may bundle or package such loans for
315 transfer to private lenders in such a manner that would allow the liens to remain in full force to
316 secure the loans.

317 F. Prior to the enactment of an ordinance pursuant to this section, a public hearing shall be
318 held at which interested persons may object to or inquire about the proposed loan program or any

319 of its particulars. The public hearing shall be ~~advertised~~published once a week for two successive
320 weeks, with the first publication appearing no more than 14 days before the hearing, in a
321 newspaper of general circulation in the locality.

322 **§ 15.2-1236. Purchases and sales to be based on competition.**

323 A. All purchases of, and contracts for, supplies and contractual services shall be in
324 accordance with Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2.

325 B. All sales of any personal property which has become obsolete and unusable shall be
326 based wherever feasible on competitive bids. If the amount of the sale is estimated by the county
327 purchasing agent to exceed \$5,000, sealed bids shall, unless the governing body provides
328 otherwise, be solicited by public notice published at least once in a newspaper of countywide
329 circulation at least ~~five~~seven calendar days before the final date of submitting bids.

330 **§ 15.2-1301. Voluntary economic growth-sharing agreements.**

331 A. Any county, city or town, or combination thereof, may enter voluntarily into an
332 agreement with any other county, city or town, or combination thereof, whereby the locality may
333 agree for any purpose otherwise permitted, including the provision on a multi-jurisdictional basis
334 of one or more public services or facilities or any type of economic development project, to enter
335 into binding fiscal arrangements for fixed time periods, to exceed one year, to share in the benefits
336 of the economic growth of their localities. However, if any such agreement contains any provision
337 addressing any issue provided for in Chapter 32 (§ 15.2-3200 et seq.), 33 (§ 15.2-3300 et seq.), 36
338 (§ 15.2-3600 et seq.), 38 (§ 15.2-3800 et seq.), 39 (§ 15.2-3900 et seq.), or 41 (§ 15.2-4100 et seq.),
339 the agreement shall be subject to the review and implementation process established by Chapter
340 34 (§ 15.2-3400 et seq.). All such agreements, including those that address any issue provided for
341 in Chapter 32, 33, 36, 38, 39, or 41, shall require, at least annually, a report from each locality that
342 is a recipient of funds pursuant to the agreement to each of the other governing bodies of the
343 participating localities that includes (i) the amount of money transferred among the localities
344 pursuant to the agreement and (ii) the uses of such funds by the localities. The parties to any such
345 agreement that has been in effect for at least 10 years as of July 1, 2018, and pursuant to which

346 annual payments exceed \$5 million, shall (a) comply with the reporting requirements of this
347 subsection, notwithstanding whether such requirements are contained in the existing agreement
348 and (b) convene an annual meeting to discuss anticipated future plans for economic growth in the
349 localities.

350 B. The terms and conditions of the revenue, tax base or economic growth-sharing
351 agreement as provided in subsection A shall be determined by the affected localities and shall be
352 approved by the governing body of each locality participating in the agreement, provided the
353 governing body of each such locality first holds a public hearing which shall be advertised once a
354 week for two successive weeks, with the first advertisement appearing no more than 14 days before
355 the hearing, in a newspaper of general circulation in the locality. However, the public hearing
356 shall not take place until the Commission on Local Government has issued its findings in
357 accordance with subsection D. For purposes of this section, "revenue, tax base, and economic
358 growth-sharing agreements" means any agreement authorized by subsection A which obligates
359 any locality to pay another locality all or any portion of designated taxes or other revenues received
360 by that political subdivision, but shall not include any interlocal service agreement.

361 C. Any revenue, tax base or economic growth-sharing agreement entered into under the
362 provisions of this section that creates a debt pursuant to Article VII, Section 10 (b) of the
363 Constitution of Virginia, shall require the board of supervisors to hold a special election on the
364 question as provided in § 15.2-3401.

365 D. Revenue, tax base, and economic growth-sharing agreements drafted under the
366 provisions of this chapter shall be submitted to the Commission on Local Government for review
367 as provided in subdivision 4 of § 15.2-2903. However, no such review shall be required for two or
368 more localities entering into an economic growth-sharing agreement pursuant to this section in
369 order to facilitate the reception of grants for qualified companies in such locality pursuant to the
370 Port of Virginia Economic and Infrastructure Development Grant Fund and Program established
371 pursuant to § 62.1-132.3:2.

372 **§ 15.2-1427. Adoption of ordinances and resolutions generally; amending or repealing**
373 **ordinances.**

374 A. Unless otherwise specifically provided for by the Constitution or by other general or
375 special law, an ordinance may be adopted by majority vote of those present and voting at any
376 lawful meeting.

377 B. On final vote on any ordinance or resolution, the name of each member of the governing
378 body voting and how he voted shall be recorded; however, votes on all ordinances and resolutions
379 adopted prior to February 27, 1998, in which an unanimous vote of the governing body was
380 recorded, shall be deemed to have been validly recorded. The governing body may adopt an
381 ordinance or resolution by a recorded voice vote unless otherwise provided by law, or any member
382 calls for a roll call vote. An ordinance shall become effective upon adoption or upon a date fixed
383 by the governing body.

384 C. All ordinances or resolutions heretofore adopted by a governing body shall be deemed
385 to have been validly adopted, unless some provision of the Constitution of Virginia or the
386 Constitution of the United States has been violated in such adoption.

387 D. An ordinance may be amended or repealed in the same manner, or by the same
388 procedure, in which, or by which, ordinances are adopted.

389 E. An amendment or repeal of an ordinance shall be in the form of an ordinance which
390 shall become effective upon adoption or upon a date fixed by the governing body, but, if no
391 effective date is specified, then such ordinance shall become effective upon adoption.

392 **F.** In counties, except as otherwise authorized by law, no ordinance shall be passed until
393 after descriptive notice of an intention to propose the ordinance for passage has been published
394 once a week for two successive weeks, with the first publication appearing at least 14 days prior
395 to its passage in a newspaper having a general circulation in the county. The second publication
396 shall not be sooner than one calendar week after the first publication. The publication shall include
397 a statement either that the publication contains the full text of the ordinance or that a copy of the
398 full text of the ordinance is on file in the clerk's office of the circuit court of the county or in the

399 office of the county administrator; or in the case of any county organized under the form of
400 government set out in Chapter 5, 7 or 8 of this title, a statement that a copy of the full text of the
401 ordinance is on file in the office of the clerk of the county board. Even if the publication contains
402 the full text of the ordinance, a complete copy shall be available for public inspection in the offices
403 named herein.

404 In counties, emergency ordinances may be adopted without prior notice; however, no such
405 ordinance shall be enforced for more than sixty days unless readopted in conformity with the
406 provisions of this Code.

407 G. In towns, no tax shall be imposed except by a two-thirds vote of the council members.

408 **§ 15.2-1702. Referendum required prior to establishment of county police force.**

409 A. A county shall not establish a police force unless (i) such action is first approved by the
410 voters of the county in accordance with the provisions of this section and (ii) the General Assembly
411 enacts appropriate authorizing legislation.

412 B. The governing body of any county shall petition the court, by resolution, asking that a
413 referendum be held on the question, "Shall a police force be established in the county and the
414 sheriff's office be relieved of primary law-enforcement responsibilities?" The court, by order
415 entered of record in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, shall
416 require the regular election officials of the county to open the polls and take the sense of the voters
417 on the question as herein provided.

418 The clerk of the circuit court for the county shall publish notice of the election in a
419 newspaper of general circulation in the county once a week for three consecutive weeks prior to
420 the election, with the first publication appearing not more than 21 days before the hearing. The
421 notice shall contain the ballot question and a statement of not more than 500 words on the proposed
422 question. The explanation shall be presented in plain English, shall be limited to a neutral
423 explanation, and shall not present arguments by either proponents or opponents of the proposal.
424 The attorney for the county or city or, if there is no county or city attorney, the attorney for the
425 Commonwealth shall prepare the explanation. "Plain English" means written in nontechnical,

426 readily understandable language using words of common everyday usage and avoiding legal terms
427 and phrases or other terms and words of art whose usage or special meaning primarily is limited
428 to a particular field or profession.

429 C. The county may expend public funds to produce and distribute neutral information
430 concerning the referendum; provided, however, public funds may not be used to promote a
431 particular position on the question, either in the notice called for in subsection B, or in any other
432 distribution of information to the public.

433 D. The regular election officers of the county shall open the polls on the date specified in
434 such order and conduct the election in the manner provided by law. The election shall be by ballot
435 which shall be prepared by the electoral board of the county and on which shall be printed the
436 following:

437 "Shall a police force be established in the county and the sheriff's office be relieved of
438 primary law-enforcement responsibilities?

439 [] Yes

440 [] No"

441 The ballots shall be counted, returns made and canvassed as in other elections, and the
442 results certified by the electoral board to the court ordering the election. If a majority of the voters
443 voting in the election vote "Yes," the court shall enter an order proclaiming the results of the
444 election and a duly certified copy of such order shall be transmitted to the governing body of the
445 county. The governing body shall proceed to establish a police force following the enactment of
446 authorizing legislation by the General Assembly.

447 E. After a referendum has been conducted pursuant to this section, no subsequent
448 referendum shall be conducted pursuant to this section in the same county for a period of four
449 years from the date of the prior referendum.

450 **§ 15.2-1703. Referendum to abolish county police force.**

451 The police force in any county which established the force subsequent to July 1, 1983, may
452 be abolished and its responsibilities assumed by the sheriff's office after a referendum held
453 pursuant to this section.

454 Either (i) the voters of the county by petition signed by not less than ten percent of the
455 registered voters therein on the January 1 preceding the filing of the petition or (ii) the governing
456 body of the county, by resolution, may petition the circuit court for the county that a referendum
457 be held on the question, "Shall the county police force be abolished and its responsibilities assumed
458 by the county sheriff's office?" The court, by order entered of record in accordance with Article 5
459 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, shall require the regular election officials of the
460 county at the next general election held in the county to open the polls and take the sense of the
461 voters on the question as herein provided. The clerk of the circuit court for the county shall publish
462 notice of the election in a newspaper of general circulation in the county once a week for three
463 consecutive weeks prior to the election, with the first publication appearing not more than 21 days
464 before the hearing.

465 The ballot shall be printed as follows:

466 "Shall the county police force be abolished and its responsibilities assumed by the county
467 sheriff's office?

468 [] Yes

469 [] No"

470 The election shall be held and the results certified as provided in § 24.2-684. If a majority
471 of the voters voting in the election vote in favor of the question, the court shall enter an order
472 proclaiming the results of the election, and a duly certified copy of such order shall be transmitted
473 to the governing body of the county. The governing body shall proceed with the necessary action
474 to abolish the police force and transfer its responsibilities to the sheriff's office, to become effective
475 on July 1 following the referendum.

476 Once a referendum has been held pursuant to this section, no further referendum shall be
477 held pursuant to this section within four years thereafter.

478 **§ 15.2-2108.7. Public hearings on feasibility study; notice.**

479 A. If the results of the feasibility study satisfy the revenue requirements of subsection D of
480 § 15.2-2108.6, the governing body shall, at the next regular meeting after the governing body
481 receives the results of the feasibility study, schedule at least two public hearings to be held at least
482 seven days apart, but both shall be held not more than 60 days from the date of the meeting at
483 which the public hearings are scheduled. The purpose of such public hearings shall be to allow the
484 feasibility consultant to present the results of the feasibility study, and to inform the public about
485 the feasibility study results and offer the public the opportunity to ask questions of the feasibility
486 consultant about the results of the feasibility study.

487 B. Except as provided in subsection C, the municipality shall publish notice of the public
488 hearings required under subsection A at least once a week for three consecutive weeks in a
489 newspaper of general circulation in the municipality, with the first publication appearing not more
490 than 21 days before the hearing. The last publication of notice required under this subsection shall
491 be at least three days before the first public hearing required under subsection A.

492 C. If there is no newspaper of general circulation in the municipality, for each 1,000
493 residents the municipality shall post at least one notice of the hearings in a conspicuous place
494 within the municipality that is likely to give notice of the hearings to the greatest number of
495 residents of the municipality. The municipality shall post the notices at least seven days before the
496 first public hearing required under subsection A is held.

497 D. After holding the public hearings required by this section, if the governing body of the
498 municipality elects to proceed, the municipality shall adopt by resolution the feasibility study.

499 **§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written**
500 **notice of certain amendments.**

501 A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers
502 conferred by this chapter need not be advertised in full, but may be advertised by reference. Every
503 such advertisement shall contain a descriptive summary of the proposed action and a reference to

504 the place or places within the locality where copies of the proposed plans, ordinances or
505 amendments may be examined.

506 The local planning commission shall not recommend nor the governing body adopt any
507 plan, ordinance or amendment thereof until notice of intention to do so has been published once a
508 week for two successive weeks in some newspaper published or having general circulation in the
509 locality, with the first publication appearing not more than 14 days before the hearing; however,
510 the notice for both the local planning commission and the governing body may be published
511 concurrently. The notice shall specify the time and place of hearing at which persons affected may
512 appear and present their views, not less than five days nor more than 21 days after the second
513 advertisement appears in such newspaper. The local planning commission and governing body
514 may hold a joint public hearing after public notice as set forth in this subsection. If a joint hearing
515 is held, then public notice as set forth in this subsection need be given only by the governing body.
516 As used in this subsection, "two successive weeks" means that such notice shall be published at
517 least twice in such newspaper, with not less than six days elapsing between the first and second
518 publication. In any instance in which a locality has submitted a correct and timely notice request
519 to such newspaper and the newspaper fails to publish the notice, or publishes the notice incorrectly,
520 such locality shall be deemed to have met the notice requirements of this subsection so long as the
521 notice was published in the next available edition of a newspaper having general circulation in the
522 locality. After enactment of any plan, ordinance or amendment, further publication thereof shall
523 not be required.

524 B. When a proposed amendment of the zoning ordinance involves a change in the zoning
525 map classification of 25 or fewer parcels of land, then, in addition to the advertising as required
526 by subsection A, written notice shall be given by the local planning commission, or its
527 representative, at least five days before the hearing to the owner or owners, their agent or the
528 occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting
529 property and property immediately across the street or road from the property affected, including
530 those parcels that lie in other localities of the Commonwealth; and, if any portion of the affected

531 property is within a planned unit development, then to such incorporated property owner's
532 associations within the planned unit development that have members owning property located
533 within 2,000 feet of the affected property as may be required by the commission or its agent.
534 However, when a proposed amendment to the zoning ordinance involves a tract of land not less
535 than 500 acres owned by the Commonwealth or by the federal government, and when the proposed
536 change affects only a portion of the larger tract, notice need be given only to the owners of those
537 properties that are adjacent to the affected area of the larger tract. Notice sent by registered or
538 certified mail to the last known address of such owner as shown on the current real estate tax
539 assessment books or current real estate tax assessment records shall be deemed adequate
540 compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of
541 any notice required under this chapter shall be taxed to the applicant.

542 When a proposed amendment of the zoning ordinance involves a change in the zoning map
543 classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text
544 regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition
545 to the advertising as required by subsection A, written notice shall be given by the local planning
546 commission, or its representative, at least five days before the hearing to the owner, owners, or
547 their agent of each parcel of land involved, provided, however, that written notice of such changes
548 to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their
549 agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of
550 Article 6 (§ 15.2-2240 et seq.) where such lots are less than 11,500 square feet. One notice sent by
551 first class mail to the last known address of such owner as shown on the current real estate tax
552 assessment books or current real estate tax assessment records shall be deemed adequate
553 compliance with this requirement, provided that a representative of the local commission shall
554 make affidavit that such mailings have been made and file such affidavit with the papers in the
555 case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted
556 amendment or ordinance because of the inadvertent failure by the representative of the local
557 commission to give written notice to the owner, owners or their agent of any parcel involved.

558 The governing body may provide that, in the case of a condominium or a cooperative, the
559 written notice may be mailed to the unit owners' association or proprietary lessees' association,
560 respectively, in lieu of each individual unit owner.

561 Whenever the notices required hereby are sent by an agency, department or division of the
562 local governing body, or their representative, such notices may be sent by first class mail; however,
563 a representative of such agency, department or division shall make affidavit that such mailings
564 have been made and file such affidavit with the papers in the case.

565 A party's actual notice of, or active participation in, the proceedings for which the written
566 notice provided by this section is required shall waive the right of that party to challenge the
567 validity of the proceeding due to failure of the party to receive the written notice required by this
568 section.

569 C. When a proposed comprehensive plan or amendment thereto; a proposed change in
570 zoning map classification; or an application for special exception for a change in use or to increase
571 by greater than 50 percent of the bulk or height of an existing or proposed building, but not
572 including renewals of previously approved special exceptions, involves any parcel of land located
573 within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition
574 to the advertising and written notification as required by this section, written notice shall also be
575 given by the local commission, or its representative, at least 10 days before the hearing to the chief
576 administrative officer, or his designee, of such adjoining locality.

577 D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change
578 in zoning map classification, or (iii) an application for special exception for a change in use
579 involves any parcel of land located within 3,000 feet of a boundary of a military base, military
580 installation, military airport, excluding armories operated by the Virginia National Guard, or
581 licensed public-use airport then, in addition to the advertising and written notification as required
582 by this section, written notice shall also be given by the local commission, or its representative, at
583 least 30 days before the hearing to the commander of the military base, military installation,
584 military airport, or owner of such public-use airport, and the notice shall advise the military

585 commander or owner of such public-use airport of the opportunity to submit comments or
586 recommendations.

587 E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the
588 authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice
589 as may be required by such act or by this chapter, provided a public hearing was conducted by the
590 governing body prior to such adoption or amendment. Every action contesting a decision of a
591 locality based on a failure to advertise or give notice as may be required by this chapter shall be
592 filed within 30 days of such decision with the circuit court having jurisdiction of the land affected
593 by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the
594 1996 amendment to this section.

595 F. Notwithstanding any contrary provision of law, general or special, the City of Richmond
596 may cause such notice to be published in any newspaper of general circulation in the city.

597 G. When a proposed comprehensive plan or amendment of an existing plan designates or
598 alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or
599 more, written notice shall also be given by the local planning commission, or its representative, at
600 least 10 days before the hearing to each electric utility with a certificated service territory that
601 includes all or any part of such designated electric transmission corridors or routes.

602 H. When any applicant requesting a written order, requirement, decision, or determination
603 from the zoning administrator, other administrative officer, or a board of zoning appeals that is
604 subject to the appeal provisions contained in § 15.2-2311 or 15.2-2314, is not the owner or the
605 agent of the owner of the real property subject to the written order, requirement, decision or
606 determination, written notice shall be given to the owner of the property within 10 days of the
607 receipt of such request. Such written notice shall be given by the zoning administrator or other
608 administrative officer or, at the direction of the administrator or officer, the requesting applicant
609 shall be required to give the owner such notice and to provide satisfactory evidence to the zoning
610 administrator or other administrative officer that the notice has been given. Written notice mailed
611 to the owner at the last known address of the owner as shown on the current real estate tax

612 assessment books or current real estate tax assessment records shall satisfy the notice requirements
613 of this subsection.

614 This subsection shall not apply to inquiries from the governing body, planning commission,
615 or employees of the locality made in the normal course of business.

616 **§ 15.2-2400. Creation of service districts.**

617 Any locality may by ordinance, or any two or more localities may by concurrent
618 ordinances, create service districts within the locality or localities in accordance with the
619 provisions of this article. Service districts may be created to provide additional, more complete or
620 more timely services of government than are desired in the locality or localities as a whole.

621 Any locality seeking to create a service district shall have a public hearing prior to the
622 creation of the service district. Notice of such hearing shall be published once a week for three
623 consecutive weeks in a newspaper of general circulation within the locality, with the first
624 publication appearing not more than 21 days before the hearing, and the hearing shall be held no
625 sooner than ten days after the date the second notice appears in the newspaper.

626 **§ 15.2-2401. Creation of service districts by court order in consolidated cities.**

627 In any city which results from the consolidation of two or more localities, service districts
628 may, in addition to the method prescribed in § 15.2-2400, be created by order of the circuit court
629 for the city upon the petition of fifty voters of the proposed district, which order shall prescribe the
630 metes and bounds of the district.

631 Upon the filing of a petition the court shall fix a date for a hearing on the question of the
632 proposed service district, which hearing shall embrace a consideration of whether the property
633 embraced within the proposed district will be benefited by the establishment thereof. Notice of
634 such hearing shall be published once a week for three consecutive weeks in a newspaper of general
635 circulation within the city, with the first publication appearing not more than 21 days before the
636 hearing, and the hearing shall not be held sooner than ten days after the last publication. Any
637 person interested may answer the petition and make defense thereto. If upon such hearing the court

638 is of opinion that any property embraced within the limits of such proposed district will not be
639 benefited by the establishment thereof, then such property shall not be embraced therein.

640 Upon the petition of the city council and of not less than 50 voters of the territory proposed
641 to be added, or if such territory contains less than 100 voters, of fifty percent of the voters of such
642 territory, after notice and hearing as provided above, any service district may be extended and
643 enlarged by order of the circuit court for the city which order shall prescribe the metes and bounds
644 of the territory so added.

645 **§ 15.2-2606. Public hearing before issuance of bonds.**

646 A. Notwithstanding any contrary provision of law, general or special, but subject to
647 subsection B of this section, before the final authorization of the issuance of any bonds by a
648 locality, the governing body of the locality shall hold a public hearing on the proposed bond issue.
649 Notice of the hearing shall be published once a week for two successive weeks in a newspaper
650 published or having general circulation in the locality, with the first publication appearing not more
651 than 14 days before the hearing. The notice shall (i) state the estimated maximum amount of the
652 bonds proposed to be issued, (ii) state the proposed use of the bond proceeds, and if there is more
653 than one use, state the proposed uses for which more than 10 percent of the total bond proceeds is
654 expected to be used, and (iii) specify the time and place of the hearing at which persons may appear
655 and present their views. The hearing shall not be held less than six nor more than 21 days after the
656 date the second notice appears in the newspaper.

657 B. No notice or public hearing shall be required for (i) bonds which have been approved
658 by a majority of the voters of the issuing locality voting on the issuance of such bonds or (ii)
659 obligations issued pursuant to § 15.2-2629, 15.2-2630 or 15.2-2643.

660 **§ 15.2-2653. Contesting issuance of bonds; notice and hearing; service on member of**
661 **governing body, etc.**

662 Any person, corporation, or association desiring to contest the issuance of any bonds
663 pursuant to the provisions of this chapter, or any other law, general or special, shall proceed by
664 filing a motion for judgment within thirty days after the filing of the resolution or ordinance

665 authorizing the issuance of the bonds with the circuit court having jurisdiction over the issuer, or
666 in contesting the validity of a petition for or the results of a referendum, within thirty days after
667 the date that the result of the election for the issuance of the bonds is certified, in the court having
668 jurisdiction as provided in § 15.2-2651. For bonds which are not authorized pursuant to a
669 referendum, or for which the authorizing resolution or ordinance is not required to be filed with
670 the circuit court, the contestant shall proceed by filing a motion for judgment within thirty days
671 after the adoption of the authorizing resolution or ordinance. Upon the filing of a motion for
672 judgment, the court shall fix a time and place for hearing the proceeding and shall enter an order
673 requiring the publication of the motion for judgment or a summary of it approved by the court,
674 together with the order setting forth the time and place of the hearing, once a week for two
675 consecutive weeks in a newspaper published or having general circulation in the jurisdiction where
676 the issuer is located, with the first publication appearing not more than 14 days before the hearing.
677 The date fixed for the hearing shall not be sooner than ten days after the date the second publication
678 of the motion for judgment or summary and the order appears in the newspaper. In addition to such
679 publication, the plaintiff shall secure personal service on at least one member of the governing
680 body of the issuer.

681 **§ 15.2-3401. Referendum on contracting of debt by counties in voluntary settlement**
682 **agreements.**

683 Before a county, under the terms of a voluntary agreement pursuant to this chapter,
684 contracts a debt pursuant to Article VII, Section 10 (b) of the Constitution of Virginia, the board
685 of supervisors shall, in conformity with Article VII, Section 10 (b) of the Constitution of Virginia,
686 petition the circuit court for the county for an order calling for a special election in the county on
687 the question of contracting such debt.

688 The question on the ballot shall be as follows, provided that the circuit court in its order
689 calling for the election may substitute alternative language necessary to specify the type of
690 agreement or the particular debt which the county proposes to contract under an agreement:

691 "Shall (name of county) be authorized to contract a debt by entering into a contract for the
692 payment (describe the debt or payment) to (name of locality to whom payments are to be made)
693 as a part of the proposed voluntary annexation and immunity settlement agreement between the
694 county and (name of other locality)?

695 Yes

696 No"

697 The clerk of the county shall cause a notice of the referendum to be published in a
698 newspaper having general circulation in the county once a week for three consecutive weeks, the
699 first such notice of which must be published not more than ~~sixty~~21 days prior to the election and
700 shall post a copy of the notice at the door of the county courthouse.

701 The election shall be held and the results thereof ascertained and certified in accordance
702 with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2. If a majority of the voters of the
703 county voting in such election approve the contracting of such debt, the county may proceed to
704 adopt, by ordinance, the agreement.

705 **§ 15.2-3600. Petition for incorporation of community; appointment of special court.**

706 A petition signed by 100 voters of any community may be presented to the circuit court for
707 the county in which such community, or the greater part thereof, is situated, requesting that the
708 community be incorporated as a town. A plat showing the boundaries of the community shall be
709 attached to the petition. The circuit court with which the petition is filed shall notify the Supreme
710 Court, which shall appoint a special court to hear the case as prescribed by Chapter 30 (§ 15.2-
711 3000 et seq.) of this title. The plat shall be prepared by a registered surveyor in a form suitable for
712 recording in the clerk's office of the circuit court. A copy of the petition shall be served upon the
713 county attorney or, if there is no county attorney, the attorney for the Commonwealth, and each
714 member of the governing body of the county or counties wherein the area sought to be incorporated
715 lies. The governing body at its option may become a party to the proceeding. The petition shall be
716 accompanied by proof that:

717 1. The petition has been available for public inspection in the office of the clerk of the
718 circuit court; and

719 2. The following have been published once a week for ~~four~~three successive weeks in a
720 newspaper having general circulation in the county, with the first publication appearing not more
721 than 21 days before the petition would be presented:

722 a. Notice of the time and place the petition would be presented; and

723 b. The text of the petition in full; or

724 c. A descriptive summary of the petition and notice that the petition may be inspected at
725 the circuit court clerk's office.

726 **§ 15.2-4309. Hearing; creation of district; conditions; notice.**

727 A. The local governing body, after receiving the report of the local planning commission
728 and the advisory committee, shall hold a public hearing as provided by law, and after such public
729 hearing, may by ordinance create the district or add land to an existing district as applied for, or
730 with any modifications it deems appropriate.

731 B. The governing body may require, as a condition to creation of the district, that any parcel
732 in the district shall not, without the prior approval of the governing body, be developed to any
733 more intensive use or to certain more intensive uses, other than uses resulting in more intensive
734 agricultural or forestal production, during the period which the parcel remains within the district.
735 Local governing bodies shall not prohibit as a more intensive use, construction and placement of
736 dwellings for persons who earn a substantial part of their livelihood from a farm or forestry
737 operation on the same property, or for members of the immediate family of the owner, or divisions
738 of parcels for such family members, unless the governing body finds that such use in the particular
739 case would be incompatible with farming or forestry in the district. To further the purposes of this
740 chapter and to promote agriculture and forestry and the creation of districts, the local governing
741 body may adopt programs offering incentives to landowners to impose land use and conservation
742 restrictions on their land within the district. Programs offering such incentives shall not be
743 permitted unless authorized by law. Any conditions to creation of the district and the period before

744 the review of the district shall be described, either in the application or in a notice sent by first-
745 class mail to all landowners in the district and published in a newspaper having a general
746 circulation within the district at least ~~two weeks~~ seven days prior to adoption of the ordinance
747 creating the district. The ordinance shall state any conditions to creation of the district and shall
748 prescribe the period before the first review of the district, which shall be no less than four years
749 but not more than ten years from the date of its creation. In prescribing the period before the first
750 review, the local governing body shall consider the period proposed in the application. The
751 ordinance shall remain in effect at least until such time as the district is to be reviewed. In the event
752 of annexation by a city or town of any land within a district, the district shall continue until the
753 time prescribed for review.

754 C. The local governing body shall act to adopt or reject the application, or any modification
755 of it, no later than 180 days from (i) November 1 or (ii) the other date selected by the locality as
756 provided in § 15.2-4305. Upon the adoption of an ordinance creating a district or adding land to
757 an existing district, the local governing body shall submit a copy of the ordinance with maps to the
758 local commissioner of the revenue, and the State Forester, and the Commissioner of Agriculture
759 and Consumer Services for information purposes. The commissioner of the revenue shall identify
760 the parcels of land in the district in the land book and on the tax map, and the local governing body
761 shall identify such parcels on the zoning map, where applicable and shall designate the districts on
762 the official comprehensive plan map each time the comprehensive plan map is updated.

763 **§ 15.2-4906. Public hearing and approval.**

764 A. Whenever federal law requires public hearings and public approval as a prerequisite to
765 obtaining federal tax exemption for the interest paid on industrial development bonds, unless
766 otherwise specified by federal law or regulation, the public hearing shall be conducted by the
767 authority and the procedure for the public hearing and public approval shall be in accordance with
768 this section.

769 B. For a public hearing by the authority, notice of the hearing shall be published once a
770 week for two successive weeks in a newspaper having general circulation in the locality in which

771 the facility to be financed is to be located, with the first publication appearing not more than 14
772 days before the hearing, of intention to provide financing for a named individual or business entity.
773 The applicant shall pay the cost of publication. The notice shall specify the time and place of
774 hearing at which persons may appear and present their views. The hearing shall be held not less
775 than six days nor more than twenty-one days after the second notice shall appear in such
776 newspaper.

777 The notice shall contain: (i) the name and address of the authority; (ii) the name and address
778 (principal place of business, if any) of the party seeking financing; (iii) the maximum dollar amount
779 of financing sought; and (iv) the type of business and purpose and specific location, if known, of
780 the facility to be financed.

781 If after the hearing has been held the authority approves the financing, a reasonably detailed
782 summary of the comments expressed at the hearing shall be conveyed promptly to the locality's
783 governing body together with the recommendation of the authority.

784 C. For public approval, the governing body of the locality on behalf of which the bonds of
785 the authority are issued shall within sixty calendar days from the public hearing held by the
786 authority either approve or disapprove financing of any facility recommended by the authority.

787 Action of the governing body shall be by a majority of a quorum set out in a resolution.
788 Such vote shall be recorded and disclose how each member voted.

789 In case of a joint authority the approval required by the governing body of the locality shall
790 be that governing body of the area where the facility will be located, if permitted by federal law or
791 regulation.

792 The provisions of this section shall not apply to bonds, notes or other obligations issued
793 pursuant to hearings held and governmental approvals obtained prior to the effective date of this
794 act in compliance with federal law or regulation.

795 **§ 15.2-5104. Advertisement of ordinance, agreement or resolution and notice of**
796 **hearing.**

797 The governing body of each participating locality shall cause to be advertised at least one
798 time in a newspaper of general circulation in such locality a copy of the ordinance, agreement or
799 resolution creating an authority, or a descriptive summary of the ordinance, agreement or
800 resolution and a reference to the place within the locality where a copy of the ordinance, agreement
801 or resolution can be obtained, and notice of the day, not less than ~~thirty~~seven days after publication
802 of the advertisement, on which a public hearing will be held on the ordinance, agreement or
803 resolution.

804 **§ 15.2-5136. Rates and charges.**

805 A. The authority may fix and revise rates, fees and other charges (which shall include, but
806 not be limited to, a penalty not to exceed 10 percent on delinquent accounts, and interest on the
807 principal), subject to the provisions of this section, for the use of and for the services furnished or
808 to be furnished by any system, or streetlight system in King George County, or refuse collection
809 and disposal system or facilities incident thereto, owned, operated or maintained by the authority,
810 or facilities incident thereto, for which the authority has issued revenue bonds as authorized by
811 this chapter. Such rates, fees and charges shall be so fixed and revised as to provide funds, with
812 other funds available for such purposes, sufficient at all times (i) to pay the cost of maintaining,
813 repairing and operating the system or systems, or facilities incident thereto, for which such bonds
814 were issued, including reserves for such purposes and for replacement and depreciation and
815 necessary extensions, (ii) to pay the principal of and the interest on the revenue bonds as they
816 become due and reserves therefor, and (iii) to provide a margin of safety for making such
817 payments. The authority shall charge and collect the rates, fees and charges so fixed or revised.

818 B. The rates for water (including fire protection) and sewer service (including disposal)
819 shall be sufficient to cover the expenses necessary or properly attributable to furnishing the class
820 of services for which the charges are made. However, the authority may fix rates and charges for
821 the services and facilities of its water system sufficient to pay all or any part of the cost of operating
822 and maintaining its sewer system (including disposal) and all or any part of the principal of or the

823 interest on the revenue bonds issued for such sewer or sewage disposal system, and may pledge
824 any surplus revenues of its water system, subject to prior pledges thereof, for such purposes.

825 C. Rates, fees and charges for the services of a sewer or sewage disposal system shall be
826 just and equitable, and may be based upon:

- 827 1. The quantity of water used or the number and size of sewer connections;
- 828 2. The number and kind of plumbing fixtures in use in the premises connected with the
829 sewer or sewage disposal system;
- 830 3. The number or average number of persons residing or working in or otherwise connected
831 with such premises or the type or character of such premises;
- 832 4. Any other factor affecting the use of the facilities furnished; or
- 833 5. Any combination of the foregoing factors.

834 However, the authority may fix rates and charges for services of its sewer or sewage
835 disposal system sufficient to pay all or any part of the cost of operating and maintaining its water
836 system, including distribution and disposal, and all or any part of the principal of or the interest on
837 the revenue bonds issued for such water system, and to pledge any surplus revenues of its water
838 system, subject to prior pledges thereof, for such purposes.

839 D. Water and sewer rates, fees and charges established by any authority shall be fair and
840 reasonable. An authority may charge fair and reasonable rates, fees, and charges to create reserves
841 for expansion of its water and sewer or sewage disposal systems. Such rates, fees, and charges
842 shall be reviewed by the authority periodically and shall be adjusted, if necessary, to assure that
843 they continue to be fair and reasonable. However, any authority may charge and collect rates, fees,
844 and charges to create a reserve fund for reasonable expansion of its water, sewer, or sewage
845 disposal system. Nothing herein shall affect existing contracts with bondholders which are in
846 conflict with any of the foregoing provisions.

847 E. Rates, fees and charges for the service of a streetlight system shall be just and equitable,
848 and may be based upon:

- 849 1. The portion of such system used;

- 850 2. The number and size of premises benefiting therefrom;
- 851 3. The number or average number of persons residing or working in or otherwise connected
- 852 with such premises;
- 853 4. The type or character of such premises;
- 854 5. Any other factor affecting the use of the facilities furnished; or
- 855 6. Any combination of the foregoing factors.

856 However, the authority may fix rates and charges for the service of its streetlight system

857 sufficient to pay all or any part of the cost of operating and maintaining such system.

858 F. The authority may also fix rates and charges for the services and facilities of a water

859 system or a refuse collection and disposal system sufficient to pay all or any part of the cost of

860 operating and maintaining facilities incident thereto for the generation or transmission of power

861 and all or any part of the principal of or interest upon the revenue bonds issued for any such

862 facilities incident thereto, and to pledge any surplus revenues from any such system, subject to

863 prior pledges thereof, for such purposes. Charges for services to premises, including services to

864 manufacturing and industrial plants, obtaining all or a part of their water supply from sources other

865 than a public water system may be determined by gauging or metering or in any other manner

866 approved by the authority.

867 G. No rates, fees or charges shall be fixed under subsections A through F of this section or

868 under subdivision 10 of § 15.2-5114 until after a public hearing at which all of the users of the

869 systems or facilities; the owners, tenants or occupants of property served or to be served thereby;

870 and all others interested have had an opportunity to be heard concerning the proposed rates, fees

871 and charges. After the adoption by the authority of a resolution setting forth the preliminary

872 schedule or schedules fixing and classifying such rates, fees and charges, notice of a public hearing,

873 setting forth the proposed schedule or schedules of rates, fees and charges, shall be given by two

874 publications with the first publication appearing no more than 14 days before the hearing, at least

875 ~~six days apart,~~ in a newspaper having a general circulation in the area to be served by such systems

876 or facilities, ~~with the second notice being published at least 14 days before the date fixed in such~~

877 notice for the hearing. The hearing may be adjourned from time to time. A copy of the notice shall
878 be mailed to the governing bodies of all localities in which such systems or facilities or any part
879 thereof is located. After the hearing the preliminary schedule or schedules, either as originally
880 adopted or as amended, shall be adopted and put into effect.

881 H. A copy of the schedule or schedules of the final rates, fees and charges fixed in
882 accordance with subsection G shall be kept on file in the office of the clerk or secretary of the
883 governing body of each locality in which such systems or any part thereof is located, and shall be
884 open to inspection by all interested parties. The rates, fees or charges so fixed for any class of users
885 or property served shall be extended to cover any additional properties thereafter served which fall
886 within the same class, without the necessity of a hearing or notice. Any increase in any rates, fees
887 or charges under this section shall be made in the manner provided in subsection G. Any other
888 change or revision of the rates, fees or charges may be made in the same manner as the rates, fees
889 or charges were originally established as provided in subsection G.

890 I. No rates, fees or charges established, fixed, changed or revised before January 1, 2013,
891 by any authority pursuant to this section or to subdivision 10 of § 15.2-5114 shall be invalidated
892 because of any defect in or failure to publish or provide any notice required under this section or
893 any predecessor provision.

894 **§ 15.2-5156. Hearing; notice.**

895 A. An ordinance or resolution creating a community development authority shall not be
896 adopted or approved until a public hearing has been held by the governing body on the question
897 of its adoption or approval. Notice of the public hearing shall be published once a week for three
898 successive weeks in a newspaper of general circulation within the locality, with the first
899 publication appearing not more than 21 days before the hearing. The petitioning landowners shall
900 bear the expense of publishing the notice. The hearing shall not be held sooner than ten days after
901 completion of publication of the notice.

902 B. After the public hearing and before adoption of the ordinance or resolution, the local
903 governing body shall mail a true copy of its proposed ordinance or resolution creating the

904 development authority to the petitioning landowners or their attorney in fact. Unless waived in
905 writing, any petitioning landowner shall have thirty days from mailing of the proposed ordinance
906 or resolution in which to withdraw his signature from the petition in writing prior to the vote of
907 the local governing body on such ordinance or resolution. If any signatures on the petition are so
908 withdrawn, the local governing body may pass the proposed ordinance or resolution only upon
909 certification by the petitioners that the petition continues to meet the requirements of § 15.2-5152.
910 If all petitioning landowners waive the right to withdraw their signatures from the petition, the
911 local governing body may adopt the ordinance or resolution upon compliance with the provisions
912 of subsection A and any other applicable provisions of law.

913 **§ 15.2-5431.25. Rates and charges.**

914 A. The authority may fix and revise rates, fees and other charges (which shall include, but
915 not be limited to, a penalty not to exceed 10 percent on delinquent accounts, and interest on the
916 principal), subject to the provisions of this section, for the use of a project or any portion thereof
917 and for the services furnished or to be furnished by the authority, or facilities incident thereto,
918 owned, operated or maintained by the authority, or facilities incident thereto, for which the
919 authority has issued revenue bonds as authorized by this chapter or received loan funding from
920 other sources. Such rates, fees and charges shall be so fixed and revised as to provide funds, with
921 other funds available for such purposes, sufficient at all times (i) to pay the cost of maintaining,
922 repairing and operating the project or systems, or facilities incident thereto, for which such bonds
923 were issued or loans obtained, including reserves for such purposes and for replacement and
924 depreciation and necessary extensions, (ii) to pay the principal of and the interest on the revenue
925 bonds as they become due and reserves therefor, or other loan principal and interest, and (iii) to
926 provide a margin of safety for making such payments. The authority shall charge and collect the
927 rates, fees and charges so fixed or revised. The authority shall maintain records demonstrating
928 compliance with the requirements of this section concerning the fixing and revision of rates, fees,
929 and charges that shall be made available for inspection and copying by the public pursuant to the
930 Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

931 B. No rates, fees or charges shall be fixed under subsection A until after a public hearing
932 at which all of the users of such facilities; the owners, tenants or occupants of property served or
933 to be served thereby; and all others interested have had an opportunity to be heard concerning the
934 proposed rates, fees and charges. After the adoption by the authority of a resolution setting forth
935 the preliminary schedule or schedules fixing and classifying such rates, fees and charges, notice of
936 a public hearing, setting forth the proposed schedule or schedules of rates, fees and charges, ~~shall~~
937 ~~be given by two publications, at least six days apart,~~ shall be published once a week for two
938 successive weeks in a newspaper having a general circulation in the area to be served by such
939 systems, with the first publication appearing not more than 21 days before ~~at least 60 days before~~
940 ~~the date fixed in such notice for~~ the hearing. The hearing may be adjourned from time to time. A
941 copy of the notice shall be mailed to the governing bodies of all localities in which such systems
942 or any part thereof is located. After the hearing the preliminary schedule or schedules, either as
943 originally adopted or as amended, shall be adopted and put into effect.

944 C. A copy of the schedule or schedules of the final rates, fees and charges fixed in
945 accordance with subsection B shall be kept on file in the office of the clerk or secretary of the
946 governing body of the locality, and shall be open to inspection by all interested parties. The rates,
947 fees or charges so fixed for any class of users or property served shall be extended to cover any
948 additional properties thereafter served which fall within the same class, without the necessity of a
949 hearing or notice. Any increase in any rates, fees or charges under this section shall be made in the
950 manner provided in subsection B. Any other change or revision of the rates, fees or charges may
951 be made in the same manner as the rates, fees or charges were originally established as provided
952 in subsection B.

953 D. Connection fees established by any authority shall be fair and reasonable. Such fees
954 shall be reviewed by the authority periodically and shall be adjusted, if necessary, to assure that
955 they continue to be fair and reasonable. Nothing herein shall affect existing contracts with
956 bondholders which are in conflict with any of the foregoing provisions.

957 **§ 15.2-5602. Creation of authorities.**

958 A. A locality may by ordinance or resolution, or two or more localities, may by concurrent
959 ordinances or resolutions, signify their intention to create an authority under an appropriate name
960 and title containing the word "authority." Each participating locality shall hold a public hearing,
961 notice of which shall be given by publication at least once, not less than ~~ten~~ seven days prior to
962 the date fixed for the hearing, in a newspaper having general circulation in the locality. The notice
963 shall contain a brief statement of the substance of the proposed authority, shall set forth the
964 proposed articles of incorporation of the authority and shall state the time and place of the public
965 hearing. The locality, by resolution, may call for a referendum on the question of the creation of
966 an authority, which shall be held as provided by § 24.2-681 et seq. When a referendum is to be
967 held in more than one locality, the referendum shall be held on the same date in all of such
968 localities.

969 B. The articles of incorporation shall set forth:

- 970 1. The name of the authority and address of its principal office.
- 971 2. A statement that the authority is created under this chapter.
- 972 3. The name of each participating locality.
- 973 4. The names, addresses and terms of office of the first members of the authority.
- 974 5. The purpose or purposes for which the authority is to be created.

975 C. Passage of such ordinance or resolution by the governing body or governing bodies shall
976 constitute the authority a body politic and corporate of the Commonwealth.

977 D. Any locality may become a member of an existing authority, and any locality which is
978 a member of an existing authority may withdraw therefrom, but no locality shall be permitted to
979 withdraw from any authority that has outstanding obligations unless United States securities have
980 been deposited for their payment or without the unanimous consent of all holders of the
981 outstanding obligations.

982 E. Having specified the initial purpose or purposes of the authority in the articles of
983 incorporation, the governing bodies of the participating localities may, from time to time by
984 subsequent ordinance or resolution, after public hearing, modify the articles of incorporation and

985 the purpose or purposes specified therein. Such modification may be made either with or without
986 a referendum.

987 **§ 15.2-5702. Creation of authorities.**

988 A. A locality may by ordinance or resolution, or two or more localities may by concurrent
989 ordinances or resolutions, signify their intention to create a park authority, under an appropriate
990 name and title, containing the word "authority" which shall be a body politic and corporate.

991 Whenever an authority has been incorporated by two or more localities, any one or more
992 of the localities may withdraw therefrom, but no locality shall be permitted to withdraw from any
993 authority that has outstanding obligations unless United States securities have been deposited for
994 their payment or without unanimous consent of all holders of the outstanding obligations.

995 Other localities may join the authority as provided in the ordinances or resolutions.

996 B. Each ordinance or resolution shall include articles of incorporation setting forth:

- 997 1. The name of the authority and the address of its principal office.
998 2. The name of each incorporating locality, together with the names, addresses and terms
999 of office of the first members of the board of the authority.
1000 3. The purpose or purposes for which the authority is created.

1001 C. Each participating locality shall cause to be published at least one time in a newspaper
1002 of general circulation in its locality, a copy of the ordinance or resolution together with a notice
1003 stating that on a day certain, not less than ~~ten~~seven days after publication of the notice, a public
1004 hearing will be held on such ordinance or resolution. If at the hearing substantial opposition to the
1005 proposed park authority is heard, the members of the participating localities' governing bodies may
1006 in their discretion call for a referendum on the question of establishing such an authority. The
1007 request for a referendum shall be initiated by resolution of the governing body and filed with the
1008 clerk of the circuit court for the locality. The court shall order the referendum as provided for in §
1009 24.2-681 et seq. Where two or more localities are participating in the formation of an authority the
1010 referendum, if any be ordered, shall be held on the same date in all such localities so participating.
1011 In any event if ten percent of the registered voters in such locality file a petition with the governing

1012 body at the hearing calling for a referendum such governing body shall request a referendum as
1013 herein provided.

1014 D. Having specified the initial plan of organization of the authority, and having initiated
1015 the program, the localities organizing such authority may, from time to time, by subsequent
1016 ordinance or resolution, after public hearing, and with or without referendum, specify further parks
1017 to be acquired and maintained by the authority, and no other parks shall be acquired or maintained
1018 by the authority than those so specified. However, if the governing bodies of the localities fail to
1019 specify any project or projects to be undertaken, and if the governing bodies do not disapprove any
1020 project or projects proposed by the authority, then the authority shall be deemed to have all the
1021 powers granted by this chapter.

1022 **§ 15.2-5711. Conveyance or lease of park to authority; contract for park services;**
1023 **when referendum required before certain contracts made.**

1024 Each locality and other public body is hereby authorized and empowered:

1025 1. To convey or lease to any authority created hereunder, with or without consideration,
1026 any park upon such terms and conditions as the governing body thereof shall determine to be for
1027 the best interests of such locality or other public body; and

1028 2. To contract with any authority created hereunder for park services; provided, that no
1029 locality shall enter into any contract with an authority involving payments by such locality to such
1030 authority for park services which requires the locality to incur an indebtedness extending beyond
1031 one fiscal year, unless the question of entering into such contract shall first be submitted to the
1032 voters of the locality for approval or rejection by a majority vote. Nothing herein shall prevent any
1033 locality from making a voluntary contribution to any authority.

1034 In the event that a locality shall desire to contract with an authority under this subdivision,
1035 such governing body shall adopt a resolution stating in brief and general terms the substance of
1036 the proposed contract for park services and requesting the circuit court for the locality to order an
1037 election upon the question of entering into such contract. A copy of such resolution, certified by
1038 the clerk of the governing body, shall be filed with the judge of the circuit court who shall

1039 thereupon enter an order in accordance with § 24.2-681 et seq. Notice of such election entered and
1040 paid for by the locality shall be published at least once in a newspaper of general circulation in the
1041 locality at least ~~ten~~ seven days before the election.

1042 The question to be submitted to the voters for determination shall include the names of the
1043 locality and the authority between whom the contract is proposed and the nature, duration and cost
1044 of such contract.

1045 **§ 15.2-5806. Public hearings; notice; reports.**

1046 A. At least sixty days prior to selecting a site for a major league or minor league baseball
1047 stadium, the Authority shall hold a public hearing within thirty miles of the site proposed to be
1048 acquired for the purpose of soliciting public comment.

1049 B. Except as otherwise provided herein, at least ~~sixty~~ seven days prior to the public hearing
1050 required by this section, the Authority shall notify the local governing body in which the major
1051 league or minor league baseball stadium is proposed to be located and advertise the notice in a
1052 newspaper of general circulation in that locality. The notice shall include: (i) a description of the
1053 site proposed to be acquired, (ii) the intended use of the site, and (iii) the date, time, and location
1054 of the public hearing. After receipt of the notice required by this section, the local governing body
1055 in which a major league or minor league baseball stadium is proposed to be located may require
1056 that this period be extended for up to sixty additional days or for such other time period as agreed
1057 upon by the local governing body and the Authority.

1058 C. At least thirty days before acquiring or entering into a lease involving a major league or
1059 minor league baseball stadium and before entering into a construction contract involving a major
1060 league or minor league baseball stadium or stadium site, the Authority shall submit a detailed
1061 written report and the findings of the Authority that justify the proposed acquisition, lease, or
1062 contract to the General Assembly. The report and findings shall include a detailed plan of the
1063 method of funding and the economic necessity of the proposed acquisition, lease, or contract.

1064 D. The time periods in subsections A, B, and C of this section may not run concurrently.

1065 E. The Commonwealth shall not enter into any purchase agreement, lease agreement, lease-
1066 purchase agreement, master lease agreement or any other contractual arrangement that creates a
1067 direct or contingent financial obligation of the Commonwealth unless such agreement or
1068 arrangement has first been submitted to the State Treasurer sufficiently prior to the execution of
1069 such agreement or arrangement to allow the State Treasurer to undertake a review for the purposes
1070 of determining (i) whether the agreement or arrangement may constitute tax-supported debt of the
1071 Commonwealth and (ii) the potential impact of the agreement or arrangement on the debt capacity
1072 and credit ratings of the Commonwealth. If after such review the State Treasurer determines that
1073 the agreement or arrangement may constitute tax-supported debt of the Commonwealth, or may
1074 have an adverse impact on the debt capacity or the credit ratings of the Commonwealth, the
1075 agreement or arrangement and any associated financing shall be submitted to the Treasury Board
1076 for review and approval of terms and structures in a manner consistent with § 2.2-2416.

1077 F. The Commonwealth shall not enter into any purchase agreement, lease agreement, lease-
1078 purchase agreement, master lease agreement or any other contractual arrangement that creates a
1079 direct or contingent financial obligation of the Commonwealth unless such agreement or
1080 arrangement has first been reviewed and approved as required by subsection E and subsequently
1081 approved in writing by the Governor.

1082 **§ 15.2-7502. Public hearing required prior to creation or designation of a land bank**
1083 **entity.**

1084 The governing body of a locality shall not adopt an ordinance creating a land bank entity
1085 pursuant to § 15.2-7501 or designating a planning district commission or an existing nonprofit
1086 entity pursuant to § 15.2-7512 until notice of intention to do so has been published once a week
1087 for two successive weeks in some newspaper published or having general circulation in the
1088 locality, with the first publication appearing not more than 14 days before the hearing. The notice
1089 shall specify the time and place of a hearing at which affected or interested persons may appear
1090 and present their views, ~~not less than five days nor more than 21 days after the second~~
1091 ~~advertisement appears in such newspaper~~. After the public hearing has been conducted pursuant

1092 to this section, the governing body shall be empowered to create a land bank entity or designate a
1093 planning district commission or an existing nonprofit entity.

1094 **§ 21-114. Hearing and notice thereof.**

1095 Upon the filing of the petition, the governing body of a county shall fix a day for a hearing
1096 on the question of the proposed sanitary district, which hearing shall embrace a finding of fact of
1097 whether creation of the proposed district or enlargement of the existing district is necessary,
1098 practical, fiscally responsible, and supported by at least 50 percent of persons who own real
1099 property in (i) the proposed district or (ii) in cases of enlargement, the area proposed to be included
1100 in an existing district. All interested persons who reside in or who own real property in (a) a
1101 proposed district or (b) an existing district in cases of enlargement shall have the right to appear
1102 and show cause why the property under consideration should or should not be included in the
1103 proposed district or enlargement of same at such hearing. Such hearing shall be subject to
1104 minimum standards regarding timeliness; notice of such hearing shall be given by publication once
1105 a week for three consecutive weeks in some newspaper of general circulation within the county to
1106 be designated by the governing body, with the first publication appearing no more than 21 days
1107 before the hearing. ~~At least 10 days shall intervene between the completion of the publication and~~
1108 ~~the date set for the hearing, and such publication shall be considered complete on the twenty-first~~
1109 ~~day after the first publication, and no~~ No such district shall be created until the notice has been
1110 given and the hearing had.

1111 **§ 21-117.1. Abolishing sanitary districts.**

1112 Any sanitary district heretofore or hereafter created in any county under the provisions of
1113 the preceding sections of this article may be abolished by ordinance adopted by the governing
1114 body of such county, upon the petition of no less than 50 qualified voters residing within the
1115 boundaries of the district desired to be abolished or, if the district contains less than 100 qualified
1116 voters, upon petition of 50 percent of the qualified voters residing within the boundaries of such
1117 district.

1118 Upon filing of the petition, the governing body of the county shall fix a day for a hearing
1119 on the question of abolishing the sanitary district, which hearing shall embrace a consideration of
1120 whether the property in the sanitary district will or will not be benefited by the abolition thereof,
1121 and the governing body of the county shall be fully informed as to the obligations and functions
1122 of the sanitary district. Notice of such hearing shall be given by publication once a week for three
1123 consecutive weeks in some newspaper of general circulation within the county to be designated by
1124 the governing body of the county, with the first publication appearing not more than 21 days before
1125 the hearing. ~~At least 10 days shall intervene between the completion of the publication and the~~
1126 ~~date set for hearing, and such publication shall be considered complete on the twenty first day after~~
1127 ~~the first publication, and no~~ No such district shall be abolished until the notice has been given and
1128 the hearing had.

1129 Any interested parties may appear and be heard on any matters pertaining to the subject of
1130 the hearing.

1131 Upon the hearing, such ordinance shall be adopted as to the governing body of the county
1132 may seem equitable and proper, concerning the abolition of the district and as to the funds on hand
1133 to the credit of the district, provided, however, that no such ordinance shall be adopted abolishing
1134 the sanitary district unless any bonds of the sanitary district that have theretofore been issued have
1135 been redeemed and the purposes for which the sanitary district was created have been completed,
1136 or unless all obligations and functions of the sanitary district have been taken over by the county
1137 as a whole, or unless the purposes for which the sanitary district was created are impractical or
1138 impossible of accomplishment and no obligations have been incurred by said sanitary district.

1139 **§ 21-118. Powers and duties of governing body.**

1140 After the adoption of such ordinance creating a sanitary district in such county, the
1141 governing body thereof shall have the following powers and duties, subject to the conditions and
1142 limitations hereinafter prescribed:

1143 1. To construct, maintain and operate water supply, sewerage, garbage removal and
1144 disposal, heat, light, fire-fighting equipment and power and gas systems and sidewalks for the use
1145 and benefit of the public in such sanitary districts.

1146 2. To acquire by gift, condemnation, purchase, lease, or otherwise, and to maintain and
1147 operate any such water supply, sewerage, garbage removal and disposal, heat, light, fire-fighting
1148 equipment and power and gas systems and sidewalks in such district and to acquire by gift,
1149 condemnation, purchase, lease, or otherwise, rights, title, interest, or easements therefor in and to
1150 real estate in such district; and to sell, lease as lessor, transfer or dispose of any part of any such
1151 property, real, personal or mixed, so acquired in such manner and upon such terms as the governing
1152 body of the district may determine to be in the best interests of the district; provided a public
1153 hearing is first held with respect to such disposition at which inhabitants of the district shall have
1154 an opportunity to be heard. At least ~~ten~~ seven days' notice of the time and place of such hearing
1155 and a brief description of the property to be disposed shall be published in a newspaper of general
1156 circulation in the district. Such public hearing may be adjourned from time to time.

1157 3. To contract with any person, firm, corporation or municipality to construct, establish,
1158 maintain and operate any such water supply, sewerage, garbage removal and disposal, heat, light,
1159 fire-fighting equipment and power and gas systems and sidewalks in such district.

1160 4. To require owners or tenants of any property in the district to connect with any such
1161 system or systems, and to contract with the owners or tenants for such connections. The owners or
1162 tenants shall have the right of appeal to the circuit court or the judge thereof in vacation within 10
1163 days from action by the governing body.

1164 5. To fix and prescribe or change the rates of charge for the use of any such system or
1165 systems after a public hearing upon notice as provided in § 21-118.4 (d), and to provide for the
1166 collection of such charges. In fixing such rates the sanitary district may seek the advice of the State
1167 Corporation Commission.

1168 6. To levy and collect an annual tax upon all the property in such sanitary district subject
1169 to local taxation to pay, either in whole or in part, the expenses and charges incident to

1170 constructing, maintaining and operating water supply, sewerage, garbage removal and disposal,
1171 heat, light, fire-fighting equipment and power and gas systems and sidewalks for the use and
1172 benefit of the public in such sanitary district. Any locality imposing a tax pursuant to this
1173 subdivision may base the tax on the full assessed value of the taxable property within the district,
1174 notwithstanding any special use value assessment of property within the sanitary district for land
1175 preservation pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, provided the
1176 owner of such property has given written consent.

1177 7. To employ and fix the compensation of any technical, clerical or other force and help
1178 which from time to time, in their judgment, may be deemed necessary for the construction,
1179 operation or maintenance of any such system or systems and sidewalks.

1180 8. To negotiate and contract with any person, firm, corporation or municipality with regard
1181 to the connections of any such system or systems with any other system or systems now in
1182 operation or hereafter established, and with regard to any other matter necessary and proper for
1183 the construction or operation and maintenance of any such system within the sanitary district.

1184 9. The governing body shall have the same power and authority for the abatement of
1185 nuisances in such sanitary district as is vested by law in councils of cities and towns for the
1186 abatement of nuisances therein, and it shall be the duty of the governing body to exercise such
1187 power when any such nuisance shall be shown to exist.

1188 10. Proceedings for the acquisition of rights, title, interest or easements in and to real estate,
1189 by such sanitary districts in all cases in which they now have or may hereafter be given the right
1190 of eminent domain, may be instituted and conducted in the name of such sanitary district. If the
1191 property proposed to be condemned is:

1192 a. For a waterworks system, the procedure shall be in the manner and under the restrictions
1193 prescribed by Chapter 19.1 (§ 15.2-1908 et seq.) of Title 15.2, and by Chapter 2 (§ 25.1-200 et
1194 seq.) of Title 25.1;

1195 b. For the purpose of constructing water or sewer lines, the proceedings shall be instituted
1196 and conducted in accordance with the procedures prescribed either by Chapter 2 of Title 25.1 or
1197 in Chapter 3 (§ 25.1-300 et seq.) of Title 25.1; or

1198 c. For the purpose of constructing water and sewage treatment plants and facilities and
1199 improvements reasonably necessary to the construction and operation thereof, the proceedings
1200 shall be instituted and conducted in accordance with the procedures provided for the condemnation
1201 of land in Chapter 3 of Title 25.1.

1202 11. To appoint, employ and compensate out of the funds of the district as many persons as
1203 special policemen as may be deemed necessary to maintain order and enforce the criminal and
1204 police laws of the Commonwealth and of the county within such district. Such special policemen
1205 shall have, within such district and within one-half mile thereof, all of the powers vested in
1206 policemen appointed under the provisions of Article 1 (§ 15.2-1700 et seq.) of Chapter 17 of Title
1207 15.2.

1208 **§ 21-146. Notice of hearing on petition for creation.**

1209 Upon the presentation of a petition complying with the requirements of this article, praying
1210 for the creation of a sanitation district, fixing the boundaries thereof and naming the counties, cities
1211 and towns which in whole or in part are to be embraced therein, the circuit court of any such
1212 county, or of any county in which any such town is situated, or the corporation court of any such
1213 city shall make an order filing such petition and fixing a day for a hearing by such court on such
1214 petition and the question of the creation of the proposed sanitation district. Such order shall direct
1215 notice of such hearing to be given by publication once a week for at least three consecutive weeks
1216 ~~beginning at least twenty-eight days prior to the day of such hearing~~ in some newspaper or
1217 newspapers, ~~named in such order~~, having general circulation in the proposed sanitation district,
1218 with the first publication appearing not more than 21 days before the hearing. Such notice shall set
1219 forth the petition as filed, but need not set forth the signatures or exhibits thereto, and shall state
1220 the time and place of hearing and that at such hearing all persons desiring to controvert the

1221 allegations of such petition or question the conformity thereof to this article will be heard and all
1222 objections to the creation of the proposed sanitation district considered.

1223 **§ 21-229. Notice of hearing on petition for creation.**

1224 Upon the presentation of a petition complying with the requirements of this article, praying
1225 for the creation of a sanitation district, fixing the boundaries thereof and naming the counties, cities
1226 and towns which in whole or in part are to be embraced therein, the circuit court of any such
1227 county, or of any county in which any such town is situated, or the corporation court of any such
1228 city shall make an order filing such petition and fixing a day for a hearing by such court on such
1229 petition and the question of the creation of the proposed sanitation district. Such order shall direct
1230 notice of such hearing to be given by publication once a week for at least three consecutive weeks
1231 ~~beginning at least twenty eight days prior to the day of such hearing~~ in some newspaper or
1232 newspapers, ~~named in such order,~~ having general circulation in the proposed sanitation district,
1233 with the first publication appearing not more than 21 days before the hearing. Such notice shall set
1234 forth the petition as filed, but need not set forth the signatures or exhibits thereto, and shall state
1235 the time and place of hearing and that at such hearing all persons desiring to controvert the
1236 allegations of such petition or question the conformity thereof to this article will be heard and all
1237 objections to the creation of the proposed sanitation district considered.

1238 **§ 21-377. Notice of sale of delinquent land.**

1239 If any assessment is delinquent for more than a year, the treasurer of the county within
1240 which the land assessed lies shall, after the expiration of such year, proceed to sell the land by
1241 having notice of such intended sale served on the record owner of the land, if he is a resident of
1242 this Commonwealth and his whereabouts herein is known, as process is served in actions at law,
1243 by publishing the notice of such sale in a newspaper published or having general circulation in his
1244 county, and by posting the notice at the courthouse door; such service, publication and posting
1245 shall be not less than ~~thirty seven~~ thirty seven days in advance of the date set for the sale. Such publication and
1246 posting shall be sufficient notice of the sale to all parties in interest except the owner resident in
1247 this Commonwealth. Such notice with the return thereon, if it is served, and the certificate of the

1248 treasurer setting forth the date and medium of publication shall be filed by the treasurer in his
1249 office.

1250 **§ 21-393. Notice of issuance of bonds.**

1251 The board of viewers of the county in which the petition was filed shall give notice by
1252 publication once a week for three successive weeks in some newspaper published in the county in
1253 which the project, or some part thereof, is situated, if there be any such newspaper, with the first
1254 publication appearing not more than 21 days before the hearing, and also by posting a written or
1255 printed notice at the door of the courthouse and at five conspicuous places in the project, reciting
1256 that they propose to issue drainage bonds for the total cost of the improvement, giving the amount
1257 of the bonds to be issued, the rate of interest that they are to bear, and the time when payable.

1258 **§ 21-420. How additional assessments made.**

1259 If additional or new assessments are so levied, such assessments shall be made on the same
1260 basis as the original assessments, and shall be levied only after all persons interested shall have
1261 been given full hearing by the board of viewers on the question of benefits and any other question
1262 on which they shall desire to be heard. Notice of such hearing shall be given by publication once
1263 a week for two consecutive weeks in a newspaper of general circulation published in a county in
1264 which such project is located in whole or in part, with the first publication appearing not more than
1265 21 days before the hearing. ~~and the~~ The determination of the board of viewers shall be final.

1266 **§ 22.1-29.1. Public hearing before appointment of school board members.**

1267 At least seven days prior to the appointment of any school board member pursuant to the
1268 provisions of this chapter, of §§ 15.2-410, 15.2-531, 15.2-627 or § 15.2-837, or of any municipal
1269 charter, the appointing authority shall hold one or more public hearings to receive the views of
1270 citizens within the school division. The appointing authority shall cause public notice to be given
1271 at least ~~ten~~-seven days prior to any hearing by publication in a newspaper having a general
1272 circulation within the school division. No nominee or applicant whose name has not been
1273 considered at a public hearing shall be appointed as a school board member.

1274 **§ 22.1-37. Notice by commission of meeting for appointment.**

1275 Before any appointment is made by the school board selection commission, it shall give
1276 notice, by publication once a week for ~~four~~three successive weeks in a newspaper having general
1277 circulation in such county, of the time and place of any meeting for the purpose of appointing the
1278 members of the county school board, with the first publication appearing not more than 21 days
1279 before the hearing. Such notice shall be given whether the appointment is of a member or members
1280 of the county school board for the full term of office as provided by law or of a member to fill a
1281 vacancy occurring in the membership of the county school board or of a member from a new
1282 school district.

1283 **§ 22.1-79. Powers and duties.**

1284 A school board shall:

- 1285 1. See that the school laws are properly explained, enforced and observed;
- 1286 2. Secure, by visitation or otherwise, as full information as possible about the conduct of
1287 the public schools in the school division and take care that they are conducted according to law
1288 and with the utmost efficiency;
- 1289 3. Care for, manage and control the property of the school division and provide for the
1290 erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and
1291 appurtenances and the maintenance thereof by purchase, lease, or other contracts;
- 1292 4. Provide for the consolidation of schools or redistricting of school boundaries or adopt
1293 pupil assignment plans whenever such procedure will contribute to the efficiency of the school
1294 division;
- 1295 5. Insofar as not inconsistent with state statutes and regulations of the Board of Education,
1296 operate and maintain the public schools in the school division and determine the length of the
1297 school term, the studies to be pursued, the methods of teaching and the government to be employed
1298 in the schools;
- 1299 6. In instances in which no grievance procedure has been adopted prior to January 1, 1991,
1300 establish and administer by July 1, 1992, a grievance procedure for all school board employees,
1301 except the division superintendent and those employees covered under the provisions of Article 2

1302 (§ 22.1-293 et seq.) and Article 3 (§ 22.1-306 et seq.) of Chapter 15 of this title, who have
1303 completed such probationary period as may be required by the school board, not to exceed 18
1304 months. The grievance procedure shall afford a timely and fair method of the resolution of disputes
1305 arising between the school board and such employees regarding dismissal or other disciplinary
1306 actions, excluding suspensions, and shall be consistent with the provisions of the Board of
1307 Education's procedures for adjusting grievances. Except in the case of dismissal, suspension, or
1308 other disciplinary action, the grievance procedure prescribed by the Board of Education pursuant
1309 to § 22.1-308 shall apply to all full-time employees of a school board, except supervisory
1310 employees;

1311 7. Perform such other duties as shall be prescribed by the Board of Education or as are
1312 imposed by law;

1313 8. Obtain public comment through a public hearing not less than ~~10~~ seven days after
1314 reasonable notice to the public in a newspaper of general circulation in the school division prior to
1315 providing (i) for the consolidation of schools; (ii) the transfer from the public school system of the
1316 administration of all instructional services for any public school classroom or all noninstructional
1317 services in the school division pursuant to a contract with any private entity or organization; or
1318 (iii) in school divisions having 15,000 pupils or more in average daily membership, for
1319 redistricting of school boundaries or adopting any pupil assignment plan affecting the assignment
1320 of 15 percent or more of the pupils in average daily membership in the affected school. Such public
1321 hearing may be held at the same time and place as the meeting of the school board at which the
1322 proposed action is taken if the public hearing is held before the action is taken. If a public hearing
1323 has been held prior to the effective date of this provision on a proposed consolidation, redistricting
1324 or pupil assignment plan which is to be implemented after the effective date of this provision, an
1325 additional public hearing shall not be required;

1326 9. (Expires July 1, 2025) At least annually, survey the school division to identify critical
1327 shortages of (i) teachers and administrative personnel by subject matter and (ii) school bus drivers
1328 and report such critical shortages to the Superintendent of Public Instruction and to the Virginia

1329 Retirement System; however, the school board may request the division superintendent to conduct
1330 such survey and submit such report to the school board, the Superintendent, and the Virginia
1331 Retirement System; and

1332 10. Ensure that the public schools within the school division are registered with the
1333 Department of State Police to receive from the State Police electronic notice of the registration,
1334 reregistration, or verification of registration information of any person required to register with the
1335 Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of
1336 Title 9.1 within that school division pursuant to § 9.1-914.

1337 **§ 22.1-92. Estimate of moneys needed for public schools; notice of costs to be**
1338 **distributed.**

1339 A. It shall be the duty of each division superintendent to prepare, with the approval of the
1340 school board, and submit to the governing body or bodies appropriating funds for the school
1341 division, by the date specified in § 15.2-2503, the estimate of the amount of money deemed to be
1342 needed during the next fiscal year for the support of the public schools of the school division. The
1343 estimate shall set up the amount of money deemed to be needed for each major classification
1344 prescribed by the Board of Education and such other headings or items as may be necessary.

1345 Upon preparing the estimate of the amount of money deemed to be needed during the next
1346 fiscal year for the support of the public schools of the school division, each division superintendent
1347 shall also prepare and distribute, within a reasonable time as prescribed by the Board of Education,
1348 notification of the estimated average per pupil cost for public education in the school division for
1349 the coming school year in accordance with the budget estimates provided to the local governing
1350 body or bodies. Such notification shall also include actual per pupil state and local education
1351 expenditures for the previous school year. The notice may also include federal funds expended for
1352 public education in the school division.

1353 The notice shall be made available in a form provided by the Department of Education and
1354 shall be published on the school division's website or in hard copy upon request. To promote

1355 uniformity and allow for comparisons, the Department of Education shall develop a form for this
1356 notice and distribute such form to the school divisions for publication.

1357 B. Before any school board gives final approval to its budget for submission to the
1358 governing body, the school board shall hold at least one public hearing to receive the views of
1359 citizens within the school division. A school board shall cause public notice to be given at least ~~10~~
1360 seven days prior to any hearing by publication in a newspaper having a general circulation within
1361 the school division. The passage of the budget by the local government shall be conclusive
1362 evidence of compliance with the requirements of this section.

1363 **§ 28.2-1302. Adoption of wetlands zoning ordinance; terms of ordinance.**

1364 Any county, city or town may adopt the following ordinance, which, after October 1, 1992,
1365 shall serve as the only wetlands zoning ordinance under which any wetlands board is authorized
1366 to operate. Any county, city, or town which has adopted the ordinance prior to October 1, 1992,
1367 shall amend the ordinance to conform it to the ordinance contained herein by October 1, 1992.

1368 Wetlands Zoning Ordinance

1369 § 1. The governing body of _____, acting pursuant to Chapter 13 (§ 28.2-1300 et seq.) of
1370 Title 28.2 of the Code of Virginia, adopts this ordinance regulating the use and development of
1371 wetlands.

1372 § 2. As used in this ordinance, unless the context requires a different meaning:

1373 "Back Bay and its tributaries" means the following, as shown on the United States
1374 Geological Survey Quadrangle Sheets for Virginia Beach, North Bay, and Knotts Island: Back
1375 Bay north of the Virginia-North Carolina state line; Capsies Creek north of the Virginia-North
1376 Carolina state line; Deal Creek; Devil Creek; Nawney Creek; Redhead Bay, Sand Bay, Shipps
1377 Bay, North Bay, and the waters connecting them; Beggars Bridge Creek; Muddy Creek; Ashville
1378 Bridge Creek; Hells Point Creek; Black Gut; and all coves, ponds and natural waterways adjacent
1379 to or connecting with the above-named bodies of water.

1380 "Commission" means the Virginia Marine Resources Commission.

1381 "Commissioner" means the Commissioner of Marine Resources.

1382 "Governmental activity" means any of the services provided by this _____. (county, city, or
1383 town) to its citizens for the purpose of maintaining this _____ (county, city, or town), including but
1384 not limited to such services as constructing, repairing and maintaining roads; providing sewage
1385 facilities and street lights; supplying and treating water; and constructing public buildings.

1386 "Nonvegetated wetlands" means unvegetated lands lying contiguous to mean low water
1387 and between mean low water and mean high water, including those unvegetated areas of Back Bay
1388 and its tributaries and the North Landing River and its tributaries subject to flooding by normal
1389 and wind tides but not hurricane or tropical storm tides.

1390 "North Landing River and its tributaries" means the following, as shown on the United
1391 States Geological Survey Quadrangle Sheets for Pleasant Ridge, Creeds, and Fentress: the North
1392 Landing River from the Virginia-North Carolina line to Virginia Highway 165 at North Landing
1393 Bridge; the Chesapeake and Albemarle Canal from Virginia Highway 165 at North Landing Bridge
1394 to the locks at Great Bridge; and all named and unnamed streams, creeks and rivers flowing into
1395 the North Landing River and the Chesapeake and Albemarle Canal except West Neck Creek north
1396 of Indian River Road, Pocaty River west of Blackwater Road, Blackwater River west of its forks
1397 located at a point approximately 6400 feet due west of the point where Blackwater Road crosses
1398 the Blackwater River at the village of Blackwater, and Millbank Creek west of Blackwater Road.

1399 "Person" means any individual, corporation, partnership, association, company, business,
1400 trust, joint venture, or other legal entity.

1401 "Vegetated wetlands" means lands lying between and contiguous to mean low water and
1402 an elevation above mean low water equal to the factor one and one-half times the mean tide range
1403 at the site of the proposed project in the county, city, or town in question, and upon which is
1404 growing any of the following species: saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow hay
1405 (*Spartina patens*), saltgrass (*Distichlis spicata*), black needlerush (*Juncus roemerianus*), saltwort
1406 (*Salicornia* spp.), sea lavender (*Limonium* spp.), marsh elder (*Iva frutescens*), groundsel bush
1407 (*Baccharis halimifolia*), wax myrtle (*Myrica* sp.), sea oxeye (*Borrichia frutescens*), arrow arum
1408 (*Peltandra virginica*), pickerelweed (*Pontederia cordata*), big cordgrass (*Spartina cynosuroides*),

1409 rice cutgrass (*Leersia oryzoides*), wildrice (*Zizania aquatica*), bulrush (*Scirpus validus*), spikerush
1410 (*Eleocharis* sp.), sea rocket (*Cakile edentula*), southern wildrice (*Zizaniopsis miliacea*), cattail
1411 (*Typha* spp.), three-square (*Scirpus* spp.), buttonbush (*Cephalanthus occidentalis*), bald cypress
1412 (*Taxodium distichum*), black gum (*Nyssa sylvatica*), tupelo (*Nyssa aquatica*), dock (*Rumex* spp.),
1413 yellow pond lily (*Nuphar* sp.), marsh fleabane (*Pluchea purpurascens*), royal fern (*Osmunda*
1414 *regalis*), marsh hibiscus (*Hibiscus moscheutos*), beggar's tick (*Bidens* sp.), smartweed (*Polygonum*
1415 sp.), arrowhead (*Sagittaria* spp.), sweet flag (*Acorus calamus*), water hemp (*Amaranthus*
1416 *cannabinus*), reed grass (*Phragmites communis*), or switch grass (*Panicum virgatum*).

1417 "Vegetated wetlands of Back Bay and its tributaries" or "vegetated wetlands of the North
1418 Landing River and its tributaries" means all marshes subject to flooding by normal and wind tides
1419 but not hurricane or tropical storm tides, and upon which is growing any of the following species:
1420 saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow hay (*Spartina patens*), black needlerush
1421 (*Juncus roemerianus*), marsh elder (*Iva frutescens*), groundsel bush (*Baccharis halimifolia*), wax
1422 myrtle (*Myrica* sp.), arrow arum (*Peltandra virginica*), pickerelweed (*Pontederia cordata*), big
1423 cordgrass (*Spartina cynosuroides*), rice cutgrass (*Leersia oryzoides*), wildrice (*Zizania aquatica*),
1424 bulrush (*Scirpus validus*), spikerush (*Eleocharis* sp.), cattail (*Typha* spp.), three-square (*Scirpus*
1425 spp.), dock (*Rumex* sp.), smartweed (*Polygonum* sp.), yellow pond lily (*Nuphar* sp.), royal fern
1426 (*Osmunda regalis*), marsh hibiscus (*Hibiscus moscheutos*), beggar's tick (*Bidens* sp.), arrowhead
1427 (*Sagittaria* sp.), water hemp (*Amaranthus cannabinus*), reed grass (*Phragmites communis*), or
1428 switch grass (*Panicum virgatum*).

1429 "Wetlands" means both vegetated and nonvegetated wetlands.

1430 "Wetlands board" or "board" means a board created pursuant to § 28.2-1303 of the Code
1431 of Virginia.

1432 § 3. The following uses of and activities in wetlands are authorized if otherwise permitted
1433 by law:

1434 1. The construction and maintenance of noncommercial catwalks, piers, boathouses, boat
1435 shelters, fences, duckblinds, wildlife management shelters, footbridges, observation decks and

1436 shelters and other similar structures, provided that such structures are so constructed on pilings as
1437 to permit the reasonably unobstructed flow of the tide and preserve the natural contour of the
1438 wetlands;

1439 2. The cultivation and harvesting of shellfish, and worms for bait;

1440 3. Noncommercial outdoor recreational activities, including hiking, boating, trapping,
1441 hunting, fishing, shellfishing, horseback riding, swimming, skeet and trap shooting, and shooting
1442 on shooting preserves, provided that no structure shall be constructed except as permitted in
1443 subdivision 1 of this section;

1444 4. Other outdoor recreational activities, provided they do not impair the natural functions
1445 or alter the natural contour of the wetlands;

1446 5. Grazing, haying, and cultivating and harvesting agricultural, forestry or horticultural
1447 products;

1448 6. Conservation, repletion and research activities of the Commission, the Virginia Institute
1449 of Marine Science, the Department of Wildlife Resources and other conservation-related agencies;

1450 7. The construction or maintenance of aids to navigation which are authorized by
1451 governmental authority;

1452 8. Emergency measures decreed by any duly appointed health officer of a governmental
1453 subdivision acting to protect the public health;

1454 9. The normal maintenance and repair of, or addition to, presently existing roads, highways,
1455 railroad beds, or facilities abutting on or crossing wetlands, provided that no waterway is altered
1456 and no additional wetlands are covered;

1457 10. Governmental activity in wetlands owned or leased by the Commonwealth or a political
1458 subdivision thereof;

1459 11. The normal maintenance of man-made drainage ditches, provided that no additional
1460 wetlands are covered. This subdivision does not authorize the construction of any drainage ditch;
1461 and

1462 12. The construction of living shoreline projects authorized pursuant to a general permit
1463 developed under subsection B of § 28.2-104.1.

1464 § 4. A. Any person who desires to use or develop any wetland within this _____ (county,
1465 city, or town), other than for the purpose of conducting the activities specified in § 3 of this
1466 ordinance, shall first file an application for a permit directly with the wetlands board or with the
1467 Commission.

1468 B. The permit application shall include the following: the name and address of the
1469 applicant; a detailed description of the proposed activities; a map, drawn to an appropriate and
1470 uniform scale, showing the area of wetlands directly affected, the location of the proposed work
1471 thereon, the area of existing and proposed fill and excavation, the location, width, depth and length
1472 of any proposed channel and disposal area, and the location of all existing and proposed structures,
1473 sewage collection and treatment facilities, utility installations, roadways, and other related
1474 appurtenances or facilities, including those on adjacent uplands; a statement indicating whether
1475 use of a living shoreline as defined in § 28.2-104.1 for a shoreline management practice is not
1476 suitable, including reasons for the determination; a description of the type of equipment to be used
1477 and the means of equipment access to the activity site; the names and addresses of owners of record
1478 of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the
1479 applicant has notice; an estimate of cost; the primary purpose of the project; any secondary
1480 purposes of the project, including further projects; the public benefit to be derived from the
1481 proposed project; a complete description of measures to be taken during and after the alteration to
1482 reduce detrimental offsite effects; the completion date of the proposed work, project, or structure;
1483 and such additional materials and documentation as the wetlands board may require.

1484 C. A nonrefundable processing fee shall accompany each permit application. The fee shall
1485 be set by the applicable governing body with due regard for the services to be rendered, including
1486 the time, skill, and administrator's expense involved.

1487 § 5. All applications, maps, and documents submitted shall be open for public inspection
1488 at the office designated by the applicable governing body and specified in the advertisement for
1489 public hearing required under § 6 of this ordinance.

1490 § 6. Not later than 60 days after receipt of a complete application, the wetlands board shall
1491 hold a public hearing on the application. The applicant, local governing body, Commissioner,
1492 owner of record of any land adjacent to the wetlands in question, known claimants of water rights
1493 in or adjacent to the wetlands in question, the Virginia Institute of Marine Science, the Department
1494 of Wildlife Resources, the Water Control Board, the Department of Transportation, and any
1495 governmental agency expressing an interest in the application shall be notified of the hearing. The
1496 board shall mail these notices not less than 20 days prior to the date set for the hearing. The
1497 wetlands board shall also cause notice of the hearing to be published at least once a week for two
1498 weeks prior to such hearing in a newspaper of general circulation in this _____ (county, city, or
1499 town), with the first publication appearing not more than 14 days before the hearing. The published
1500 notice shall specify the place or places within this _____ (county, city, or town) where copies of
1501 the application may be examined. The costs of publication shall be paid by the applicant.

1502 § 7. A. Approval of a permit application shall require the affirmative vote of three members
1503 of a five-member board or four members of a seven-member board.

1504 B. The chairman of the board, or in his absence the acting chairman, may administer oaths
1505 and compel the attendance of witnesses. Any person may testify at the public hearing. Each witness
1506 at the hearing may submit a concise written statement of his testimony. The board shall make a
1507 record of the proceeding, which shall include the application, any written statements of witnesses,
1508 a summary of statements of all witnesses, the findings and decision of the board, and the rationale
1509 for the decision.

1510 C. The board shall make its determination within 30 days of the hearing. If the board fails
1511 to act within that time, the application shall be deemed approved. Within 48 hours of its
1512 determination, the board shall notify the applicant and the Commissioner of its determination. If
1513 the board fails to make a determination within the 30-day period, it shall promptly notify the

1514 applicant and the Commission that the application is deemed approved. For purposes of this
1515 section, "act" means taking a vote on the application. If the application receives less than four
1516 affirmative votes from a seven-member board or less than three affirmative votes from a five-
1517 member board, the permit shall be denied.

1518 D. If the board's decision is reviewed or appealed, the board shall transmit the record of its
1519 hearing to the Commissioner. Upon a final determination by the Commission, the record shall be
1520 returned to the board. The record shall be open for public inspection at the same office as was
1521 designated under § 5 of this ordinance.

1522 § 8. The board may require a reasonable bond or letter of credit in an amount and with
1523 surety and conditions satisfactory to it, securing to the Commonwealth compliance with the
1524 conditions and limitations set forth in the permit. The board may, after a hearing held pursuant to
1525 this ordinance, suspend or revoke a permit if the applicant has failed to comply with any of the
1526 conditions or limitations set forth in the permit or has exceeded the scope of the work described in
1527 the application. The board may, after a hearing, suspend a permit if the applicant fails to comply
1528 with the terms and conditions set forth in the application.

1529 § 9. In fulfilling its responsibilities under this ordinance, the board shall preserve and
1530 prevent the despoliation and destruction of wetlands within its jurisdiction while accommodating
1531 necessary economic development in a manner consistent with wetlands preservation and any
1532 standards set by the Commonwealth in addition to those identified in § 28.2-1308 to ensure
1533 protection of shorelines and sensitive coastal habitats from sea level rise and coastal hazards,
1534 including the provisions of guidelines and minimum standards promulgated by the Commission
1535 pursuant to § 28.2-1301 of the Code of Virginia.

1536 § 10. A. In deciding whether to grant, grant in modified form or deny a permit, the board
1537 shall consider the following:

- 1538 1. The testimony of any person in support of or in opposition to the permit application;
- 1539 2. The impact of the proposed development on the public health, safety, and welfare; and

1540 3. The proposed development's conformance with standards prescribed in § 28.2-1308 of
1541 the Code of Virginia and guidelines promulgated pursuant to § 28.2-1301 of the Code of Virginia.

1542 B. The board shall grant the permit if all of the following criteria are met:

1543 1. The anticipated public and private benefit of the proposed activity exceeds its anticipated
1544 public and private detriment.

1545 2. The proposed development conforms with the standards prescribed in § 28.2-1308 of
1546 the Code of Virginia and guidelines promulgated pursuant to § 28.2-1301 of the Code of Virginia.

1547 3. The proposed activity does not violate the purposes and intent of this ordinance or
1548 Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia.

1549 C. If the board finds that any of the criteria listed in subsection B of this section are not
1550 met, the board shall deny the permit application but allow the applicant to resubmit the application
1551 in modified form.

1552 § 11. The permit shall be in writing, signed by the chairman of the board or his authorized
1553 representative, and notarized. A copy of the permit shall be transmitted to the Commissioner.

1554 § 12. No permit shall be granted without an expiration date established by the board. Upon
1555 proper application, the board may extend the permit expiration date.

1556 § 13. No permit granted by a wetlands board shall in any way affect the applicable zoning
1557 and land use ordinances of this _____ (county, city, or town) or the right of any person to seek
1558 compensation for any injury in fact incurred by him because of the proposed activity.

1559 **§ 33.2-331. Annual meeting with county officers; six-year plan for secondary state**
1560 **highways; certain reimbursements required.**

1561 For purposes of this section, "cancellation" means complete elimination of a highway
1562 construction or improvement project from the six-year plan.

1563 The governing body of each county in the secondary state highway system may, jointly
1564 with the representatives of the Department as designated by the Commissioner of Highways,
1565 prepare a six-year plan for the improvements to the secondary state highway system in that county.
1566 Each such six-year plan shall be based upon the best estimate of funds to be available to the county

1567 for expenditure in the six-year period on the secondary state highway system. Each such plan shall
1568 list the proposed improvements, together with an estimated cost of each project so listed.
1569 Following the preparation of the plan in any year in which a proposed new funding allocation is
1570 greater than \$100,000, the board of supervisors or other local governing body shall conduct a
1571 public hearing after publishing notice in a newspaper published in or having general circulation in
1572 the county once a week for two successive weeks, with the first publication appearing not more
1573 than 14 days before the hearing, and posting notice of the proposed hearing at the front door of the
1574 courthouse of such county 10 days before the meeting. At the public hearings, which shall be
1575 conducted jointly by the board of supervisors and the representative of the Department, the entire
1576 six-year plan shall be discussed with the citizens of the county and their views considered.
1577 Following the discussion, the local governing body, together with the representative of the
1578 Department, shall finalize and officially adopt the six-year plan, which shall then be considered
1579 the official plan of the county.

1580 At least once in each calendar year in which a proposed new funding allocation is greater
1581 than \$100,000, representatives of the Department in charge of the secondary state highway system
1582 in each county, or some representative of the Department designated by the Commissioner of
1583 Highways, shall meet with the governing body of each county in a regular or special meeting of
1584 the local governing body for the purpose of preparing a budget for the expenditure of improvement
1585 funds for the next fiscal year. The representative of the Department shall furnish the local
1586 governing body with an updated estimate of funds, and the board and the representative of the
1587 Department shall jointly prepare the list of projects to be carried out in that fiscal year taken from
1588 the six-year plan by order of priority and following generally the policies of the Board in regard to
1589 the statewide improvements to the secondary state highway system. In any year in which a
1590 proposed new funding allocation is greater than \$100,000, such list of priorities shall then be
1591 presented at a public hearing duly advertised in accordance with the procedure outlined in this
1592 section, and comments of citizens shall be obtained and considered. Following this public hearing,
1593 the board, with the concurrence of the representative of the Department, shall adopt, as official, a

1594 priority program for the ensuing year, and the Department shall include such listed projects in its
1595 secondary highways budget for the county for that year.

1596 At least once every two years following the adoption of the original six-year plan, the
1597 governing body of each county, together with the representative of the Department, may update
1598 the six-year plan of the county by adding to it and extending it as necessary so as to maintain it as
1599 a plan encompassing six years. Whenever additional funds for secondary highway purposes
1600 become available, the local governing body may request a revision in its six-year plan in order that
1601 such plan be amended to provide for the expenditure of the additional funds. Such additions and
1602 extensions to each six-year plan shall be prepared in the same manner and following the same
1603 procedures as outlined herein for its initial preparation. Where the local governing body and the
1604 representative of the Department fail to agree upon a priority program, the local governing body
1605 may appeal to the Commissioner of Highways. The Commissioner of Highways shall consider all
1606 proposed priorities and render a decision establishing a priority program based upon a
1607 consideration by the Commissioner of Highways of the welfare and safety of county citizens. Such
1608 decision shall be binding.

1609 Nothing in this section shall preclude a local governing body, with the concurrence of the
1610 representative of the Department, from combining the public hearing that may be required pursuant
1611 to this section for revision of a six-year plan with the public hearing that may be required pursuant
1612 to this section for review of the list of priorities, provided that notice of such combined hearing is
1613 published in accordance with procedures provided in this section.

1614 All such six-year plans shall consider all existing highways in the secondary state highway
1615 system, including those in the towns located in the county that are maintained as a part of the
1616 secondary state highway system, and shall be made a public document.

1617 If any county cancels any highway construction or improvement project included in its six-
1618 year plan after the location and design for the project has been approved, such county shall
1619 reimburse the Department the net amount of all funds expended by the Department for planning,
1620 engineering, right-of-way acquisition, demolition, relocation, and construction between the date

1621 on which project development was initiated and the date of cancellation. To the extent that funds
1622 from secondary highway allocations have been expended to pay for a highway construction or
1623 improvement project, all revenues generated from a reimbursement by the county shall be
1624 deposited into that same county's secondary highway allocation. The Commissioner of Highways
1625 may waive all or any portion of such reimbursement at his discretion.

1626 The provisions of this section shall not apply in instances where less than 100 percent of
1627 the right-of-way is available for donation for unpaved highway improvements.

1628 **§ 33.2-723. Assumption of district highway indebtedness by counties.**

1629 A. Any county may assume the payment of and pay any outstanding indebtedness of any
1630 magisterial district or districts thereof incurred for the purpose of constructing public highways
1631 that were subsequently taken over by the Commonwealth, provided the assumption thereof is
1632 approved by a majority of the qualified voters of the county voting on the question at an election
1633 to be held as provided in this section.

1634 B. The governing body of the county may, by a resolution entered of record in its minute
1635 book, require the judges of election to open a poll at the next regular election and take the sense
1636 of the qualified voters of the county upon the question whether or not the county shall assume the
1637 highway indebtedness of _____ district, or _____ districts. The local governing body
1638 shall cause notice of such election to be given by the posting of written notice thereof at the front
1639 door of the county courthouse at least 30 days prior to the date the same is to be held and by
1640 publication thereof once a week for two successive weeks in a newspaper published or having
1641 general circulation in the county, with the first publication appearing not more than 21 days before
1642 the election, which Such notice shall set forth the date of such election and the question to be
1643 voted on.

1644 C. The ballots for use in voting upon the question so submitted shall be prepared, printed,
1645 distributed, voted, and counted and the returns made and canvassed in accordance with the
1646 provisions of § 24.2-684. The results shall be certified by the commissioners of election to the

1647 county clerk, who shall certify the same to the governing body of the county, and such returns shall
1648 be entered of record in the minute book of the local governing body.

1649 D. If a majority of the voters voting on the question vote in favor of the assumption by the
1650 county of the highway indebtedness of any district of the county, such indebtedness shall become
1651 and be an obligation of the county and as binding thereon as if the same had been originally
1652 contracted by the county. In such event the governing body of the county is authorized to levy and
1653 collect taxes throughout the county for the payment of the district indebtedness so assumed, both
1654 as to principal and interest.

1655 E. Nothing contained in this section shall affect the validity of such district highway
1656 obligations in the event that the result of such election is against the assumption thereof by the
1657 county, but they shall continue to be as valid and binding in all respects as they were in their
1658 inception.

1659 **§ 33.2-909. Abandonment of highway, landing, or railroad crossing; procedure.**

1660 A. The governing body of any county on its own motion or upon petition of any interested
1661 landowner may cause any section of the secondary state highway system, or any crossing by the
1662 highway of the lines of a railroad company or crossing by the lines of a railroad company of the
1663 highway, deemed by it to be no longer necessary for the uses of the secondary state highway system
1664 to be abandoned altogether as a public highway, a public landing, or a public railroad crossing by
1665 complying substantially with the procedure provided in this section.

1666 B. The governing body of the county shall give notice of its intention to abandon any such
1667 highway, landing, or railroad crossing (i) by posting a notice of such intention at least three days
1668 before the first day of a regular term of the circuit court at the front door of the courthouse of the
1669 county in which the section of the highway, landing, or railroad crossing sought to be abandoned
1670 as a public highway, public landing, or public railroad crossing is located or (ii) by posting notice
1671 in at least three places on and along the highway, landing, or railroad crossing sought to be
1672 abandoned for at least 30 days and in either case by publishing notice of its intention in two or
1673 more issues of a newspaper having general circulation in the county. In addition, the governing

1674 body of the county shall give notice of its intention to abandon such highway, landing, or railroad
1675 crossing to the Board or the Commissioner of Highways. In any case in which the highway,
1676 landing, or railroad crossing proposed to be abandoned lies in two or more counties, the governing
1677 bodies of such counties shall not abandon such highway, landing, or railroad crossing unless and
1678 until all affected governing bodies agree. The procedure in such cases shall conform mutatis
1679 mutandis to the procedure prescribed for the abandonment of a highway, landing, or railroad
1680 crossing located entirely within a county.

1681 When the governing body of a county gives notice of intention to abandon a public landing,
1682 the governing body shall also give such notice to the Department of Wildlife Resources.

1683 C. If one or more landowners in the county whose property abuts the highway, landing, or
1684 railroad crossing proposed to be abandoned, or if only a section of a highway, landing, or railroad
1685 crossing is proposed to be abandoned, whose property abuts such section, or the Board or the
1686 Department of Wildlife Resources, in the case of a public landing, files a petition with the
1687 governing body of the county within 30 days after notice is posted and published as provided in
1688 this section, the governing body of the county shall hold a public hearing on the proposed
1689 abandonment and shall give notice of the time and place of the hearing by publishing such
1690 information ~~in at least two issues~~ once a week for two successive weeks in a newspaper having
1691 general circulation in the county, with the first publication appearing no more than 21 days before
1692 the hearing. ~~and The governing body~~ shall also give notice to the Board or, if a public landing is
1693 sought to be abandoned, to the Department of Wildlife Resources.

1694 D. If a petition for a public hearing is not filed as provided in this section, or if after a public
1695 hearing is held the governing body of the county is satisfied that no public necessity exists for the
1696 continuance of the section of the secondary highway as a public highway or the railroad crossing
1697 as a public railroad crossing or the landing as a public landing or that the safety and welfare of the
1698 public would be served best by abandoning the section of highway, the landing, or the railroad
1699 crossing as a public highway, public landing, or public railroad crossing, the governing body of
1700 the county shall (i) within four months of the 30-day period during which notice was posted where

1701 no petition for a public hearing was filed or (ii) within four months after the public hearing adopt
1702 an ordinance or resolution abandoning the section of highway as a public highway, or the landing
1703 as a public landing, or the railroad crossing as a public railroad crossing, and with that ordinance
1704 or resolution the section of highway shall cease to be a public highway, a public landing, or a
1705 public railroad crossing. If the governing body is not so satisfied, it shall dismiss the application
1706 within the applicable four months provided in this subsection.

1707 E. A finding by the governing body of a county that a section of the secondary state
1708 highway system is no longer necessary for the uses of the secondary state highway system may be
1709 made if the following conditions exist:

- 1710 1. The highway is located within a residence district as defined in § 46.2-100;
- 1711 2. The residence district is located within a county having a density of population exceeding
1712 1,000 per square mile;
- 1713 3. Continued operation of the section of highway in question constitutes a threat to the
1714 public safety and welfare; and
- 1715 4. Alternate routes for use after abandonment of the highway are readily available.

1716 F. In considering the abandonment of any section of highway under the provisions of this
1717 section, due consideration shall be given to the historic value, if any, of such highway.

1718 G. Any ordinance or resolution of abandonment issued in compliance with this section
1719 shall give rise in subsequent proceedings, if any, to a presumption of adequate justification for the
1720 abandonment.

1721 H. No public landing shall be abandoned unless the Board of Wildlife Resources shall by
1722 resolution concur in such abandonment.

1723 **§ 33.2-2001. Creation of district.**

1724 A. A district may be created in a single locality or in two or more contiguous localities. If
1725 created in a single locality, a district shall be created by a resolution of the local governing body.
1726 If created in two or more contiguous localities, a district shall be created by the resolutions of each
1727 of the local governing bodies. Any such resolution shall be considered only upon the petition, to

1728 each local governing body of the locality in which the proposed district is to be located, of the
1729 owners of at least 51 percent of either the land area or the assessed value of land in each locality
1730 that (i) is within the boundaries of the proposed district and (ii) has been zoned for commercial or
1731 industrial use or is used for such purposes. Any proposed district within a county or counties may
1732 include any land within a town or towns within the boundaries of such county or counties.

1733 B. The petition to the local governing body or bodies shall:

1734 1. Set forth the name and describe the boundaries of the proposed district;

1735 2. Describe the transportation improvements proposed within the district;

1736 3. Propose a plan for providing such transportation improvements within the district and
1737 describe specific terms and conditions with respect to all commercial and industrial zoning
1738 classifications and uses, densities, and criteria related thereto which the petitioners request for the
1739 proposed district;

1740 4. Describe the benefits that can be expected from the provision of such transportation
1741 improvements within the district; and

1742 5. Request the local governing body or bodies to establish the proposed district for the
1743 purposes set forth in the petition.

1744 C. Upon the filing of such a petition, each local governing body shall fix a day for a hearing
1745 on the question of whether the proposed district shall be created. The hearing shall consider
1746 whether the residents and owners of real property within the proposed district would benefit from
1747 the establishment of the proposed district. All interested persons who either reside in or own
1748 taxable real property within the proposed district shall have the right to appear and show cause
1749 why any property or properties should not be included in the proposed district. If real property
1750 within a town is included in the proposed district, the governing body shall deliver a copy of the
1751 petition and notice of the public hearing to the town council at least 30 days prior to the public
1752 hearing, and the town council may by resolution determine if it wishes such property located within
1753 the town to be included within the proposed district and shall deliver a copy of any such resolution
1754 to the local governing body at the public hearing required by this section. Such resolution shall be

1755 binding upon the local governing body with respect to the inclusion or exclusion of such properties
1756 within the proposed district. The petition shall comply with the provisions of this section with
1757 respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by
1758 publication once a week for three consecutive weeks in a newspaper of general circulation within
1759 the locality, with the first publication appearing not more than 21 days before the hearing. At least
1760 ~~10 days shall intervene between the third publication and the date set for the hearing.~~

1761 D. If each local governing body finds the creation of the proposed district would be in
1762 furtherance of the locality's comprehensive plan for the development of the area, in the best
1763 interests of the residents and owners of real property within the proposed district, and in
1764 furtherance of the public health, safety, and welfare, then each local governing body may pass a
1765 resolution, which shall be reasonably consistent with the petition, creating the district and
1766 providing for the appointment of an advisory board in accordance with this chapter. The resolution
1767 shall provide a description with specific terms and conditions of all commercial and industrial
1768 zoning classifications that shall be in force in the district upon its creation, together with any related
1769 criteria and a term of years, not to exceed 20 years, as to which each zoning classification and each
1770 related criterion set forth therein shall remain in force within the district without elimination,
1771 reduction, or restriction, except (i) upon the written request or approval of the owner of any
1772 property affected by a change or (ii) as specifically required to comply with state or federal law.

1773 Each resolution creating a district shall also provide (a) that the district shall expire 35
1774 years from the date upon which the resolution is passed or (b) that the district shall expire when
1775 the district is abolished in accordance with § 33.2-2014. After the public hearing, each local
1776 governing body shall deliver a certified copy of its proposed resolution creating the district to the
1777 petitioning landowners or their attorneys-in-fact. Any petitioning landowner may then withdraw
1778 his signature on the petition, in writing, at any time prior to the vote of the local governing body.
1779 In the case where any signatures on the petition are withdrawn, the local governing body may pass
1780 the proposed resolution only upon certification that the petition continues to meet the provisions
1781 of this section. After all local governing bodies have adopted resolutions creating the district, the

1782 district shall be established and the name of the district shall be "The _____ Transportation
1783 Improvement District."

1784 **§ 33.2-2101. Creation of district.**

1785 A. A district may be created in a county by a resolution of the governing body. Any such
1786 resolution shall be considered only upon the petition, to the governing body, of the owners of at
1787 least 51 percent of either the land area or the assessed value of real property that (i) is within the
1788 boundaries of the proposed district, (ii) has been zoned for commercial or industrial use or is used
1789 for such purposes, and (iii) would be subject to the annual special improvement tax authorized by
1790 § 33.2-2105 if the proposed district is created. Any proposed district within a county may include
1791 any real property within a town or towns within the boundaries of such county.

1792 B. The petition to the governing body shall:

1793 1. Set forth the name and describe the boundaries of the proposed district;

1794 2. Describe the transportation improvements proposed within the district;

1795 3. Propose a plan for providing such transportation improvements within the district and
1796 describe specific terms and conditions with respect to all commercial and industrial zoning
1797 classifications and uses, densities, and criteria related thereto that the petitioners request for the
1798 proposed district;

1799 4. Describe the benefits that can be expected from the provision of such transportation
1800 improvements within the district; and

1801 5. Request the governing body to establish the proposed district for the purposes set forth
1802 in the petition.

1803 C. Upon the filing of such a petition, the governing body shall fix a day for a hearing on
1804 the question of whether the proposed district shall be created. The hearing shall consider whether
1805 the residents and owners of real property within the proposed district would benefit from the
1806 establishment of the proposed district. All interested persons who either reside in or own taxable
1807 real property within the proposed district shall have the right to appear and show cause why any
1808 property or properties should not be included in the proposed district. If real property within a

1809 town is included in the proposed district, a copy of the petition and notice of the public hearing
1810 shall be delivered to the town council at least 30 days prior to the public hearing, and the town
1811 council may by resolution determine if the town council wishes any property located within the
1812 town to be included within the proposed district and any such resolution shall be delivered to the
1813 governing body prior to the public hearing required by this section. Such resolution shall be
1814 binding upon the governing body with respect to the inclusion or exclusion of such properties
1815 within the proposed district. If that resolution permits any commercial or industrial property
1816 located within a town to be included in the proposed district, then if requested to do so by the
1817 petition the town council of any town that has adopted a zoning ordinance also shall pass a
1818 resolution, to be effective upon creation of the proposed district, that is consistent with the
1819 requirements of subsection E with respect to commercial and industrial zoning classifications that
1820 shall be in force in that portion of the town included in the district. The petition shall comply with
1821 the provisions of this section with respect to minimum acreage or assessed valuation. Notice of the
1822 hearing shall be given by publication once a week for three consecutive weeks in a newspaper of
1823 general circulation within the locality, with the first publication appearing not more than 21 days
1824 before the hearing. ~~At least 10 days shall intervene between the third publication and the date set~~
1825 ~~for the hearing.~~ Such public hearing may be adjourned from time to time.

1826 D. If the governing body finds the creation of the proposed district would be in furtherance
1827 of the county's comprehensive plan for the development of the area, in the best interests of the
1828 residents and owners of real property within the proposed district, and in furtherance of the public
1829 health, safety, and welfare, the governing body may pass a resolution that is reasonably consistent
1830 with the petition, that creates the district upon final adoption, and that provides for the appointment
1831 of an advisory board in accordance with this chapter upon final adoption. Any such resolution shall
1832 be conclusively presumed to be reasonably consistent with the petition if, following the public
1833 hearing, as provided in the following provisions of this section, the petition continues to comply
1834 with the provisions of this section with respect to the criteria relating to minimum acreage or
1835 assessed valuation.

1836 E. The resolution shall provide a description with specific terms and conditions of all
1837 commercial and industrial zoning classifications that apply within the district, but not within any
1838 town within the district that has adopted a zoning ordinance, that shall be in force in the district
1839 upon its creation, together with any related criteria and a term of years, not to exceed 20 years, as
1840 to which each such zoning classification and each related criterion set forth therein shall remain in
1841 force within the district without elimination, reduction, or restriction, except (i) upon the written
1842 request or approval of the owner of any property affected by a change, (ii) as required to comply
1843 with the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) or the
1844 regulations adopted pursuant thereto, (iii) as required to comply with the provisions of the federal
1845 Clean Water Act regarding municipal and industrial stormwater discharges (33 U.S.C. § 1342(p))
1846 and regulations promulgated thereunder by the federal Environmental Protection Agency, or (iv)
1847 as specifically required to comply with any other state or federal law.

1848 F. A resolution creating a district shall also provide (i) that the district shall expire 50 years
1849 from the date upon which the resolution is passed or (ii) that the district shall expire when the
1850 district is abolished in accordance with § 33.2-2115. After the public hearing, the governing body
1851 may adopt a proposed resolution creating the district. No later than two business days following
1852 the adoption of the proposed resolution, copies of the proposed resolution shall be available in the
1853 office of the clerk of the governing body for inspection and copying by the petitioning landowners
1854 and their representatives, by members of the public, and by representatives of the news media. No
1855 later than seven business days following the adoption of the proposed resolution, any petitioning
1856 landowner may notify the clerk of the governing body in writing that the petitioning landowner is
1857 withdrawing his signature from the petition. Within the same seven-day period, the owner of any
1858 property in the proposed district that will be subject to the annual special improvements tax
1859 authorized by § 33.2-2105, if the proposed district is created, or the attorney-in-fact of any such
1860 owner may notify the clerk of the governing body in writing that he is adding his signature to the
1861 petition. The governing body may then proceed to final adoption of the proposed resolution
1862 following that seven-day period. If any petitioner has withdrawn his signature from the petition

1863 during that seven-day period, then the governing body may readopt the proposed resolution only
1864 if the petition, including any landowners who have added their signatures after adoption of the
1865 proposed resolution, continues to meet the provisions of this section. After the governing body has
1866 readopted the resolution creating the district, the district shall be established and the name of the
1867 district shall be "The _____ Transportation Improvement District."

1868 **§ 33.2-2103. Powers and duties of commission.**

1869 The commission may:

1870 1. Expend district revenues to construct, reconstruct, alter, improve, or expand
1871 transportation improvements and make loans or otherwise provide for the cost of transportation
1872 improvements and for financial assistance to operate transportation improvements in the district
1873 for the use and benefit of the public.

1874 2. Acquire by gift, purchase, lease, in-kind contribution to construction costs, or otherwise
1875 any transportation improvements in the district and sell, lease as lessor, transfer, or dispose of any
1876 part of any transportation improvements in such manner and upon such terms as the commission
1877 may determine to be in the best interests of the district. However, prior to disposing of any such
1878 property or interest therein, the commission shall conduct a public hearing with respect to such
1879 disposition. At the hearing, the residents and owners of property within the district shall have an
1880 opportunity to be heard. At least ~~10~~ seven days' notice of the time and place of such hearing shall
1881 be published in a newspaper of general circulation in the district, as prescribed by the commission.
1882 Such public hearing may be adjourned from time to time.

1883 3. Negotiate and contract with any person with regard to any matter necessary and proper
1884 to provide any transportation improvements, including the financing, acquisition, construction,
1885 reconstruction, alteration, improvement, expansion, operation, or maintenance of any
1886 transportation improvements in the district. For the purposes of this chapter, transportation
1887 improvements are within the district if they are located within the boundaries of the transportation
1888 improvement district or are reasonably deemed necessary for the construction or operation of
1889 transportation improvements within the boundaries of the transportation improvement district.

1890 4. Enter into a continuing service contract for a purpose authorized by this chapter and
1891 make payments of the proceeds received from the special taxes levied pursuant to this chapter,
1892 together with any other revenues, for installments due under that service contract. The district may
1893 apply such payments annually during the term of that service contract in an amount sufficient to
1894 make the installment payments due under that contract, subject to the limitation imposed by this
1895 chapter. However, payments for any such service contract shall be conditioned upon the receipt of
1896 services pursuant to the contract. Such a contract shall not obligate a county or participating town
1897 to make payments for services of the district.

1898 5. Accept the allocations, contributions, or funds of any available source or reimburse from
1899 any available source, including any person, for the whole or any part of the costs, expenses, and
1900 charges incident to the acquisition, construction, reconstruction, maintenance, alteration,
1901 improvement, and expansion or the operation of any transportation improvements in the district.

1902 6. Contract for the extension and use of any public mass transit system or highway into
1903 territory outside the district on such terms and conditions as the commission determines.

1904 7. Employ and fix the compensation of personnel who may be deemed necessary for the
1905 construction, operation, or maintenance of any transportation improvements in the district.

1906 8. Have prepared an annual audit of the district's financial obligations and revenues, and
1907 upon review of such audit, request a tax rate adequate to provide tax revenues that, together with
1908 all other revenues, are required by the district to fulfill its annual obligations.

1909 **§ 33.2-2701. Creation of district.**

1910 A. A district may be created in the City of Charlottesville and the County of Albemarle by
1911 resolutions of such localities' governing bodies. Such resolutions shall be considered upon the
1912 petition to each governing body of a locality in which the proposed district by the owners of at
1913 least 51 percent of either the land area or the assessed value of land, in each locality that (i) is
1914 within the boundaries of the proposed district and (ii) has been zoned for commercial or industrial
1915 use or is used for such purposes.

1916 B. The petition to the local governing bodies shall:

1917 1. Set forth the name and describe the boundaries of the proposed district;
1918 2. Describe the transportation improvements proposed within the district;
1919 3. Propose a plan for providing such transportation improvements within the district and
1920 describe specific terms and conditions with respect to all commercial and industrial zoning
1921 classifications and uses, densities, and criteria related thereto that the petitioners request for the
1922 proposed district;
1923 4. Describe the benefits that can be expected from the provision of such transportation
1924 improvements within the district; and
1925 5. Request the local governing bodies to establish the proposed district for the purposes set
1926 forth in the petition.

1927 C. Upon the filing of such a petition, each local governing body shall fix a day for a hearing
1928 on the question of whether the proposed district shall be created. The hearing shall consider
1929 whether the residents and owners of real property within the proposed district would benefit from
1930 the establishment of the proposed district. All interested persons who either reside in or own
1931 taxable real property within the proposed district shall have the right to appear and show cause
1932 why any property or properties should not be included in the proposed district. Such resolution
1933 shall be binding upon the local governing body with respect to the inclusion or exclusion of such
1934 properties within the proposed district. The petition shall comply with the provisions of this section
1935 with respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by
1936 publication once a week for three consecutive weeks in a newspaper of general circulation within
1937 the locality, with the first publication appearing not more than 21 days before the hearing. At least
1938 10 days shall intervene between the third publication and the date set for the hearing.

1939 D. If both local governing bodies find the creation of the proposed district would be in
1940 furtherance of their comprehensive plans for the development of the area, in the best interests of
1941 the residents and owners of real property within the proposed district, and in furtherance of the
1942 public health, safety, and welfare, both local governing bodies may pass resolutions that are
1943 reasonably consistent with the petition, creating the district and providing for the appointment of

1944 an advisory board in accordance with this chapter. The resolutions shall provide a description with
1945 specific terms and conditions of all commercial and industrial zoning classifications that shall be
1946 in force in the district upon its creation, together with all related criteria and a term of years, not to
1947 exceed 20 years, as to which each such zoning classification and each related criterion set forth
1948 therein shall remain in force within the district without elimination, reduction, or restriction, except
1949 (i) upon the written request or approval of the owner of any property affected by a change or (ii)
1950 as specifically required to comply with federal or state law.

1951 Each resolution creating the district shall also provide (a) that the district shall expire 35
1952 years from the date upon which the resolution is passed or (b) that the district shall expire when
1953 the district is abolished in accordance with § 33.2-2714. After the public hearing, each local
1954 governing body shall deliver a certified copy of its proposed resolution creating the district to the
1955 petitioning landowners or their attorneys-in-fact. Any petitioning landowner may then withdraw
1956 his signature on the petition, in writing, at any time prior to the vote of the local governing body.
1957 In the case where any signature on the petition is withdrawn, the local governing body may pass
1958 the proposed resolution only upon certification that the petition continues to meet the provisions
1959 of this section. After both local governing bodies have adopted resolutions creating the district, the
1960 district shall be established and the name of the district shall be "The Charlottesville-Albemarle
1961 Transportation Improvement District."

1962 **§ 36-23. Housing authority operations in other municipalities.**

1963 In addition to its other powers, any housing authority may exercise any or all of its powers
1964 within the territorial boundaries of any municipality not included in the area of operation of such
1965 housing authority, for the purpose of planning, undertaking, financing, rehabilitating, constructing
1966 and operating a housing project or projects or a multi-family residential building or buildings
1967 within such municipality; provided that a resolution shall have been adopted (a) by the governing
1968 body of such municipality in which the housing authority is to exercise its powers and (b) by the
1969 authority of such municipality (if one has been theretofore established by such municipality and
1970 authorized to exercise its powers therein) declaring that there is a need for the aforesaid housing

1971 authority to exercise its powers within such municipality. A municipality shall have the same
1972 powers to furnish financial and other assistance to such housing authority exercising its powers
1973 within such municipality under this section as though the municipality were within the area of
1974 operation of such authority.

1975 No governing body of a municipality shall adopt a resolution as provided in this section
1976 declaring that there is a need for the housing authority (other than a housing authority established
1977 by such municipality) to exercise its powers within such municipality, unless a public hearing has
1978 first been held by such governing body and unless such governing body shall have found in
1979 substantially the following terms: (a) that insanitary or unsafe inhabited dwelling accommodations
1980 exist in such municipality or that there is a shortage of safe or sanitary dwelling accommodations
1981 in such municipality available to persons of low income at rentals they can afford; and (b) that
1982 these conditions can be best remedied through the exercise of the aforesaid housing authority's
1983 powers within the territorial boundaries of such municipality; provided that such findings shall not
1984 have the effect of establishing an authority for any such municipality under § 36-4 nor of thereafter
1985 preventing such municipality from establishing an authority or joining in the creation of a
1986 consolidated housing authority or the increase of the area of operation of a consolidated housing
1987 authority. The clerk of the city or other municipality shall give notice of the time, place and purpose
1988 of the public hearing at least ~~ten~~seven days prior to the date on which the hearing is to be held, in
1989 a newspaper published in such municipality, or if there is no newspaper published in such
1990 municipality, then in a newspaper published in the Commonwealth and having a general
1991 circulation in such municipality. Upon the date fixed for such public hearing an opportunity to be
1992 heard shall be granted to all residents of such municipality and to all other interested persons.

1993 During the time that, pursuant to these findings, the aforesaid housing authority has
1994 outstanding (or is under contract to issue) any evidences of indebtedness for a project within the
1995 municipality, no other housing authority may undertake a project within such municipality without
1996 the consent of the housing authority which has such outstanding indebtedness or obligation.

1997 **§ 36-44. Public hearing to create regional authority or change its area of operation,**
1998 **and findings.**

1999 The board of supervisors of a county shall not adopt any resolution authorized by §§ 36-
2000 40, 36-41 or 36-42 unless a public hearing has first been held. The clerk of such county shall give
2001 notice of the time, place, and purpose of the public hearing at least ~~ten~~ seven days prior to the day
2002 on which the hearing is to be held, in a newspaper published in such county, or if there is no
2003 newspaper published in such county, then in a newspaper published in the Commonwealth and
2004 having a general circulation in such county. Upon the date fixed for such public hearing an
2005 opportunity to be heard shall be granted to all residents of such county and to all other interested
2006 persons.

2007 In determining whether dwelling accommodations are unsafe or insanitary the board of
2008 supervisors of a county shall take into consideration the safety and sanitation of dwellings, the
2009 light and air space available to the inhabitants of such dwellings, the degree of overcrowding, the
2010 size and arrangement of the rooms and the extent to which conditions exist in such dwellings which
2011 endanger life or property by fire or other causes.

2012 In connection with the issuance of bonds or the incurring of other obligations, a regional
2013 housing authority may covenant as to limitations on its right to adopt resolutions relating to the
2014 increase or decrease of its area of operation.

2015 **§ 58.1-3108. Commissioner to render taxpayer assistance and may go to convenient**
2016 **places to receive returns; advertisement by commissioner.**

2017 A. Each commissioner of the revenue shall render such taxpayer assistance as may be
2018 necessary for the preparation of any return required by law to be filed with his office. Such
2019 commissioners may go to convenient public places within the county or city for the purpose of
2020 receiving state and local tax returns. Compliance by the commissioner of the revenue with this
2021 section shall not relieve him of the duty to obtain tax returns as required by § 58.1-3107.

2022 B. Each commissioner shall advertise, in some newspaper of general circulation in the city
2023 or county, at least once during the ~~thirty~~ seven days prior to the time fixed by law for filing returns

2024 without penalty, the location of the commissioner's office, the location of such branch offices as
2025 he may establish, and the hours of the day, not less than eight hours each day, during which such
2026 office or offices shall be open for business. Such advertisement shall state the time when returns
2027 of taxpayers must be filed.

2028 **§ 58.1-3245.2. Tax increment financing.**

2029 A. The governing body of any county, city or town may adopt tax increment financing by
2030 passing an ordinance designating a development project area and providing that real estate taxes
2031 in the development project area shall be assessed, collected and allocated in the following manner
2032 for so long as any obligations or development project cost commitments secured by the Tax
2033 Increment Financing Fund, hereinafter authorized, are outstanding and unpaid.

2034 1. The local assessing officer shall record in the land book both the base assessed value and
2035 the current assessed value of the real estate in the development project area.

2036 2. Real estate taxes attributable to the lower of the current assessed value or base assessed
2037 value of real estate located in a development project area shall be allocated by the treasurer or
2038 director of finance pursuant to the provisions of this chapter.

2039 3. Real estate taxes attributable to the increased value between the current assessed value
2040 of any parcel of real estate and the base assessed value of such real estate shall be allocated by the
2041 treasurer or director of finance and paid into a special fund entitled the "Tax Increment Financing
2042 Fund" to pay the principal and interest on obligations issued or development project cost
2043 commitments entered into to finance the development project costs.

2044 B. The governing body shall hold a public hearing on the need for tax increment financing
2045 in the county, city or town prior to adopting a tax increment financing ordinance. Notice of the
2046 public hearing shall be published once each week for three consecutive weeks immediately
2047 preceding the public hearing in each newspaper of general circulation in such county, city or town,
2048 with the first publication appearing not more than 21 days before the hearing. The notice shall
2049 include the time, place and purpose of the public hearing, define tax increment financing, indicate

2050 the proposed boundaries of the development project area, and propose obligations to be issued to
2051 finance the development project area costs.

2052 **§ 58.1-3245.8. Adoption of local enterprise zone development taxation program.**

2053 A. The governing body of any county, city, or town may adopt a local enterprise zone
2054 development taxation program by passing an ordinance designating an enterprise zone located
2055 within its boundaries as a local enterprise zone; however, an ordinance may designate an area as a
2056 local enterprise zone contingent upon the designation of the area as an enterprise zone pursuant to
2057 Chapter 49 (§ 59.1-538 et seq.) of Title 59.1. If the county, city, or town contains more than one
2058 enterprise zone, such ordinance may designate one or more as a local enterprise zone. If an
2059 enterprise zone is located in more than one county, city, or town, the governing body may designate
2060 the portion of the enterprise zone located within its boundaries as a local enterprise zone. An
2061 ordinance designating a local enterprise zone shall provide that all or a specified percentage of the
2062 real estate taxes, machinery and tools taxes, or both, in the local enterprise zone shall be assessed,
2063 collected and allocated in the following manner:

2064 1. The local assessing officer shall record in the appropriate books both the base assessed
2065 value and the current assessed value of the real estate or machinery and tools, or both, in the local
2066 enterprise zone.

2067 2. Real estate taxes or machinery and tools taxes attributable to the lower of the current
2068 assessed value or base assessed value of real estate or machinery and tools located in a local
2069 enterprise zone shall be allocated by the treasurer or director of finance as they would be in the
2070 absence of such ordinance.

2071 3. All or the specified percentage of the increase in real estate taxes or machinery and tools
2072 taxes, or both, attributable to the difference between (i) the current assessed value of such property
2073 and (ii) the base assessed value of such property shall be allocated by the treasurer or director of
2074 finance and paid into a special fund entitled the "Local Enterprise Zone Development Fund" to be
2075 used as provided in § 58.1-3245.10. Such amounts paid into the fund shall not include any
2076 additional revenues resulting from an increase in the tax rate on real estate or machinery and tools

2077 after the adoption of a local enterprise zone development taxation ordinance, nor shall it include
2078 any additional revenues merely resulting from an increase in the assessed value of real estate or
2079 machinery and tools which were located in the zone prior to the adoption of a local enterprise zone
2080 development taxation ordinance unless such property is improved or enhanced.

2081 B. The governing body shall hold a public hearing on the need for a local enterprise zone
2082 development taxation program in the county, city, or town prior to adopting a local enterprise zone
2083 development taxation ordinance. Notice of the public hearing shall be published once each week
2084 for three consecutive weeks immediately preceding the public hearing in each newspaper of
2085 general circulation in such county, city, or town, with the first publication appearing not more than
2086 21 days before the hearing. The notice shall include the time, place and purpose of the public
2087 hearing; define local enterprise zone development taxation; indicate the proposed boundaries of
2088 the local enterprise zone; state whether all or a specified percentage of real property or machinery
2089 or tools, or both, will be subject to local enterprise zone development taxation; and describe the
2090 purposes for which funds in the Local Enterprise Zone Development Fund are authorized to be
2091 used.

2092 **§ 58.1-3256. Reassessment in towns; appeals of assessments.**

2093 In any incorporated town there may be for town taxation and debt limitation, a general
2094 reassessment of the real estate in any such town in the year designated, and every fourth year
2095 thereafter, that the council of such town shall declare by ordinance or resolution the necessity
2096 therefor. Every such general reassessment of real estate in any such town shall be made by a board
2097 of assessors consisting of three residents, a majority of whom shall be freeholders, who hold no
2098 official office or position with the town government, appointed by the council of such town for
2099 each general reassessment and the compensation of the person so designated shall be prescribed
2100 by the council and paid out of the town treasury. The assessors so designated shall assess the
2101 property in accordance with the general law and Constitution of Virginia. If for any cause the board
2102 is unable to complete an assessment within the year for which it is appointed, the council shall
2103 extend the time therefor for three months. Any vacancy in the membership of the board shall be

2104 filled by the council within 30 days after the occurrence thereof, but such vacancy shall not
2105 invalidate any assessment. The assessments so made shall be open for public inspection after notice
2106 of such inspection shall have been advertised in a newspaper of general circulation within the town
2107 at least ~~five~~seven days prior to such date or dates of inspection. Within 30 days after the final date
2108 of inspection the assessors shall file the completed reassessments in the office of the town clerk
2109 and at the same time forward to the Department of Taxation a copy of the recapitulation sheets of
2110 such assessments.

2111 Any person, firm, or corporation claiming to be aggrieved by any assessment may, within
2112 30 days after the filing of reassessments in the office of the town clerk, apply to the town board of
2113 equalization for a correction of such assessment by filing with the town clerk a written statement
2114 setting forth his grievances. The board of equalization of every such town shall, within 30 days of
2115 the filing of such complaint, fix a date for a hearing on such application and, after giving the
2116 applicant at least 10 days' notice of the time fixed, shall hear such evidence as may be introduced
2117 by interested parties and correct the assessment by increasing or reducing the same. The circuit
2118 court having jurisdiction within the town shall, in each tax year immediately following the year in
2119 which a general reassessment was conducted, appoint for such town a board of equalization of real
2120 estate assessments made up of three to five citizens of the town. Any such town board of
2121 equalization shall be subject to the same member composition requirements and limits on terms of
2122 service as provided for boards of equalization pursuant to § 58.1-3374. In addition, at least once
2123 in every four years of service on a town board of equalization, each member of such board shall
2124 take continuing education instruction provided by the Tax Commissioner pursuant to § 58.1-206.
2125 In equalizing real property tax assessments, such board of equalization shall hear complaints,
2126 including but not limited to, that real property is assessed at more than fair market value. In hearing
2127 complaints, the board shall establish the value of real property as provided in § 58.1-3378. The
2128 provisions of § 58.1-3379 shall apply to all complaints heard by any town board of equalization.

2129 Town taxes for each year on real estate subject to reassessment shall be extended on the
2130 basis of the last general reassessment made prior to such year subject to such changes as may have

2131 been lawfully made. The town tax assessor shall make changes required by new construction,
2132 subdivision and disaster loss. The council of any town may provide by ordinance that it will have
2133 a general reassessment of real estate in the town in the year designated by the town council and
2134 every year thereafter. The town council may declare the necessity for such general reassessment
2135 by such ordinance, but in all other respects this section shall be controlling. No county or district
2136 levies shall be extended on any assessments made under the provisions of this section.

2137 Any town which has failed to conduct a general reassessment within five years shall use
2138 only those assessed values assigned by the county.

2139 **§ 58.1-3321. Effect on rate when assessment results in tax increase; public hearings;**
2140 **referendum.**

2141 A. When any annual assessment, biennial assessment, or general reassessment of real
2142 property by a county, city, or town would result in an increase of one percent or more in the total
2143 real property tax levied, such county, city, or town shall reduce its rate of levy for the forthcoming
2144 tax year so as to cause such rate of levy to produce no more than 101 percent of the previous year's
2145 real property tax levies, unless subsection B is complied with, which rate shall be determined by
2146 multiplying the previous year's total real property tax levies by 101 percent and dividing the
2147 product by the forthcoming tax year's total real property assessed value. An additional assessment
2148 or reassessment due to the construction of new or other improvements, including those
2149 improvements and changes set forth in § 58.1-3285, to the property shall not be an annual
2150 assessment or general reassessment within the meaning of this section, nor shall the assessed value
2151 of such improvements be included in calculating the new tax levy for purposes of this section.
2152 Special levies shall not be included in any calculations provided for under this section.

2153 B. The governing body of a county, city, or town may, after conducting a public hearing,
2154 which shall not be held at the same time as the annual budget hearing, increase the rate above the
2155 reduced rate required in subsection A if any such increase is deemed to be necessary by such
2156 governing body.

2157 C. Notice of any public hearing held pursuant to this section shall be given at least ~~30~~ seven
2158 days before the date of such hearing by the publication of a notice in (i) at least one newspaper of
2159 general circulation in such county or city and (ii) a prominent public location at which notices are
2160 regularly posted in the building where the governing body of the county, city, or town regularly
2161 conducts its business, except that such notice shall be given at least 14 days before the date of such
2162 hearing in any year in which neither a general appropriation act nor amendments to a general
2163 appropriation act providing appropriations for the immediately following fiscal year have been
2164 enacted by April 30 of such year. Additionally, in a county, city, or town that conducts its
2165 reassessment more than once every four years, the notice for any public hearing held pursuant to
2166 this section shall be published on a different day and in a different notice from any notice published
2167 for the annual budget hearing. Any such notice shall be at least the size of one-eighth page of a
2168 standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type
2169 no smaller than 18-point. The notice described in clause (i) shall not be placed in that portion, if
2170 any, of the newspaper reserved for legal notices and classified advertisements. The notice
2171 described in clauses (i) and (ii) shall be in the following form and contain the following
2172 information, in addition to such other information as the local governing body may elect to include:

2173 NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

2174 1. Assessment Increase: Total assessed value of real property, excluding additional
2175 assessments due to new construction or improvements to property, exceeds last year's total
2176 assessed value of real property by _____ percent.

2177 2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy
2178 the same amount of real estate tax as last year, when multiplied by the new total assessed value of
2179 real estate with the exclusions mentioned above, would be \$ _____ per \$100 of assessed value.
2180 This rate will be known as the "lowered tax rate."

2181 3. Effective Rate Increase: The (name of the county, city or town) proposes to adopt a tax
2182 rate of \$ _____ per \$100 of assessed value. The difference between the lowered tax rate and the

2183 proposed rate would be \$ _____ per \$100, or _____ percent. This difference will be known as the
2184 "effective tax rate increase."

2185 Individual property taxes may, however, increase at a percentage greater than or less than
2186 the above percentage.

2187 4. Proposed Total Budget Increase: Based on the proposed real property tax rate and
2188 changes in other revenues, the total budget of (name of county, city or town) will exceed last year's
2189 by _____ percent.

2190 A public hearing on the increase will be held on (date and time) at (meeting place).

2191 D. All hearings shall be open to the public. The governing body shall permit persons
2192 desiring to be heard an opportunity to present oral testimony within such reasonable time limits as
2193 shall be determined by the governing body.

2194 E. The provisions of this section shall not be applicable to the assessment of public service
2195 corporation property by the State Corporation Commission.

2196 F. Notwithstanding other provisions of general or special law, the tax rate for taxes due on
2197 or before June 30 of each year may be fixed on or before May 15 of that tax year.

2198 **§ 58.1-3378. Sittings; notices thereof.**

2199 Each board of equalization shall sit at and for such time or times as may be necessary to
2200 discharge the duties imposed and to exercise the powers conferred by this chapter. Of each sitting
2201 public notice shall be given at least ~~10~~seven days beforehand by publication in a newspaper having
2202 general circulation in the county or city and, in a county, also by posting the notice at the
2203 courthouse and at each public library, voting precinct or both. Such posting shall be done by the
2204 sheriff or his deputy. Such notice shall inform the public that the board shall sit at the place or
2205 places and on the days named therein for the purpose of equalizing real estate assessments in such
2206 county or city and for the purpose of hearing complaints of inequalities wherein the property
2207 owners allege a lack of uniformity in assessment, or errors in acreage in such real estate
2208 assessments. The board also shall hear complaints that real property is assessed at more than fair
2209 market value. Except as otherwise provided by the Code of Virginia:

2210 1. The fair market value of real property shall be established by the board as of January 1
2211 of the applicable year; or

2212 2. If a county or city has adopted July 1 as its tax day for real property pursuant to § 58.1-
2213 3011, then, for other than public service corporation property, the fair market value of real property
2214 shall be established by the board as of July 1 of the applicable year.

2215 The governing body of any county or city may provide by ordinance the date by which
2216 applications must be made by property owners or lessees for relief. Such date shall not be earlier
2217 than 30 days after the termination of the date set by the assessing officer to hear objections to the
2218 assessments as provided in § 58.1-3330. If no applications for relief are received by such date, the
2219 board of equalization shall be deemed to have discharged its duties. Such governing body may
2220 also provide by ordinance the deadline by which all applications must be finally disposed of by
2221 the board of equalization. All such deadlines shall be clearly stated on the notice of assessment.
2222 Notwithstanding such deadlines, if a taxpayer applies to the commissioner of the revenue or other
2223 official performing the duties imposed on commissioners of the revenue for relief from a real
2224 property tax assessment prior to such deadlines, and such deadlines occur prior to a final
2225 determination on such application for relief, and the taxpayer advises the circuit court that he
2226 wishes to appeal the determination to the board of equalization, then the circuit court may require
2227 the board of equalization to hear and act on such appeal. The governing body may provide for
2228 applications for relief to be made electronically; however, taxpayers retain the right to file
2229 applications on traditional paper forms provided by the governing body as long as such forms are
2230 submitted prior to the established deadline. If such paper forms are mailed by the applicant, the
2231 postmark date shall be considered the date of receipt by the governing body. A hearing for relief
2232 before the board of equalization regarding an assessment on residential property shall not be denied
2233 on the basis of a lack of information on the application for relief, as long as the application includes
2234 the address, the parcel number, and the owner's proposed assessed value for the property. If the
2235 application for relief is sent electronically, the date the applicant sends the application shall be
2236 considered the date of receipt by the governing body. The application is considered sent when it

2237 meets the requirements of subsection (a) of § 59.1-493. A hearing for relief before the board of
2238 equalization regarding an assessment on commercial, multi-family residential, or industrial
2239 property on the basis of fair market value shall not be denied on the basis of a lack of information
2240 on the application, as long as documentation of any applicable assessment methodologies is
2241 submitted with the application, and the application includes the address, the parcel number, and
2242 the owner's proposed assessed value for the property.

2243 **§ 58.1-3651. Property exempt from taxation by classification or designation by**
2244 **ordinance adopted by local governing body on or after January 1, 2003.**

2245 A. Pursuant to subsection 6 (a)(6) of Article X of the Constitution of Virginia, on and after
2246 January 1, 2003, any county, city, or town may by designation or classification exempt from real
2247 or personal property taxes, or both, by ordinance adopted by the local governing body, the real or
2248 personal property, or both, owned by a nonprofit organization, including a single member limited
2249 liability company whose sole member is a nonprofit organization, that uses such property for
2250 religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground
2251 purposes. The ordinance shall state the specific use on which the exemption is based, and
2252 continuance of the exemption shall be contingent on the continued use of the property in
2253 accordance with the purpose for which the organization is classified or designated. No exemption
2254 shall be provided to any organization that has any rule, regulation, policy, or practice that
2255 unlawfully discriminates on the basis of religious conviction, race, color, sex, sexual orientation,
2256 gender identity, or national origin.

2257 B. Any ordinance exempting property by designation pursuant to subsection A shall be
2258 adopted only after holding a public hearing with respect thereto, at which citizens shall have an
2259 opportunity to be heard. The local governing body shall publish notice of the hearing once in a
2260 newspaper of general circulation in the county, city, or town where the real property is located.
2261 The notice shall include the assessed value of the real and tangible personal property for which an
2262 exemption is requested as well as the property taxes assessed against such property. The public
2263 hearing shall not be held until at least ~~five~~-seven days after the notice is published in the

2264 newspaper. The local governing body shall collect the cost of publication from the organization
2265 requesting the property tax exemption. Before adopting any such ordinance the governing body
2266 shall consider the following questions:

2267 1. Whether the organization is exempt from taxation pursuant to § 501(c) of the Internal
2268 Revenue Code of 1954;

2269 2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has
2270 been issued by the Board of Directors of the Virginia Alcoholic Beverage Control Authority to
2271 such organization, for use on such property;

2272 3. Whether any director, officer, or employee of the organization is paid compensation in
2273 excess of a reasonable allowance for salaries or other compensation for personal services which
2274 such director, officer, or employee actually renders;

2275 4. Whether any part of the net earnings of such organization inures to the benefit of any
2276 individual, and whether any significant portion of the service provided by such organization is
2277 generated by funds received from donations, contributions, or local, state or federal grants. As used
2278 in this subsection, donations shall include the providing of personal services or the contribution of
2279 in-kind or other material services;

2280 5. Whether the organization provides services for the common good of the public;

2281 6. Whether a substantial part of the activities of the organization involves carrying on
2282 propaganda, or otherwise attempting to influence legislation and whether the organization
2283 participates in, or intervenes in, any political campaign on behalf of any candidate for public office;

2284 7. The revenue impact to the locality and its taxpayers of exempting the property; and

2285 8. Any other criteria, facts and circumstances that the governing body deems pertinent to
2286 the adoption of such ordinance.

2287 C. Any ordinance exempting property by classification pursuant to subsection A shall be
2288 adopted only after holding a public hearing with respect thereto, at which citizens shall have an
2289 opportunity to be heard. The local governing body shall publish notice of the hearing once in a

2290 newspaper of general circulation in the county, city, or town. The public hearing shall not be held
2291 until at least five days after the notice is published in the newspaper.

2292 D. Exemptions of property from taxation under this article shall be strictly construed in
2293 accordance with Article X, Section 6 (f) of the Constitution of Virginia.

2294 E. Nothing in this section or in any ordinance adopted pursuant to this section shall affect
2295 the validity of either a classification exemption or a designation exemption granted by the General
2296 Assembly prior to January 1, 2003, pursuant to Article 2 (§ 58.1-3606 et seq.), 3 (§ 58.1-3609 et
2297 seq.) or 4 (§ 58.1-3650 et seq.) of this chapter. An exemption granted pursuant to Article 4 (§ 58.1-
2298 3650 et seq.) of this chapter may be revoked in accordance with the provisions of § 58.1-3605.

2299 **§ 58.1-3975. Nonjudicial sale of tax delinquent real properties of minimal size and**
2300 **value.**

2301 A. Notwithstanding any other provision of this title, the treasurer or other officer
2302 responsible for collecting taxes may sell, at public auction, any parcel of real property that is
2303 assessed at \$10,000 or less, provided that the taxes on such parcel are delinquent on December 31
2304 following the third anniversary of the date on which such taxes have become due.

2305 B. The treasurer or other officer responsible for collecting taxes may in addition sell, at
2306 public auction, any parcel of real property that is assessed at more than \$10,000 but no more than
2307 \$25,000, provided that the taxes on such parcel are delinquent on December 31 following the third
2308 anniversary of the date on which such taxes have become due, it is not subject to a recorded
2309 mortgage or deed of trust lien, and such parcel:

2310 1. Is unimproved and measures no more than 43,560 square feet (1.0 acre);

2311 2. Is unimproved and is determined to be unsuitable for building due to the size, shape,
2312 zoning, floodway, or other environmental designations of the parcel made by the locality's zoning
2313 administrator or other official designated by the locality to administer its zoning ordinance and
2314 carry out the duties set forth in subdivision A 4 of § 15.2-2286;

2315 3. Has a structure on it that has been condemned by the local building official pursuant to
2316 applicable law or ordinance;

- 2317 4. Has been declared by the locality a nuisance as that term is defined in § 15.2-900;
2318 5. Contains a derelict building as that term is defined in § 15.2-907.1; or
2319 6. Has been declared by the locality to be blighted as that term is defined in § 36-3.

2320 For purposes of determining the area of any parcel, the area or acreage found in the
2321 locality's land book shall be determinative.

2322 C. At least 30 days prior to conducting a sale under this section, the treasurer or other
2323 officer responsible for collecting taxes shall:

2324 1. Send notice by certified or registered mail to the record owner or owners of such property
2325 and anyone appearing to have an interest in the property at their last known address as contained
2326 in the records of the treasurer or other officer responsible for collecting taxes; and

2327 2. Post notice of such sale at the property location, if such property has frontage on any
2328 public or private street, and at the circuit courthouse of the locality.

2329 ~~D.~~ The treasurer or other officer responsible for collecting taxes shall also cause a notice
2330 of sale to be published in the legal classified section of a newspaper of general circulation in the
2331 locality in which the property is located at least seven ~~days but no more than 21~~ days prior to the
2332 sale; however, if the annual taxes assessed on the property are less than \$500, such notice may be
2333 placed, in lieu of publication, on the treasurer's or local government's website beginning at least
2334 ~~21~~ seven days prior to sale and through the date of sale. The pro rata costs of posting notice,
2335 publication, and mailing shall become a part of the tax and shall be collected if payment is made
2336 in redemption of such real property.

2337 E. The treasurer or other officer responsible for collecting taxes may advertise and sell
2338 multiple parcels at the same time and place pursuant to one notice of sale.

2339 F. The treasurer or other officer responsible for collecting taxes may enter into an
2340 agreement with the owner of such parcel for payment over time.

2341 G. The owner of any property, or other interested party, may redeem it at any time prior to
2342 the date of the sale by paying all accumulated taxes, penalties, interest, and costs thereon, including
2343 reasonable attorney fees. Partial payment of delinquent taxes, penalties, interest, or costs shall be

2344 insufficient to redeem the property and shall not operate to suspend, invalidate, or nullify any sale
2345 brought pursuant to this section.

2346 H. At the time of sale, the treasurer or other officer responsible for collecting taxes shall
2347 sell to the highest bidder at public auction each parcel that has not been redeemed by the owner.
2348 Such sale shall be free and clear of the locality's tax lien, but shall not affect easements or other
2349 rights of record recorded prior to the date of sale or liens recorded prior to the date of sale unless
2350 the treasurer has given the lienholder written notice of the sale at least 30 days prior to the sale, at
2351 the lienholder's address of record and through his registered agent, if any. The treasurer or other
2352 officer responsible for collecting taxes shall tender a special warranty deed pursuant to this section
2353 to effectuate the conveyance of the parcel to the highest bidder.

2354 I. If the sale proceeds are insufficient to pay the amounts owed in full, the treasurer or other
2355 officer responsible for collecting taxes may remove the unpaid taxes from the books and mark the
2356 same as satisfied. The sale proceeds shall be applied first to the costs of sale, then to the taxes,
2357 penalty, interest, and fees due on the parcel, and thereafter to any other taxes or other charges owed
2358 by the former owner to the jurisdiction.

2359 J. Any excess proceeds shall remain the property of the former owner, subject to claims of
2360 creditors, and shall be kept by the treasurer or other officer responsible for collecting taxes in an
2361 interest-bearing escrow account. If any petition for excess proceeds is made to the treasurer or
2362 other officer responsible for collecting taxes under this section, the treasurer or officer holding the
2363 funds shall forward the funds to the locality's circuit court clerk to be interpleaded along with a
2364 copy of the claim for excess proceeds. A copy of such transmission shall be forwarded to the
2365 claimant. The burden of scheduling a hearing with the circuit court on the claim shall be that of
2366 the claimant and shall be made within two years of the date of the sale of the property that generated
2367 the excess funds. In the event that funds remain with the court two years after the date of the sale,
2368 the locality may petition to have the funds distributed to the locality's general fund. If no claim for
2369 payment of excess proceeds is made within two years after the date of sale, the treasurer or other
2370 responsible officer shall deposit the excess proceeds in the jurisdiction's general fund.

2371 K. If the sale does not produce a successful bidder, the treasurer or other responsible officer
2372 shall add the costs of sale incurred by the jurisdiction to the delinquent real estate account.

2373 § 62.1-44.15:33. (For expiration date, see Acts 2016, cc. 68 and 758, as amended by
2374 Acts 2017, c. 345) Authorization for more stringent ordinances.

2375 A. Localities that are VSMP authorities are authorized to adopt more stringent stormwater
2376 management ordinances than those necessary to ensure compliance with the Board's minimum
2377 regulations, provided that the more stringent ordinances are based upon factual findings of local
2378 or regional comprehensive watershed management studies or findings developed through the
2379 implementation of a MS4 permit or a locally adopted watershed management study and are
2380 determined by the locality to be necessary to prevent any further degradation to water resources,
2381 to address TMDL requirements, to protect exceptional state waters, or to address specific existing
2382 water pollution including nutrient and sediment loadings, stream channel erosion, depleted
2383 groundwater resources, or excessive localized flooding within the watershed and that prior to
2384 adopting more stringent ordinances a public hearing is held ~~after giving due notice.~~ Notice of such
2385 hearing shall be given by publication once a week for two consecutive weeks in a newspaper of
2386 general circulation in the locality seeking to adopt the ordinance, with the first publication
2387 appearing no more than 14 days before the hearing.

2388 B. Localities that are VSMP authorities shall submit a letter report to the Department when
2389 more stringent stormwater management ordinances or more stringent requirements authorized by
2390 such ordinances, such as may be set forth in design manuals, policies, or guidance documents
2391 developed by the localities, are determined to be necessary pursuant to this section within 30 days
2392 after adoption thereof. Any such letter report shall include a summary explanation as to why the
2393 more stringent ordinance or requirement has been determined to be necessary pursuant to this
2394 section. Upon the request of an affected landowner or his agent submitted to the Department with
2395 a copy to be sent to the locality, within 90 days after adoption of any such ordinance or derivative
2396 requirement, localities shall submit the ordinance or requirement and all other supporting materials
2397 to the Department for a determination of whether the requirements of this section have been met

2398 and whether any determination made by the locality pursuant to this section is supported by the
2399 evidence. The Department shall issue a written determination setting forth its rationale within 90
2400 days of submission. Such a determination, or a failure by the Department to make such a
2401 determination within the 90-day period, may be appealed to the Board.

2402 C. Localities shall not prohibit or otherwise limit the use of any best management practice
2403 (BMP) approved for use by the Director or the Board except as follows:

2404 1. When the Director or the Board approves the use of any BMP in accordance with its
2405 stated conditions, the locality serving as a VSMP authority shall have authority to preclude the
2406 onsite use of the approved BMP, or to require more stringent conditions upon its use, for a specific
2407 land-disturbing project based on a review of the stormwater management plan and project site
2408 conditions. Such limitations shall be based on site-specific concerns. Any project or site-specific
2409 determination purportedly authorized pursuant to this subsection may be appealed to the
2410 Department and the Department shall issue a written determination regarding compliance with this
2411 section to the requesting party within 90 days of submission. Any such determination, or a failure
2412 by the Department to make any such determination within the 90-day period, may be appealed to
2413 the Board.

2414 2. When a locality is seeking to uniformly preclude jurisdiction-wide or otherwise limit
2415 geographically the use of a BMP approved by the Director or Board, or to apply more stringent
2416 conditions to the use of a BMP approved by the Director or Board, upon the request of an affected
2417 landowner or his agent submitted to the Department, with a copy submitted to the locality, within
2418 90 days after adoption, such authorizing ordinances, design manuals, policies, or guidance
2419 documents developed by the locality that set forth the BMP use policy shall be provided to the
2420 Department in such manner as may be prescribed by the Department that includes a written
2421 justification and explanation as to why such more stringent limitation or conditions are determined
2422 to be necessary. The Department shall review all supporting materials provided by the locality to
2423 determine whether the requirements of this section have been met and that any determination made
2424 by the locality pursuant to this section is reasonable under the circumstances. The Department shall

2425 issue its determination to the locality in writing within 90 days of submission. Such a
2426 determination, or a failure by the Department to make such a determination within the 90-day
2427 period, may be appealed to the Board.

2428 D. Based on a determination made in accordance with subsection B or C, any ordinance or
2429 other requirement enacted or established by a locality that is found to not comply with this section
2430 shall be null and void, replaced with state minimum standards, and remanded to the locality for
2431 revision to ensure compliance with this section. Any such ordinance or other requirement that has
2432 been proposed but neither enacted nor established shall be remanded to the locality for revision to
2433 ensure compliance with this section.

2434 E. Any provisions of a local stormwater management program in existence before January
2435 1, 2013, that contains more stringent provisions than this article shall be exempt from the
2436 requirements of this section. However, such provisions shall be reported to the Board at the time
2437 of the locality's VSMP approval package.

2438 **§ 62.1-44.15:65. Authorization for more stringent regulations.**

2439 A. As part of a VESCP, a district or locality is authorized to adopt more stringent soil
2440 erosion and sediment control regulations or ordinances than those necessary to ensure compliance
2441 with the Board's regulations, provided that the more stringent regulations or ordinances are based
2442 upon factual findings of local or regional comprehensive watershed management studies or
2443 findings developed through the implementation of an MS4 permit or a locally adopted watershed
2444 management study and are determined by the district or locality to be necessary to prevent any
2445 further degradation to water resources, to address total maximum daily load requirements, to
2446 protect exceptional state waters, or to address specific existing water pollution including nutrient
2447 and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive
2448 localized flooding within the watershed and that prior to adopting more stringent regulations or
2449 ordinances, a public hearing is held ~~after giving due notice~~. Notice of such hearing shall be given
2450 by publication once a week for two consecutive weeks in a newspaper of general circulation in the

2451 locality seeking to adopt the ordinance, with the first publication appearing no more than 14 days
2452 before the hearing.

2453 The VESCP authority shall report to the Board when more stringent stormwater
2454 management regulations or ordinances are determined to be necessary pursuant to this section.
2455 However, this section shall not be construed to authorize any district or locality to impose any
2456 more stringent regulations for plan approval or permit issuance than those specified in §§ 62.1-
2457 44.15:55 and 62.1-44.15:57.

2458 B. Any provisions of an erosion and sediment control program in existence before July 1,
2459 2012, that contains more stringent provisions than this article shall be exempt from the analysis
2460 requirements of subsection A.

Appendix E Discussion Draft 2

1 A BILL to amend and reenact §§ 15.2-2204 and 15.2-2285 of the Code of Virginia, relating to
2 local government entities; content of required public notice for the adoption or amendment
3 of ordinances.

4 **Be it enacted by the General Assembly of Virginia:**

5 **1. That §§ 15.2-2204 and 15.2-2285 of the Code of Virginia are amended and reenacted as**
6 **follows:**

7 **§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written**
8 **notice of certain amendments.**

9 A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers
10 conferred by this chapter need not be advertised in full, but may be advertised by reference. Every
11 such advertisement shall ~~contain a descriptive summary of the proposed action and a reference to~~
12 identify the place or places within the locality where copies of the proposed plans, ordinances or
13 amendments may be examined.

14 The local planning commission shall not recommend nor the governing body adopt any
15 plan, ordinance or amendment thereof until notice of intention to do so has been published once a
16 week for two successive weeks in some newspaper published or having general circulation in the
17 locality; however, the notice for both the local planning commission and the governing body may
18 be published concurrently. The notice shall specify the time and place of hearing at which persons
19 affected may appear and present their views, not less than five days nor more than 21 days after
20 the second advertisement appears in such newspaper. The local planning commission and
21 governing body may hold a joint public hearing after public notice as set forth in this subsection.
22 If a joint hearing is held, then public notice as set forth in this subsection need be given only by
23 the governing body. As used in this subsection, "two successive weeks" means that such notice
24 shall be published at least twice in such newspaper, with not less than six days elapsing between
25 the first and second publication. In any instance in which a locality has submitted a correct and

26 timely notice request to such newspaper and the newspaper fails to publish the notice, or publishes
27 the notice incorrectly, such locality shall be deemed to have met the notice requirements of this
28 subsection so long as the notice was published in the next available edition of a newspaper having
29 general circulation in the locality. After enactment of any plan, ordinance or amendment, further
30 publication thereof shall not be required.

31 B. When a proposed amendment of the zoning ordinance involves a change in the zoning
32 map classification of 25 or fewer parcels of land, then, in addition to the advertising as required
33 by subsection A, the advertisement shall include the street address or tax map parcel number of
34 the parcels subject to the action and written notice shall be given by the local planning
35 commission, or its representative, at least five days before the hearing to the owner or owners,
36 their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of
37 all abutting property and property immediately across the street or road from the property affected,
38 including those parcels that lie in other localities of the Commonwealth; and, if any portion of the
39 affected property is within a planned unit development, then to such incorporated property owner's
40 associations within the planned unit development that have members owning property located
41 within 2,000 feet of the affected property as may be required by the commission or its agent.
42 However, when a proposed amendment to the zoning ordinance involves a tract of land not less
43 than 500 acres owned by the Commonwealth or by the federal government, and when the proposed
44 change affects only a portion of the larger tract, notice need be given only to the owners of those
45 properties that are adjacent to the affected area of the larger tract. Notice sent by registered or
46 certified mail to the last known address of such owner as shown on the current real estate tax
47 assessment books or current real estate tax assessment records shall be deemed adequate
48 compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of
49 any notice required under this chapter shall be taxed to the applicant.

50 When a proposed amendment of the zoning ordinance involves a change in the zoning map
51 classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text
52 regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition

53 to the advertising as required by subsection A, the advertisement shall include the street address
54 or tax map parcel number of the parcels as well as the approximate acreage subject to the action.
55 ~~written~~ Written notice shall be given by the local planning commission, or its representative, at
56 least five days before the hearing to the owner, owners, or their agent of each parcel of land
57 involved, provided, however, that written notice of such changes to zoning ordinance text
58 regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a
59 subdivision plat approved and recorded pursuant to the provisions of Article 6 (§ 15.2-2240 et
60 seq.) where such lots are less than 11,500 square feet. One notice sent by first class mail to the last
61 known address of such owner as shown on the current real estate tax assessment books or current
62 real estate tax assessment records shall be deemed adequate compliance with this requirement,
63 provided that a representative of the local commission shall make affidavit that such mailings have
64 been made and file such affidavit with the papers in the case. Nothing in this subsection shall be
65 construed as to invalidate any subsequently adopted amendment or ordinance because of the
66 inadvertent failure by the representative of the local commission to give written notice to the
67 owner, owners or their agent of any parcel involved.

68 The governing body may provide that, in the case of a condominium or a cooperative, the
69 written notice may be mailed to the unit owners' association or proprietary lessees' association,
70 respectively, in lieu of each individual unit owner.

71 Whenever the notices required hereby are sent by an agency, department or division of the
72 local governing body, or their representative, such notices may be sent by first class mail; however,
73 a representative of such agency, department or division shall make affidavit that such mailings
74 have been made and file such affidavit with the papers in the case.

75 A party's actual notice of, or active participation in, the proceedings for which the written
76 notice provided by this section is required shall waive the right of that party to challenge the
77 validity of the proceeding due to failure of the party to receive the written notice required by this
78 section.

79 C. When a proposed comprehensive plan or amendment thereto; a proposed change in
80 zoning map classification; or an application for special exception for a change in use or to increase
81 by greater than 50 percent of the bulk or height of an existing or proposed building, but not
82 including renewals of previously approved special exceptions, involves any parcel of land located
83 within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition
84 to the advertising and written notification as required by this section, written notice shall also be
85 given by the local commission, or its representative, at least 10 days before the hearing to the chief
86 administrative officer, or his designee, of such adjoining locality.

87 D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change
88 in zoning map classification, or (iii) an application for special exception for a change in use
89 involves any parcel of land located within 3,000 feet of a boundary of a military base, military
90 installation, military airport, excluding armories operated by the Virginia National Guard, or
91 licensed public-use airport then, in addition to the advertising and written notification as required
92 by this section, written notice shall also be given by the local commission, or its representative, at
93 least 30 days before the hearing to the commander of the military base, military installation,
94 military airport, or owner of such public-use airport, and the notice shall advise the military
95 commander or owner of such public-use airport of the opportunity to submit comments or
96 recommendations.

97 E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the
98 authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice
99 as may be required by such act or by this chapter, provided a public hearing was conducted by the
100 governing body prior to such adoption or amendment. Every action contesting a decision of a
101 locality based on a failure to advertise or give notice as may be required by this chapter shall be
102 filed within 30 days of such decision with the circuit court having jurisdiction of the land affected
103 by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the
104 1996 amendment to this section.

105 F. Notwithstanding any contrary provision of law, general or special, the City of Richmond
106 may cause such notice to be published in any newspaper of general circulation in the city.

107 G. When a proposed comprehensive plan or amendment of an existing plan designates or
108 alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or
109 more, written notice shall also be given by the local planning commission, or its representative, at
110 least 10 days before the hearing to each electric utility with a certificated service territory that
111 includes all or any part of such designated electric transmission corridors or routes.

112 H. When any applicant requesting a written order, requirement, decision, or determination
113 from the zoning administrator, other administrative officer, or a board of zoning appeals that is
114 subject to the appeal provisions contained in § 15.2-2311 or 15.2-2314, is not the owner or the
115 agent of the owner of the real property subject to the written order, requirement, decision or
116 determination, written notice shall be given to the owner of the property within 10 days of the
117 receipt of such request. Such written notice shall be given by the zoning administrator or other
118 administrative officer or, at the direction of the administrator or officer, the requesting applicant
119 shall be required to give the owner such notice and to provide satisfactory evidence to the zoning
120 administrator or other administrative officer that the notice has been given. Written notice mailed
121 to the owner at the last known address of the owner as shown on the current real estate tax
122 assessment books or current real estate tax assessment records shall satisfy the notice requirements
123 of this subsection.

124 This subsection shall not apply to inquiries from the governing body, planning commission,
125 or employees of the locality made in the normal course of business.

126 **§ 15.2-2285. Preparation and adoption of zoning ordinance and map and amendments**
127 **thereto; appeal.**

128 A. The planning commission of each locality may, and at the direction of the governing
129 body shall, prepare a proposed zoning ordinance including a map or maps showing the division of
130 the territory into districts and a text setting forth the regulations applying in each district. The
131 commission shall hold at least one public hearing on a proposed ordinance or any amendment of

132 an ordinance, after notice as required by § 15.2-2204, and may make appropriate changes in the
133 proposed ordinance or amendment as a result of the hearing. Upon the completion of its work, the
134 commission shall present the proposed ordinance or amendment including the district maps to the
135 governing body together with its recommendations and appropriate explanatory materials.

136 B. No zoning ordinance shall be amended or reenacted unless the governing body has
137 referred the proposed amendment or reenactment to the local planning commission for its
138 recommendations. Failure of the commission to report 100 days after the first meeting of the
139 commission after the proposed amendment or reenactment has been referred to the commission,
140 or such shorter period as may be prescribed by the governing body, shall be deemed approval,
141 unless the proposed amendment or reenactment has been withdrawn by the applicant prior to the
142 expiration of the time period. The governing body shall hold at least one public hearing on a
143 proposed reduction of the commission's review period. The governing body shall publish a notice
144 of the public hearing in a newspaper having general circulation in the locality at least two weeks
145 prior to the public hearing date and shall also publish the notice on the locality's website, if one
146 exists. In the event of and upon such withdrawal, processing of the proposed amendment or
147 reenactment shall cease without further action as otherwise would be required by this subsection.

148 C. Before approving and adopting any zoning ordinance or amendment thereof, the
149 governing body shall hold at least one public hearing thereon, pursuant to public notice as required
150 by § 15.2-2204, after which the governing body may make appropriate changes or corrections in
151 the ordinance or proposed amendment. ~~In the case of a proposed amendment to the zoning map,
152 the public notice shall state the general usage and density range of the proposed amendment and
153 the general usage and density range, if any, set forth in the applicable part of the comprehensive
154 plan. However, no land may be zoned to a more intensive use classification than was contained in
155 the public notice without an additional public hearing after notice required by § 15.2-2204.~~ Zoning
156 ordinances shall be enacted in the same manner as all other ordinances.

157 D. Any county which has adopted an urban county executive form of government provided
158 for under Chapter 8 (§ 15.2-800 et seq.) may provide by ordinance for use of plans, profiles,

159 elevations, and other such demonstrative materials in the presentation of requests for amendments
160 to the zoning ordinance.

161 E. The adoption or amendment prior to March 1, 1968, of any plan or ordinance under the
162 authority of prior acts shall not be declared invalid by reason of a failure to advertise, give notice
163 or conduct more than one public hearing as may be required by such act or by this chapter, provided
164 a public hearing was conducted by the governing body prior to the adoption or amendment.

165 F. Every action contesting a decision of the local governing body adopting or failing to
166 adopt a proposed zoning ordinance or amendment thereto or granting or failing to grant a special
167 exception shall be filed within thirty days of the decision with the circuit court having jurisdiction
168 of the land affected by the decision. However, nothing in this subsection shall be construed to
169 create any new right to contest the action of a local governing body.

170 #