

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

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

HB 2161/SB 1151

And

SB 859

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

November 1, 2023

Table of Contents

Executive Summary	3
Meetings of the Public Notice Work Group	3
July 12, 2023 Meeting.....	3
August 16, 2023 Meeting.....	4
August 30, 2023 Meeting.....	6
September 14, 2023 Meeting	7
October 24, 2023 Meeting	8
November 4, 2023 Code Commission Meeting.....	8
November 29, 2023 Meeting	9
December 4, 2023 Code Commission Meeting	10
Conclusion and Recommendations.....	10
Appendices.....	12
Appendix A Letter Referring Subject Matter of SB 859 to Work Group	13
Appendix B Local Public Notice Work Group Representatives.....	14
Appendix C Code Commission SB 1151/HB 2161 Work Group Work Plan.....	15
Appendix D Local Public Notice Work Group Working Document	18
Appendix E House Bill 443	65

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 1151](#) and [House Bill 2161](#) passed during the 2023 Regular Session of the Virginia General Assembly, which required the Virginia Code Commission ("The Commission") to reconvene a work group to continue review of notice requirements throughout the Code of Virginia and make recommendations for uniformity and efficiency.

That the Virginia Code Commission shall convene the work group that met pursuant to Chapters 129 and 130 of the Acts of Assembly of 2022 to review requirements throughout the Code of Virginia for localities to provide notice for meetings, hearings, and other intended actions. In conducting the review, the work group shall examine (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, 2023.

Also during the 2023 Regular Session of the Virginia General Assembly, pursuant to Rule 20(o) of the Rules of the Senate of Virginia, the Senate Committee on General Laws and Technology referred the subject matter of [SB859](#) to the Virginia Code Commission Public Notice Workgroup ("the work group") to review requirements for localities to provide public notice. The letter referring the subject matter of SB859 appears as Appendix A. This report is also submitted pursuant to that request.

Meetings of the Public Notice Work Group

July 12, 2023 Meeting

The work group held its first meeting on July 12, 2023. SB1151 and HB2161 specifically provided for the same work group that convened pursuant to Chapters 129 and 130 of the Acts of Assembly of 2022 to reconvene, and the majority of the previous members did return to serve on the work group. Brent McKenzie, of the City of Virginia Beach, joined the work group for the purpose of discussing the subject matter of SB859.

A copy of the Local Public Notice work group members is attached as Appendix B.

At this initial meeting, the work group adopted the Virginia Code Commission SB1151/HB2161 Work Group Work Plan ("the work plan.") The work plan as adopted by the work group appears as Appendix C.

At this meeting, the work group also came to consensus on the following:

In addition to the main work group, there would be two sub work groups as laid out below:

1. The timing and "intended" language group (Sub Work Group 1), which consisted of:

- Susan Wineland, VPA Advertising Director
- Phyllis Errico, General Counsel, Virginia Association of Counties
- Bruce Potter, Publisher, InsideNoVa
- Michelle Gowdy, Executive Director, Virginia Municipal League

This group would review (i) the comments provided by the Local Governments Attorneys, Inc. (LGA) relating to the timing of the notices and (ii) resolve issues related to the addition of the word "intended" to Subsection F of § 15.2-1427.

2. The Title 15.2 "descriptive information" group (Sub Work Group 2), which consisted of:

- Adam Kinsman, County Attorney, Local Government Attorneys of Virginia
- Aimee Siebert, Virginia Press Association
- Michelle Gowdy, Executive Director, Virginia Municipal League
- Andrew Clark, Vice President, Home Builders Association of Virginia

This group would continue to work on the descriptive information requirements included in §§ 15.2-1427 and 15.2-2285.

In addition, the group came to consensus as to the scope of the workgroup:

1. 56 sections in Title 15.2 containing notice provisions
2. Comments/Revisions to sections offered by the LGA
3. Continue work of the descriptive notice workgroup and the timing and intended language workgroup
4. Review of SB 859 from the 2023 Session

Finally, the work group also set up its meeting schedule for the summer. The planned meetings were:

- Wednesday, August 16, 2023 at 10AM
- Wednesday, August 30, 2023 at 10AM
- Thursday, September 14, 2023 at 10AM
- Wednesday, September 20, 2023 at 10AM (if needed)

August 16, 2023 Meeting

At the August 16, 2023 meeting, the sub work groups presented what they had been working on since the initial meeting.

Sub Work Group 1- Timing and "Intended" language

Phyllis Errico presented what this sub work group had considered so far.

With respect to timing, the group suggested:

1) Increasing the number of days the first notice could appear before meeting or intended action for Groups 3 and 2:

- Group 3 would increase from 21 to 35 days before
- Group 2 would increase from 14 to 28 days before

2) Sub work group 1 proposed to eliminate all language that contained provisions that required subsequent notices to be published at specific times (e.g. "with the second notice appearing no more than 14 days before")

It was the consensus of the full work group to accept these two proposals of the Sub Work group 1.

With respect to "intended action" language:

The sub work group considered the issue created by using the language "intended action" with respect to §15.2-1427 and §15.2-2204. Sub Work Group 1 had not come to a consensus yet but reported that the sub work group had considered replacing "intended action" with either "proposed action" or "first consideration."

At this meeting, Adam Kinsman indicated that he would solicit real world scenarios demonstrating the problems with the language "intended action," and this would be sent out to the work group for review once the information was gathered.

Phyllis Errico specified that the group was still working out how to deal with the provisions that require notices be published in successive weeks.

The work group also discussed an issue with §58.1-3321 created by putting it into Group 1 in the 2023 session, reducing the number of days from 30 to 7 days. The work group agreed they would need to fix this section. (And any sections that had a similar issue)

Sub Work Group 2 - Title 15.2 "descriptive information"

Adam Kinsman presented work being done by sub work group 2. Mr. Kinsman noted that the recommended language was not finalized and that the workgroup would continue to work with the language.

Bruce Potter requested Mr. Kinsman provide the work group with an example of what ordinances look like now and what they will look like conforming to the new proposed language.

Discussion: Senate Bill 859

Mr. Wade, Director of the Division of Legislative Services (DLS) discussed SB 859.

Mr. Ed Reed, representing Virginia Beach, attended this meeting of the work group. He stated that the City of VA Beach (who were the impetus for SB 859) had come to the conclusion that the provisions currently in the Code were acceptable and that no change was needed.

The work group came to a consensus that the recommendation on this item would be that no change was necessary at this time.

[August 30, 2023 Meeting](#)

During the August 30, 2023 meeting, sub groups 1 and 2 presented what they had been discussing since the last meeting of the full work group.

Sub Work Group 1:

This sub work group came to consensus that any language containing provisions that required subsequent notices to be published at specific times (e.g. "with the second notice appearing no more than 14 days before") should be eliminated.

LeGrand Northcutt of the Commission on Local Government asked sub work group 1 whether this change would only affect the sections that the public notice workgroup looked at last year (and those being looked at this year) He mentioned a concern about §15.2-2907 specifically.

Members of Sub work group 1 assured the full work group that the language changes would not affect sections not taken up by the public notice work group either last year or this year. Those sections like §15.2-2907 referenced, would remain untouched.

Sub work group 1 also came to the consensus that "consecutive" and "successive" should be struck as well.

Sub work group 1 summarized how the changes would affect Groups 3 and 2:

For Group 3, the language would read: "shall publish notice of _____ three times, with the first notice appearing no more than 35 days before..."

For Group 2, the language would read: "shall publish notice of _____ twice, with the first notice appearing no more than 28 days before..."

The full work group discussed these language changes and asked that before the next meeting, draft reasonableness language be created for review to ensure that a locality could not publish 3 notices, 3 days in a row, 35 days before a meeting for example, to comply with these new notice requirements.

Sub work group 1 had not yet come to a consensus on what to do with the "intended action" language.

Sub Work Group 2:

Sub work group 2 presented a plan to replace requirements for descriptive information in several sections with cross references to §15.2-1427 or §15.2-2204, as appropriate.

The full work group reached consensus on this approach.

Mr. Kinsman reported sub work group 2 was still working through what would be sufficient to provide sufficient descriptive language (not too much, not too little) when it came to budget information.

[September 14, 2023 Meeting](#)

During the September 14, 2023 meeting, sub groups 1 and 2 presented what they had been discussing since the last meeting of the full work group.

Sub Work Group 1

Sub work group 1 reviewed the "reasonableness" language regarding spacing of multiple notices and sample sections that had been drafted in between meetings of the full work group as well as went over examples of sections implementing consensus language from the August 30, 2023 meeting.

After sub work group 1's review, the full work group reached consensus:

- To amend the language to make it clearer that notices could not be published back to back.
- For groups 2 and 3, references to timing of when the hearing/action can take place after the last publication should be struck.
- For group 1, references to timing of when the hearing/action could take place would remain.

As for the resolution of "intended action" language issue, Mr. Kinsman agreed to send around some proposed new language for §15.2-1427 so the full work group could make its final decision at the next meeting of the full work group.

Sub Work Group 2

Mr. Kinsman presented a few things regarding work in sub work group 2. Fairfax County did not want changes made to §15.2-1201 and Mr. Kinsman recommended taking §15.2-1201 out of the draft. The full work group came to consensus to take that section out of the draft.

Mr. Potter then requested that Mr. Kinsman and the rest of sub work group 2 rework §15.2-2506 and sub work group 2 agreed to have the section reworked and ready for review at the next meeting.

At this point, there were several sections that the full work group needed to come to consensus on as to what to do with them. Work group members had been sent a chart of specific sections where questions remained. The work group decided to reschedule the planned September 20, 2023 meeting to October 24, 2023. The work group planned to use the time in the interim to review the questions posed on the chart. Work members were invited to submit their responses to the chart questions by September 20, so that staff could compile all the answers to the questions so that the full work group could make final decisions on these questions at the October 24, 2023 meeting.

October 24, 2023 Meeting

At the October 24, 2023 meeting, the work group went through the final chart of remaining questions and made its final decisions on which sections to pull into the draft that would be presented to the Code Commission on November 4, 2023.

November 4, 2023 Code Commission Meeting

At the November 4, 2023 Code Commission Meeting, Amigo Wade presented the recommendations of the work group. Mr. Wade presented the following recommendations:

1. The Work Group recommended increasing the number of days the first notice could appear before the meeting or intended action in the case of notices included in Groups 2 and 3. For Group 2 notices, the number of days would increase from 14 to 28 days, with the publication of the second notice appearing at least two days after the first notice. For notices in Group 3, the number of days would increase from 21 to 35 days, with the publication of the second and third notices appearing at least two days after the previous notice.
2. The Work Group recommended the deletion of all language in the covered notices requiring subsequent notices to be published at specific times (e.g. ". . .with the second notice appearing no more than 14 days before . . .") to eliminate confusion and establish more uniformity.
3. The Work Group recommended amending § 15.2-2506 to remove the requirement that the notice of consideration of a budget include a brief synopsis of such budget and replace it with a requirement that the notice include a summary of the total revenues and expenditures for each appropriated fund and the current and proposed real estate and personal property tax levies.

4. The Work Group recommended amending the language of § 15.2-1427, which covers adopting, amending, and repealing ordinances, to (i) remove the requirement for the publication of a descriptive notice and (ii) require notice of an intention to propose, amend, or repeal an ordinance to be advertised by reference at least twice, with the first notice appearing no more than 28 days prior to the date of the meeting referenced in the notice.
5. The Work Group recommended removing descriptive notice and timing of notice provisions contained in §§ 15.2-107, 15.2-201, 15.2-202, 15.2-903, 15.2-2101, 15.2-2114, 15.2-2506, 15.2-2507, 15.2-5136, and 15.2-5704 and replacing such provisions with a reference to the notice requirements of § 15.2-1427.
6. The Work Group recommended amending the language of § 15.2-2204, which covers zoning ordinances and planning-related actions, to remove the requirement that a notice of the adoption or amendment of an ordinance or plan be published once a week for two successive weeks and replace it with a requirement that such notice be published twice, with the first notice appearing no more than 28 days before the date of the meeting referenced in the notice.
7. The Work Group recommended removing descriptive notice and timing of notice provisions contained in §§ 15.2-2270, 15.2-2271, 15.2-2272, and 15.2-2506 and replacing such provisions with a reference to the notice requirements of § 15.2-2204.
8. The Work Group recommended that no action be taken on SB 859.

Code Commission members approved all of the recommendations except for number 2. Members were concerned that stripping all the limiting language surrounding when subsequent notices could be published would create too much of an opportunity for localities to provide little to no notice of a meeting before it happened. For example, for group 2, with the language as it was suggested with no reference to timing of subsequent publications, there would be nothing to stop a locality from publishing the first notice 3 days before the meeting and the second, just the day before the meeting, which would give the public no meaningful notice.

The Code Commission requested the work group reconvene before the Code Commission's final meeting of the year on December 4, 2023, and work out language that would address Code Commission members' concerns.

November 29, 2023 Meeting

The work group met a final time on November 29, 2023 to work through the issues the Code Commission wanted addressed regarding the timing of subsequent notices. The work group came to a consensus to add the following language to a Group 3 and 2:

For Group 3, the language would read: "shall publish notice of _____ three times, with the first notice appearing no more than 35 days before..."

The publication of the second and third notices shall appear at least four days after the previous notice."

For Group 2, the language would read: "shall publish notice of _____ twice, with the first notice appearing no more than 28 days before..."

The publication of the second notice shall appear at least four days after the first notice. "

Some members of the work group agreed to come to the December 4, 2023 Code Commission meeting in the event that Commission members had more questions about the new proposed language.

December 4, 2023 Code Commission Meeting

At the December 4, 2023 Code Commission meeting, Mr. Wade presented the new recommendations of the work group concerning timing of second and third notices. Several Code Commission members still felt the original issue was not addressed: a second or third notice could be published just a day before the meeting or action, not giving enough time for the public to receive meaningful notice. Ms. Siebert of the Virginia Press Association and a member of the work group, attended this meeting and was invited up to speak on behalf of the work group. Together several members of the Code Commission along with Ms. Siebert worked through adding a phrase limiting when the last publication could appear before the meeting or action. In the end, Code Commission members voted to approve following limiting language for Groups 3 and 2:

For Group 3, the language would read: "shall publish notice of _____ three times, with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before..."

For Group 2, the language would read: "shall publish notice of _____ twice, with the first notice appearing no more than 28 days before and the second notice appearing no less than 7 days before..."

Conclusion and Recommendations

At the December 4, 2023 Code Commission meeting, Code Commission members worked through the last issue raised regarding timing of subsequent notices and voted to adopt the language in the preceding section. In sum, the Code Commission adopted the following seven recommendations of the work group:

1. The Work Group recommended increasing the number of days the first notice could appear before the meeting or intended action in the case of notices included in Groups 2 and 3. For Group 2 notices, the number of days would increase from 14 to 28 days, with the publication of the second notice appearing no less than 7 days before the hearing or intended action. For notices in Group 3, the number of days would increase from 21 to 35

days, with the publication of the third notice appearing no less than 7 days before the hearing or intended action.

2. The Work Group recommended amending § 15.2-2506 to remove the requirement that the notice of consideration of a budget include a brief synopsis of such budget and replace it with a requirement that the notice include a summary of the total revenues and expenditures for each appropriated fund and the current and proposed real estate and personal property tax levies.
3. The Work Group recommended amending the language of § 15.2-1427, which covers adopting, amending, and repealing ordinances, to (i) remove the requirement for the publication of a descriptive notice and (ii) require notice of an intention to propose, amend, or repeal an ordinance to be advertised by reference at least twice, with the first notice appearing no more than 28 days prior to the date of the meeting referenced in the notice.
4. The Work Group recommended removing descriptive notice and timing of notice provisions contained in §§ 15.2-107, 15.2-201, 15.2-202, 15.2-903, 15.2-2101, 15.2-2114, 15.2-2506, 15.2-2507, 15.2-5136, and 15.2-5704 and replacing such provisions with a reference to the notice requirements of § 15.2-1427.
5. The Work Group recommended amending the language of § 15.2-2204, which covers zoning ordinances and planning-related actions, to remove the requirement that a notice of the adoption or amendment of an ordinance or plan be published once a week for two successive weeks and replace it with a requirement that such notice be published twice, with the first notice appearing no more than 28 days before the date of the meeting referenced in the notice.
6. The Work Group recommended removing descriptive notice and timing of notice provisions contained in §§ 15.2-2270, 15.2-2271, 15.2-2272, and 15.2-2506 and replacing such provisions with a reference to the notice requirements of § 15.2-2204.
7. The Work Group recommended that no action be taken on SB 859.

Delegate Williams agreed to carry the bill implementing these recommendations. HB 443 is attached as Appendix E.

Appendices

Appendix A Letter Referring Subject Matter of SB 859 to Work Group

COMMONWEALTH OF VIRGINIA

SUSAN CLARKE SCHAAR
CLERK OF THE SENATE
POST OFFICE BOX 396
RICHMOND, VIRGINIA 23218



SENATE

May 18, 2023

The Honorable John S. Edwards
Chair, Virginia Code Commission
P.O. Box 1179
Roanoke, Virginia 24006

Dear Senator Edwards:

This is to inform you that, pursuant to Rule 20 (o) of the Rules of the Senate of Virginia, the Senate Committee on General Laws and Technology has referred the subject matter contained in Senate Bill 859 to the Virginia Code Commission Work Group to Review Requirements for Localities to Provide Public Notice. It is requested that the appropriate committee chair and bill patron receive a written report, with a copy to this office, by November 1, 2023.

With kind regards, I am

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Susan Clarke Schaar".

Susan Clarke Schaar

SCS:dhl

cc: Sen. Adam P. Ebbin, Chair, Senate Committee on General Laws and Technology
Sen. John A. Cosgrove, Jr., Patron of SB 859
Amigo Wade, Director, Division of Legislative Services
Joe Damico, Director, Virginia Department of General Services
Holly Trice, Division of Legislative Services

Appendix B Local Public Notice Work Group Representatives

SB 1151 (Edwards)/HB 2161 (Williams) Local Public Notice Requirements Work Group As of July 12, 2023

<p>Virginia Press Association Aimee Seibert Commonwealth Strategy Group aimee@commonwealthstrategy.net</p> <p>Betsy Edwards, Executive Director, VPA Betsye@vpa.net</p> <p>Bruce Potter Publisher, InsideNoVa COO, Rappahannock Media LLC bpotter@insidenova.com</p> <p>Susan Wineland VPA Advertising Director Susanw@vpa.net</p>	<p>Coalition for Open Government Megan Rhyne Executive Director mrhyne@opengovva.org</p>
<p>Virginia Association of Counties Phyllis Errico- General Counsel perrico@vaco.org</p>	<p>Virginia Electoral Board Association Jim Nix nixj@charlottesville.org</p>
<p>Virginia Municipal League Michelle Gowdy- Executive Director mgowdy@vml.org</p>	<p>Commissioners of the Revenue Association of VA Eric Maybach eric.maybach@fauquiercounty.gov</p>
<p>Commission on Local Government Diane Linderman, PE dlinderman@vhb.com</p> <p>LeGrand Northcutt legrand.northcutt@dhcd.virginia.gov</p>	<p>VA Chapter of the American Planning Association Tyler Klein legislation@apavirginia.com</p>
<p>Virginia Association of Governmental Procurement Jennifer Stieffenhofer stieffenhoferjj@staffordschools.net</p>	<p>Residential Builders/Developers Andrew Clark Home Builders Association of Virginia AClark@hbav.com</p>
<p>Virginia School Boards Association Elizabeth Ewing, Director Legal and Policy Services ewing@vsba.org</p>	<p>Commercial Builders/Developers Phil Abraham, Director and General Counsel The Vectre Corporation pabraham@vectrecorp.com</p>
<p>Local Government Attorneys of Virginia, Inc. Adam R. Kinsman County Attorney Adam.Kinsman@jamescitycountyva.gov</p>	<p>City of Virginia Beach Brent McKenzie bmckenzie@vb.gov.com</p>

**Virginia Code Commission
Public Notice Work Group**

Overview of Proposed 2023 Work Plan

Senate Bill 1151 and House Bill 2161, passed during the 2023 legislative session, provide for the Code Commission to reconvene the Public Notice 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.

I. Scope of Work Group Review and Recommendations

A. Uniformity and Efficiency of Notices. Continue review of notices applicable to localities and determine the scope of review for regional and state entities. Recommendations will designate placement of selected notices in one of the following groups:

Group 3- Notice to run three successive weeks with the first notice appearing no more than 21 days before meeting or intended action.

Group 2- Notice to run two successive weeks with the first notice appearing no more than 14 days before meeting or intended action.

Group 1- Notice to run once at least seven days before meeting or intended action.

B. Information Required in Notices. Continue the review of information required in notices relating to certain zoning and land use ordinances. The sub-work group will continue with its review of the descriptive summary required by § 15.2-2204 and the statement of general usage required by § 15.2-2285.

C. Senate Bill 859 (2023). (Referred by the Senate committee on General Laws and Technology) Review the legislation and make recommendations regarding publication of notice of a Request for Proposal by local public bodies.

II. Composition of Work Group

The 2023 work group will consist of representatives from the same stakeholder groups established in 2022. Additions will be made based on the scope adopted by the 2023 work group.

Virginia Press Association Aimee Seibert Betsy Edwards, Executive Director, VPA Bruce Potter	Coalition for Open Government Megan Rhyne
Virginia Association of Counties Phyllis Errico	Virginia Electoral Board Association Jim Nix
Virginia Municipal League Michelle Gowdy	Commissioners of the Revenue Association of VA Eric Maybach
Commission on Local Government Diane Linderman, PE LeGrand Northcutt	VA Chapter of the American Planning Association Tyler Klein
Virginia Assoc. of Government Purchasing Officials Elizabeth B. Dooley William Hefty	Residential Builders/Developers Andrew Clark
Virginia School Boards Association Elizabeth Ewing	Commercial Builders/Developers Abigail Thompson
Local Government Attorneys of Virginia, Inc. Adam R. Kinsman	Voter Registrars Association of Virginia
Treasurers' Association of Virginia	
Candidates for membership*	Department of General Services State Corporation Commission Department of Agriculture and Consumer Svcs Department of Transportation

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 virtual with some in-person meetings possible. The overall objective will be to have any recommendations finalized to allow review and approval by the Commission at its October 2023 meeting for submittal to the two legislative committees. Here is a broad outline of the anticipated schedule:

First Meeting

- Introduction of members; determine additional members
- Review of proposed work plan
- Determine scope; assign review
- Reaffirm methodology of review and format of recommendations

Second Meeting

- Review notice uniformity and efficiency working document developed by staff
- Incorporate input from stakeholders
- Receive update from sub-work group's review of information required in notices
- Review SB 859; develop recommendation(s)

Third Meeting

- Continue moving through working document
- Receive update from sub-work group's review of information required in notices
- Develop recommendations

Fourth Meeting

- Finalize recommendations for uniformity and efficiency of notices
- Finalize recommendations for information required in notices
- Format recommendations for submittal to Commission

Fifth meeting (if needed)

Code Commission Meeting - October/November 2023

Report submitted to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technolog

Local Public Notice Work Group Meeting Working Document

Public Notice Group Levels

Group 3: Run three times with first notice appearing no more than 35 days before and last notice appearing no less than 7 days before meeting or intended action.

Group 2: Run twice with first notice appearing no more than 28 days before and last notice appearing no less than 7 days before meeting or intended action.

Group 1: Run once no less than 7 days before meeting, hearing, etc.

Abbreviations

GC=Newspaper having a general circulation

CW=Commonwealth

Legend

Orange - New language to be added/struck in 2024

Yellow - Section amended in 2023 session

TITLE 2.2 ADMINISTRATION OF GOVERNMENT

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
2.2-4302.2 Process for competitive negotiation	Once GC	At least 10 days prior to the receipt of bids	Group 1		Not Mandatory		SB 859 recommendation will be that no change is necessary at this time

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 Advertisement and enactment fee and levies	N/A	N/A	N/A	N/A	Mandatory	Requirements for advertisement of increase in fees or levies governed by 15.2-1427 or 15.2-2204 as appropriate	Descriptive notice sub workgroup struck language in this section
15.2-201 Charter elections; subsequent procedure; procedure when bill not introduced or fails to pass general assembly	Once Newspaper of GC in the locality	At least ten days prior to the holding of such election	Group 2	Time and place of hearing; Text or an informative summary of the new charter or amendment desired	Mandatory	Locality may hold election to determine if voters of locality desire that the General Assembly grant locality new charter or amend existing charter	*adding cross reference to 15.2-1427
15.2-202 Public hearing in lieu of election; procedure when bill not introduced or fails to pass in General Assembly.	Once	At least seven days prior to hearing	Group 2	Time and place of hearing; Text or an informative summary of the new charter or amendment desired	Mandatory	In lieu of election, locality can hold hearing to determine if citizens wish the locality request the General Assembly grant locality new charter or amend existing charter	*adding cross reference to 15.2-1427

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-301 Petition or resolution asking for referendum; notice; conduct of election	Once a week for three consecutive weeks Newspaper having GC in the county		Group 3		Mandatory	A county may adopt one of the optional forms of government provided for in Chapters 4-8 of 15.2 after approval by voter referendum. The referendum shall be initiated by (i) a petition filed with the circuit court for the county signed by at least 10% of the voters of the county, asking that a referendum be held or (ii) a resolution passed by the board of supervisors and filed with the circuit court asking for a referendum.	Add Group 3 language
15.2-503 Referendum on election of the county chairman from the county at large; powers and duties of chairman	Once a week for three consecutive weeks Newspaper having GC in the county	Prior to the referendum	Group 3		Mandatory	Elected Board members may by resolution petition circuit court for a referendum on question of whether there should be a chairman of board elected at large	Add Group 3 language

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-603 Referendum on the election of the supervisors by districts at large	Once a week for three consecutive weeks Newspaper having GC in the county		Group 3		Mandatory	Petition the circuit court of the county requesting that a referendum be held on the following questions: (i) Shall the board of supervisors be elected solely by qualified voters of each magisterial or election district, or by qualified voters of the county at large? (ii) Shall the board have in addition to members from each magisterial or election district, one member from any district elected from and representing the county at large?	Add Group 3 language

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
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	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 3 language
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,	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 3 language
15.2-903 Ordinances taxing and regulating "automobile graveyards," "junkyards," and certain vacant and abandoned property	Once a week for two successive weeks Newspaper of GC in the locality		Group 2	A descriptive summary of the proposed ordinance and a reference to the place(s) within the locality where copies of the ordinance may be examined	Mandatory	Locality may adopt ordinances imposing license taxes upon and otherwise regulating the maintenance and operation of places commonly known as automobile graveyards and junkyards and may prescribe fines and other punishment for violations of such ordinances.	*adding cross reference to 15.2-1427

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-906 Authority to require removal, repair, etc., of buildings and other structures	Once a week for two successive weeks Newspaper of GC in the locality	At least thirty days prior to the repair or removal of the building	Group 2		Mandatory	Locality may remove, repair or secure any building that might endanger the public if owner does not after reasonable notice	Removed from consideration; not included in the draft
15.2-907.2 Authority of locality or land bank entity to be appointed to act as a receiver to repair derelict and blighted buildings in certain limited circumstance	Once a week for four consecutive weeks Newspaper of GC		Group 3		Mandatory	Locality can enforce receiver's lien by sale of a property at public auction after a court enters an order of sale.	Change from 4 consecutive weeks to the Group 3 language
15.2-909 Authority to require removal, repair, etc., of wharves, piers, pilings, bulkheads, vessels or abandoned, obstructing or hazardous property	Once a week for two weeks Newspaper of GC in the area where such property is located.		Group 2		Mandatory	If identity of whereabouts of owner cannot be found, locality can repair wharf, pier, piling, bulkhead or remove it if provide notice	Add Group 2 language

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-915.5 Disposition of firearms acquired by localities	Once At least two newspapers published and having GC in the CW	At least 30 days before the date of the auction or on which the sealed bids will be opened	Group 1	Date, time, and place of sale if by public auction or sealed bids	Mandatory	Locality can only sell firearm after surrender if owner surrendering requests in writing that firearm be offered for public sale	Removed from consideration; not included in the draft *(publish in at least one of GC in the locality where property to be sold is located)
15.2-958.3 Commercial Property Assessed Clean Energy (C-PACE) financing programs.	Once a week for two successive weeks A newspaper of GC in the locality	First notice appearing no more than 14 days before the hearing	Group 2		Mandatory	Ordinance to authorize contracts to provide loans for the initial acquisition and installation of clean energy, resiliency, or stormwater management improvements	LGA *amended by 2023 Acts, cc. 506, 507 Add revised Group 2 language
15.2-958.6 Financing the repair of failed septic systems	Once a week for two successive weeks A newspaper of GC in the locality	First notice appearing no more than 14 days before the hearing	Group 2		Mandatory	Ordinance to authorize contracts with property owners	LGA *amended by 2023 Acts, cc. 506, 507 Add revised Group 2 language

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-1201 County boards of supervisors vested with powers and authority of councils of cities and towns; exceptions	Once a week for two successive weeks Newspaper of GC in the County of Fairfax		Group 2	Descriptive notice of intention to propose the same for passage	Mandatory	In County of Fairfax, ordinance may be adopted by brd of supervisors after notice provided	*adding cross reference to 15.2-1427
15.2-1301 Voluntary economic growth-sharing agreements.	Once a week for two successive weeks A newspaper having GC in the locality	1st notice appearing no more than 14 days before the hearing	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	LGA *amended by 2023 Acts, cc. 506, 507 Add revised Group 2 language

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-1427 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 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 cnty administrator; or in the case of any county organized under the form of government set out in Chapter 5, 7 or 8, a stmt that a copy of the full text of the ordinance is on file in the office of the clerk of the county board.		An ordinance may be adopted, amended or repealed by majority vote of those present and voting at any lawful meeting.	LGA *amended by 2023 Acts, cc. 506, 507 Add revised Group 2 language
15.2-1602 Sharing of such officers by two or more units of government	Once a week for three consecutive weeks Newspaper of GC in such units of government	The three weeks prior to the election	Group 3		Mandatory	Referendum can be held on Q: "May the (names of the units of gov) share the (officer or officers), as the case may be, (naming such officers if less than all) required by Article VII, Section 4 of the Const of VA ?"	Removed from consideration; not included in draft *section lists requirements for what is to be printed on ballot, but not specifically what needs to be printed in notice publication

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2 -1604 Appointment of deputies and employment of employees; discriminatory practices by certain officers; civil penalty	Once Newspaper having GC		Group 1	Advertisement of the employment position	Not Mandatory; Other options	Every constitutional officer shall, prior to hiring any employee, advertise such employment position either in newspaper or other options	Removed from consideration; not included in the draft
15.2-1647 Removal of court	Once Newspaper in the county if any, and if none, then in A newspaper having GC in the county	At least sixty days before the court is ordered to be held in a new location	Group 1		Mandatory	Must give notice that Court is moving	Removed from consideration; not included in the draft
15.2-1654 Contest of election	Once a week for two successive weeks Newspaper published in the county (if none, newspaper having GC in the county)	Within 10 days after the election	Group 2	Notice of the contest, stating complaint has been filed in the office of the clerk of circuit court for the county in which the election is held; time and place of taking of depositions	Mandatory	Process for when 15 or more voters submit complaint of an undue election or false return	Removed from consideration; not included in the draft

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-1702 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.	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 3 language
15.2-1703 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.	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 3 language
15.2-1719 Disposal unclaimed property in possession of sheriff or police	Once a week for two successive weeks Newspaper of GC in the locality		Group 2	Notice or date, time place of sale, that there will be a public display and sale of unclaimed personal property; general description of property	Mandatory	Locality may provide by ordinance for the public sale of unclaimed personal property that has been unclaimed for a period of more than 60 days	Add Group 2 language

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2 -1720 Localities authorized to license bicycles, electric powerassisted bicycles, mopeds, and electric personal assistive mobility devices	Once a week for two successive weeks Newspaper of GC within the locality		Group 2	Location and description of the bicycle, electric-powered bicycle, moped, etc.	Mandatory	Locality has authority to sell or donate electric mobility devices to charitable organization if item has been unclaimed; can require owners of devices to obtain license, tags, prescribe fees for license, tags	Removed from consideration; not included in the draft
15.2-2006 Alteration and vacation of public rights-of-way; appeal from decision	At least twice Newspaper having GC in the locality	At least six days must elapse between the first and second publications	Group 2	Time and place of the hearing	Mandatory	Public rights-of-way in localities may be altered or vacated on motion of such governing bodies or on application of any person after notice of intention to do so has been published at least twice	Add Group 2 language

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-2101 Ordinance proposing grant of franchise, etc. to be advertised	Once a week for two successive weeks Newspaper having GC in the city or town		Group 2	A descriptive notice including a statement that a copy of the full text of the ordinance is on file in the office of the clerk or city council	Mandatory	Before granting franchise, privilege, lease or right or easement to public property, locality must publish a descriptive notice or the ordinance	*adding cross reference to 15.2-1427
15.2 -2105 How amendments made to franchise, etc.; notice required	For ten days Newspaper having GC in the city or town		Group 1	The proposed amendment	Mandatory	No amendment that releases the grantee, or his assignee, from the performance of any duty required by the ordinance or that authorizes an increase in the user charges to be made by such grantee or assignee shall be granted until notice of such proposed amendment has given to the public	Change to seven days from ten days

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.	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 3 language
15.2- 2108.21 Ordinance cable franchises	Once a week for two successive weeks Newspaper having GC in the locality		Group 2	A statement that a copy of the full text of the ordinance is on file with the office of the clerk of the locality.	Mandatory	Section governs procedures by which a locality may grant ordinance cable franchises.	Add Group 2 language
15.2-2114 Regulation of stormwater	Once a week for two successive weeks Newspaper with a GC in the locality	The second publication shall not be sooner than one calendar week after the first publication.	Group 2	Notice of the hearing as required by charter or descriptive notice	Mandatory	Any locality, by ordinance, may establish a utility or enact a system of service charges to support a local stormwater management program	*adding cross reference to 15.2-1427 *Subsect B also requires that prior to adoption of ordinance pursuant to this section related to the enlargement, improvement, or maintenance of privately owned dams, a locality shall comply with the provisions of § 15.2-1427 and hold a public hearing.

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
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	1st notice appearing no more than 14 days before intended adoption	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	LGA *amended by 2023 Acts, cc. 506, 507 Add revised Group 2 language
15.2-2270 Vacation of interests granted to a locality as a condition of site plan approval.	Once a week for two successive weeks GC in the locality	1st notice appearing no more than 14 days before intended adoption	Group 2	Describe interest of the gov body to be vacated by reference to the recorded instrument on which it was created and state time and place of meeting of gov body at which the adoption of the ordinance will be voted upon.	Mandatory	Describes method by which an interest granted a locality may be vacated with consent of that locality	Notice must be adopted in accordance with 15.2-2204 (revised group 2 language) Cross reference to 15.2-2204 already in section; section language cleaned up

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-2271 Vacation of plat before sale of lot therein; ordinance of vacation	Once a week for two successive weeks GC in the locality	1st notice appearing no more than 14 days before intended adoption	Group 2		Mandatory	Explains process to divest all public rights in, to the streets, alleys, easements for public passage and other public areas laid out in the plat and to reinvest the owners, proprietors and trustees, if any, with title	Notice must be adopted in accordance with 15.2-2204 (revised group 2 language) Cross reference to 15.2-2204 already in section; section language cleaned up
15.2-2272 Vacation of plat after sale of lot.	Once a week for two successive weeks GC in the locality	1st notice appearing no more than 14 days before intended adoption	Group 2	Describe the plat or portion to be vacated and time and place of the meeting	Mandatory	Explains method to vacate plat after sale of lot	Notice must be adopted in accordance with 15.2-2204 (revised group 2 language) Cross reference to 15.2-2204 already in section; section language cleaned up
15.2-2316.2 Localities may provide for transfer of development rights	Once a week for two successive weeks Newspaper of GC in the locality		Group 2	A copy of the resolution prescribing the location of the future meeting	Mandatory	Governing body of any locality by ordinance may establish procedures, methods, and standards for the transfer of development rights within its jurisdiction.	Add cross reference to 15.2-2204 in N 1 *must follow notice and public hearing reqs of § 15.2-2204

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-2321 Adoption of road improvements program	Once a week for two successive weeks GC in the locality	1st notice appearing no more than 14 days before intended adoption	Group 2	identify impact fee service area to be designated, summary of needs assessment, proposed amount of impact fee and information on how to examine complete study	Mandatory	Public hearing required before a locality adopts a road improvement plan	Added cross reference to 15.2-2204
15.2-2400 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	*amended by 2023 Acts, cc. 506, 507 Add revised Group 3 language
15.2-2401 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	*amended by 2023 Acts, cc. 506, 507 Add revised Group 3 language

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-2409 How notice is given; objections	Once a week for four successive weeks A newspaper of GC in the locality	2nd notice must appear at least 7 days before parties are to appear (if using notice to all parties option)	Group 3 for non-residents Group 2 for residents	Personal service to non-residents when owner's residence not known	Not Mandatory; One of multiple options		Add revised Group 3 and Group 2 language as applicable
15.2-2506 Publication and notice; public hearing; adjournment; moneys not to be paid out until appropriated.	Once or more GC in the locality	At least 7 days prior to the hearing	Group 2	Synopsis of budget	Mandatory	Hearing on budget	*adding cross reference to 15.2-1427 and cleaned up section
15.2-2507 Amendment of Budget	Once GC in the locality	At least 7 days prior to the hearing	Group 2	State governing body's intent to amend the budget with brief synopsis of proposed amendment	Mandatory	If amendment of budget exceeds 1% of total expenditures, public hearing must be held	*adding cross reference to 15.2-1427 and cleaned up section
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 amt of bonds proposed, (ii) use of bond proceeds, if more than one use, proposed uses for which more than 10 % of total bond proceeds to be used, and (iii) time and place of the hearing	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	LGA *amended by 2023 Acts, cc. 506, 507 Add revised Group 2 language

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-2610 Request for referendum filed with court; order for election; notice	At least once Newspaper published or having GC in the locality	Not less than ten days before the election	Group 1	In the form prescribed by the court	Mandatory	Take the sense of the voters of the locality on the question of contracting the debt and issuing bonds for the purpose or purposes set forth in the resolution or ordinance.	Group 1- Change to seven days from ten days
15.2-2652 Service by publication of motion for judgment; parties' defendant	Once a week for two consecutive weeks Newspaper published or having 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	The court shall fix the time and place for hearing the proceeding and shall enter an order requiring the publication of the motion for judgment or a summary of it	Add Group 2 language
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	LGA *amended by 2023 Acts, cc. 506, 507 Add revised Group 2 language

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-2659 Investigation by governor of alleged defaults; withholding state funds from defaulting locality; payment of funds withheld	Once A daily newspaper of general circulation in the City of Richmond	As soon as practicable	Group 1	Notice of the default and availability of funds	Mandatory	Gov. must investigate alleged defaults of localities	Removed from consideration; not included in the draft
15.2-3107 Publication of agreed boundary line	Once a week for two successive weeks Newspaper having GC in its locality		Group 2	State that copy of agreement is on file at office of the clerk of the gov. body which is considering the proposed agreement; descriptive summary of agreement	Mandatory	Before adopting agreement of boundary line, governing body must advertise intention to approve the agreement	Removed from consideration; not included in the draft

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-3109 Court-ordered adjustment of boundary lines	Once a week for two successive weeks Newspaper of GC in each locality		Group 2	Notice of the public hearing	Mandatory	When two localities agree a change to boundary line to provide better public services is needed but can't decide on where line should be, can petition court to enter order establishing boundary line	Removed from consideration; not included in the draft
15.2-3204 Notice of motion; service and publication	Once a week for four successive weeks Newspaper published in such city or town, or if none, in a newspaper having general circulation in the county whose territory is affected	At least thirty days before instituting any annexation proceeding	Group 3	Copy of the notice and ordinance, or a descriptive summary of the notice and ordinance and a reference to the place within the city or town where copies of the notice and ordinance may be examined	Mandatory	Before instituting any annexation proceeding, city or town must serve notice on the attorney for the CW, or on the county attorney, and on chairman of governing body of county wherein territory lies	Removed from consideration; not included in the draft

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-3205 Additional parties	Once a week for two successive weeks Newspaper of GC in the city or town seeking the territory and, in the territory, sought to be annexed		Group 2	A copy of the order	Mandatory	Describes procedure to become party to annexation proceedings	Removed from consideration; not included in the draft
15.2-3232 Hearing before Commission on Local Government required; notice	Once a week for two successive weeks Newspaper having GC in the county and the town	The second advertisement shall appear not less than six and not more than twenty-one days prior to the hearing	Group 2	Time and place of hearing; Summarizing the terms of proposed agreement	Mandatory	Once the town and county governing bodies have decided upon the terms of an agreement pursuant to § 15.2-3231 , the proposed agreement shall be presented to the Commission on Local Government.	Removed from consideration; not included in the draft

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-3236 Council may enact ordinance	In at least ten issues Daily newspaper having GC in the city or town (if none, two successive issues of a weekly newspaper having GC in such city or town)		Group 3	Summary of the ordinance; reference of place in the city or town where the ordinance may be examined	Mandatory	The council may enact an ordinance defining accurately the boundary of the territory proposed to be abandoned.	Add Group 3 language Strike language 10 public places for 10 days
15.2-3242 Parties defendant and publication of such petition	Once a week for four successive weeks Newspaper having GC in the county or town		Group 3	Descriptive summary of the petition; reference of place in the city or town where the ordinance may be examined	Mandatory	County in which part of the town proposed to be abandoned shall be named as defendant to the petition	Change from 4 consecutive weeks to the Group 3 language

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-3400 Voluntary settlements among local governments	Once a week for two successive weeks Newspaper having GC in its jurisdiction		Group 2	The governing body's intention to approve such agreement; descriptive summary of the agreement	Mandatory	Provisions required for localities to settle matters through a voluntary agreement	Add Group 2 language
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	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 3 language
15.2-3504 Publication of agreement	Once a week for four successive weeks Newspaper having GC within the locality		Group 3	A copy of the consolidation agreement or a descriptive summary and reference to a place within the locality where a copy of the agreement may be examined	Mandatory	Governing body of locality must publish consolidation agreement	Change from 4 consecutive weeks to the Group 3 language

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-3521 Proposed consolidated city; notice of motion; service and publication	Once a week for four successive weeks Newspaper having GC in the localities which are parties to the agreement	At least 30 days before instituting a proceeding for the creation of a consolidated city	Group 3	A copy of the notice and consolidation agreement or a descriptive summary of the notice and list place where it can be examined	Mandatory	Requirements of counties and cities to consolidate into one city	Removed from consideration; not included in the draft
15.2-3524 Time limit for intervenors	Once a week for two successive weeks Newspaper of GC in the localities proposing to consolidate and counties and cities contiguous thereto		Group 2	A copy of the order	Mandatory	Court shall by order fix a time within which a voter, property owner, or other person or political subdivision may become party to proceedings to consolidate cities	Removed from consideration; not included in the draft
15.2-3537 Publication of consolidation agreement	Once a week for four successive weeks Newspaper having GC in the locality		Group 3	A copy of the consolidation agreement or a descriptive summary of the agreement; Reference to the place in the locality where a copy of the agreement may be examined	Mandatory	Each locality a party to consolidation agreement must publish the agreement or descriptive summary of the agreement	Removed from consideration; not included in the draft

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.	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 3 language
15.2-3703 Notice of motion; service and publication; docketing	Once a week for four successive weeks Newspaper having GC in the town		Group 3	copy of the notice and ordinance or descriptive summary and where notice can be examined	Mandatory	Town must provide notice and ordinance; after publication reqs. complete, case shall be docketed for entry	Removed from consideration; not included in the draft

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-3803 Notice of motion; service and publication; answer or other pleading	Once a week for four successive weeks Newspaper having GC in the town and county, or counties in which the town is situated	At least 30 days before instituting a proceeding for grant of city status	Group 3	A summary of the notice and ordinance with ref to place within the town where copies of the notice and ordinance may be examined	Mandatory	Town must serve notice to county attorney or if none, attorney for the CW, of petition for city status	Removed from consideration; not included in the draft
15.2-3805 Time limit for intervenors; publication of order	Once a week for two successive weeks Newspaper of GC in the county and in the adjoining or adjacent counties and cities		Group 2	A copy of the order	Mandatory	Special court by order shall fix a time within which a voter, property owner or political subdivision may become a party	Add Group 2 language
15.2-3903 Notice of motion; service and publication; answer	Once a week for four successive weeks Newspaper having GC in the county seeking eligibility for city status	At least 30 days before instituting a proceeding under the provisions of this chapter	Group 3	A copy of the notice and ordinance, or a descriptive summary of the notice and ordinance and a reference to the place within the county where copies of the notice and ordinance may be examined	Mandatory	At least 30 days before instituting a proceeding to petition the court to grant order declaring city eligible for city status, a county must serve notice to attorney for the CW or on city or county attorney	Removed from consideration; not included in the draft

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-3905 Time limit for intervenors; publication of order	Once a week for two successive weeks Newspaper having GC in the county and in the adjoining or adjacent counties and cities		Group 2	A copy of the order	Mandatory	Special court by order shall fix a time within which a voter, property owner or political subdivision may become a party	Removed from consideration; not included in the draft
15.2-3913 Public hearing on charter; notice and publication; adoption of charter by governing body	Once a week for two successive weeks Newspaper having GC in the county	At least thirty days prior to the hearing	Group 2	Time and place of hearing; Text of the charter or an informative summary thereof	Mandatory	Upon the completion of the proposed charter the governing body shall hold a public hearing at which the citizens shall have an opportunity to be heard with respect thereto.	Add Group 2 language

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-4101 Ordinance petitioning court for town status; notice of motion	Once a week for four successive weeks Newspaper having GC in the city and adjoining county		Group 3	A copy of the notice and ordinance, or a descriptive summary of the notice and ordinance and a reference to the place within the city or adjoining county where copies of the notice and ordinance may be examined	Mandatory	Any city in CW with population of less than 50,000 people, may after fulfilling requirements of 15.2-2900, petition circuit court of city for an order granting town status to the city	Removed from consideration; not included in the draft
15.2-4102 Citizen petition for town status	Once a week for four successive weeks Newspaper having GC in the city and the adjoining county		Group 3	A copy of the petition	Mandatory	Requirements for citizens to petition for town status	Removed from consideration; not included in the draft

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-4104 Time limit for intervenors; Publication of order	Once a week for two successive weeks Newspaper of GC in the city and county		Group 2	A copy of the order	Mandatory	Special court by order fixes a time within which a qualified voter, property owner, political subdivision, or other interested party not served may become a party to proceedings instituted under this chapter	Removed from consideration; not included in the draft
15.2-4311 Review of districts	Once Newspaper having GC within the district		Group 1	Describing any different conditions upon which the continuation of district is stipulated	Mandatory	Districts to be reviewed no less than four years but not more than every ten years	Add Group 1 language
15.2-4313 Proposals as to land acquisition or construction within district	Once Newspaper having GC within the district		Group 1		Mandatory	Agency or political subdivision must notice to landowners within district before acquiring land in district	Add Group 1 language

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-4405 Creation of districts of local significance - public hearing	Once Newspaper having GC within the proposed district		Group 2	(C 1) State that an application for agricultural, forestal, or ag and forestal district of local significance has been submitted to the local gov. body (E)(3) Proposed modifications to those municipalities whose territory encompasses or is part of the proposed district.	Mandatory	Reqs for locality to create ag, forestal or agricultural and forestal districts of local significance	Add Group 2 language 2 notice reqs in this section: 15.2-4405 C 1 and 15.2-4405 E 3. C 1 is notice of the proposal E 3 is notice of the public hearing
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	*amended by 2023 Acts, cc. 506, 507 Removed from consideration; not included in the draft

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
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	LGA *amended by 2023 Acts, cc. 506, 507 *adding cross reference to 15.2-1427 and cleaned up section
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	*amended by 2023 Acts, cc. 506, 507 Add revised Group 3 language
15.2 -5384.1 Review of cooperative agreements	Once Newspaper of GC	At least fifteen days before the hearing date	Group 2	Notification of the application, then notice of hearing	Mandatory	Process of review of cooperative agreements for possible violation of antitrust laws	Removed from consideration; not included in draft 2 notice requirements: Once upon receipt of complete application Once no later than 15 days before public hearing

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-5403 Creation of electric authority; referendum	Once a week for two successive weeks Newspaper of GC within the governmental unit	2nd notice not sooner than one calendar week after 1st	Group 2	A copy of the ordinance	Mandatory	Process to create an electric authority	Add Group 2 language
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.	LGA *amended by 2023 Acts, cc. 506, 507 Add revised Group 2 language
15.2-5431.5 Resolution creating authority to include articles of incorporation	Once Newspaper of GC in such locality	At least 30 days before the date of the hearing	Group 1	A copy of resolution creating the authority or a descriptive summary of resolution and a reference to the place within the locality where a copy of resolution can be obtained and notice of the day hearing will occur	Mandatory	Governing body of locality shall publish copy of resolution creating the authority	Removed from consideration; not included in the draft

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
15.2-5704 Powers of Authority.	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	Descriptive notice of intention to propose rule or regulation for passage	Mandatory	Enumerates powers of authority	Cross reference to 15.2-1427 already in section; section language cleaned up
15.2-5806 Public hearings; notice; reports	Once Newspaper of GC in the locality	At least 60 days before the hearing is held	Group 1	(i) 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	Public hearing is required at least 60 days prior to selecting a site for major or minor league baseball stadium	Add uniform Group 1 language to B.
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	LGA *amended by 2023 Acts, cc. 506, 507 Add revised Group 2 language
15.2-7511 Dissolution of land bank entity	Once Newspaper of GC	At least 60 days before dissolution	Group 2		Mandatory	Requirements to dissolve a land bank entity	Removed from consideration; not included in draft

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

SUBJECT & CITATION	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
<p>21-114 Hearing and notice thereof</p>	<p>Once a week for three consecutive weeks</p> <p>GC within the county designated by the governing body</p>	<p>At least ten days before the date of the hearing</p>	<p>Group 3</p>		<p>Mandatory</p>	<p>Sanitary Districts; hearing required before creation.</p>	<p>*amended by 2023 Acts, cc. 506, 507</p> <p>Add revised Group 3 language</p>
<p>21-117.1 Abolishing sanitary districts</p>	<p>Once a week for three consecutive weeks</p> <p>GC within the county to be designated by the governing body of the county</p>	<p>At least ten days before the date of the hearing</p>	<p>Group 3</p>		<p>Mandatory</p>	<p>Sanitary Districts; hearing required before abolition.</p>	<p>*amended by 2023 Acts, cc. 506, 507</p> <p>Add revised Group 3 language</p>

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.	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 3 language
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.	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 3 language
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	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 3 language

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
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	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 3 language

TITLE 22.1 - EDUCATION

SUBJECT & CITATION	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
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.	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 3 language

TITLE 28.2 - FISHERIES AND HABITAT OF THE TIDAL WATERS

SUBJECT & CITATION	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
<u>28.2-1302</u> 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	Removed from consideration; not included in the draft

TITLE 30 - GENERAL ASSEMBLY

SUBJECT & CITATION	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
<p>30-140 Certain political subdivisions to file report of audit; period in which report kept as public record; when audit not required; sworn statement of exempted entities; publication of summary of financial condition; repeal of conflicting provisions.</p>	<p>Once GC in the county, city, or town wherein the authority, commission, district or political subdivision is located</p>	<p>At the time the report is filed with Auditor of Public Accounts</p>	<p>Group 1</p>	<p>Summary statement reflecting financial condition of authority and a reference to where a detailed statement can be found</p>	<p>Mandatory</p>	<p>Within 5 months of end of fiscal year, an audit must be performed covering financial transactions of the fiscal year for authority, district, commission, or other political subdivision</p>	<p>Cleaned up language surrounding what needs to be published</p>

TITLE 33.2 - HIGHWAYS AND OTHER SURFACE TRANSPORTATION SYSTEM

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
33.2-331 Annual meeting with county officers; six-year plan for secondary state highways; certain reimbursements required.	Once a week for two successive weeks A newspaper published in or having general circulation in the county	1st publication cannot appear more than 14 days before the hearing	Group 2		Mandatory	Governing body of each county in second state highway system may prepare a six year plan for the improvements to the secondary highway system	LGA *amended by 2023 Acts, cc. 506 , 507 Add revised Group 2 language
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	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 2 language
33.2-909 Abandonment of highway, landing, or railroad crossing; procedure.	Twice A newspaper having general circulation in the county	At least 30 days prior to the abandonment	Group 2		Not Mandatory; Other options	Governing body of any county upon petition may cause any section of the secondary state highway system, deemed to no longer be necessary for uses of secondary highway system, to be abandoned	LGA *amended by 2023 Acts, cc. 506 , 507 Add revised Group 2 language

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
33.2-2001 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	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 3 language
33.2-2101 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.	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 3 language
33.2-2701 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	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 3 language

TITLE 58.1 - TAXATION

SUBJECT & CITATION	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
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.	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 3 language
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.	*amended by 2023 Acts, cc. 506 , 507 Add revised Group 3 language

CATCHLINE	NUMBER/ WHERE	WHEN	SUGGESTED GROUP	WHAT TO INCLUDE	MANDATORY/ PERMISSIVE	SUBJECT MATTER/ PURPOSE	NOTES / QUERIES
58.1-3321 Effect on rate when assessment results in tax increase; public hearings; referendum.	Once At least one newspaper of general circulation in such county or city	At least 30 days prior to the hearing.	Group 1	See endnotes for requirements	Shall <i>not</i> be placed in the classifieds section	When any annual assessment, biennial assessment, or general reassessment of real property by a county, city, or town would result in an increase of 1 percent or more in the total real property tax levied, such county, city, or town shall reduce its rate of levy for the forthcoming tax year so as to cause such rate of levy to produce no more than 101 percent of the previous year's real property tax levies	LGA *amended by 2023 Acts, cc. 506, 507 Strike language about 14 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. (Stormwater Management Act)	Once a week for two successive weeks A newspaper published in or having GC in the county	1st publication appearing no more than 14 days before the hearing	Group 2		Mandatory	Localities that are VSMP authorities are authorized to adopt more stringent stormwater management ordinances than those necessary to ensure compliance with the Board's minimum regulations, provided that the more stringent ordinances are based upon factual findings of local or regional comprehensive watershed management studies	LGA *amended by 2023 Acts, cc. 506, 507 Add revised Group 2 language This section is set out twice.
62.1-44:15-65 Authorization for more stringent regulations. (Erosion and Sediment Control Law)	Once a week for two successive weeks A newspaper published in or having GC in the county	1st publication appearing no more than 14 days before the hearing	Group 2		Mandatory	Locality may adopt more stringent soil erosion and sediment control ordinances than those necessary to ensure compliance with the Board's regulations, provided that the more stringent ordinances are based upon factual findings of local or regional comprehensive watershed management studies	LGA *amended by 2023 Acts, cc. 506, 507 Add revised Group 2 language This section is set out twice

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 E House Bill 443

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 15.2-107, 15.2-201, 15.2-202, 15.2-301, 15.2-503, 15.2-603,
2 15.2-716, 15.2-749, 15.2-903, 15.2-907.2, 15.2-909, 15.2-958.3, 15.2-958.6, 15.2-1201,
3 15.2-1301, 15.2-1427, 15.2-1702, 15.2-1703, 15.2-1719, 15.2-2006, 15.2-2101, 15.2-2105,
4 15.2-2108.7, 15.2-2108.21, 15.2-2114, 15.2-2204, 15.2-2270, 15.2-2271, 15.2-2272, 15.2-
5 2316.2, 15.2-2321, 15.2-2400, 15.2-2401, 15.2-2409, 15.2-2506, 15.2-2507, 15.2-2606,
6 15.2-2610, 15.2-2652, 15.2-2653, 15.2-3236, 15.2-3242, 15.2-3400, 15.2-3401, 15.2-3504,
7 15.2-3600, 15.2-3805, 15.2-3913, 15.2-4311, 15.2-4313, 15.2-4405, 15.2-5136, 15.2-5156,
8 15.2-5403, 15.2-5431.25, 15.2-5704, 15.2-5806, 15.2-7502, 21-114, 21-117.1, 21-146, 21-
9 229, 21-393, 21-420, 22.1-37, 30-140, 33.2-331, 33.2-723, 33.2-909, 33.2-2001, 33.2-
10 2101, 33.2-2701, 58.1-3245.2, 58.1-3245.8, 58.1-3321, and 62.1-44.15:33, as it is currently
11 effective and as it shall become effective, of the Code of Virginia, relating to local
12 government; standardization of public notice requirements for certain meetings, hearings,
13 or intended actions.

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

15 **1. That §§ 15.2-107, 15.2-201, 15.2-202, 15.2-301, 15.2-503, 15.2-603, 15.2-716, 15.2-749, 15.2-**
16 **903, 15.2-907.2, 15.2-909, 15.2-958.3, 15.2-958.6, 15.2-1201, 15.2-1301, 15.2-1427, 15.2-1702,**
17 **15.2-1703, 15.2-1719, 15.2-2006, 15.2-2101, 15.2-2105, 15.2-2108.7, 15.2-2108.21, 15.2-2114,**
18 **15.2-2204, 15.2-2270, 15.2-2271, 15.2-2272, 15.2-2316.2, 15.2-2321, 15.2-2400, 15.2-2401, 15.2-**
19 **2409, 15.2-2506, 15.2-2507, 15.2-2606, 15.2-2610, 15.2-2652, 15.2-2653, 15.2-3236, 15.2-3242,**
20 **15.2-3400, 15.2-3401, 15.2-3504, 15.2-3600, 15.2-3805, 15.2-3913, 15.2-4311, 15.2-4313, 15.2-**
21 **4405, 15.2-5136, 15.2-5156, 15.2-5403, 15.2-5431.25, 15.2-5704, 15.2-5806, 15.2-7502, 21-114,**
22 **21-117.1, 21-146, 21-229, 21-393, 21-420, 22.1-37, 30-140, 33.2-331, 33.2-723, 33.2-909, 33.2-**
23 **2001, 33.2-2101, 33.2-2701, 58.1-3245.2, 58.1-3245.8, 58.1-3321, and 62.1-44.15:33, as it is**

24 **currently effective and as it shall become effective, of the Code of Virginia are amended and**
25 **reenacted as follows:**

26 **§ 15.2-107. Advertisement and enactment of certain fees and levies.**

27 All levies and fees imposed or increased by a locality pursuant to the provisions of Chapters
28 21 (§ 15.2-2100 et seq.) or 22 (§ 15.2-2200 et seq.) shall be adopted by ordinance. The advertising
29 requirements of subsection F of § 15.2-1427, or § 15.2-2204, as appropriate, shall apply, ~~except as~~
30 ~~modified in this section.~~

31 ~~The advertisement shall include the following:~~

32 ~~1. The time, date, and place of the public hearing.~~

33 ~~2. The actual dollar amount or percentage change, if any, of the proposed levy, fee or~~
34 ~~increase.~~

35 ~~3. A specific reference to the Code of Virginia section or other legal authority granting the~~
36 ~~legal authority for enactment of such proposed levy, fee, or increase.~~

37 ~~4.~~ A designation of the place or places where the complete ordinance, and information
38 concerning the documentation for the proposed fee, levy or increase are available for examination
39 by the public no later than the time of the first publication.

40 **§ 15.2-201. Charter elections; subsequent procedure; procedure when bill not**
41 **introduced or fails to pass in General Assembly.**

42 A locality may provide for holding an election to be conducted as provided in § 24.2-681
43 et seq. of Title 24.2 to determine if the voters of the locality desire that it request the General
44 Assembly to grant to the locality a new charter or to amend its existing charter. At least ~~ten~~ seven
45 days prior to the holding of such election, ~~the text or an informative summary of the new charter~~
46 ~~or amendment desired shall be published in a newspaper of general circulation in the locality~~ public
47 notice shall be given in accordance with § 15.2-1427.

48 If a majority of the voters voting in such election vote in favor of such request, the locality
49 shall transmit two certified copies of the results of such election together with the publisher's
50 affidavit and the new charter or the amendments to the existing charter, to one or more members

51 of the General Assembly representing such locality for introduction as a bill in the succeeding
52 session of the General Assembly.

53 If a bill incorporating such charter or amendments is not introduced at the succeeding
54 session of the General Assembly, the approval of the voters for such charter or amendments shall
55 be void. If, at such session, members of the General Assembly fail to enact or pass by indefinitely
56 and do not carry over such a bill incorporating such charter or amendments, the charter or
57 amendments shall again be presented to the voters for their approval or submitted to a public
58 hearing pursuant to § 15.2-202 before reintroduction in the General Assembly.

59 **§ 15.2-202. Public hearing in lieu of election; procedure when bill not introduced or**
60 **fails to pass in General Assembly.**

61 In lieu of the election provided for in § 15.2-201, a locality requesting the General
62 Assembly to grant to it a new charter or to amend its existing charter may hold a public hearing
63 with respect thereto, at which citizens shall have an opportunity to be heard to determine if the
64 citizens of the locality desire that the locality request the General Assembly to grant to it a new
65 charter, or to amend its existing charter. ~~At least seven days' notice of the time and place of such~~
66 ~~hearing and the text or an informative summary of the new charter or amendment desired shall be~~
67 ~~published in a newspaper of general circulation in the locality. Public notice shall be given in~~
68 ~~accordance with § 15.2-1427. Such~~ The public hearing may be adjourned from time to time, and
69 upon the completion thereof, the locality may request, in the manner provided in § 15.2-201, the
70 General Assembly to grant the new charter or amend the existing charter and the provisions of §
71 15.2-201 shall be applicable thereto.

72 If a bill incorporating such charter or amendments is not introduced at the succeeding
73 session of the General Assembly, the authority of the locality to request such charter or
74 amendments by reason of such public hearing shall thereafter be void. If at such session members
75 of the General Assembly fail to enact and do not carry over or pass by indefinitely a bill
76 incorporating such charter or amendments, the charter or amendments may again be submitted to

77 a public hearing in lieu of an election as provided hereinabove before reintroduction in the General
78 Assembly.

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

82 **§ 15.2-301. Petition or resolution asking for referendum; notice; conduct of election.**

83 A. A county may adopt one of the optional forms of government provided for in Chapters
84 4 through 8 of this title only after approval by voter referendum. The referendum shall be initiated
85 by (i) a petition filed with the circuit court for the county signed by at least ten percent of the voters
86 of the county, asking that a referendum be held on the question of adopting one of the forms of
87 government or (ii) a resolution passed by the board of supervisors and filed with the circuit court
88 asking for a referendum. The petition or resolution shall specify which of the forms of government
89 provided for in Chapters 4 through 8 is to be placed on the ballot for consideration. Only one form
90 may be placed on the ballot for consideration.

91 B. Notice of the election shall be published three times in a newspaper having a general
92 circulation in the county ~~once a week for three consecutive weeks and shall, with the first notice~~
93 appearing no more than 35 days before and the third notice appearing no less than seven days
94 before the election. Notice of the election shall also be posted at the door of the county courthouse.

95 C. The election shall be conducted in accordance with the provisions of § 24.2-684. In
96 addition to the certifications required by such section, the secretary of the appropriate electoral
97 board shall certify the results to the Commission on Local Government.

98 D. Prior to adopting an optional form of government provided for in Chapter 5 or Chapter
99 6, a county shall also comply with the referendum requirements of § 24.2-686.

100 **§ 15.2-503. Referendum on election of the county chairman from the county at large;**
101 **powers and duties of chairman.**

102 A. The board of any county in which members of the board are elected from districts, may
103 by resolution petition the circuit court for the county for a referendum on the question of whether

104 there should be a chairman of the board elected at large, or the like referendum may be requested
105 by a petition to the circuit court signed by at least ten percent of the voters of the county. Upon the
106 filing of the petition, which shall be filed not less than ninety days before the general election, the
107 circuit court shall order the election officials at the next general election held in the county to open
108 the polls and take the sense of the voters therein on that question. Notice of the referendum shall
109 be published ~~once a week for three consecutive weeks prior to the referendum~~ three times in a
110 newspaper having general circulation in the county, ~~and with the first notice appearing no more~~
111 than 35 days before and the third notice appearing no less than seven days before the referendum.
112 Notice of the referendum shall also be posted at the door of the county courthouse. The ballot shall
113 be printed as follows:

114 "Shall the chairman of the county board of supervisors, to be known as the county
115 chairman, be elected by the voters of the county at large?

116 [] Yes

117 [] No"

118 The election shall be held and the results certified as provided in § 24.2-684.

119 B. If a majority of the qualified voters voting in such referendum vote in favor of the
120 election of a county chairman of the board from the county at large, beginning at the next general
121 election for the board, the county chairman shall be elected for a term of the same length and
122 commencing at the same time as that of other members of the board. No person may be a candidate
123 for county chairman at the same time he is a candidate for membership on the board from any
124 district of the county.

125 C. Notwithstanding the provisions of § 15.2-502, the board thereafter shall consist of one
126 member elected from each district of the county and a county chairman elected by the voters of
127 the county at large. The county chairman shall be the chairman of the board and preside at its
128 meetings. The chairman shall represent the county at official functions and ceremonial events. The
129 chairman shall have all voting and other rights, privileges, and duties of other board members and
130 such other, not in conflict with this article, as the board may prescribe. At the first meeting at the

131 beginning of its term and any time thereafter when necessary, the board shall elect a vice-chairman
132 from its membership, who shall perform the duties of the chairman in his absence.

133 **§ 15.2-603. Referendum on election of supervisors by districts or at large.**

134 The governing body of any county which has adopted the county manager form of
135 government, as provided in Chapter 368 of the Acts of 1932, at an election held for that purpose
136 pursuant to the provisions of said chapter, may by resolution petition the circuit court of the county
137 requesting that a referendum be held on the following questions: (i) Shall the board of supervisors
138 be elected solely by the qualified voters of each magisterial or election district, or by the qualified
139 voters of the county at large? (ii) Shall the board have in addition to the members from each
140 magisterial or election district, one member from any district elected from and representing the
141 county at large? The court, by order entered of record in accordance with § 24.2-684, shall require
142 the regular election officials on a day fixed in such order to open the polls and take the sense of
143 the qualified voters of the county on the questions submitted as herein provided. The clerk of the
144 circuit court of the county shall cause a notice of such referendum election to be published ~~once a~~
145 ~~week for three consecutive weeks~~ three times in a newspaper published or having a general
146 circulation in the county ~~and shall, with the first notice appearing no more than 35 days before and~~
147 ~~the third notice appearing no less than seven days before the referendum. The clerk shall also~~ post
148 a copy of such notice at the door of the courthouse of the county. The ballot used shall be printed
149 to read as follows:

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

152 By the qualified voters of each magisterial or election district.

153 By the qualified voters of the county at large.

154 Shall the board have in addition to the members for each magisterial or election district,
155 one member from any district elected from and representing the county at large?

156 Yes

157 No

158 The ballots shall be marked in accordance with the provisions of § 24.2-684.

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

165 In any election pursuant to Chapter 3 (§ 15.2-300 et seq.), the questions provided for in this
166 section shall be submitted to the voters, in addition to the question or questions required by § 15.2-
167 301.

168 **§ 15.2-716. Referendum for establishment of department of real estate assessments;**
169 **board of equalization; general reassessments in county where department established.**

170 A referendum may be initiated by a petition signed by 200 or more qualified voters of the
171 county filed with the circuit court, asking that a referendum be held on the question of whether the
172 county shall have a department of real estate assessments. The court shall on or before August 1
173 enter of record an order requiring the county election officials to open the polls at the regular
174 election to be held in November of such year on the question stated in such order. If the petition
175 seeks the holding of a special election on the question, then the petition hereinabove referred to
176 shall be signed by 1,000 or more qualified voters of the county and the court shall within fifteen
177 days of the date such petition is filed enter an order, in accordance with § 24.2-684, requiring the
178 election officials to open the polls on a date fixed in the order and take the sense of the qualified
179 voters of the county. The clerk of the county shall cause a notice of such election to be published
180 three times in a newspaper having general circulation in the county ~~once a week for three~~
181 ~~successive weeks~~, with the first notice appearing no more than ~~21~~ 35 days before and the third
182 notice appearing no less than seven days before the date on which the referendum is held, and shall
183 post a copy of such notice at the door of the county courthouse.

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

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

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

205 When a department of real estate assessments is appointed, the county shall not be required
206 to undertake general reassessments of real estate every six years, but the governing body of the
207 county may, but shall not be required to, request the circuit court of such county to order a general
208 reassessment at such times as the governing body deems proper. Such court shall then enter an
209 order directing a reassessment of real estate in the manner provided by law.

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

221 **§ 15.2-749. Certain referenda in certain counties.**

222 If on or before July 15 of any year in which such referendum is provided for by law a
223 petition signed by 200 or more qualified voters of the county is filed with the circuit court of the
224 county asking that a referendum be held on any question upon which a referendum is provided for
225 by any applicable statute, then such court shall on or before August 1 of such year issue and enter
226 of record an order requiring the county election officials to open the polls at the regular election to
227 be held in November of such year on the question stated in such statute. If the statute providing
228 for such referendum shall authorize or require the referendum to be held at a special election, then
229 the petition hereinabove referred to shall be signed by 1,000 or more voters of the county and the
230 court shall within fifteen days of the date such petition is filed enter an order requiring the election
231 officials to open the polls and take the sense of the voters of the county on a date fixed in his order,
232 which shall be in accordance with § 24.2-682. The clerk of the county shall cause a notice of such
233 election to be published three times in a newspaper published or having general circulation in the
234 county ~~once a week for three successive weeks~~, with the first notice appearing no more than ~~21~~ 35
235 days before and the third notice appearing no less than seven days before the date on which the
236 referendum is held, and shall post a copy of the notice at the door of the county courthouse.

237 **§ 15.2-903. Ordinances taxing and regulating "automobile graveyards,"**
238 **"junkyards," and certain vacant and abandoned property.**

239 A. Any locality may adopt ordinances imposing license taxes upon and otherwise
240 regulating the maintenance and operation of places commonly known as automobile graveyards
241 and junkyards and may prescribe fines and other punishment for violations of such ordinances.

242 No such ordinance shall be adopted until after notice ~~of the proposed ordinance in~~
243 ~~accordance with § 15.2-1427~~ has been published ~~once a week for two successive weeks in a~~
244 ~~newspaper having general circulation in the locality. The ordinance need not be advertised in full,~~
245 ~~but may be advertised by reference. Every such advertisement shall contain a descriptive summary~~
246 ~~of the proposed ordinance and a reference to the place or places within the locality where copies~~
247 ~~of the proposed ordinance may be examined.~~

248 As used in this section the terms "automobile graveyard" and "junkyard" have the meanings
249 ascribed to them in § 33.2-804.

250 B. The Counties of Bedford, Campbell, Caroline, Fauquier, Rockbridge, Shenandoah,
251 Tazewell, Warren and York may adopt an ordinance imposing the screening of automobile
252 graveyards and junkyards, unless screening is impractical due to topography, as set forth in § 33.2-
253 804. Any such ordinance may apply to any automobile graveyard or junkyard within the
254 boundaries of such county regardless of the date on which any such automobile graveyard or
255 junkyard may have come into existence, notwithstanding the provisions of § 33.2-804.

256 C. The City of Newport News may adopt an ordinance imposing screening or landscape
257 screening for retail or commercial properties that have been vacant or abandoned for more than
258 three years within designated areas consistent with the city's comprehensive plan.

259 **§ 15.2-907.2. Authority of locality or land bank entity to be appointed to act as a**
260 **receiver to repair derelict and blighted buildings in certain limited circumstances.**

261 A. Any locality that has adopted an ordinance pursuant to § 15.2-907.1 may petition the
262 circuit court for the appointment of the locality or a land bank entity created pursuant to the Land

263 Bank Entities Act (§ 15.2-7500 et seq.) to act as a receiver to repair real property that contains
264 residential dwelling units only in accordance with all of the following:

265 1. The locality has properly declared the subject property to be a derelict building in
266 compliance with the provisions of § 15.2-907.1;

267 2. The property owners are in noncompliance with the provisions of § 15.2-907.1;

268 3. The locality has properly declared the subject property to be blighted in compliance with
269 the provisions of § 36-49.1:1 for spot blight abatement, and the subject property is itself blighted;

270 4. The property owners are in noncompliance with the provisions of § 36-49.1:1 requiring
271 abatement of the blighted condition of the property;

272 5. The locality has made bona fide efforts to ensure compliance by the property owners of
273 the subject property with the requirements of §§ 15.2-907.1 and 36-49.1:1;

274 6. The repairs to the subject property are necessary to bring the subject property into
275 compliance with the provisions of the Uniform Statewide Building Code;

276 7. The repairs to the subject property necessary to satisfy the requirements of subdivision
277 6 shall not result in a change of use for zoning purposes of the subject property;

278 8. Upon appointment by the circuit court to serve as a receiver, the locality or land bank
279 entity shall have the authority to contract for all reasonable repairs necessary to bring the property
280 into compliance with the provisions of the Uniform Statewide Building Code, subject to all
281 applicable requirements of state and local procurement laws. Such repairs shall be made in a time
282 period established by the court, but in no event shall a receivership exceed two years;

283 9. Notwithstanding any other provision of law, the provisions of this section are subject to
284 the requirements of the Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.); and

285 10. Notwithstanding any other provisions of law, the subject property shall be eligible for
286 any real estate abatement programs that exist in the locality.

287 B. A petition by the locality to be appointed, or to appoint a land bank entity created
288 pursuant to the Land Bank Entities Act (§ 15.2-7500 et seq.), to act as a receiver shall include
289 affirmative statements that the locality has satisfied each of the requirements of this section and

290 further state that the locality has recorded a memorandum of lis pendens simultaneously with the
291 filing of said petition. The costs of the receivership, along with reasonable attorney fees, incurred
292 by the locality or land bank entity as receiver shall constitute a lien in favor of the locality or land
293 bank entity against the subject property in accordance with the provisions of § 58.1-3340, and shall
294 be on par with and collectible in the same manner as delinquent real estate taxes owed to the
295 locality. The judicial proceedings herein shall be held in accordance with the requirements,
296 statutory or arising at common law, relative to effecting the sale of real estate by a creditor's bill
297 in equity to subject real estate to the lien of a judgment creditor.

298 C. The locality or land bank entity created pursuant to the Land Bank Entities Act (§ 15.2-
299 7500 et seq.) appointed to be a receiver may enforce the receiver's lien by a sale of the property at
300 public auction, but only upon application for and entry of an order of sale by the circuit court. The
301 court shall appoint a special commissioner to conduct the sale, and an attorney employed by the
302 locality may serve as special commissioner. Such sale shall be upon order of the court entered after
303 notice as required by the Rules of the Supreme Court of Virginia and following publication of
304 notice of the sale ~~once a week for four consecutive weeks~~ three times in a newspaper of general
305 circulation, with the first notice appearing no more than 35 days before and the third notice
306 appearing no less than seven days before the sale. Following such public auction, the special
307 commissioner shall file an accounting with the court and seek confirmation of the sale. Upon
308 confirmation, the special commissioner shall be authorized to execute a deed conveying title,
309 which shall pass free and clear to the purchaser at public auction. Following such sale, the former
310 owner or owners, or any heirs, assignees, devisees, or successors in interest to the property shall
311 be entitled to the surplus received in excess of the receiver's lien, taxes, penalties, interest,
312 reasonable attorney fees, costs, and any recorded liens chargeable against the property. At any time
313 prior to confirmation of the sale provided for herein, the owner shall have the right to redeem the
314 property, as provided for in subsection D. The character of the title acquired by the purchaser of
315 the property at public auction shall be governed by the principles and rules applicable to the titles
316 of purchases at judicial sales of real estate generally.

317 D. The owner of any property subject to receivership may redeem the property at any time
318 prior to the expiration of the two-year period or prior to confirmation of sale at public auction by
319 paying the receiver's lien in full and the taxes, penalties, interest, reasonable attorney fees, costs,
320 and any recorded liens chargeable against the property. Partial payment shall not be sufficient to
321 redeem the property and shall not operate to suspend the receivership.

322 E. In lieu of appointment of a receiver, the circuit court shall permit repair by a property
323 owner or a person with an interest in the property secured by a deed of trust properly recorded
324 upon the following conditions:

325 1. Demonstration of the ability to complete the repair within a reasonable amount of time
326 to be determined by the court; and

327 2. Entry of a court order setting forth a schedule for such repair.

328 **§ 15.2-909. Authority to require removal, repair, etc., of wharves, piers, pilings,**
329 **bulkheads, vessels or abandoned, obstructing or hazardous property.**

330 Any locality may by ordinance provide:

331 1. The owners of property therein shall at such time or times as the governing body may
332 prescribe, remove, repair or secure any vessel which has been abandoned or any wharf, pier, piling,
333 bulkhead or any other structure or vessel which might endanger the public health or safety of other
334 persons, or which might constitute an obstruction or hazard to the lawful use of the waters within
335 or adjoining such locality. If such property is deemed to be abandoned, the governing body may
336 designate and empower an official to ascertain the lawful owner of such property and to have the
337 owner repair, remove or secure such property;

338 2. The locality, through its own agents or employees, may remove, repair or secure any
339 vessel which has been abandoned or any wharf, pier, piling, bulkhead, or other structure or vessel
340 which might endanger the public health or safety of other persons or which might constitute a
341 hazard or obstruction to the lawful use of the waters within such locality, if the owner of such
342 property, after reasonable notice and reasonable time to do so, has failed to remove, repair or secure
343 such wharf, pier, piling, bulkhead or other structure or vessel;

344 3. In the event the locality, through its own agents or employees removes, repairs or secures
345 any wharf, pier, piling, bulkhead or other structure or vessel after complying with the notice
346 provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the
347 owners of such property and to the extent applicable may be collected by the locality as taxes are
348 collected;

349 4. If the identity or whereabouts of the lawful owner is unknown or not able to be
350 ascertained after a reasonable search and after lawful notice has been made to the last known
351 address of any known owner, the locality, through its own agents or employees, may repair such
352 wharf, pier, piling, bulkhead or other structure or vessel or remove such property after giving notice
353 by publication ~~once each week for two weeks~~ twice in a newspaper of general circulation in the
354 area where such property is located, with the first notice appearing no more than 28 days before
355 and the second notice appearing no less than seven days before proceeding with repair or removal;

356 5. Every charge authorized by this section with which the owner of any such property has
357 been assessed and which remains unpaid, to the extent applicable, shall constitute a lien against
358 the owner's real property, and such lien shall be recorded in the judgment lien docket book in the
359 circuit court for such locality. Such lien may also be reduced to a personal judgment against the
360 owner.

361 **§ 15.2-958.3. Commercial Property Assessed Clean Energy (C-PACE) financing**
362 **programs.**

363 A. As used in this section:

364 "Eligible improvements" means any of the following improvements made to eligible
365 properties:

- 366 1. Energy efficiency improvements;
- 367 2. Water efficiency and safe drinking water improvements;
- 368 3. Renewable energy improvements;
- 369 4. Resiliency improvements;
- 370 5. Stormwater management improvements;

- 371 6. Environmental remediation improvements; and
- 372 7. Electric vehicle infrastructure improvements.

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

376 "Eligible properties" means all assessable commercial real estate located within the
377 Commonwealth, with all buildings located or to be located thereon, whether vacant or occupied,
378 whether improved or unimproved, and regardless of whether such real estate is currently subject
379 to taxation by the locality, other than a residential dwelling with fewer than five dwelling units or
380 a condominium as defined in § 55.1-2000 used for residential purposes. Common areas of real
381 estate owned by a cooperative or a property owners' association described in Subtitle IV (§ 55.1-
382 1800 et seq.) of Title 55.1 that have a separate real property tax identification number are eligible
383 properties. Eligible properties shall be eligible to participate in the C-PACE loan program.

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

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

- 389 1. Flood mitigation or the mitigation of the impacts of flooding;
- 390 2. Inundation adaptation;
- 391 3. Natural or nature-based features and living shorelines, as defined in § 28.2-104.1;
- 392 4. Enhancement of fire or wind resistance;
- 393 5. Microgrids;
- 394 6. Energy storage; and
- 395 7. Enhancement of the resilience capacity of a natural system, structure, or infrastructure.

396 B. Any locality may, by ordinance, authorize contracts to provide C-PACE loans (loans)
397 for the initial acquisition, installation, and refinancing of eligible improvements located on eligible

398 properties by free and willing property owners of such eligible properties. The ordinance may refer
399 to the mode of financing as Commercial Property Assessed Clean Energy (C-PACE) financing
400 and shall include but not be limited to the following:

401 1. The kinds of eligible improvements that qualify for loans;

402 2. The proposed arrangement for such C-PACE loan program (loan program), including (i)
403 a statement concerning the source of funding for the C-PACE loan; (ii) the time period during
404 which contracting property owners would repay the C-PACE loan; and (iii) the method of
405 apportioning all or any portion of the costs incidental to financing, administration, and collection
406 of the C-PACE loan among the parties to the C-PACE transaction;

407 3. (i) A minimum dollar amount that may be financed with respect to an eligible property;
408 (ii) if a locality or other public body is originating the loans, a maximum aggregate dollar amount
409 that may be financed with respect to loans originated by the locality or other public body, and (iii)
410 provisions that the loan program may approve a loan application submitted within two years of the
411 locality's issuance of a certificate of occupancy or other evidence that eligible improvements
412 comply substantially with the plans and specifications previously approved by the locality and that
413 such loan may refinance or reimburse the property owner for the total costs of such eligible
414 improvements;

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

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

422 6. Identification of any fee that the locality intends to impose on the property owner
423 requesting to participate in the loan program to offset the cost of administering the loan program.

424 The fee may be assessed as a program fee paid by the property owner requesting to participate in
425 the program; and

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

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

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

438 E. In order to secure the loan authorized pursuant to this section, the locality shall place a
439 voluntary special assessment lien equal in value to the loan against any property where such
440 eligible improvements are being installed. The locality may bundle or package said loans for
441 transfer to private lenders in such a manner that would allow the voluntary special assessment liens
442 to remain in full force to secure the loans. The placement of a voluntary special assessment lien
443 shall not require a new assessment on the value of the real property that is being improved under
444 the loan program.

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

446 1. Shall have the same priority status as a property tax lien against real property, except
447 that such voluntary special assessment lien shall have priority over any previously recorded
448 mortgage or deed of trust lien only if (i) a written subordination agreement, in a form and substance
449 acceptable to each prior lienholder in its sole and exclusive discretion, is executed by the holder
450 of each mortgage or deed of trust lien on the property and recorded with the special assessment

451 lien in the land records where the property is located, and (ii) evidence that the property owner is
452 current on payments on loans secured by a mortgage or deed of trust lien on the property and on
453 property tax payments, that the property owner is not insolvent or in bankruptcy proceedings, and
454 that the title of the benefited property is not in dispute is submitted to the locality prior to recording
455 of the special assessment lien;

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

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

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

464 G. Prior to the enactment of an ordinance pursuant to this section, a public hearing shall be
465 held at which interested persons may object to or inquire about the proposed loan program or any
466 of its particulars. The public hearing shall be published ~~once a week for two successive weeks~~
467 twice, with the first notice appearing no more than ~~14~~ 28 days before and the second notice
468 appearing no less than seven days before the hearing, in a newspaper of general circulation in the
469 locality.

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

476 **§ 15.2-958.6. Financing the repair of failed septic systems.**

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

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

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

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

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

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

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

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

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

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

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

519 F. Prior to the enactment of an ordinance pursuant to this section, a public hearing shall be
520 held at which interested persons may object to or inquire about the proposed loan program or any
521 of its particulars. The public hearing shall be published ~~once a week for two successive weeks~~
522 twice, with the first notice appearing no more than ~~14~~ 28 days before and the second notice
523 appearing no less than seven days before the hearing, in a newspaper of general circulation in the
524 locality.

525 **§ 15.2-1201. County boards of supervisors vested with powers and authority of**
526 **councils of cities and towns; exceptions.**

527 The boards of supervisors of counties are hereby vested with the same powers and authority
528 as the councils of cities and towns by virtue of the Constitution of the Commonwealth of Virginia
529 or the acts of the General Assembly passed in pursuance thereof. However, with the exception of

530 ordinances expressly authorized under Chapter 13 of Title 46.2, no ordinance shall be enacted
531 under authority of this section regulating the equipment, operation, lighting or speed of motor-
532 propelled vehicles operated on the public highways of a county unless it is uniform with the general
533 laws of the Commonwealth regulating such equipment, operation, lighting or speed and with the
534 regulations of the Commonwealth Transportation Board adopted pursuant to such laws. Nothing
535 in this section shall be construed to give the boards of supervisors any power to control or exercise
536 supervision over signs, signals, marking or traffic lights on any roads constructed and maintained
537 by the Commonwealth Transportation Board. No powers or authority conferred upon the boards
538 of supervisors of counties solely by this section shall be exercised within the corporate limits of
539 any incorporated town except by agreement with the town council.

540 In the County of Fairfax an ordinance may be adopted by the board of supervisors under
541 this section after ~~a descriptive~~ notice of intention to propose the same for passage has been
542 published ~~once a week for two successive weeks in a newspaper having a general circulation in~~
543 ~~the county in accordance with § 15.2-1427~~. After the enactment of such ordinance by the board of
544 supervisors, no publication of the ordinance shall be required and such ordinance shall become
545 effective upon adoption or upon a date fixed by the board of supervisors.

546 **§ 15.2-1301. Voluntary economic growth-sharing agreements.**

547 A. Any county, city or town, or combination thereof, may enter voluntarily into an
548 agreement with any other county, city or town, or combination thereof, whereby the locality may
549 agree for any purpose otherwise permitted, including the provision on a multi-jurisdictional basis
550 of one or more public services or facilities or any type of economic development project, to enter
551 into binding fiscal arrangements for fixed time periods, to exceed one year, to share in the benefits
552 of the economic growth of their localities. However, if any such agreement contains any provision
553 addressing any issue provided for in Chapter 32 (§ 15.2-3200 et seq.), 33 (§ 15.2-3300 et seq.), 36
554 (§ 15.2-3600 et seq.), 38 (§ 15.2-3800 et seq.), 39 (§ 15.2-3900 et seq.), or 41 (§ 15.2-4100 et seq.),
555 the agreement shall be subject to the review and implementation process established by Chapter
556 34 (§ 15.2-3400 et seq.). All such agreements, including those that address any issue provided for

557 in Chapter 32, 33, 36, 38, 39, or 41, shall require, at least annually, a report from each locality that
558 is a recipient of funds pursuant to the agreement to each of the other governing bodies of the
559 participating localities that includes (i) the amount of money transferred among the localities
560 pursuant to the agreement and (ii) the uses of such funds by the localities. The parties to any such
561 agreement that has been in effect for at least 10 years as of July 1, 2018, and pursuant to which
562 annual payments exceed \$5 million, shall (a) comply with the reporting requirements of this
563 subsection, notwithstanding whether such requirements are contained in the existing agreement
564 and (b) convene an annual meeting to discuss anticipated future plans for economic growth in the
565 localities.

566 B. The terms and conditions of the revenue, tax base or economic growth-sharing
567 agreement as provided in subsection A shall be determined by the affected localities and shall be
568 approved by the governing body of each locality participating in the agreement, provided the
569 governing body of each such locality first holds a public hearing, which shall be advertised ~~once a~~
570 ~~week for two successive weeks~~ twice, with the first notice appearing no more than ~~14~~ 28 days
571 before and the second notice appearing no less than seven days before the hearing, in a newspaper
572 of general circulation in the locality. However, the public hearing shall not take place until the
573 Commission on Local Government has issued its findings in accordance with subsection D. For
574 purposes of this section, "revenue, tax base, and economic growth-sharing agreements" means any
575 agreement authorized by subsection A which obligates any locality to pay another locality all or
576 any portion of designated taxes or other revenues received by that political subdivision, but shall
577 not include any interlocal service agreement.

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

582 D. Revenue, tax base, and economic growth-sharing agreements drafted under the
583 provisions of this chapter shall be submitted to the Commission on Local Government for review

584 as provided in subdivision 4 of § 15.2-2903. However, no such review shall be required for two or
585 more localities entering into an economic growth-sharing agreement pursuant to this section in
586 order to facilitate the reception of grants for qualified companies in such locality pursuant to the
587 Port of Virginia Economic and Infrastructure Development Grant Fund and Program established
588 pursuant to § 62.1-132.3:2.

589 **§ 15.2-1427. Adoption of ordinances and resolutions generally; amending or repealing**
590 **ordinances.**

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

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

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

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

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

609 F. In counties, except as otherwise authorized by law, no ordinance shall be passed until
610 after ~~descriptive~~ notice of an intention to propose the ordinance for passage ~~has been published~~

611 ~~once a week for two successive weeks~~ has been advertised by reference twice, with the first notice
612 appearing being published no more than ~~14~~ 28 days ~~prior to the intended passage of the ordinance~~
613 before and the second notice appearing no less than seven days before the date of the meeting
614 referenced in the notice, in a newspaper having a general circulation in the county. ~~The second~~
615 ~~publication shall not be sooner than one calendar week after the first publication.~~ The publication
616 shall include a statement ~~either that the publication contains the full text of the ordinance or~~ that a
617 copy of the full text of the ordinance is on file in the clerk's office of the circuit court of the county
618 or in the office of the county administrator; or in the case of any county organized under the form
619 of government set out in Chapter 5, 7 or 8 of this title, a statement that a copy of the full text of
620 the ordinance is on file in the office of the clerk of the county board. ~~Even if the publication~~
621 ~~contains the full text of the ordinance, a complete copy shall be available for public inspection in~~
622 ~~the offices named herein.~~

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

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

627 **§ 15.2-1702. Referendum required prior to establishment of county police force.**

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

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

637 The clerk of the circuit court for the county shall publish notice of the election in a
638 newspaper of general circulation in the county ~~once a week for three consecutive weeks prior to~~
639 ~~the election~~ three times, with the first notice appearing no more than ~~21~~ 35 days before and the
640 third notice appearing no less than seven days before the election. The notice shall contain the
641 ballot question and a statement of not more than 500 words on the proposed question. The
642 explanation shall be presented in plain English, shall be limited to a neutral explanation, and shall
643 not present arguments by either proponents or opponents of the proposal. The attorney for the
644 county or city or, if there is no county or city attorney, the attorney for the Commonwealth shall
645 prepare the explanation. "Plain English" means written in nontechnical, readily understandable
646 language using words of common everyday usage and avoiding legal terms and phrases or other
647 terms and words of art whose usage or special meaning primarily is limited to a particular field or
648 profession.

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

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

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

659 [] Yes

660 [] No"

661 The ballots shall be counted, returns made and canvassed as in other elections, and the
662 results certified by the electoral board to the court ordering the election. If a majority of the voters
663 voting in the election vote "Yes," the court shall enter an order proclaiming the results of the

664 election and a duly certified copy of such order shall be transmitted to the governing body of the
665 county. The governing body shall proceed to establish a police force following the enactment of
666 authorizing legislation by the General Assembly.

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

670 **§ 15.2-1703. Referendum to abolish county police force.**

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

674 Either (i) the voters of the county by petition signed by not less than ten percent of the
675 registered voters therein on the January 1 preceding the filing of the petition or (ii) the governing
676 body of the county, by resolution, may petition the circuit court for the county that a referendum
677 be held on the question, "Shall the county police force be abolished and its responsibilities assumed
678 by the county sheriff's office?" The court, by order entered of record in accordance with Article 5
679 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, shall require the regular election officials of the
680 county at the next general election held in the county to open the polls and take the sense of the
681 voters on the question as herein provided. The clerk of the circuit court for the county shall publish
682 notice of the election in a newspaper of general circulation in the county ~~once a week for three~~
683 ~~consecutive weeks prior to the election~~ three times, with the first notice appearing no more than
684 ~~21~~ 35 days before and the third notice appearing no less than seven days before the election.

685 The ballot shall be printed as follows:

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

688 [] Yes

689 [] No"

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

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

698 **§ 15.2-1719. Disposal of unclaimed property in possession of sheriff or police.**

699 Any locality may provide by ordinance for (i) the public sale in accordance with the
700 provisions of this section or (ii) the retention for use by the law-enforcement agency, of any
701 unclaimed personal property which has been in the possession of its law-enforcement agencies and
702 unclaimed for a period of more than 60 days, after payment of a reasonable storage fee to the
703 sheriff or other agency storing such property. No storage fee shall be charged or accounted for if
704 such property has been stored by and is to be retained by the sheriff's office or other law-
705 enforcement agency. As used herein, "unclaimed personal property" shall be any personal property
706 belonging to another which has been acquired by a law-enforcement officer pursuant to his duties,
707 which is not needed in any criminal prosecution, which has not been claimed by its rightful owner
708 and which the State Treasurer has indicated will be declined if remitted under the Virginia
709 Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.). Unclaimed bicycles and mopeds
710 may also be disposed of in accordance with § 15.2-1720. Unclaimed firearms may also be disposed
711 of in accordance with § 15.2-1721.

712 Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item,
713 the chief of police, sheriff or their duly authorized agents shall make reasonable attempts to notify
714 the rightful owner of the property, obtain from the attorney for the Commonwealth in writing a
715 statement advising that the item is not needed in any criminal prosecution, and cause to be
716 published twice in a newspaper of general circulation in the locality ~~once a week for two successive~~

717 ~~weeks~~, notice that there will be a public display and sale of unclaimed personal property. The first
718 notice shall appear no more than 28 days before and the second notice shall appear no less than
719 seven days before the public display and sale of the unclaimed personal property. Such property,
720 including property selected for retention by the law-enforcement agency, shall be described
721 generally in the notice, together with the date, time and place of the sale and shall be made available
722 for public viewing at the sale. The chief of police, sheriff or their duly authorized agents shall pay
723 from the proceeds of sale the costs of advertisement, removal, storage, investigation as to
724 ownership and liens, and notice of sale. The balance of the funds shall be held by such officer for
725 the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item
726 retained for use by the law-enforcement agency shall become the property of the locality served
727 by the agency and shall be retained only if, in the opinion of the chief law-enforcement officer,
728 there is a legitimate use for the property by the agency and that retention of the item is a more
729 economical alternative than purchase of a similar or equivalent item.

730 If no claim has been made by the owner for the property or proceeds of such sale within 60
731 days of the sale, the remaining funds shall be deposited in the general fund of the locality and the
732 retained property may be placed into use by the law-enforcement agency. Any such owner shall
733 be entitled to apply to the locality within three years from the date of the sale and, if timely
734 application is made therefor and satisfactory proof of ownership of the funds or property is made,
735 the locality shall pay the remaining proceeds of the sale or return the property to the owner without
736 interest or other charges or compensation. No claim shall be made nor any suit, action or
737 proceeding be instituted for the recovery of such funds or property after three years from the date
738 of the sale.

739 **§ 15.2-2006. Alteration and vacation of public rights-of-way; appeal from decision.**

740 In addition to (i) the powers contained in the charter of any locality, (ii) any powers now
741 had by such governing bodies under the common law or (iii) powers by other provisions of law,
742 public rights-of-way in localities may be altered or vacated on motion of such governing bodies or
743 on application of any person after notice of intention to do so has been published ~~at least~~ twice;

744 ~~with at least six days elapsing between the first and second publication,~~ in a newspaper having
745 general circulation in the locality, with the first notice appearing no more than 28 days before and
746 the second notice appearing no less than seven days before the hearing. The notice shall specify
747 the time and place of a hearing at which persons affected may appear and be heard. The cost of
748 publishing the notice shall be taxed to the applicant. At the conclusion of the hearing and on
749 application of any person, the governing body may appoint three to five people to view such public
750 right-of-way and report in writing any inconvenience that would result from discontinuing the
751 right-of-way. The governing body may allow the viewers up to fifty dollars each for their services.
752 The sum allowed shall be paid by the person making the application to alter or vacate the public
753 right-of-way. From such report and other evidence, if any, and after the land owners affected
754 thereby, along the public right-of-way proposed to be altered or vacated, have been notified, the
755 governing body may discontinue the public right-of-way. When an applicant requests a vacation
756 to accommodate expansion or development of an existing or proposed business, the governing
757 body may condition the vacation upon commencement of the expansion or development within a
758 specified period of time. Failing to commence within such time may render the vacation, at the
759 option of the governing body, void. A certified copy of the ordinance of vacation shall be recorded
760 as deeds are recorded and indexed in the name of the locality. A conditional vacation shall not be
761 recorded until the condition has been met.

762 Any appeal shall be filed within sixty days of adoption of the ordinance with the circuit
763 court for the locality in which the public right-of-way is located.

764 **§ 15.2-2101. Ordinance proposing grant of franchise, etc., to be advertised.**

765 A. Before granting any franchise, privilege, lease or right of any kind to use any public
766 property described in § 15.2-2100 or easement of any description, for a term in excess of five
767 years, except in the case of and for a trunk railway, the city or town proposing to make the grant
768 shall ~~advertise a descriptive give~~ notice ~~of the ordinance proposing to make the grant once a week~~
769 ~~for two successive weeks in a newspaper having general circulation in the city or town in~~
770 accordance with § 15.2-1427. The ~~descriptive notice of the ordinance~~ may also be advertised as

771 many times in such other newspaper or newspapers, published outside the city, town or
772 Commonwealth, as the council may determine. ~~The advertisement shall include a statement that a~~
773 ~~copy of the full text of the ordinance is on file in the office of the clerk of the city or town council.~~

774 B. The advertisement shall invite bids for the franchise, privilege, lease or right proposed
775 to be granted in the ordinance. The bids shall be in writing and delivered upon the day and hour
776 named in the advertisement and shall be opened in public session and marked for identification by
777 the person designated in the advertisement to receive such bids. The cost of the required
778 advertisement shall be paid by the city or town which shall be reimbursed by the person to whom
779 the grant is made. The city or town shall have the right to reject any and all bids and shall reserve
780 this right in the advertisement.

781 **§ 15.2-2105. How amendments made to franchise, etc.; notice required.**

782 No amendment or extension of any franchise, right, lease or privilege that now exists, or
783 that may hereafter be authorized, which extends or enlarges the time or territory of such franchise,
784 right, lease or privilege, shall be granted by any city or town until the provisions of §§ 15.2-2101
785 through 15.2-2104 have been complied with. No amendment that releases the grantee, or his
786 assignee, from the performance of any duty required by the ordinance or that authorizes an increase
787 in the user charges to be made by such grantee or assignee shall be granted until notice of such
788 proposed amendment has given to the public by advertising the proposed amendment for ~~ten~~ seven
789 days in some newspaper having general circulation in the city or town. The cost of such advertising
790 shall be paid by the city or town, which shall be reimbursed by the person to whom the amendment
791 is granted. No such amendment shall be adopted except by ordinance.

792 **§ 15.2-2108.7. Public hearings on feasibility study; notice.**

793 A. If the results of the feasibility study satisfy the revenue requirements of subsection D of
794 § 15.2-2108.6, the governing body shall, at the next regular meeting after the governing body
795 receives the results of the feasibility study, schedule at least two public hearings to be held at least
796 seven days apart, but both shall be held not more than 60 days from the date of the meeting at
797 which the public hearings are scheduled. The purpose of such public hearings shall be to allow the

798 feasibility consultant to present the results of the feasibility study, and to inform the public about
799 the feasibility study results and offer the public the opportunity to ask questions of the feasibility
800 consultant about the results of the feasibility study.

801 B. Except as provided in subsection C, the municipality shall publish notice of the public
802 hearings required under subsection A ~~at least once a week for three consecutive weeks~~ three times
803 in a newspaper of general circulation in the municipality, with the first notice appearing no more
804 than ~~21~~ 35 days before and the third notice appearing no less than seven days before the first public
805 hearing. ~~The last publication of notice required under this subsection shall be at least three days~~
806 ~~before the first public hearing required under subsection A.~~

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

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

814 **§ 15.2-2108.21. Ordinance cable franchises.**

815 A. This section shall govern the procedures by which a locality may grant ordinance cable
816 franchises.

817 B. An ordinance cable franchise, which shall have a term of 15 years, may be requested by
818 (i) a certificated provider of telecommunications services with previous consent to use the public
819 rights-of-way in a locality through a franchise; (ii) a certificated provider of telecommunications
820 services that lacked previous consent to provide cable service in a locality but provided
821 telecommunications services over facilities leased from an entity having previous consent to use
822 of the public rights-of-way in such locality through a franchise; or (iii) a cable operator with
823 previous consent to use the public rights-of-way to provide cable service in a locality through a
824 franchise and who seeks to renew its existing cable franchise pursuant to § 15.2-2108.30 as an

825 ordinance cable franchise. A cable operator with previous consent to use the public rights-of-way
826 to provide cable service in a locality through a franchise may opt into the new terms of an ordinance
827 cable franchise under § 15.2-2108.26.

828 C. In order to obtain an ordinance cable franchise, an applicant shall first file with the chief
829 administrative officer of the locality from which it seeks to receive such ordinance cable franchise
830 a request to negotiate the terms and conditions of a negotiated cable franchise under § 15.2-
831 2108.20. An applicant shall request and make itself available to participate in cable franchise
832 negotiations with the locality from which it seeks to receive a negotiated cable franchise at least
833 45 calendar days prior to filing a notice electing an ordinance cable franchise; this prerequisite
834 shall not be applicable if a locality refuses to engage in negotiations at the request of an applicant
835 or if the applicant already holds a negotiated cable franchise from the locality. Thereafter, an
836 applicant, through its president or chief executive officer, shall file notice with the locality that it
837 elects to receive an ordinance cable franchise at least 30 days prior to offering cable in such
838 locality. The notice shall be accompanied by a map or a boundary description showing (i) the
839 initial service area in which the cable operator intends to provide cable service in the locality within
840 the three-year period required for an initial service area and (ii) the area in the locality in which
841 the cable operator has its telephone facilities. The map or boundary description of the initial service
842 areas may be amended by the cable operator by filing with the locality a new map or boundary
843 description of the initial service area.

844 D. The cable operator shall assure that access to cable services is not denied to any group
845 of potential residential cable subscribers because of the income of the residents of the local area in
846 which such group resides. The local franchising authority shall have the right to monitor and
847 inspect the deployment of cable services and the cable operator shall submit semiannual progress
848 reports detailing the current provision of cable services in accordance with the deployment
849 schedule and its new service area plans for the next six months. The failure to correct or remedy
850 any material deficiencies shall be subject to the same remedies as contained in the cable television

851 franchise of the existing cable operator as that franchise existed at the time of the grant of the
852 ordinance franchise.

853 E. The locality from which the applicant seeks to receive an ordinance cable franchise shall
854 adopt any ordinance requiring adoption under this article within 120 days of the applicant filing
855 the notice required in subsection C. Any ordinance adopted under this section that relates to a cable
856 operator's provision of cable service shall apply to such cable operator retroactively to the date on
857 which the cable operator began to offer cable service in the locality pursuant to this article.

858 F. Notice of any ordinance that requires a public hearing shall be advertised ~~once a week~~
859 ~~for two successive weeks in a newspaper having general circulation in the locality. The~~
860 ~~advertisement shall include a statement that a copy of the full text of the ordinance is on file in the~~
861 ~~office of the clerk of the locality as provided in § 15.2-1427.~~ All costs of such advertising shall be
862 assessed against the operator or applicant.

863 G. If the governing body of any town adopts an ordinance pursuant to the provisions of this
864 article, such town shall not be subject to any ordinance adopted by the county within which such
865 town lies.

866 **§ 15.2-2114. Regulation of stormwater.**

867 A. Any locality, by ordinance, may establish a utility or enact a system of service charges
868 to support a local stormwater management program consistent with Article 2.3 (§ 62.1-44.15:24
869 et seq.) of Chapter 3.1 of Title 62.1 or any other state or federal regulation governing stormwater
870 management. Income derived from a utility or system of charges shall be dedicated special
871 revenue, may not exceed the actual costs incurred by a locality operating under the provisions of
872 this section, and may be used only to pay or recover costs for the following:

- 873 1. The acquisition, as permitted by § 15.2-1800, of real and personal property, and interest
874 therein, necessary to construct, operate and maintain stormwater control facilities;
- 875 2. The cost of administration of such programs;
- 876 3. Planning, design, engineering, construction, and debt retirement for new facilities and
877 enlargement or improvement of existing facilities, including the enlargement or improvement of

878 dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to
879 control stormwater;

880 4. Facility operation and maintenance, including the maintenance of dams, levees,
881 floodwalls, and pump stations, whether publicly or privately owned, that serve to control
882 stormwater;

883 5. Monitoring of stormwater control devices and ambient water quality monitoring;

884 6. Contracts related to stormwater management, including contracts for the financing,
885 construction, operation, or maintenance of stormwater management facilities, regardless of
886 whether such facilities are located on public or private property and, in the case of private property
887 locations, whether the contract is entered into pursuant to a stormwater management private
888 property program under subsection J or otherwise; and

889 7. Other activities consistent with the state or federal regulations or permits governing
890 stormwater management, including, but not limited to, public education, watershed planning,
891 inspection and enforcement activities, and pollution prevention planning and implementation.

892 B. The charges may be assessed to property owners or occupants, including condominium
893 unit owners or tenants (when the tenant is the party to whom the water and sewer service is billed),
894 and shall be based upon an analysis that demonstrates the rational relationship between the amount
895 charged and the services provided. Prior to adopting such a system, a public hearing shall be held
896 after giving notice as required by charter or ~~by publishing a descriptive notice once a week for two~~
897 ~~successive weeks prior to adoption in a newspaper with a general circulation in the locality. The~~
898 ~~second publication shall not be sooner than one calendar week after the first publication~~ as
899 provided in § 15.2-1427. However, prior to adoption of any ordinance pursuant to this section
900 related to the enlargement, improvement, or maintenance of privately owned dams, a locality shall
901 comply with the notice provisions of § 15.2-1427 and hold a public hearing.

902 C. A locality adopting such a system shall provide for full waivers of charges to the
903 following:

904 1. A federal, state, or local government, or public entity, that holds a permit to discharge
905 stormwater from a municipal separate storm sewer system, except that the waiver of charges shall
906 apply only to property covered by any such permit; and

907 2. Public roads and street rights-of-way that are owned and maintained by state or local
908 agencies, including property rights-of-way acquired through the acquisitions process.

909 D. A locality adopting such a system shall provide for full or partial waivers of charges to
910 any person who installs, operates, and maintains a stormwater management facility that achieves
911 a permanent reduction in stormwater flow or pollutant loadings or other such other facility, system,
912 or practice whereby stormwater runoff produced by the property is retained and treated on site in
913 accordance with a stormwater management plan approved pursuant to Chapter 3.1 (§ 62.1-44.2 et
914 seq.) of Title 62.1. The locality shall base the amount of the waiver in part on the percentage
915 reduction in stormwater flow or pollutant loadings, or both, from pre-installation to post-
916 installation of the facility. No locality shall provide a waiver to any person who does not obtain a
917 stormwater permit from the Department of Environmental Quality when such permit is required
918 by statute or regulation.

919 E. A locality adopting such a system may provide for full or partial waivers of charges to
920 cemeteries, property owned or operated by the locality administering the program, and public or
921 private entities that implement or participate in strategies, techniques, or programs that reduce
922 stormwater flow or pollutant loadings, or decrease the cost of maintaining or operating the public
923 stormwater management system.

924 F. Any locality may issue general obligation bonds or revenue bonds in order to finance
925 the cost of infrastructure and equipment for a stormwater control program. Infrastructure and
926 equipment shall include structural and natural stormwater control systems of all types, including,
927 without limitation, retention basins, sewers, conduits, pipelines, pumping and ventilating stations,
928 and other plants, structures, and real and personal property used for support of the system. The
929 procedure for the issuance of any such general obligation bonds or revenue bonds pursuant to this

930 section shall be in conformity with the procedure for issuance of such bonds as set forth in the
931 Public Finance Act (§ 15.2-2600 et seq.).

932 G. In the event charges are not paid when due, interest thereon shall at that time accrue at
933 the rate, not to exceed the maximum amount allowed by law, determined by the locality until such
934 time as the overdue payment and interest are paid. Charges and interest may be recovered by the
935 locality by action at law or suit in equity and shall constitute a lien against the property, ranking
936 on a parity with liens for unpaid taxes. The locality may combine the billings for stormwater
937 charges with billings for water or sewer charges, real property tax assessments, or other billings;
938 in such cases, the locality may establish the order in which payments will be applied to the different
939 charges. No locality shall combine its billings with those of another locality or political
940 subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.) of Title
941 15.2, unless such locality or political subdivision has given its consent by duly adopted resolution
942 or ordinance.

943 H. Any two or more localities may enter into cooperative agreements concerning the
944 management of stormwater.

945 I. For purposes of implementing waivers pursuant to subdivision C 1, for property where
946 two adjoining localities subject to a revenue sharing agreement each hold municipal separate storm
947 sewer permits, the waiver shall also apply to the property of each locality and of its school board
948 that is accounted for in that locality's municipal separate storm sewer program plan, regardless of
949 whether such property is located within the adjoining locality.

950 J. Any locality that establishes a system of charges pursuant to this section may establish a
951 public-private partnership program, to be known as a stormwater management private property
952 program, in order to promote cost-effectiveness in reducing excessive stormwater flow or pollutant
953 loadings or in making other stormwater improvements authorized pursuant to this section. A
954 locality that opts to establish a stormwater management private property program pursuant to this
955 subsection shall:

956 1. Promote awareness of the location, quantity, and timing of reductions or other
957 improvements that it determines appropriate under this program;

958 2. Seek the voluntary participation of property owners;

959 3. Accept the participation of property owners on both an individual and a group basis by
960 which multiple owners may collaborate on improvements and allocate among the multiple owners
961 any payments made by the locality;

962 4. Enter into contracts at its discretion to secure improvements on terms and conditions that
963 the locality deems appropriate, including by making payments to property owners in excess of the
964 value of any applicable waivers pursuant to subsections D and E; and

965 5. Require appropriate operation and maintenance of the contracted improvements.

966 K. Any locality that establishes a stormwater management private property program
967 pursuant to subsection J may procure reductions and improvements in accordance with the Public-
968 Private Education Facilities and Infrastructure Act (§ 56-575.1 et seq.) or other means, as
969 appropriate. Subsection J shall not be interpreted to limit the authority of a locality to secure
970 reductions of excessive stormwater flow or pollutant loadings or other stormwater improvements
971 by other means.

972 **§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written**
973 **notice of certain amendments.**

974 A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers
975 conferred by this chapter need not be advertised in full, but may be advertised by reference. Every
976 such advertisement shall identify the place or places within the locality where copies of the
977 proposed plans, ordinances or amendments may be examined.

978 The local planning commission shall not recommend nor the governing body adopt any
979 plan, ordinance or amendment thereof until notice of intention to do so has been published ~~once a~~
980 ~~week for two successive weeks~~ twice in some newspaper published or having general circulation
981 in the locality, with the first notice appearing no more than ~~14~~ 28 days before ~~the intended adoption~~
982 and the second notice appearing no more than seven days before the date of the meeting referenced

983 in the notice; however, the notice for both the local planning commission and the governing body
984 may be published concurrently. The notice shall specify the time and place of hearing at which
985 persons affected may appear and present their views. The local planning commission and
986 governing body may hold a joint public hearing after public notice as set forth in this subsection.
987 If a joint hearing is held, then public notice as set forth in this subsection need be given only by
988 the governing body. ~~As used in this subsection, "two successive weeks" means that such notice~~
989 ~~shall be published at least twice in such newspaper, with not less than six days elapsing between~~
990 ~~the first and second publication.~~ In any instance in which a locality has submitted a correct and
991 timely notice request to such newspaper and the newspaper fails to publish the notice, or publishes
992 the notice incorrectly, such locality shall be deemed to have met the notice requirements of this
993 subsection so long as the notice was published in the next available edition of a newspaper having
994 general circulation in the locality. After enactment of any plan, ordinance or amendment, further
995 publication thereof shall not be required.

996 B. When a proposed amendment of the zoning ordinance involves a change in the zoning
997 map classification of 25 or fewer parcels of land, then, in addition to the advertising as required
998 by subsection A, the advertisement shall include the street address or tax map parcel number of
999 the parcels subject to the action. Written notice shall be given by the local planning commission,
1000 or its representative, at least five days before the hearing to the owner or owners, their agent or the
1001 occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting
1002 property and property immediately across the street or road from the property affected, including
1003 those parcels that lie in other localities of the Commonwealth; and, if any portion of the affected
1004 property is within a planned unit development, then to such incorporated property owner's
1005 associations within the planned unit development that have members owning property located
1006 within 2,000 feet of the affected property as may be required by the commission or its agent.
1007 However, when a proposed amendment to the zoning ordinance involves a tract of land not less
1008 than 500 acres owned by the Commonwealth or by the federal government, and when the proposed
1009 change affects only a portion of the larger tract, notice need be given only to the owners of those

1010 properties that are adjacent to the affected area of the larger tract. Notice sent by registered or
1011 certified mail to the last known address of such owner as shown on the current real estate tax
1012 assessment books or current real estate tax assessment records shall be deemed adequate
1013 compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of
1014 any notice required under this chapter shall be taxed to the applicant.

1015 When a proposed amendment of the zoning ordinance involves a change in the zoning map
1016 classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text
1017 regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition
1018 to the advertising as required by subsection A, the advertisement shall include the street address
1019 or tax map parcel number of the parcels as well as the approximate acreage subject to the action.
1020 For more than 100 parcels of land, the advertisement may instead include a description of the
1021 boundaries of the area subject to the changes and a link to a map of the subject area. Written notice
1022 shall be given by the local planning commission, or its representative, at least five days before the
1023 hearing to the owner, owners, or their agent of each parcel of land involved, provided, however,
1024 that written notice of such changes to zoning ordinance text regulations shall not have to be mailed
1025 to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded
1026 pursuant to the provisions of Article 6 (§ 15.2-2240 et seq.) where such lots are less than 11,500
1027 square feet. One notice sent by first class mail to the last known address of such owner as shown
1028 on the current real estate tax assessment books or current real estate tax assessment records shall
1029 be deemed adequate compliance with this requirement, provided that a representative of the local
1030 commission shall make affidavit that such mailings have been made and file such affidavit with
1031 the papers in the case. Nothing in this subsection shall be construed as to invalidate any
1032 subsequently adopted amendment or ordinance because of the inadvertent failure by the
1033 representative of the local commission to give written notice to the owner, owners or their agent
1034 of any parcel involved.

1035 The governing body may provide that, in the case of a condominium or a cooperative, the
1036 written notice may be mailed to the unit owners' association or proprietary lessees' association,
1037 respectively, in lieu of each individual unit owner.

1038 Whenever the notices required hereby are sent by an agency, department or division of the
1039 local governing body, or their representative, such notices may be sent by first class mail; however,
1040 a representative of such agency, department or division shall make affidavit that such mailings
1041 have been made and file such affidavit with the papers in the case.

1042 A party's actual notice of, or active participation in, the proceedings for which the written
1043 notice provided by this section is required shall waive the right of that party to challenge the
1044 validity of the proceeding due to failure of the party to receive the written notice required by this
1045 section.

1046 C. When a proposed comprehensive plan or amendment thereto; a proposed change in
1047 zoning map classification; or an application for special exception for a change in use or to increase
1048 by greater than 50 percent of the bulk or height of an existing or proposed building, but not
1049 including renewals of previously approved special exceptions, involves any parcel of land located
1050 within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition
1051 to the advertising and written notification as required by this section, written notice shall also be
1052 given by the local commission, or its representative, at least 10 days before the hearing to the chief
1053 administrative officer, or his designee, of such adjoining locality.

1054 D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change
1055 in zoning map classification, or (iii) an application for special exception for a change in use
1056 involves any parcel of land located within 3,000 feet of a boundary of a military base, military
1057 installation, military airport, excluding armories operated by the Virginia National Guard, or
1058 licensed public-use airport then, in addition to the advertising and written notification as required
1059 by this section, written notice shall also be given by the local commission, or its representative, at
1060 least 30 days before the hearing to the commander of the military base, military installation,
1061 military airport, or owner of such public-use airport, and the notice shall advise the military

1062 commander or owner of such public-use airport of the opportunity to submit comments or
1063 recommendations.

1064 E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the
1065 authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice
1066 as may be required by such act or by this chapter, provided a public hearing was conducted by the
1067 governing body prior to such adoption or amendment. Every action contesting a decision of a
1068 locality based on a failure to advertise or give notice as may be required by this chapter shall be
1069 filed within 30 days of such decision with the circuit court having jurisdiction of the land affected
1070 by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the
1071 1996 amendment to this section.

1072 F. Notwithstanding any contrary provision of law, general or special, the City of Richmond
1073 may cause such notice to be published in any newspaper of general circulation in the city.

1074 G. When a proposed comprehensive plan or amendment of an existing plan designates or
1075 alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or
1076 more, written notice shall also be given by the local planning commission, or its representative, at
1077 least 10 days before the hearing to each electric utility with a certificated service territory that
1078 includes all or any part of such designated electric transmission corridors or routes.

1079 H. When any applicant requesting a written order, requirement, decision, or determination
1080 from the zoning administrator, other administrative officer, or a board of zoning appeals that is
1081 subject to the appeal provisions contained in § 15.2-2311 or 15.2-2314, is not the owner or the
1082 agent of the owner of the real property subject to the written order, requirement, decision or
1083 determination, written notice shall be given to the owner of the property within 10 days of the
1084 receipt of such request. Such written notice shall be given by the zoning administrator or other
1085 administrative officer or, at the direction of the administrator or officer, the requesting applicant
1086 shall be required to give the owner such notice and to provide satisfactory evidence to the zoning
1087 administrator or other administrative officer that the notice has been given. Written notice mailed
1088 to the owner at the last known address of the owner as shown on the current real estate tax

1089 assessment books or current real estate tax assessment records shall satisfy the notice requirements
1090 of this subsection.

1091 This subsection shall not apply to inquiries from the governing body, planning commission,
1092 or employees of the locality made in the normal course of business.

1093 **§ 15.2-2270. Vacation of interests granted to a locality as a condition of site plan**
1094 **approval.**

1095 Any interest in streets, alleys, easements for public rights of passage, easements for
1096 drainage, and easements for a public utility granted to a locality as a condition of the approval of
1097 a site plan may be vacated according to either of the following methods:

1098 1. By a duly executed and acknowledged written instrument of the owner of the land which
1099 has been or is to be developed in accordance with the site plan, declaring the interest or interests
1100 to be vacated, provided the governing body or authorized agent of the locality where the land lies
1101 consents to the vacation. The instrument shall be recorded in the same clerk's office wherein is
1102 recorded the written instrument describing the interest in real property to be vacated. The execution
1103 and recordation of the instrument shall operate to divest all public rights in, and to reinvest the
1104 owner with the title to the interests which formerly were held by the governing body; or

1105 2. By ordinance of the governing body in the locality in which the property which is the
1106 subject of an approved site plan lies, provided that no interest shall be vacated in an area in which
1107 facilities, for which bonding is required pursuant to §§ 15.2-2241 through 15.2-2245, have been
1108 constructed.

1109 The ordinance shall not be adopted until after notice has been given as required by § 15.2-
1110 2204. ~~The notice shall clearly describe the interest of the governing body to be vacated by reference~~
1111 ~~to the recorded instrument on which it was created and state the time and place of the meeting of~~
1112 ~~the governing body at which the adoption of the ordinance will be voted upon.~~ Any person may
1113 appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from
1114 the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with
1115 the circuit court having jurisdiction of the land over which the governing body's interest is located.

1116 Upon appeal, the court may nullify the ordinance if it finds that the owner of the property, which
1117 has been developed or is to be developed in accordance with the approved site plan, will be
1118 irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above
1119 provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may
1120 be recorded in the clerk's office of any court in which the instrument creating the governing body's
1121 interest is recorded.

1122 The execution and recordation of an ordinance of vacation shall operate to destroy the
1123 effect of the instrument which created the governing body's interest so vacated and to divest all
1124 public rights in and to the property and vest title in the streets, alleys, easements for public rights
1125 of passage, easements for drainage, and easements for a public utility as may be described in, and
1126 in accordance with, the ordinance of vacation.

1127 **§ 15.2-2271. Vacation of plat before sale of lot therein; ordinance of vacation.**

1128 Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to
1129 either of the following methods:

1130 1. With the consent of the governing body, or its authorized agent, of the locality where
1131 the land lies, by the owners, proprietors and trustees, if any, who signed the statement required by
1132 § 15.2-2264 at any time before the sale of any lot therein, by a written instrument, declaring the
1133 plat to be vacated, duly executed, acknowledged or proved and recorded in the same clerk's office
1134 wherein the plat to be vacated is recorded and the execution and recordation of such writing shall
1135 operate to destroy the force and effect of the recording of the plat so vacated and to divest all public
1136 rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets,
1137 alleys, easements for public passage and other public areas laid out or described in the plat; or

1138 2. By ordinance of the governing body of the locality in which the property shown on the
1139 plat or part thereof to be vacated lies, provided that no facilities for which bonding is required
1140 pursuant to §§ 15.2-2241 through 15.2-2245 have been constructed on the property and no
1141 facilities have been constructed on any related section of the property located in the subdivision
1142 within five years of the date on which the plat was first recorded.

1143 The ordinance shall not be adopted until after notice has been given as required by § 15.2-
1144 2204. ~~The notice shall clearly describe the plat or portion thereof to be vacated and state the time~~
1145 ~~and place of the meeting of the governing body at which the adoption of the ordinance will be~~
1146 ~~voted upon.~~ Any person may appear at the meeting for the purpose of objecting to the adoption of
1147 the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the
1148 adoption of the ordinance with the circuit court having jurisdiction of the land shown on the plat
1149 or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the
1150 owner of the property shown on the plat will be irreparably damaged. If no appeal from the
1151 adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on
1152 appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any
1153 court in which the plat is recorded.

1154 The execution and recordation of the ordinance of vacation shall operate to destroy the
1155 force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all
1156 public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with
1157 the title to the streets, alleys, and easements for public passage and other public areas laid out or
1158 described in the plat.

1159 **§ 15.2-2272. Vacation of plat after sale of lot.**

1160 In cases where any lot has been sold, the plat or part thereof may be vacated according to
1161 either of the following methods:

- 1162 1. By instrument in writing agreeing to the vacation signed by all the owners of lots shown
1163 on the plat and also signed on behalf of the governing body of the locality in which the land shown
1164 on the plat or part thereof to be vacated lies for the purpose of showing the approval of the vacation
1165 by the governing body. In cases involving drainage easements or street rights-of-way where the
1166 vacation does not impede or alter drainage or access for any lot owners other than those lot owners
1167 immediately adjoining or contiguous to the vacated area, the governing body shall only be required
1168 to obtain the signatures of the lot owners immediately adjoining or contiguous to the vacated area.
1169 The word "owners" shall not include lien creditors except those whose debts are secured by a

1170 recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument
1171 of vacation shall be acknowledged in the manner of a deed and filed for record in the clerk's office
1172 of any court in which the plat is recorded.

1173 2. By ordinance of the governing body of the locality in which the land shown on the plat
1174 or part thereof to be vacated lies on motion of one of its members or on application of any interested
1175 person. The ordinance shall not be adopted until after notice has been given as required by § 15.2-
1176 2204. ~~The notice shall clearly describe the plat or portion thereof to be vacated and state the time~~
1177 ~~and place of the meeting of the governing body at which the adoption of the ordinance will be~~
1178 ~~voted upon.~~ Any person may appear at the meeting for the purpose of objecting to the adoption of
1179 the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days with
1180 the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated.
1181 Upon appeal the court may nullify the ordinance if it finds that the owner of any lot shown on the
1182 plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within
1183 the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance
1184 of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

1185 Roads within the secondary system of highways may be vacated under either of the
1186 preceding methods and the action will constitute abandonment of the road, provided the land
1187 shown on the plat or part thereof to be vacated has been the subject of a rezoning or special
1188 exception application approved following public hearings required by § 15.2-2204 and provided
1189 the Commissioner of Highways or his agent is notified in writing prior to the public hearing, and
1190 provided further that the vacation is necessary in order to implement a proffered condition accepted
1191 by the governing body pursuant to §§ 15.2-2297, 15.2-2298 or 15.2-2303 or to implement a
1192 condition of special exception approval. All abandonments of roads within the secondary system
1193 of highways sought to be effected according to either of the preceding methods before July 1,
1194 1994, are hereby validated, notwithstanding any defects or deficiencies in the proceeding;
1195 however, property rights which have vested subsequent to the attempted vacation are not impaired
1196 by such validation. The manner of reversion shall not be affected by this section.

1197 **§ 15.2-2316.2. Localities may provide for transfer of development rights.**

1198 A. Pursuant to the provisions of this article, the governing body of any locality by ordinance
1199 may, in order to conserve and promote the public health, safety, and general welfare, establish
1200 procedures, methods, and standards for the transfer of development rights within its jurisdiction.
1201 Any locality adopting or amending any such transfer of development rights ordinance shall give
1202 notice and hold a public hearing in accordance with § 15.2-2204 prior to approval by the governing
1203 body.

1204 B. In order to implement the provisions of this act, a locality shall adopt an ordinance that
1205 shall provide for:

1206 1. The issuance and recordation of the instruments necessary to sever development rights
1207 from the sending property, to convey development rights to one or more parties, or to affix
1208 development rights to one or more receiving properties. These instruments shall be executed by
1209 the property owners of the development rights being transferred, and any lien holders of such
1210 property owners. The instruments shall identify the development rights being severed, and the
1211 sending properties or the receiving properties, as applicable;

1212 2. Assurance that the prohibitions against the use and development of the sending property
1213 shall bind the landowner and every successor in interest to the landowner;

1214 3. The severance of transferable development rights from the sending property;

1215 4. The purchase, sale, exchange, or other conveyance of transferable development rights,
1216 after severance, and prior to the rights being affixed to a receiving property;

1217 5. A system for monitoring the severance, ownership, assignment, and transfer of
1218 transferable development rights;

1219 6. A map or other description of areas designated as sending and receiving areas for the
1220 transfer of development rights between properties;

1221 7. The identification of parcels, if any, within a receiving area that are inappropriate as
1222 receiving properties;

1223 8. The permitted uses and the maximum increases in density in the receiving area;

1224 9. The minimum acreage of a sending property and the minimum reduction in density of
1225 the sending property that may be conveyed in severance or transfer of development rights;

1226 10. The development rights permitted to be attached in the receiving areas shall be equal
1227 to or greater than the development rights permitted to be severed from the sending areas;

1228 11. An assessment of the infrastructure in the receiving area that identifies the ability of
1229 the area to accept increases in density and its plans to provide necessary utility services within any
1230 designated receiving area; and

1231 12. The application to be deemed approved upon the determination of compliance with the
1232 ordinance by the agent of the planning commission, or other agent designated by the locality.

1233 C. In order to implement the provisions of this act, a locality may provide in its ordinance
1234 for:

1235 1. The purchase of all or part of such development rights, which shall retire the
1236 development rights so purchased;

1237 2. The severance of development rights from existing zoned or subdivided properties as
1238 otherwise provided in subsection E;

1239 3. The owner of such development rights to make application to the locality for a real estate
1240 tax abatement for a period up to 25 years, to compensate the owner of such development rights for
1241 the fair market value of all or part of the development rights, which shall retire the number of
1242 development rights equal to the amount of the tax abatement, and such abatement is transferable
1243 with the property;

1244 4. The owner of a property to request designation by the locality of the owner's property as
1245 a "sending property" or a "receiving property";

1246 5. The allowance for residential density to be converted to bonus density on the receiving
1247 property by (i) an increase in the residential density on the receiving property or (ii) an increase in
1248 the square feet of commercial, industrial, or other uses on the receiving property, which upon
1249 conversion shall retire the development rights so converted;

1250 6. The receiving areas to include such urban development areas or similarly defined areas
1251 in the locality established pursuant to § 15.2-2223.1;

1252 7. The sending properties, subsequent to severance of development rights, to generate one
1253 or more forms of renewable energy, as defined in § 56-576, subject to the provisions of the local
1254 zoning ordinance;

1255 8. The sending properties, subsequent to severance of development rights, to produce
1256 agricultural products or forestal products, as defined in § 15.2-4302, and to include parks,
1257 campgrounds and related camping facilities; however, for purposes of this subdivision,
1258 "campgrounds" does not include use by travel trailers, motor homes, and similar vehicular type
1259 structures;

1260 9. The review of an application by the planning commission to determine whether the
1261 application complies with the provisions of the ordinance;

1262 10. Such other provisions as the locality deems necessary to aid in the implementation of
1263 the provisions of this act;

1264 11. Approval of an application upon the determination of compliance with the ordinance
1265 by the agent of the planning commission; and

1266 12. A requirement that development comply with any locality-adopted neighborhood
1267 design standards identified in the comprehensive plan for the receiving area in which the
1268 development shall occur, provided such design standard was adopted in the comprehensive plan
1269 and applied to the receiving area prior to the transfer of the development right.

1270 D. The locality may, by ordinance, designate receiving areas or receiving properties, add
1271 to, supplement, or amend its designations of receiving areas or receiving properties, or designate
1272 receiving areas or receiving properties that shall receive development rights only from certain
1273 sending areas or sending properties specified by the locality, so long as the development rights
1274 permitted to be attached in the receiving areas are equal to or greater than the development rights
1275 permitted to be severed in the sending areas.

1276 E. Any proposed severance or transfer of development rights shall only be initiated upon
1277 application by the property owners of the sending properties, development rights, or receiving
1278 properties as otherwise provided herein.

1279 F. A locality may not require property owners to sever or transfer development rights as a
1280 condition of the development of any property.

1281 G. The owner of a property may sever development rights from the sending property,
1282 pursuant to the provisions of this act. An application to transfer development rights to one or more
1283 receiving properties, for the purpose of affixing such rights thereto, shall only be initiated upon
1284 application by the owner of such development rights and the owners of the receiving properties.

1285 H. Development rights severed pursuant to this article shall be interests in real property
1286 and shall be considered as such for purposes of conveyance and taxation. Once a deed for
1287 transferable development rights, created pursuant to this act, has been recorded in the land records
1288 of the office of the circuit court clerk for the locality to reflect the transferable development rights
1289 sold, conveyed, or otherwise transferred by the owner of the sending property, the development
1290 rights shall vest in the grantee and may be transferred by such grantee to a successor in interest.
1291 Nothing herein shall be construed to prevent the owner of the sending property from recording a
1292 deed covenant against the sending property severing the development rights on said property, with
1293 the owner of the sending property retaining ownership of the severed development rights. Any
1294 transfer of the development rights to a property in a receiving area shall be in accordance with the
1295 provisions of the ordinance adopted pursuant to this article.

1296 I. For the purposes of ad valorem real property taxation, the value of a transferable
1297 development right shall be deemed appurtenant to the sending property until the transferable
1298 development right is severed from and recorded as a distinct interest in real property, or the
1299 transferable development right is used at a receiving property and becomes appurtenant thereto.
1300 Once a transferable development right is severed from the sending property, the assessment of the
1301 fee interest in the sending property shall reflect any change in the fair market value that results
1302 from the inability of the owner of the fee interest to use such property for such uses terminated by

1303 the severance of the transferable development right. Upon severance from the sending property
1304 and recordation as a distinct interest in real property, the transferable development right shall be
1305 assessed at its fair market value on a separate real estate tax bill sent to the owner of said
1306 development right as taxable real estate in accordance with Article 1 (§ 58.1-3200 et seq.) of
1307 Chapter 32 of Title 58.1. The development right shall be taxed as taxable real estate by the local
1308 jurisdiction where the sending property is located, until such time as the development right
1309 becomes attached to a receiving property, at which time it shall be taxed as taxable real estate by
1310 the local jurisdiction where the receiving property is located.

1311 J. The owner of a sending property from which development rights are severed shall
1312 provide a copy of the instrument, showing the deed book and page number, or instrument or GPIN,
1313 to the real estate tax assessor for the locality.

1314 K. Localities, from time to time as the locality designates sending and receiving areas, shall
1315 incorporate the map identified in subdivision B 6 into the comprehensive plan.

1316 L. No amendment to the zoning map, nor any amendments to the text of the zoning
1317 ordinance with respect to the zoning district applicable thereto initiated by the governing body,
1318 which eliminate, or materially restrict, reduce, or downzone the uses, or the density of uses
1319 permitted in the zoning district applicable to any property to which development rights have been
1320 transferred, shall be effective with respect to such property unless there has been mistake, fraud,
1321 or a material change in circumstances substantially affecting the public health, safety, or welfare.

1322 M. A county adopting an ordinance pursuant to this article may designate eligible receiving
1323 areas in any incorporated town within such county, if the governing body of the town has also
1324 amended its zoning ordinance to designate the same areas as eligible to receive density being
1325 transferred from sending areas in the county. The development right shall be taxed as taxable real
1326 estate by the local jurisdiction where the sending property is located, until such time as the
1327 development right becomes attached to a receiving property, at which time it shall be taxed as
1328 taxable real estate by the local jurisdiction where the receiving property is located.

1329 N. Any county and an adjacent city may enter voluntarily into an agreement to permit the
1330 county to designate eligible receiving areas in the city if the governing body of the city has also
1331 amended its zoning ordinance to designate the same areas as eligible to receive density being
1332 transferred from sending areas in the county. The city council shall designate areas it deems
1333 suitable as receiving areas and shall designate the maximum increases in density in each such
1334 receiving area. However, if any such agreement contains any provision addressing any issue
1335 provided for in Chapter 32 (§ 15.2-3200 et seq.), 33 (§ 15.2-3300 et seq.), 36 (§ 15.2-3600 et seq.),
1336 38 (§ 15.2-3800 et seq.), 39 (§ 15.2-3900 et seq.), or 41 (§ 15.2-4100 et seq.), the agreement shall
1337 be subject to the review and implementation process established by Chapter 34 (§ 15.2-3400 et
1338 seq.). The development right shall be taxed as taxable real estate by the local jurisdiction where
1339 the sending property is located, until such time as the development right becomes attached to a
1340 receiving property, at which time it shall be taxed as taxable real estate by the local jurisdiction
1341 where the receiving property is located.

1342 1. The terms and conditions of the density transfer agreement as provided in this subsection
1343 shall be determined by the affected localities and shall be approved by the governing body of each
1344 locality participating in the agreement, provided the governing body of each such locality first
1345 holds a public hearing, which shall be advertised ~~once a week for two successive weeks in a~~
1346 ~~newspaper of general circulation in the locality as required by § 15.2-2204.~~

1347 2. The governing bodies shall petition a circuit court having jurisdiction in one or more of
1348 the localities for an order affirming the proposed agreement. The circuit court shall be limited in
1349 its decision to either affirming or denying the agreement and shall have no authority, without the
1350 express approval of each local governing body, to amend or change the terms or conditions of the
1351 agreement, but shall have the authority to validate the agreement and give it full force and effect.
1352 The circuit court shall affirm the agreement unless the court finds either that the agreement is
1353 contrary to the best interests of the Commonwealth or that it is not in the best interests of each of
1354 the parties thereto.

1355 3. The agreement shall not become binding on the localities until affirmed by the court
1356 under this subsection. Once approved by the circuit court, the agreement shall also bind future
1357 local governing bodies of the localities.

1358 **§ 15.2-2321. Adoption of road improvements program.**

1359 Prior to adopting a system of impact fees, the locality shall conduct an assessment of road
1360 improvement needs benefiting an impact fee service area and shall adopt a road improvements
1361 plan for the area showing the new roads proposed to be constructed and the existing roads to be
1362 improved or expanded and the schedule for undertaking such construction, improvement or
1363 expansion. The road improvements plan shall be adopted as an amendment to the required
1364 comprehensive plan and shall be incorporated into the capital improvements program or, in the
1365 case of the counties where applicable, the six-year plan for secondary highway construction
1366 pursuant to § 33.2-331.

1367 The locality shall adopt the road improvements plan after holding a duly advertised public
1368 hearing ~~in accordance with § 15.2-2204. The public hearing notice shall identify the impact fee~~
1369 ~~service area or areas to be designated, and shall include a summary of the needs assessment and~~
1370 ~~the assumptions upon which the assessment is based, the proposed amount of the impact fee, and~~
1371 ~~information as to how a copy of the complete study may be examined. A copy of the complete~~
1372 ~~study shall be available for public inspection and copying at reasonable times prior to the public~~
1373 ~~hearing.~~

1374 The locality at a minimum shall include the following items in assessing road improvement
1375 needs and preparing a road improvements plan:

1376 1. An analysis of the existing capacity, current usage and existing commitments to future
1377 usage of existing roads, as indicated by (i) current and projected service levels, (ii) current valid
1378 building permits outstanding, and (iii) approved and pending site plans and subdivision plats. If
1379 the current usage and commitments exceed the existing capacity of the roads, the locality also shall
1380 determine the costs of improving the roads to meet the demand. The analysis shall include any off-
1381 site road improvements or cash payments for road improvements accepted by the locality and shall

1382 include a plan to fund the current usages and commitments that exceed the existing capacity of the
1383 roads.

1384 2. The projected need for and costs of construction of new roads or improvement or
1385 expansion of existing roads attributable in whole or in part to projected new development. Road
1386 improvement needs shall be projected for the impact fee service area when fully developed in
1387 accord with the comprehensive plan and, if full development is projected to occur more than 20
1388 years in the future, at the end of a 20-year period. The assumptions with regard to land uses,
1389 densities, intensities, and population upon which road improvement projections are based shall be
1390 presented.

1391 3. The total number of new service units projected for the impact fee service area when
1392 fully developed and, if full development is projected to occur more than 20 years in the future, at
1393 the end of a 20-year period. A "service unit" is a standardized measure of traffic use or generation.
1394 The locality shall develop a table or method for attributing service units to various types of
1395 development and land use, including but not limited to residential, commercial and industrial uses.
1396 The table shall be based upon the ITE manual (published by the Institute of Transportation
1397 Engineers) or locally conducted trip generation studies, and consistent with the traffic analysis
1398 standards adopted pursuant to § 15.2-2222.1.

1399 **§ 15.2-2400. Creation of service districts.**

1400 Any locality may by ordinance, or any two or more localities may by concurrent
1401 ordinances, create service districts within the locality or localities in accordance with the
1402 provisions of this article. Service districts may be created to provide additional, more complete or
1403 more timely services of government than are desired in the locality or localities as a whole.

1404 Any locality seeking to create a service district shall have a public hearing prior to the
1405 creation of the service district. Notice of such hearing shall be published ~~once a week for three~~
1406 ~~consecutive weeks three times~~ in a newspaper of general circulation within the locality, with the
1407 first notice appearing no more than ~~21~~ 35 days before ~~and the third notice appearing no less than~~
1408 ~~seven days before~~ the hearing.

1409 **§ 15.2-2401. Creation of service districts by court order in consolidated cities.**

1410 In any city which results from the consolidation of two or more localities, service districts
1411 may, in addition to the method prescribed in § 15.2-2400, be created by order of the circuit court
1412 for the city upon the petition of fifty voters of the proposed district, which order shall prescribe the
1413 metes and bounds of the district.

1414 Upon the filing of a petition the court shall fix a date for a hearing on the question of the
1415 proposed service district, which hearing shall embrace a consideration of whether the property
1416 embraced within the proposed district will be benefited by the establishment thereof. Notice of
1417 such hearing shall be published ~~once a week for three consecutive weeks~~ three times in a
1418 newspaper of general circulation within the city, with the first notice appearing no more than ~~21~~
1419 35 days before and the third notice appearing no more than seven days before the election. Any
1420 person interested may answer the petition and make defense thereto. If upon such hearing the court
1421 is of opinion that any property embraced within the limits of such proposed district will not be
1422 benefited by the establishment thereof, then such property shall not be embraced therein.

1423 Upon the petition of the city council and of not less than 50 voters of the territory proposed
1424 to be added, or if such territory contains less than 100 voters, of fifty percent of the voters of such
1425 territory, after notice and hearing as provided above, any service district may be extended and
1426 enlarged by order of the circuit court for the city which order shall prescribe the metes and bounds
1427 of the territory so added.

1428 **§ 15.2-2409. How notice given; objections.**

1429 The notice may be given by personal service on all persons entitled to such notice, except
1430 (i) notice to an infant, a mentally incapacitated person or other person under a disability may be
1431 served on his guardian, conservator or committee; (ii) notice to a nonresident may be mailed to
1432 him at his place of residence or served on any agent of his having charge of the property or on the
1433 tenant of the property; or (iii) in any case when the owner is a nonresident or when the owner's
1434 residence is not known, such notice may be given by publication three times in a newspaper having
1435 general circulation in the locality ~~once a week for four successive weeks, with the first notice~~

1436 appearing no more than 35 days before and the third notice appearing no less than seven days
1437 before the parties are cited to appear. In lieu of such personal service on the parties or their agents
1438 and of such publication, the notice to all parties may be given by publishing the same twice in a
1439 newspaper having general circulation in the locality, ~~once a week for two successive weeks; the~~
1440 ~~second publication shall be made at least seven days~~ with the first notice appearing no more than
1441 28 days before and the second notice appearing no less than seven days before the parties are cited
1442 to appear. Any landowner wishing to make objections to an assessment or apportionment may
1443 appear in person or by counsel and state such objections.

1444 **§ 15.2-2506. Publication and notice; public hearing; adjournment; moneys not to be**
1445 **paid out until appropriated.**

1446 ~~A brief synopsis of the budget that, except in the case of the school division budget, shall~~
1447 ~~be for informative and fiscal planning purposes only, shall be published once in a newspaper~~
1448 ~~having general circulation in the locality affected, and notice given of one or more public hearings,~~
1449 ~~at least seven days prior to the date set for hearing, at which any citizen of the locality shall have~~
1450 ~~the right to attend and state his views thereon.~~ Notice of one or more public hearings shall be given
1451 in accordance with § 15.2-1427. Such notice shall, at a minimum, include a summary of the total
1452 revenues and expenditures for each appropriated fund and the current and proposed real estate and
1453 personal property tax levies. Any locality not having a newspaper of general circulation may in
1454 lieu of the foregoing notice provide for notice by written or printed handbills, posted at such places
1455 as it may direct. The hearing shall be held at least seven days prior to the approval of the budget
1456 as prescribed in § 15.2-2503. With respect to the school division budget, which shall include the
1457 estimated required local match, such hearing shall be held at least seven days prior to the approval
1458 of that budget as prescribed in § 22.1-93. With respect to the budget of a constitutional officer, if
1459 the proposed budget reduces funding of such officer at a rate greater than the average rate of
1460 reduced funding for other agencies appropriated through such locality's general fund, exclusive of
1461 the school division, the locality shall give written notice to such constitutional officer at least 14
1462 days prior to adoption of the budget. If a constitutional officer determines that the proposed budget

1463 cuts would impair the performance of his statutory duties, such constitutional officer shall make a
1464 written objection to the local governing body within seven days after receipt of the written notice
1465 and shall deliver a copy of such objection to the Compensation Board. The local governing body
1466 shall consider the written objection of such constitutional officer. The governing body may adjourn
1467 such hearing from time to time. The fact of such notice and hearing shall be entered of record in
1468 the minute book.

1469 In no event, including school division budgets, shall such preparation, publication, and
1470 approval be deemed to be an appropriation. No money shall be paid out or become available to be
1471 paid out for any contemplated expenditure unless and until there has first been made an annual,
1472 semiannual, quarterly, or monthly appropriation for such contemplated expenditure by the
1473 governing body, except that funds appropriated in a county having adopted the county executive
1474 form of government for multiyear capital projects and outstanding grants may be carried over from
1475 year to year without being reappropriated.

1476 **§ 15.2-2507. Amendment of budget.**

1477 A. Any locality may amend its budget to adjust the aggregate amount to be appropriated
1478 during the current fiscal year as shown in the currently adopted budget as prescribed by § 15.2-
1479 2504. However, any such amendment which exceeds one percent of the total expenditures shown
1480 in the currently adopted budget must be accomplished by publishing ~~a~~ notice of a meeting and a
1481 public hearing ~~once in a newspaper having general circulation in that locality at least seven days~~
1482 ~~prior to the meeting date~~ in accordance with § 15.2-1427. The notice shall state the governing
1483 body's intent to amend the budget and include a brief synopsis of the proposed budget amendment.
1484 Any local governing body may adopt such amendment at the advertised meeting, after first
1485 providing a public hearing during such meeting on the proposed budget amendments.

1486 B. Pursuant to the requirements of §§ 15.2-1609.1, 15.2-1609.7, 15.2-1636.8, and 15.2-
1487 1636.13 through 15.2-1636.17 every county and city shall appropriate as part of its annual budget
1488 or in amendments thereto amounts for salaries, expenses and other allowances for its constitutional
1489 officers that are not less than those established for such offices in the locality by the Compensation

1490 Board pursuant to applicable law or, in the event of an appeal pursuant to § 15.2-1636.9, by the
1491 circuit court in accordance with the provisions of that section.

1492 **§ 15.2-2606. Public hearing before issuance of bonds.**

1493 A. Notwithstanding any contrary provision of law, general or special, but subject to
1494 subsection B of this section, before the final authorization of the issuance of any bonds by a
1495 locality, the governing body of the locality shall hold a public hearing on the proposed bond issue.
1496 Notice of the hearing shall be published ~~once a week for two successive weeks~~ twice in a
1497 newspaper published or having general circulation in the locality, with the first notice appearing
1498 no more than ~~14~~ 28 days before and the second notice appearing no less than seven days before
1499 the hearing. The notice shall (i) state the estimated maximum amount of the bonds proposed to be
1500 issued, (ii) state the proposed use of the bond proceeds, and if there is more than one use, state the
1501 proposed uses for which more than 10 percent of the total bond proceeds is expected to be used,
1502 and (iii) specify the time and place of the hearing at which persons may appear and present their
1503 views. ~~The hearing shall not be held less than six nor more than 21 days after the date the second~~
1504 ~~notice appears in the newspaper.~~

1505 B. No notice or public hearing shall be required for (i) bonds which have been approved
1506 by a majority of the voters of the issuing locality voting on the issuance of such bonds or (ii)
1507 obligations issued pursuant to § 15.2-2629, 15.2-2630 or 15.2-2643.

1508 **§ 15.2-2610. Request for referendum filed with court; order for election; notice.**

1509 If voter approval of any bond issue by a locality is required by the Constitution of Virginia
1510 or this chapter or any charter provision, a copy of the resolution or ordinance adopted by the
1511 governing body of the locality, certified by the clerk of the governing body, requesting that a
1512 referendum on the question of the issuance of the bonds be held, shall be filed with the circuit court
1513 for the locality or in the case of a town the circuit court for the county in which the town is located.
1514 The circuit court shall order a special election, in accordance with § 24.2-681 et seq., requiring the
1515 election officers of the locality on the day fixed in the order to open the polls and take the sense of
1516 the voters of the locality on the question of contracting the debt and issuing bonds for the purpose

1517 or purposes set forth in the resolution or ordinance. When any town is situated partly in two or
1518 more counties, the certified copy of the resolution or ordinance may be presented to the circuit
1519 court for any of the counties and the court shall order an election to be held in the town in
1520 accordance with the provisions of §§ 24.2-601 and 24.2-681 et seq. Notice of the election in the
1521 form prescribed by the court shall be published at least once but not less than ~~ten~~ seven days before
1522 the election in a newspaper published or having general circulation in the locality.

1523 Where voter approval is required by the Constitution of Virginia, this chapter or any charter
1524 provision, a locality may, at its option, provide in the ordinance or resolution that any two or more
1525 purposes and amounts of the bonds proposed to be issued for such purposes be combined into a
1526 single question for the election and referred to as "capital improvement bonds" in an aggregate
1527 principal amount equal to the sum of the amounts for the purposes so combined.

1528 **§ 15.2-2652. Service by publication of motion for judgment; parties defendant.**

1529 Upon the filing of the motion for judgment the court shall fix the time and place for hearing
1530 the proceeding and shall enter an order requiring the publication of the motion for judgment or a
1531 summary of it approved by the court, together with the order setting forth the time and place of the
1532 hearing, ~~once a week for two consecutive weeks~~ twice in a newspaper published or having general
1533 circulation in the jurisdiction where the issuer is located, with the first notice appearing no more
1534 than 28 days before and the second notice appearing no less than seven days before the date fixed
1535 for hearing. ~~The date fixed for the hearing shall not be sooner than ten days after the date the~~
1536 ~~second publication of the motion for judgment or summary and the order appears in the newspaper.~~

1537 By the publication of the motion for judgment or summary and the order, all taxpayers,
1538 property owners and citizens of the jurisdiction where the issuer is located, including nonresidents
1539 owning property in or subject to taxation by it, and all other persons having or claiming any right,
1540 title or interest in any property or funds affected in any way by the issuance of the bonds, or having
1541 or claiming to have any right or interest in the subject matter of the motion for judgment, shall be
1542 considered parties defendant in the proceedings, and the court shall have jurisdiction of them the

1543 same as if each of them were named individually as a defendant in the motion for judgment and
1544 personally served with process.

1545 **§ 15.2-2653. Contesting issuance of bonds; notice and hearing; service on member of**
1546 **governing body, etc.**

1547 Any person, corporation, or association desiring to contest the issuance of any bonds
1548 pursuant to the provisions of this chapter, or any other law, general or special, shall proceed by
1549 filing a motion for judgment within thirty days after the filing of the resolution or ordinance
1550 authorizing the issuance of the bonds with the circuit court having jurisdiction over the issuer, or
1551 in contesting the validity of a petition for or the results of a referendum, within thirty days after
1552 the date that the result of the election for the issuance of the bonds is certified, in the court having
1553 jurisdiction as provided in § 15.2-2651. For bonds which are not authorized pursuant to a
1554 referendum, or for which the authorizing resolution or ordinance is not required to be filed with
1555 the circuit court, the contestant shall proceed by filing a motion for judgment within thirty days
1556 after the adoption of the authorizing resolution or ordinance. Upon the filing of a motion for
1557 judgment, the court shall fix a time and place for hearing the proceeding and shall enter an order
1558 requiring the publication of the motion for judgment or a summary of it approved by the court,
1559 together with the order setting forth the time and place of the hearing, ~~once a week for two~~
1560 ~~consecutive weeks~~ twice in a newspaper published or having general circulation in the jurisdiction
1561 where the issuer is located, with the first notice appearing no more than ~~14~~ 28 days before and the
1562 second notice appearing no less than seven days before the date fixed for the hearing. ~~The date~~
1563 ~~fixed for the hearing shall not be sooner than ten days after the date the second publication of the~~
1564 ~~motion for judgment or summary and the order appears in the newspaper.~~ In addition to such
1565 publication, the plaintiff shall secure personal service on at least one member of the governing
1566 body of the issuer.

1567 **§ 15.2-3236. Council may enact ordinance.**

1568 Whenever it is deemed desirable to contract the corporate limits of any city or town, the
1569 council thereof may enact an ordinance defining accurately the boundary of the territory proposed

1570 to be abandoned. The ordinance, or a descriptive summary of the ordinance, along with a reference
1571 of the place in the city or town where the ordinance may be examined, shall be published three
1572 times ~~in at least ten issues of a daily~~ paper having general circulation in the city or town, ~~if there~~
1573 ~~is such a paper, or in two successive issues of a weekly newspaper having general circulation in~~
1574 ~~such city or town, if there is such a paper. If there is no daily newspaper having general circulation~~
1575 ~~therein, the ordinance shall be conspicuously posted in at least ten public places in the territory for~~
1576 ~~at least ten days before the application to the circuit court for the city or town as provided for in §~~
1577 ~~15.2-3237 in addition to the publication in the weekly newspaper with the first notice appearing~~
1578 ~~no more than 35 days before and the third notice appearing no less than seven days before the~~
1579 ~~enactment of the ordinance.~~ A copy of the ordinance shall be served by the city or town upon the
1580 chairman of the board of supervisors of the contiguous county or counties of which the territory
1581 may become a part.

1582 **§ 15.2-3242. Parties defendant and publication of such petition.**

1583 The county in which the part of the town proposed to be abandoned under § 15.2-3241 is
1584 located shall be named as defendant to the petition. Satisfactory proof that the petition, or a
1585 descriptive summary of the petition along with a reference to the place in the town where the
1586 petition may be examined, has been published in a newspaper having general circulation in the
1587 county or town ~~once a week for four successive weeks and has been posted at the front door of the~~
1588 ~~courthouse of the county for a like period~~ three times, with the first notice appearing no more than
1589 35 days before and the third notice appearing no less than seven days before the filing of the
1590 petition, shall be filed with the petition. A statement in the publication to the effect that a certain
1591 number of registered voters of the territory proposed to be abandoned signed the petition shall be
1592 sufficient in lieu of the names of the signers.

1593 **§ 15.2-3400. Voluntary settlements among local governments.**

1594 Recognizing that the localities of the Commonwealth may be able to settle the matters
1595 provided for in this subtitle through voluntary agreements and further recognizing that such a

1596 resolution can be beneficial to the orderly growth and continued viability of the localities of the
1597 Commonwealth the following provisions are made:

1598 1. Any locality may enter voluntarily into agreement with any other locality or combination
1599 of localities whereby any rights provided for its benefit in this subtitle may be modified or waived
1600 in whole or in part, as determined by its governing body, provided that the modification or waiver
1601 does not conflict with the Constitution of Virginia.

1602 2. The terms of the agreement may include fiscal arrangements, land use arrangements,
1603 zoning arrangements, subdivision arrangements and arrangements for infrastructure, revenue and
1604 economic growth sharing, provisions for the acceptance on each other's behalf of proffered
1605 conditions under § 15.2-2298 or 15.2-2303, dedication of all or any portion of tax revenues to a
1606 revenue and economic growth sharing account, boundary line adjustments, acquisition of real
1607 property and buildings and the joint exercise or delegation of powers as well as the modification
1608 or waiver of specific annexation, transition or immunity rights as determined by the local
1609 governing body including opposition to petitions filed pursuant to § 15.2-3203, and such other
1610 provisions as the parties deem in their best interest. The terms of the agreement may also provide
1611 for subsequent court review, instituted pursuant to provisions contained in the agreement, by a
1612 special court convened under Chapter 30 (§ 15.2-3000 et seq.) of this title.

1613 3. If a voluntary agreement is reached pursuant to this chapter, the governing bodies shall
1614 present to the Commission the proposed settlement. The Commission shall conduct a hearing
1615 pursuant to subsection A of § 15.2-2907. The Commission shall report, in writing, its findings and
1616 recommendations as to whether the proposed settlement is in the best interest of the
1617 Commonwealth. Such report shall not be binding upon any court but shall be advisory in nature
1618 only.

1619 4. Upon receipt of the Commission report, the localities, by ordinance passed by a recorded
1620 affirmative vote of a majority of the members of each governing body thereof, may adopt either
1621 the original or a modified agreement acceptable to all parties. ~~Before adopting such ordinance each~~
1622 Each local governing body shall advertise its intention to approve such agreement, or modified

1623 agreement, ~~at least once a week for two successive weeks~~ twice, with the first notice appearing no
1624 more than 28 days before and the second notice appearing no less than seven days before the
1625 adoption of the ordinance in a newspaper having a general circulation in its jurisdiction ~~and such~~.
1626 Such advertisements shall contain a descriptive summary of the agreement or modified agreement.
1627 Each locality shall hold at least one public hearing on the agreement or modified agreement prior
1628 to the adoption of the ordinance. The publication shall include a statement that a copy of the
1629 agreement, or modified agreement, is on file in the office of the clerk of the circuit court for each
1630 of the affected jurisdictions.

1631 5. The governing bodies shall petition a circuit court having jurisdiction in one or more of
1632 the localities for an order affirming the proposed settlement. The circuit court with which the
1633 petition is filed shall notify the Supreme Court, which shall appoint a special court to hear the case
1634 as prescribed by Chapter 30 (§ 15.2-3000 et seq.) of this title. The special court shall be limited in
1635 its decision to either affirming or denying the voluntary agreement and shall have no authority,
1636 without the express approval of each local governing body, to amend or change the terms or
1637 conditions of the agreement, but shall have the authority to validate the agreement and give it full
1638 force and effect. The court shall affirm the agreement unless the court finds either that the
1639 agreement is contrary to the best interests of the Commonwealth or that it is not in the best interests
1640 of each of the parties thereto. In determining whether such agreement should be affirmed, the court
1641 shall consider, among other things, whether the interest of the Commonwealth in promoting
1642 orderly growth and the continued viability of localities has been met. If the agreement is validated
1643 and provides for annexation by a city or town, the agreement shall take effect on the first day of
1644 the month succeeding validation of the agreement unless the agreement stipulates that the
1645 annexation shall be effective on some other date.

1646 6. The agreement shall not become binding on the localities until affirmed by the special
1647 court under this section. Once approved by the special court, the agreement shall also bind future
1648 local governing bodies of the localities.

1649 7. The applicable provisions of this chapter shall be deemed to have been met with regard
1650 to any voluntary fiscal agreement or voluntary agreement in settlement of an annexation, transition
1651 or immunity petition or voluntary settlement agreement entered into pursuant to this chapter (i)
1652 which was entered into before July 1, 1990, (ii) which had been reviewed or was in the process of
1653 review by the Commission on Local Government on or before July 1, 1990, (iii) which had been
1654 or was the subject of review by a special court convened under Chapter 30 of this title on or before
1655 July 1, 1990, or (iv) which had been or was approved by a special court convened under Chapter
1656 30 of this title on or before July 1, 1990.

1657 8. The provisions of § 15.2-3226 shall apply when a voluntary agreement made under this
1658 section includes the annexation of territory by a city or town. No election for members of council
1659 shall be held as a result of such annexation unless the city or town increases its population by more
1660 than five percent due to the annexation.

1661 **§ 15.2-3401. Referendum on contracting of debt by counties in voluntary settlement**
1662 **agreements.**

1663 Before a county, under the terms of a voluntary agreement pursuant to this chapter,
1664 contracts a debt pursuant to Article VII, § 10 (b) of the Constitution of Virginia, the board of
1665 supervisors shall, in conformity with Article VII, § 10 (b) of the Constitution of Virginia, petition
1666 the circuit court for the county for an order calling for a special election in the county on the
1667 question of contracting such debt.

1668 The question on the ballot shall be as follows, provided that the circuit court in its order
1669 calling for the election may substitute alternative language necessary to specify the type of
1670 agreement or the particular debt which the county proposes to contract under an agreement:

1671 "Shall (name of county) be authorized to contract a debt by entering into a contract for the
1672 payment (describe the debt or payment) to (name of locality to whom payments are to be made)
1673 as a part of the proposed voluntary annexation and immunity settlement agreement between the
1674 county and (name of other locality)?

1675 [] Yes

1676 [] No"

1677 The clerk of the county shall cause a notice of the referendum to be published three times
1678 in a newspaper having general circulation in the county ~~once a week for three consecutive weeks,~~
1679 ~~the first such notice of which must be published not more than 21 days prior to,~~ with the first notice
1680 appearing no more than 35 days before and the third notice appearing no less than seven days
1681 before the election, and shall post a copy of the notice at the door of the county courthouse.

1682 The election shall be held and the results thereof ascertained and certified in accordance
1683 with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2. If a majority of the voters of the
1684 county voting in such election approve the contracting of such debt, the county may proceed to
1685 adopt, by ordinance, the agreement.

1686 **§ 15.2-3504. Publication of agreement.**

1687 The governing body of each of the consolidating localities shall cause a copy of the
1688 consolidation agreement, or a descriptive summary of the agreement and a reference to the place
1689 within the locality where a copy of the agreement may be examined, to be published in each
1690 locality with which it is proposed to consolidate ~~at least once a week for four successive weeks~~
1691 three times in a newspaper having a general circulation therein, with the first notice appearing no
1692 more than 35 days before and the third notice appearing no less than seven days before the adoption
1693 of the consolidated agreement in accordance with § 15.2-3502. A copy of the agreement shall be
1694 available for public inspection at the circuit court clerk's office of each of the consolidating
1695 localities.

1696 **§ 15.2-3600. Petition for incorporation of community; appointment of special court.**

1697 A petition signed by 100 voters of any community may be presented to the circuit court for
1698 the county in which such community, or the greater part thereof, is situated, requesting that the
1699 community be incorporated as a town. A plat showing the boundaries of the community shall be
1700 attached to the petition. The circuit court with which the petition is filed shall notify the Supreme
1701 Court, which shall appoint a special court to hear the case as prescribed by Chapter 30 (§ 15.2-
1702 3000 et seq.) of this title. The plat shall be prepared by a registered surveyor in a form suitable for

1703 recording in the clerk's office of the circuit court. A copy of the petition shall be served upon the
1704 county attorney or, if there is no county attorney, the attorney for the Commonwealth, and each
1705 member of the governing body of the county or counties wherein the area sought to be incorporated
1706 lies. The governing body at its option may become a party to the proceeding. The petition shall be
1707 accompanied by proof that:

1708 1. The petition has been available for public inspection in the office of the clerk of the
1709 circuit court; and

1710 2. The following have been published ~~once a week for three successive weeks~~ three times
1711 in a newspaper having general circulation in the county, with the first publication appearing no
1712 more than ~~21-35~~ days before and the third publication appearing no less than seven days before
1713 the petition will be presented:

1714 a. Notice of the time and place the petition would be presented; and

1715 b. The text of the petition in full; or

1716 c. A descriptive summary of the petition and notice that the petition may be inspected at
1717 the circuit court clerk's office.

1718 **§ 15.2-3805. Time limit for intervenors; publication of order.**

1719 The special court shall by order fix a time within which a voter, property owner or political
1720 subdivision not served may become a party to a proceeding instituted under this chapter, and
1721 thereafter no such petition shall be received, except for good cause shown. A copy of the order
1722 shall be published ~~at least once a week for two successive weeks~~ twice in a newspaper of general
1723 circulation in the county and in the adjoining or adjacent counties and cities, with the first notice
1724 appearing no more than 28 days and the second notice appearing no less than seven days before
1725 the time fixed by the special court.

1726 **§ 15.2-3913. Public hearing on charter; notice and publication; adoption of charter**
1727 **by governing body.**

1728 Upon the completion of the proposed charter the governing body shall hold a public hearing
1729 at which the citizens shall have an opportunity to be heard with respect thereto. Notice of the time

1730 and place of such hearing and the text of the charter, or an informative summary thereof, shall be
1731 published twice in a newspaper of general circulation in the county ~~at least once a week for two~~
1732 ~~successive weeks, with the first notice appearing no more than 28 days before and the second~~
1733 ~~notice appearing no less than seven days before the hearing. The hearing shall not be held sooner~~
1734 ~~than thirty days subsequent to the first publication.~~ Such hearing may be adjourned from time to
1735 time, but shall be completed not less than thirty days before the election. Upon completion of the
1736 hearing the governing body shall adopt the charter with such revisions as it may accept.

1737 **§ 15.2-4311. Review of districts.**

1738 The local governing body may complete a review of any district created under this section,
1739 together with additions to such district, no less than four years but no more than ten years after the
1740 date of its creation and every four to ten years thereafter. If the local governing body determines
1741 that a review is necessary, it shall begin such review at least ninety days before the expiration date
1742 of the period established when the district was created. In conducting such review, the local
1743 governing body shall ask for the recommendations of the local advisory committee and the
1744 planning commission in order to determine whether to terminate, modify or continue the district.
1745 When each district is reviewed, land within the district may be withdrawn at the owner's discretion
1746 by filing a written notice with the local governing body at any time before it acts to continue,
1747 modify or terminate the district. The local planning commission or the advisory committee shall
1748 schedule as part of the review a public meeting with the owners of land within the district, and
1749 shall send by first-class mail a written notice of the meeting and review to all such owners. The
1750 notice shall state the time and place for the meeting; that the district is being reviewed by the local
1751 governing body; that the local governing body may continue, modify, or terminate the district; and
1752 that land may be withdrawn from the district at the owner's discretion by filing a written notice
1753 with the local governing body at any time before it acts to continue, modify or terminate the
1754 district. The local governing body shall hold a public hearing as provided by law. The governing
1755 body may stipulate conditions to continuation of the district and may establish a period before the
1756 next review of the district, which may be different from the conditions or period established when

1757 the district was created. Any such different conditions or period shall be described in a notice sent
1758 by first-class mail to all owners of land within the district and published in a newspaper having a
1759 general circulation within the district ~~at least two weeks~~ no less than seven days prior to adoption
1760 of the ordinance continuing the district. Unless the district is modified or terminated by the local
1761 governing body, the district shall continue as originally constituted, with the same conditions and
1762 period before the next review as that established when the district was created.

1763 If the local governing body determines that a review is unnecessary, it shall set the year in
1764 which the next review shall occur.

1765 **§ 15.2-4313. Proposals as to land acquisition or construction within district.**

1766 A. Any agency of the Commonwealth or any political subdivision which intends to acquire
1767 land or any interest therein other than by gift, devise, bequest or grant, or any public service
1768 corporation which intends to: (i) acquire land or any interest therein for public utility facilities not
1769 subject to approval by the State Corporation Commission, provided that the proposed acquisition
1770 from any one farm or forestry operation within the district is in excess of one acre or that the total
1771 proposed acquisition within the district is in excess of ten acres or (ii) advance a grant, loan, interest
1772 subsidy or other funds within a district for the construction of dwellings, commercial or industrial
1773 facilities, or water or sewer facilities to serve nonfarm structures, shall at least ninety days prior to
1774 such action notify the local governing body and all of the owners of land within the district. Notice
1775 to landowners shall be sent by first-class or registered mail and shall state that further information
1776 on the proposed action is on file with the local governing body. Notice to the local governing body
1777 shall be filed in the form of a report containing the following information:

1778 1. A detailed description of the proposed action, including a proposed construction
1779 schedule;

1780 2. All the reasons for the proposed action;

1781 3. A map indicating the land proposed to be acquired or on which the proposed dwellings,
1782 commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures are to
1783 be constructed;

1784 4. An evaluation of anticipated short-term and long-term adverse impacts on agricultural
1785 and forestal operations within the district and how such impacts are proposed to be minimized;

1786 5. An evaluation of alternatives which would not require action within the district; and

1787 6. Any other relevant information required by the local governing body.

1788 B. Upon receipt of a notice filed pursuant to subsection A, the local governing body, in
1789 consultation with the local planning commission and the advisory committee, shall review the
1790 proposed action and make written findings as to (i) the effect the action would have upon the
1791 preservation and enhancement of agriculture and forestry and agricultural and forestal resources
1792 within the district and the policy of this chapter; (ii) the necessity of the proposed action to provide
1793 service to the public in the most economical and practical manner; and (iii) whether reasonable
1794 alternatives to the proposed action are available that would minimize or avoid any adverse impacts
1795 on agricultural and forestal resources within the district. If requested to do so by any owner of land
1796 that will be directly affected by the proposed action of the agency, corporation, or political
1797 subdivision, the Director of the Department of Conservation and Recreation, or his designee, may
1798 advise the local governing body on the issues listed in clauses (i), (ii) and (iii) of this subsection.

1799 C. If the local governing body finds that the proposed action might have an unreasonably
1800 adverse effect upon either state or local policy, it shall (i) issue an order within ninety days from
1801 the date the notice was filed directing the agency, corporation or political subdivision not to take
1802 the proposed action for a period of 150 days from the date the notice was filed and (ii) hold a public
1803 hearing, as prescribed by law, concerning the proposed action. The hearing shall be held where the
1804 local governing body usually meets or at a place otherwise easily accessible to the district. The
1805 locality shall publish notice in a newspaper having a general circulation within the district no less
1806 than seven days before the hearing, and mail individual notice of the hearing to the political
1807 subdivisions whose territory encompasses or is part of the district, and the agency, corporation or
1808 political subdivision proposing to take the action. Before the conclusion of the 150-day period, the
1809 local governing body shall issue a final order on the proposed action. Unless the local governing
1810 body, by an affirmative vote of a majority of all the members elected to it, determines that the

1811 proposed action is necessary to provide service to the public in the most economic and practical
1812 manner and will not have an unreasonably adverse effect upon state or local policy, the order shall
1813 prohibit the agency, corporation or political subdivision from proceeding with the proposed action.
1814 If the agency, corporation or political subdivision is aggrieved by the final order of the local
1815 governing body, an appeal shall lie to the circuit court having jurisdiction of the territory wherein
1816 a majority of the land affected by the acquisition is located. However, if such public service
1817 corporation is regulated by the State Corporation Commission, an appeal shall be to the State
1818 Corporation Commission.

1819 **§ 15.2-4405. Creation of districts of local significance.**

1820 A. A participating locality shall have the authority to create agricultural, forestal, or
1821 agricultural and forestal districts of local significance by the adoption of a general ordinance
1822 establishing a local districts program according to the provisions of this chapter.

1823 B. In participating localities where such an ordinance has been adopted by the local
1824 governing body, any owner or owners of land may submit an application pursuant to § 15.2-4403
1825 to the locality for the creation of an agricultural, forestal, or an agricultural and forestal district of
1826 local significance within such locality. Each individual district of local significance shall have a
1827 core of no less than the minimum acreage specified in the general ordinance, which minimum
1828 acreage in no case shall be less than 20 acres in one parcel or contiguous parcels, provided that (i)
1829 any noncontiguous parcel that is not part of the core may be included in a district of local
1830 significance if the nearest boundary of such noncontiguous parcel is within one-quarter of a mile
1831 of the core and (ii) such noncontiguous parcel had previously been included in a district of local
1832 significance. No owner of land shall be included in any agricultural, forestal, or agricultural and
1833 forestal district of local significance without the owner's written approval. A separate application
1834 may be made by any owner or owners of land for additional contiguous qualifying lands, or
1835 noncontiguous lands that meet the conditions of clauses (i) and (ii), to be included in an already
1836 created district at any time following such creation.

1837 C. Upon receipt of a proposal for a district of local significance, the local governing body
1838 shall refer the proposal to the planning commission which shall:

1839 1. Provide notice of the proposal by publishing a notice in a newspaper having general
1840 circulation within the proposed district and by posting such notice in three conspicuous places
1841 within the jurisdiction in which the proposed district is located. The notice shall state that an
1842 application for an agricultural, forestal, or agricultural and forestal district of local significance has
1843 been submitted to the local governing body, that a copy of the application is on file open to public
1844 inspection in the office of the clerk, that any proposals for modifications of the district shall be
1845 filed within 30 days, that any owner included in the proposal may withdraw his land, in whole or
1846 in part, at any time until the local governing body makes a final decision as to the constitution of
1847 the district pursuant to subsection D, and that hearing dates of the planning commission and local
1848 governing body shall be published and posted within 30 days.

1849 2. Refer such proposal and modifications to the advisory committee.

1850 D. Within one year of the date of filing of the application for such original proposal, the
1851 proposal: shall be reviewed by (i) the advisory committee, which shall report to the local planning
1852 commission its recommendations concerning the proposal and proposed modifications; (ii) the
1853 planning commission, which, after receiving the report of the advisory committee, shall hold a
1854 public hearing as prescribed in subsection E, and shall report its recommendations concerning the
1855 proposal and proposed modifications to the local governing body; and (iii) the local governing
1856 body, which, after receiving the report of the local planning commission and the advisory
1857 committee, shall hold a public hearing as prescribed below, and may create the district or any
1858 modification of the district by the adoption of a district ordinance as described in subsection E, or
1859 reject the creation of a district as it deems appropriate. All districts shall meet the minimum
1860 requirements set forth in the participating locality's general ordinance for the creation of districts
1861 of local significance.

1862 E. Public hearings required to be held by the planning commission and local governing
1863 body shall be conducted in the following manner:

1864 1. The hearing as prescribed by law shall be held where the local governing body usually
1865 meets or at a place otherwise readily accessible to the proposed district;

1866 2. The notice of the public hearing as prescribed by law shall contain a description of the
1867 proposed district, any proposed modifications and any recommendations of the local planning
1868 commission or the advisory committee; and

1869 3. The notice shall be published twice in a newspaper having a general circulation within
1870 the proposed district ~~and, with the first notice appearing no more than 28 days before and the~~
1871 second notice appearing no less than seven days before the hearing. Such notice shall be given in
1872 writing complete with proposed modifications to those municipalities whose territory encompasses
1873 or is part of the proposed district.

1874 F. The general ordinance establishing the program to create agricultural, forestal, or
1875 agricultural and forestal districts of local significance shall state the criteria which shall be
1876 considered by the advisory committee and the local planning commission in advising the local
1877 governing body and by the local governing body in making its decision on whether or not to create
1878 a district. These criteria shall be based on and consistent with the following factors:

1879 1. The agricultural and forestal significance within the proposed district and in areas
1880 adjacent thereto;

1881 2. The presence of any significant agricultural lands or significant forestal lands within the
1882 proposed district and adjacent thereto that are not now in active farming or production;

1883 3. The nature and extent of land uses other than active farming or forestry within the
1884 proposed district and adjacent thereto;

1885 4. Local developmental patterns and needs including zoning and the comprehensive plan;

1886 5. The scenic and historic features of land uses within the proposed district and adjacent
1887 thereto;

1888 6. The environmental benefits of preserving the lands in the district in their existing use;
1889 and

1890 7. Any other matter which may be relevant.

1891 In judging significance, any relevant agricultural and forest maps may be considered as
1892 well as soil, climate, topography, quality of tree cover, other natural factors, markets for farm and
1893 forest products, the extent and nature of farm and forest improvements, evidence of commitment
1894 to long-term farm and forest use, anticipated trends in agricultural and forest economic conditions
1895 and technology, and such other factors as may be relevant. Criteria for judging the significance of
1896 lands in local agricultural and forestal districts to be created pursuant to this chapter may differ
1897 from those for judging the significance of lands in statewide districts to be created pursuant to
1898 Chapter 43 (§ 15.2-4300 et seq.).

1899 **§ 15.2-5136. Rates and charges.**

1900 A. The authority may fix and revise rates, fees and other charges (which shall include, but
1901 not be limited to, a penalty not to exceed 10 percent on delinquent accounts, and interest on the
1902 principal), subject to the provisions of this section, for the use of and for the services furnished or
1903 to be furnished by any system, or streetlight system in King George County, or refuse collection
1904 and disposal system or facilities incident thereto, owned, operated or maintained by the authority,
1905 or facilities incident thereto, for which the authority has issued revenue bonds as authorized by
1906 this chapter. Such rates, fees and charges shall be so fixed and revised as to provide funds, with
1907 other funds available for such purposes, sufficient at all times (i) to pay the cost of maintaining,
1908 repairing and operating the system or systems, or facilities incident thereto, for which such bonds
1909 were issued, including reserves for such purposes and for replacement and depreciation and
1910 necessary extensions, (ii) to pay the principal of and the interest on the revenue bonds as they
1911 become due and reserves therefor, and (iii) to provide a margin of safety for making such
1912 payments. The authority shall charge and collect the rates, fees and charges so fixed or revised.

1913 B. The rates for water (including fire protection) and sewer service (including disposal)
1914 shall be sufficient to cover the expenses necessary or properly attributable to furnishing the class
1915 of services for which the charges are made. However, the authority may fix rates and charges for
1916 the services and facilities of its water system sufficient to pay all or any part of the cost of operating
1917 and maintaining its sewer system (including disposal) and all or any part of the principal of or the

1918 interest on the revenue bonds issued for such sewer or sewage disposal system, and may pledge
1919 any surplus revenues of its water system, subject to prior pledges thereof, for such purposes.

1920 C. Rates, fees and charges for the services of a sewer or sewage disposal system shall be
1921 just and equitable, and may be based upon:

- 1922 1. The quantity of water used or the number and size of sewer connections;
- 1923 2. The number and kind of plumbing fixtures in use in the premises connected with the
1924 sewer or sewage disposal system;
- 1925 3. The number or average number of persons residing or working in or otherwise connected
1926 with such premises or the type or character of such premises;
- 1927 4. Any other factor affecting the use of the facilities furnished; or
- 1928 5. Any combination of the foregoing factors.

1929 However, the authority may fix rates and charges for services of its sewer or sewage
1930 disposal system sufficient to pay all or any part of the cost of operating and maintaining its water
1931 system, including distribution and disposal, and all or any part of the principal of or the interest on
1932 the revenue bonds issued for such water system, and to pledge any surplus revenues of its water
1933 system, subject to prior pledges thereof, for such purposes.

1934 D. Water and sewer rates, fees and charges established by any authority shall be fair and
1935 reasonable. An authority may charge fair and reasonable rates, fees, and charges to create reserves
1936 for expansion of its water and sewer or sewage disposal systems. Such rates, fees, and charges
1937 shall be reviewed by the authority periodically and shall be adjusted, if necessary, to assure that
1938 they continue to be fair and reasonable. However, any authority may charge and collect rates, fees,
1939 and charges to create a reserve fund for reasonable expansion of its water, sewer, or sewage
1940 disposal system. Nothing herein shall affect existing contracts with bondholders which are in
1941 conflict with any of the foregoing provisions.

1942 E. Rates, fees and charges for the service of a streetlight system shall be just and equitable,
1943 and may be based upon:

- 1944 1. The portion of such system used;

- 1945 2. The number and size of premises benefiting therefrom;
- 1946 3. The number or average number of persons residing or working in or otherwise connected
- 1947 with such premises;
- 1948 4. The type or character of such premises;
- 1949 5. Any other factor affecting the use of the facilities furnished; or
- 1950 6. Any combination of the foregoing factors.

1951 However, the authority may fix rates and charges for the service of its streetlight system

1952 sufficient to pay all or any part of the cost of operating and maintaining such system.

1953 F. The authority may also fix rates and charges for the services and facilities of a water

1954 system or a refuse collection and disposal system sufficient to pay all or any part of the cost of

1955 operating and maintaining facilities incident thereto for the generation or transmission of power

1956 and all or any part of the principal of or interest upon the revenue bonds issued for any such

1957 facilities incident thereto, and to pledge any surplus revenues from any such system, subject to

1958 prior pledges thereof, for such purposes. Charges for services to premises, including services to

1959 manufacturing and industrial plants, obtaining all or a part of their water supply from sources other

1960 than a public water system may be determined by gauging or metering or in any other manner

1961 approved by the authority.

1962 G. No rates, fees or charges shall be fixed under subsections A through F of this section or

1963 under subdivision 10 of § 15.2-5114 until after a public hearing at which all of the users of the

1964 systems or facilities; the owners, tenants or occupants of property served or to be served thereby;

1965 and all others interested have had an opportunity to be heard concerning the proposed rates, fees

1966 and charges. After the adoption by the authority of a resolution setting forth the preliminary

1967 schedule or schedules fixing and classifying such rates, fees and charges, notice of a public hearing;

1968 ~~setting forth the proposed schedule or schedules of rates, fees and charges, in accordance with §~~

1969 ~~15.2-1427 shall be published once a week for two successive weeks in a newspaper having a~~

1970 ~~general circulation in the area to be served by such systems or facilities, with the first notice~~

1971 ~~appearing no more than 14 days before the hearing.~~ The hearing may be adjourned from time to

1972 time. A copy of the notice shall be mailed to the governing bodies of all localities in which such
1973 systems or facilities or any part thereof is located. After the hearing the preliminary schedule or
1974 schedules, either as originally adopted or as amended, shall be adopted and put into effect.

1975 H. A copy of the schedule or schedules of the final rates, fees and charges fixed in
1976 accordance with subsection G shall be kept on file in the office of the clerk or secretary of the
1977 governing body of each locality in which such systems or any part thereof is located, and shall be
1978 open to inspection by all interested parties. The rates, fees or charges so fixed for any class of users
1979 or property served shall be extended to cover any additional properties thereafter served which fall
1980 within the same class, without the necessity of a hearing or notice. Any increase in any rates, fees
1981 or charges under this section shall be made in the manner provided in subsection G. Any other
1982 change or revision of the rates, fees or charges may be made in the same manner as the rates, fees
1983 or charges were originally established as provided in subsection G.

1984 I. No rates, fees or charges established, fixed, changed or revised before January 1, 2013,
1985 by any authority pursuant to this section or to subdivision 10 of § 15.2-5114 shall be invalidated
1986 because of any defect in or failure to publish or provide any notice required under this section or
1987 any predecessor provision.

1988 **§ 15.2-5156. Hearing; notice.**

1989 A. An ordinance or resolution creating a community development authority shall not be
1990 adopted or approved until a public hearing has been held by the governing body on the question
1991 of its adoption or approval. Notice of the public hearing shall be published ~~once a week for three~~
1992 ~~successive weeks~~ three times in a newspaper of general circulation within the locality, with the
1993 first notice appearing no more than ~~21~~ 35 days before and the third notice appearing no less than
1994 seven days before the hearing. The petitioning landowners shall bear the expense of publishing the
1995 notice. The hearing shall not be held sooner than ten days after completion of publication of the
1996 notice.

1997 B. After the public hearing and before adoption of the ordinance or resolution, the local
1998 governing body shall mail a true copy of its proposed ordinance or resolution creating the

1999 development authority to the petitioning landowners or their attorney in fact. Unless waived in
2000 writing, any petitioning landowner shall have thirty days from mailing of the proposed ordinance
2001 or resolution in which to withdraw his signature from the petition in writing prior to the vote of
2002 the local governing body on such ordinance or resolution. If any signatures on the petition are so
2003 withdrawn, the local governing body may pass the proposed ordinance or resolution only upon
2004 certification by the petitioners that the petition continues to meet the requirements of § 15.2-5152.
2005 If all petitioning landowners waive the right to withdraw their signatures from the petition, the
2006 local governing body may adopt the ordinance or resolution upon compliance with the provisions
2007 of subsection A and any other applicable provisions of law.

2008 **§ 15.2-5403. Creation of electric authority; referendum.**

2009 The governing body of a governmental unit may by ordinance, or the governing bodies of
2010 two or more governmental units may by concurrent ordinances or agreement authorized by
2011 ordinance of each of the respective governmental units, create an electric authority, under any
2012 appropriate name and title containing the words "electric authority." Upon compliance with the
2013 provisions of this section and §§ 15.2-5404 and 15.2-5405, the authority shall be a political
2014 subdivision of the Commonwealth and a body politic and corporate. Any such ordinance shall be
2015 adopted in accordance with applicable general or special laws or charter provisions providing for
2016 the adoption of ordinances of the particular governmental unit, and shall be published ~~once a week~~
2017 ~~for two successive weeks prior to adoption~~ twice in a newspaper of general circulation within the
2018 governmental unit, with the first notice appearing no more than 28 days before and the second
2019 notice appearing no less than seven days before adoption. ~~The second publication shall not be~~
2020 ~~sooner than one calendar week after the first publication.~~

2021 No governmental unit shall participate as a member of such an authority unless and until
2022 such participation is authorized by a majority of the voters voting in a referendum held in the
2023 governmental unit on the question of whether or not the governmental unit should participate in
2024 the authority. The referendum shall be held as provided in §§ 24.2-682 and 24.2-684. The
2025 foregoing referendum requirement shall not apply to the Town of Elkton if the Town creates an

2026 authority by an ordinance that includes articles of incorporation which comply with the provisions
2027 of § 15.2-5404 and also set forth a statement that such authority shall have only the Town as its
2028 sole member throughout its life.

2029 **§ 15.2-5431.25. Rates and charges.**

2030 A. The authority may fix and revise rates, fees and other charges (which shall include, but
2031 not be limited to, a penalty not to exceed 10 percent on delinquent accounts, and interest on the
2032 principal), subject to the provisions of this section, for the use of a project or any portion thereof
2033 and for the services furnished or to be furnished by the authority, or facilities incident thereto,
2034 owned, operated or maintained by the authority, or facilities incident thereto, for which the
2035 authority has issued revenue bonds as authorized by this chapter or received loan funding from
2036 other sources. Such rates, fees and charges shall be so fixed and revised as to provide funds, with
2037 other funds available for such purposes, sufficient at all times (i) to pay the cost of maintaining,
2038 repairing and operating the project or systems, or facilities incident thereto, for which such bonds
2039 were issued or loans obtained, including reserves for such purposes and for replacement and
2040 depreciation and necessary extensions, (ii) to pay the principal of and the interest on the revenue
2041 bonds as they become due and reserves therefor, or other loan principal and interest, and (iii) to
2042 provide a margin of safety for making such payments. The authority shall charge and collect the
2043 rates, fees and charges so fixed or revised. The authority shall maintain records demonstrating
2044 compliance with the requirements of this section concerning the fixing and revision of rates, fees,
2045 and charges that shall be made available for inspection and copying by the public pursuant to the
2046 Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

2047 B. No rates, fees or charges shall be fixed under subsection A until after a public hearing
2048 at which all of the users of such facilities; the owners, tenants or occupants of property served or
2049 to be served thereby; and all others interested have had an opportunity to be heard concerning the
2050 proposed rates, fees and charges. After the adoption by the authority of a resolution setting forth
2051 the preliminary schedule or schedules fixing and classifying such rates, fees and charges, notice of
2052 a public hearing, setting forth the proposed schedule or schedules of rates, fees and charges, shall

2053 be published ~~once a week for two successive weeks~~ twice in a newspaper having a general
2054 circulation in the area to be served by such systems, with the first notice appearing no more than
2055 14 28 days before and the second notice appearing no less than seven days before the hearing. The
2056 hearing may be adjourned from time to time. A copy of the notice shall be mailed to the governing
2057 bodies of all localities in which such systems or any part thereof is located. After the hearing the
2058 preliminary schedule or schedules, either as originally adopted or as amended, shall be adopted
2059 and put into effect.

2060 C. A copy of the schedule or schedules of the final rates, fees and charges fixed in
2061 accordance with subsection B shall be kept on file in the office of the clerk or secretary of the
2062 governing body of the locality, and shall be open to inspection by all interested parties. The rates,
2063 fees or charges so fixed for any class of users or property served shall be extended to cover any
2064 additional properties thereafter served which fall within the same class, without the necessity of a
2065 hearing or notice. Any increase in any rates, fees or charges under this section shall be made in the
2066 manner provided in subsection B. Any other change or revision of the rates, fees or charges may
2067 be made in the same manner as the rates, fees or charges were originally established as provided
2068 in subsection B.

2069 D. Connection fees established by any authority shall be fair and reasonable. Such fees
2070 shall be reviewed by the authority periodically and shall be adjusted, if necessary, to assure that
2071 they continue to be fair and reasonable. Nothing herein shall affect existing contracts with
2072 bondholders which are in conflict with any of the foregoing provisions.

2073 **§ 15.2-5704. Powers of authority.**

2074 Each authority shall be deemed to be performing essential governmental functions
2075 providing for the public health and welfare, and is authorized and empowered:

- 2076 1. To have existence for such term of years as specified by the participating localities;
- 2077 2. To adopt bylaws for the regulation of its affairs and the conduct of its business;
- 2078 3. To adopt an official seal and alter the same at pleasure;
- 2079 4. To maintain an office at such place or places as it may designate;

- 2080 5. To sue and be sued;
- 2081 6. To acquire, purchase, lease as lessee, construct, reconstruct, improve, extend, operate
2082 and maintain parks within, or partly within and partly outside, one or more of the participating
2083 localities; to acquire by gift, purchase or the exercise of the right of eminent domain lands or rights
2084 in land or water rights in connection therewith; and to sell, lease as lessor, transfer or dispose of
2085 any property or interest therein acquired by it; however, the power of eminent domain shall not
2086 extend beyond the geographical limits of the localities composing the authority;
- 2087 7. To regulate the uses of all lands and facilities under control of the authority;
- 2088 8. To locate and operate a retail fee-based electric vehicle charging station on property
2089 under the jurisdiction of the authority; to provide that the use of such station is restricted to the
2090 employees of the locality, authority, and authorized visitors; and to install signage that provides
2091 notice of such restriction;
- 2092 9. To issue revenue bonds and revenue refunding bonds of the authority, such bonds to be
2093 payable solely from revenues derived from the use of the facilities or the furnishing of park
2094 services;
- 2095 10. To accept grants and gifts from the localities forming or thereafter joining the authority,
2096 the Commonwealth, the federal government or any other governmental bodies or political
2097 subdivisions, and from any other person;
- 2098 11. To enter into contracts with the federal government, the Commonwealth, any political
2099 subdivision, or any agency or instrumentality thereof, or with any other person providing for or
2100 relating to the furnishing of park services or facilities;
- 2101 12. To contract with any municipality, county, person or any public authority or political
2102 subdivision of this or any adjoining state, on such terms as the authority shall deem proper, for the
2103 construction, operation and maintenance of any park which is partly in this Commonwealth and
2104 partly in such adjoining state;
- 2105 13. To exercise the same rights for acquiring property for the construction or improvement,
2106 maintenance or operation of a park as the locality or localities by which such authority is created

2107 may exercise. The governing body of any participating locality, notwithstanding any contrary
2108 provision of law, general or special, is authorized and empowered to transfer jurisdiction over, to
2109 lease, lend, grant or convey to the authority, upon the request of the authority, upon such terms
2110 and conditions as the governing body of such locality may agree with the authority as reasonable
2111 and fair, real or personal property as may be necessary or desirable in connection with the
2112 acquisition, construction, improvement, operation or maintenance of a park, including public roads
2113 and other property already devoted to public use. Agreements may be entered into by the authority
2114 with the Commonwealth, or any agency acting on behalf of the Commonwealth, for the acquisition
2115 of any lands or property, owned or controlled by the Commonwealth, for the purposes of
2116 construction or improvement, maintenance or operation of a park;

2117 14. In the event of annexation by a municipality not a member of the authority of lands,
2118 areas, or territory served by the authority, then such authority may continue to do business, exercise
2119 its jurisdiction over properties and facilities in and upon or over such lands, areas or territory as
2120 long as any bonds or indebtedness remain outstanding or unpaid, or any contracts or other
2121 obligations remain in force;

2122 15. To make and enter into all contracts and agreements necessary or incidental to the
2123 performance of its duties and the execution of its powers under this chapter, including a trust
2124 agreement or trust agreements securing any revenue bonds or revenue refunding bonds issued
2125 hereunder;

2126 16. To do all acts and things necessary or convenient to carry out the powers granted by
2127 this chapter;

2128 17. To borrow, at such rates of interest as the law authorizes, from the federal government
2129 or any agency thereof, individuals, partnerships, or private or municipal corporations, for the
2130 purpose of acquiring parklands and improvements thereon; to issue its notes, bonds or other
2131 obligations; to secure such obligations by mortgage or pledge of the property and improvements
2132 being acquired and the income derived therefrom; and to use any revenues and other income of
2133 the authority for payment of interest and retirement of principal of such obligations provided that

2134 prior approval of the governing body of the locality shall be obtained by an authority that was
2135 created by a single locality. Any locality which has formed or joined an authority may lend money
2136 to the authority. The power to borrow set forth in this subdivision shall be in addition to the power
2137 to issue revenue bonds and revenue refunding bonds set forth in subdivision 9 and § 15.2-5712.
2138 Notes, bonds or other obligations issued under this subdivision shall not be deemed to constitute a
2139 debt of the Commonwealth or of any political subdivision of the Commonwealth or a pledge of
2140 the faith and credit of the Commonwealth or of any political subdivision of the Commonwealth;
2141 and

2142 18. To adopt such rules and regulations from time to time, not in conflict with the laws of
2143 this Commonwealth, concerning the use of properties under its control as will tend to the protection
2144 of such property and the public thereon. No such rule or regulation shall be adopted until after
2145 ~~descriptive~~ notice of an intention to propose such rule or regulation for passage has been published
2146 in accordance with the procedures required for the adoption of general county ordinances and
2147 emergency county ordinances as set forth in § 15.2-1427, mutatis mutandis. ~~The full text of any~~
2148 ~~proposed rule or regulation shall be available for public inspection and copying during regular~~
2149 ~~office hours of the authority at a place designated in the published notice.~~

2150 **§ 15.2-5806. Public hearings; notice; reports.**

2151 A. At least sixty days prior to selecting a site for a major league or minor league baseball
2152 stadium, the Authority shall hold a public hearing within thirty miles of the site proposed to be
2153 acquired for the purpose of soliciting public comment.

2154 B. Except as otherwise provided herein, ~~at least seven days prior to the public hearing~~
2155 ~~required by this section,~~ the Authority shall notify the local governing body in which the major
2156 league or minor league baseball stadium is proposed to be located and advertise the notice in a
2157 newspaper of general circulation in that locality no less than seven days before the public hearing.
2158 The notice shall include: (i) a description of the site proposed to be acquired, (ii) the intended use
2159 of the site, and (iii) the date, time, and location of the public hearing. After receipt of the notice
2160 required by this section, the local governing body in which a major league or minor league baseball

2161 stadium is proposed to be located may require that this period be extended for up to sixty additional
2162 days or for such other time period as agreed upon by the local governing body and the Authority.

2163 C. At least thirty days before acquiring or entering into a lease involving a major league or
2164 minor league baseball stadium and before entering into a construction contract involving a major
2165 league or minor league baseball stadium or stadium site, the Authority shall submit a detailed
2166 written report and the findings of the Authority that justify the proposed acquisition, lease, or
2167 contract to the General Assembly. The report and findings shall include a detailed plan of the
2168 method of funding and the economic necessity of the proposed acquisition, lease, or contract.

2169 D. The time periods in subsections A, B, and C of this section may not run concurrently.

2170 E. The Commonwealth shall not enter into any purchase agreement, lease agreement, lease-
2171 purchase agreement, master lease agreement or any other contractual arrangement that creates a
2172 direct or contingent financial obligation of the Commonwealth unless such agreement or
2173 arrangement has first been submitted to the State Treasurer sufficiently prior to the execution of
2174 such agreement or arrangement to allow the State Treasurer to undertake a review for the purposes
2175 of determining (i) whether the agreement or arrangement may constitute tax-supported debt of the
2176 Commonwealth and (ii) the potential impact of the agreement or arrangement on the debt capacity
2177 and credit ratings of the Commonwealth. If after such review the State Treasurer determines that
2178 the agreement or arrangement may constitute tax-supported debt of the Commonwealth, or may
2179 have an adverse impact on the debt capacity or the credit ratings of the Commonwealth, the
2180 agreement or arrangement and any associated financing shall be submitted to the Treasury Board
2181 for review and approval of terms and structures in a manner consistent with § 2.2-2416.

2182 F. The Commonwealth shall not enter into any purchase agreement, lease agreement, lease-
2183 purchase agreement, master lease agreement or any other contractual arrangement that creates a
2184 direct or contingent financial obligation of the Commonwealth unless such agreement or
2185 arrangement has first been reviewed and approved as required by subsection E and subsequently
2186 approved in writing by the Governor.

2187 **§ 15.2-7502. Public hearing required prior to creation or designation of a land bank**
2188 **entity.**

2189 The governing body of a locality shall not adopt an ordinance creating a land bank entity
2190 pursuant to § 15.2-7501 or designating a planning district commission or an existing nonprofit
2191 entity pursuant to § 15.2-7512 until notice of intention to do so has been published ~~once a week~~
2192 ~~for two successive weeks~~ twice in some newspaper published or having general circulation in the
2193 locality, with the first publication appearing no more than ~~14~~ 28 days before and the second
2194 publication appearing no less than seven days before the hearing. The notice shall specify the time
2195 and place of a hearing at which affected or interested persons may appear and present their views.
2196 After the public hearing has been conducted pursuant to this section, the governing body shall be
2197 empowered to create a land bank entity or designate a planning district commission or an existing
2198 nonprofit entity.

2199 **§ 21-114. Hearing and notice thereof.**

2200 Upon the filing of the petition, the governing body of a county shall fix a day for a hearing
2201 on the question of the proposed sanitary district, which hearing shall embrace a finding of fact of
2202 whether creation of the proposed district or enlargement of the existing district is necessary,
2203 practical, fiscally responsible, and supported by at least 50 percent of persons who own real
2204 property in (i) the proposed district or (ii) in cases of enlargement, the area proposed to be included
2205 in an existing district. All interested persons who reside in or who own real property in (a) a
2206 proposed district or (b) an existing district in cases of enlargement shall have the right to appear
2207 and show cause why the property under consideration should or should not be included in the
2208 proposed district or enlargement of same at such hearing. Such hearing shall be subject to
2209 minimum standards regarding timeliness; notice of such hearing shall be given by publication ~~once~~
2210 ~~a week for three consecutive weeks~~ three times in some newspaper of general circulation within
2211 the county to be designated by the governing body, with the first publication appearing no more
2212 than ~~21~~ 35 days before and the third publication appearing no less than seven days before the
2213 hearing. No such district shall be created until the notice has been given and the hearing had.

2214 **§ 21-117.1. Abolishing sanitary districts.**

2215 Any sanitary district heretofore or hereafter created in any county under the provisions of
2216 the preceding sections of this article may be abolished by ordinance adopted by the governing
2217 body of such county, upon the petition of no less than 50 qualified voters residing within the
2218 boundaries of the district desired to be abolished or, if the district contains less than 100 qualified
2219 voters, upon petition of 50 percent of the qualified voters residing within the boundaries of such
2220 district.

2221 Upon filing of the petition, the governing body of the county shall fix a day for a hearing
2222 on the question of abolishing the sanitary district, which hearing shall embrace a consideration of
2223 whether the property in the sanitary district will or will not be benefited by the abolition thereof,
2224 and the governing body of the county shall be fully informed as to the obligations and functions
2225 of the sanitary district. Notice of such hearing shall be given by publication ~~once a week for three~~
2226 ~~consecutive weeks~~ three times in some newspaper of general circulation within the county to be
2227 designated by the governing body of the county, with the first publication appearing no more than
2228 ~~21~~ 35 days before ~~and the third publication appearing no less than seven days before~~ the hearing.
2229 No such district shall be abolished until the notice has been given and the hearing had.

2230 Any interested parties may appear and be heard on any matters pertaining to the subject of
2231 the hearing.

2232 Upon the hearing, such ordinance shall be adopted as to the governing body of the county
2233 may seem equitable and proper, concerning the abolition of the district and as to the funds on hand
2234 to the credit of the district, provided, however, that no such ordinance shall be adopted abolishing
2235 the sanitary district unless any bonds of the sanitary district that have theretofore been issued have
2236 been redeemed and the purposes for which the sanitary district was created have been completed,
2237 or unless all obligations and functions of the sanitary district have been taken over by the county
2238 as a whole, or unless the purposes for which the sanitary district was created are impractical or
2239 impossible of accomplishment and no obligations have been incurred by said sanitary district.

2240 **§ 21-146. Notice of hearing on petition for creation.**

2241 Upon the presentation of a petition complying with the requirements of this article, praying
2242 for the creation of a sanitation district, fixing the boundaries thereof and naming the counties, cities
2243 and towns which in whole or in part are to be embraced therein, the circuit court of any such
2244 county, or of any county in which any such town is situated, or the corporation court of any such
2245 city shall make an order filing such petition and fixing a day for a hearing by such court on such
2246 petition and the question of the creation of the proposed sanitation district. Such order shall direct
2247 notice of such hearing to be given by publication ~~once a week for at least three consecutive weeks~~
2248 three times in some newspaper or newspapers having general circulation in the proposed sanitation
2249 district, with the first publication appearing no more than ~~21~~ 35 days before and the third
2250 publication appearing no less than seven days before the hearing. Such notice shall set forth the
2251 petition as filed, but need not set forth the signatures or exhibits thereto, and shall state the time
2252 and place of hearing and that at such hearing all persons desiring to controvert the allegations of
2253 such petition or question the conformity thereof to this article will be heard and all objections to
2254 the creation of the proposed sanitation district considered.

2255 **§ 21-229. Notice of hearing on petition for creation.**

2256 Upon the presentation of a petition complying with the requirements of this article, praying
2257 for the creation of a sanitation district, fixing the boundaries thereof and naming the counties, cities
2258 and towns which in whole or in part are to be embraced therein, the circuit court of any such
2259 county, or of any county in which any such town is situated, or the corporation court of any such
2260 city shall make an order filing such petition and fixing a day for a hearing by such court on such
2261 petition and the question of the creation of the proposed sanitation district. Such order shall direct
2262 notice of such hearing to be given by publication ~~once a week for at least three consecutive weeks~~
2263 three times in some newspaper or newspapers having general circulation in the proposed sanitation
2264 district, with the first publication appearing no more than ~~21~~ 35 days before and the third
2265 publication appearing no less than seven days before the hearing. Such notice shall set forth the
2266 petition as filed, but need not set forth the signatures or exhibits thereto, and shall state the time
2267 and place of hearing and that at such hearing all persons desiring to controvert the allegations of

2268 such petition or question the conformity thereof to this article will be heard and all objections to
2269 the creation of the proposed sanitation district considered.

2270 **§ 21-393. Notice of issuance of bonds.**

2271 The board of viewers of the county in which the petition was filed shall give notice by
2272 publication ~~once a week for three successive weeks~~ three times in some newspaper published in
2273 the county in which the project, or some part thereof, is situated, if there be any such newspaper,
2274 with the first publication appearing no more than ~~21~~ 35 days before and the third publication
2275 appearing no less than seven days before the hearing, and also by posting a written or printed notice
2276 at the door of the courthouse and at five conspicuous places in the project, reciting that they
2277 propose to issue drainage bonds for the total cost of the improvement, giving the amount of the
2278 bonds to be issued, the rate of interest that they are to bear, and the time when payable.

2279 **§ 21-420. How additional assessments made.**

2280 If additional or new assessments are so levied, such assessments shall be made on the same
2281 basis as the original assessments, and shall be levied only after all persons interested shall have
2282 been given full hearing by the board of viewers on the question of benefits and any other question
2283 on which they shall desire to be heard. Notice of such hearing shall be given by publication ~~once~~
2284 ~~a week for two consecutive weeks~~ twice in a newspaper of general circulation published in a county
2285 in which such project is located in whole or in part, with the first publication appearing no more
2286 than ~~14~~ 28 days before and the second publication appearing no less than seven days before the
2287 hearing. The determination of the board of viewers shall be final.

2288 **§ 22.1-37. Notice by commission of meeting for appointment.**

2289 Before any appointment is made by the school board selection commission, it shall give
2290 notice, by publication ~~once a week for three successive weeks~~ three times in a newspaper having
2291 general circulation in such county, with the first publication appearing no more than ~~21~~ 35 days
2292 before and the third publication appearing no less than seven days before the hearing, of the time
2293 and place of any meeting for the purpose of appointing the members of the county school board.
2294 Such notice shall be given whether the appointment is of a member or members of the county

2295 school board for the full term of office as provided by law or of a member to fill a vacancy
2296 occurring in the membership of the county school board or of a member from a new school district.

2297 **§ 30-140. Certain political subdivisions to file report of audit; period in which report**
2298 **kept as public record; when audit not required; sworn statement of exempted entities;**
2299 **publication of summary of financial condition; repeal of conflicting provisions.**

2300 A. Each authority, commission, district, or other political subdivision the members of
2301 whose governing body are not elected by popular vote shall annually, within five months after the
2302 end of its fiscal year, have an audit performed covering its financial transactions for such fiscal
2303 year according to the specifications of the Auditor of Public Accounts and file with the Auditor of
2304 Public Accounts a copy of the report, unless exempted in accordance with subsection B.

2305 Each authority, commission, district, or other political subdivision the members of whose
2306 governing body are not elected by popular vote and which is reported in the Commonwealth's
2307 Comprehensive Annual Financial Report as determined by the State Comptroller and the Auditor
2308 of Public Accounts shall annually, within three months after the end of its fiscal year, have an audit
2309 performed covering its financial transactions for such fiscal year according to the specifications of
2310 the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy of the report,
2311 unless exempted in accordance with subsection B.

2312 The Auditor of Public Accounts shall receive such reports required by this subsection and
2313 keep the same as public records for a period of 10 years from their receipt.

2314 B. No audit, however, shall be required for any fiscal year during which such entity's
2315 financial transactions did not exceed the sum of \$25,000.

2316 As used in this section, "financial transactions" shall not include financial transactions
2317 involving notes, bonds, or other evidences of indebtedness of such entity the proceeds of which
2318 are held or advanced by a corporate trustee or other financial institution and not received or
2319 disbursed directly by such entity.

2320 In the event an audit is not required, the entity shall file a statement under oath certifying
2321 that the transactions did not exceed such sum and, as to all transactions involving notes, bonds, or

2322 other evidences of indebtedness that are exempted, the statement shall be accompanied by an
2323 affidavit from the trustee or financial institution certifying that it has performed the duties required
2324 under the agreement governing such transactions. Notwithstanding the foregoing, the Auditor of
2325 Public Accounts may require an audit if he deems it to be necessary to determine the propriety of
2326 the entity's financial transactions.

2327 In the case of a water and sewer authority required by a governing body to have an audit
2328 conducted as specified in § 15.2-5145, the authority shall file the certified audit with the Auditor
2329 of Public Accounts.

2330 At the time the report required by this section is filed with the Auditor of Public Accounts
2331 every such authority, commission, district, or other political subdivision, except those exempted
2332 from the audit report requirement, shall publish, in a newspaper of general circulation in the
2333 county, city, or town wherein the authority, commission, district, or other political subdivision is
2334 located, ~~a summary statement reflecting the financial condition of the authority, commission,
2335 district, or other political subdivision, which shall include~~ a reference to where ~~the~~ a detailed
2336 statement reflecting the financial condition of the authority, commission, district, or other political
2337 subdivision may be found.

2338 Any provision of law, general or special, which by its terms requires an audit that is not
2339 required by this section shall be repealed to the extent of any conflict.

2340 **§ 33.2-331. Annual meeting with county officers; six-year plan for secondary state**
2341 **highways; certain reimbursements required.**

2342 For purposes of this section, "cancellation" means complete elimination of a highway
2343 construction or improvement project from the six-year plan.

2344 The governing body of each county in the secondary state highway system may, jointly
2345 with the representatives of the Department as designated by the Commissioner of Highways,
2346 prepare a six-year plan for the improvements to the secondary state highway system in that county.
2347 Each such six-year plan shall be based upon the best estimate of funds to be available to the county
2348 for expenditure in the six-year period on the secondary state highway system. Each such plan shall

2349 list the proposed improvements, together with an estimated cost of each project so listed.
2350 Following the preparation of the plan in any year in which a proposed new funding allocation is
2351 greater than \$100,000, the board of supervisors or other local governing body shall conduct a
2352 public hearing after publishing notice twice in a newspaper published in or having general
2353 circulation in the county ~~once a week for two successive weeks~~, with the first publication appearing
2354 no more than ~~14~~ 28 days before and the second publication appearing no less than seven days
2355 before the hearing, and posting notice of the proposed hearing at the front door of the courthouse
2356 of such county 10 days before the meeting. At the public hearings, which shall be conducted jointly
2357 by the board of supervisors and the representative of the Department, the entire six-year plan shall
2358 be discussed with the citizens of the county and their views considered. Following the discussion,
2359 the local governing body, together with the representative of the Department, shall finalize and
2360 officially adopt the six-year plan, which shall then be considered the official plan of the county.

2361 At least once in each calendar year in which a proposed new funding allocation is greater
2362 than \$100,000, representatives of the Department in charge of the secondary state highway system
2363 in each county, or some representative of the Department designated by the Commissioner of
2364 Highways, shall meet with the governing body of each county in a regular or special meeting of
2365 the local governing body for the purpose of preparing a budget for the expenditure of improvement
2366 funds for the next fiscal year. The representative of the Department shall furnish the local
2367 governing body with an updated estimate of funds, and the board and the representative of the
2368 Department shall jointly prepare the list of projects to be carried out in that fiscal year taken from
2369 the six-year plan by order of priority and following generally the policies of the Board in regard to
2370 the statewide improvements to the secondary state highway system. In any year in which a
2371 proposed new funding allocation is greater than \$100,000, such list of priorities shall then be
2372 presented at a public hearing duly advertised in accordance with the procedure outlined in this
2373 section, and comments of citizens shall be obtained and considered. Following this public hearing,
2374 the board, with the concurrence of the representative of the Department, shall adopt, as official, a

2375 priority program for the ensuing year, and the Department shall include such listed projects in its
2376 secondary highways budget for the county for that year.

2377 At least once every two years following the adoption of the original six-year plan, the
2378 governing body of each county, together with the representative of the Department, may update
2379 the six-year plan of the county by adding to it and extending it as necessary so as to maintain it as
2380 a plan encompassing six years. Whenever additional funds for secondary highway purposes
2381 become available, the local governing body may request a revision in its six-year plan in order that
2382 such plan be amended to provide for the expenditure of the additional funds. Such additions and
2383 extensions to each six-year plan shall be prepared in the same manner and following the same
2384 procedures as outlined herein for its initial preparation. Where the local governing body and the
2385 representative of the Department fail to agree upon a priority program, the local governing body
2386 may appeal to the Commissioner of Highways. The Commissioner of Highways shall consider all
2387 proposed priorities and render a decision establishing a priority program based upon a
2388 consideration by the Commissioner of Highways of the welfare and safety of county citizens. Such
2389 decision shall be binding.

2390 Nothing in this section shall preclude a local governing body, with the concurrence of the
2391 representative of the Department, from combining the public hearing that may be required pursuant
2392 to this section for revision of a six-year plan with the public hearing that may be required pursuant
2393 to this section for review of the list of priorities, provided that notice of such combined hearing is
2394 published in accordance with procedures provided in this section.

2395 All such six-year plans shall consider all existing highways in the secondary state highway
2396 system, including those in the towns located in the county that are maintained as a part of the
2397 secondary state highway system, and shall be made a public document.

2398 If any county cancels any highway construction or improvement project included in its six-
2399 year plan after the location and design for the project has been approved, such county shall
2400 reimburse the Department the net amount of all funds expended by the Department for planning,
2401 engineering, right-of-way acquisition, demolition, relocation, and construction between the date

2402 on which project development was initiated and the date of cancellation. To the extent that funds
2403 from secondary highway allocations have been expended to pay for a highway construction or
2404 improvement project, all revenues generated from a reimbursement by the county shall be
2405 deposited into that same county's secondary highway allocation. The Commissioner of Highways
2406 may waive all or any portion of such reimbursement at his discretion.

2407 The provisions of this section shall not apply in instances where less than 100 percent of
2408 the right-of-way is available for donation for unpaved highway improvements.

2409 **§ 33.2-723. Assumption of district highway indebtedness by counties.**

2410 A. Any county may assume the payment of and pay any outstanding indebtedness of any
2411 magisterial district or districts thereof incurred for the purpose of constructing public highways
2412 that were subsequently taken over by the Commonwealth, provided the assumption thereof is
2413 approved by a majority of the qualified voters of the county voting on the question at an election
2414 to be held as provided in this section.

2415 B. The governing body of the county may, by a resolution entered of record in its minute
2416 book, require the judges of election to open a poll at the next regular election and take the sense
2417 of the qualified voters of the county upon the question whether or not the county shall assume the
2418 highway indebtedness of _____ district, or _____ districts. The local governing body
2419 shall cause notice of such election to be given by the posting of written notice thereof at the front
2420 door of the county courthouse at least 30 days prior to the date the same is to be held and by
2421 publication thereof ~~once a week for two successive weeks~~ twice in a newspaper published or
2422 having general circulation in the county, with the first publication appearing no more than ~~14~~ 28
2423 days before and the second publication appearing no less than seven days before the election. Such
2424 notice shall set forth the date of such election and the question to be voted on.

2425 C. The ballots for use in voting upon the question so submitted shall be prepared, printed,
2426 distributed, voted, and counted and the returns made and canvassed in accordance with the
2427 provisions of § 24.2-684. The results shall be certified by the commissioners of election to the

2428 county clerk, who shall certify the same to the governing body of the county, and such returns shall
2429 be entered of record in the minute book of the local governing body.

2430 D. If a majority of the voters voting on the question vote in favor of the assumption by the
2431 county of the highway indebtedness of any district of the county, such indebtedness shall become
2432 and be an obligation of the county and as binding thereon as if the same had been originally
2433 contracted by the county. In such event the governing body of the county is authorized to levy and
2434 collect taxes throughout the county for the payment of the district indebtedness so assumed, both
2435 as to principal and interest.

2436 E. Nothing contained in this section shall affect the validity of such district highway
2437 obligations in the event that the result of such election is against the assumption thereof by the
2438 county, but they shall continue to be as valid and binding in all respects as they were in their
2439 inception.

2440 **§ 33.2-909. Abandonment of highway, landing, or railroad crossing; procedure.**

2441 A. The governing body of any county on its own motion or upon petition of any interested
2442 landowner may cause any section of the secondary state highway system, or any crossing by the
2443 highway of the lines of a railroad company or crossing by the lines of a railroad company of the
2444 highway, deemed by it to be no longer necessary for the uses of the secondary state highway system
2445 to be abandoned altogether as a public highway, a public landing, or a public railroad crossing by
2446 complying substantially with the procedure provided in this section.

2447 B. The governing body of the county shall give notice of its intention to abandon any such
2448 highway, landing, or railroad crossing (i) by posting a notice of such intention at least three days
2449 before the first day of a regular term of the circuit court at the front door of the courthouse of the
2450 county in which the section of the highway, landing, or railroad crossing sought to be abandoned
2451 as a public highway, public landing, or public railroad crossing is located or (ii) by posting notice
2452 in at least three places on and along the highway, landing, or railroad crossing sought to be
2453 abandoned for at least 30 days and in either case by publishing notice of its intention in two or
2454 more issues of a newspaper having general circulation in the county. In addition, the governing

2455 body of the county shall give notice of its intention to abandon such highway, landing, or railroad
2456 crossing to the Board or the Commissioner of Highways. In any case in which the highway,
2457 landing, or railroad crossing proposed to be abandoned lies in two or more counties, the governing
2458 bodies of such counties shall not abandon such highway, landing, or railroad crossing unless and
2459 until all affected governing bodies agree. The procedure in such cases shall conform mutatis
2460 mutandis to the procedure prescribed for the abandonment of a highway, landing, or railroad
2461 crossing located entirely within a county.

2462 When the governing body of a county gives notice of intention to abandon a public landing,
2463 the governing body shall also give such notice to the Department of Wildlife Resources.

2464 C. If one or more landowners in the county whose property abuts the highway, landing, or
2465 railroad crossing proposed to be abandoned, or if only a section of a highway, landing, or railroad
2466 crossing is proposed to be abandoned, whose property abuts such section, or the Board or the
2467 Department of Wildlife Resources, in the case of a public landing, files a petition with the
2468 governing body of the county within 30 days after notice is posted and published as provided in
2469 this section, the governing body of the county shall hold a public hearing on the proposed
2470 abandonment and shall give notice of the time and place of the hearing by publishing such
2471 information ~~once a week for two successive weeks~~ twice in a newspaper having general circulation
2472 in the county, with the first publication appearing no more than ~~14~~ 28 days before and the second
2473 publication appearing no less than seven days before the hearing. The governing body shall also
2474 give notice to the Board or, if a public landing is sought to be abandoned, to the Department of
2475 Wildlife Resources.

2476 D. If a petition for a public hearing is not filed as provided in this section, or if after a public
2477 hearing is held the governing body of the county is satisfied that no public necessity exists for the
2478 continuance of the section of the secondary highway as a public highway or the railroad crossing
2479 as a public railroad crossing or the landing as a public landing or that the safety and welfare of the
2480 public would be served best by abandoning the section of highway, the landing, or the railroad
2481 crossing as a public highway, public landing, or public railroad crossing, the governing body of

2482 the county shall (i) within four months of the 30-day period during which notice was posted where
2483 no petition for a public hearing was filed or (ii) within four months after the public hearing adopt
2484 an ordinance or resolution abandoning the section of highway as a public highway, or the landing
2485 as a public landing, or the railroad crossing as a public railroad crossing, and with that ordinance
2486 or resolution the section of highway shall cease to be a public highway, a public landing, or a
2487 public railroad crossing. If the governing body is not so satisfied, it shall dismiss the application
2488 within the applicable four months provided in this subsection.

2489 E. A finding by the governing body of a county that a section of the secondary state
2490 highway system is no longer necessary for the uses of the secondary state highway system may be
2491 made if the following conditions exist:

- 2492 1. The highway is located within a residence district as defined in § 46.2-100;
- 2493 2. The residence district is located within a county having a density of population exceeding
2494 1,000 per square mile;
- 2495 3. Continued operation of the section of highway in question constitutes a threat to the
2496 public safety and welfare; and
- 2497 4. Alternate routes for use after abandonment of the highway are readily available.

2498 F. In considering the abandonment of any section of highway under the provisions of this
2499 section, due consideration shall be given to the historic value, if any, of such highway.

2500 G. Any ordinance or resolution of abandonment issued in compliance with this section
2501 shall give rise in subsequent proceedings, if any, to a presumption of adequate justification for the
2502 abandonment.

2503 H. No public landing shall be abandoned unless the Board of Wildlife Resources shall by
2504 resolution concur in such abandonment.

2505 **§ 33.2-2001. Creation of district.**

2506 A. A district may be created in a single locality or in two or more contiguous localities. If
2507 created in a single locality, a district shall be created by a resolution of the local governing body.
2508 If created in two or more contiguous localities, a district shall be created by the resolutions of each

2509 of the local governing bodies. Any such resolution shall be considered only upon the petition, to
2510 each local governing body of the locality in which the proposed district is to be located, of the
2511 owners of at least 51 percent of either the land area or the assessed value of land in each locality
2512 that (i) is within the boundaries of the proposed district and (ii) has been zoned for commercial or
2513 industrial use or is used for such purposes. Any proposed district within a county or counties may
2514 include any land within a town or towns within the boundaries of such county or counties.

2515 B. The petition to the local governing body or bodies shall:

2516 1. Set forth the name and describe the boundaries of the proposed district;

2517 2. Describe the transportation improvements proposed within the district;

2518 3. Propose a plan for providing such transportation improvements within the district and
2519 describe specific terms and conditions with respect to all commercial and industrial zoning
2520 classifications and uses, densities, and criteria related thereto which the petitioners request for the
2521 proposed district;

2522 4. Describe the benefits that can be expected from the provision of such transportation
2523 improvements within the district; and

2524 5. Request the local governing body or bodies to establish the proposed district for the
2525 purposes set forth in the petition.

2526 C. Upon the filing of such a petition, each local governing body shall fix a day for a hearing
2527 on the question of whether the proposed district shall be created. The hearing shall consider
2528 whether the residents and owners of real property within the proposed district would benefit from
2529 the establishment of the proposed district. All interested persons who either reside in or own
2530 taxable real property within the proposed district shall have the right to appear and show cause
2531 why any property or properties should not be included in the proposed district. If real property
2532 within a town is included in the proposed district, the governing body shall deliver a copy of the
2533 petition and notice of the public hearing to the town council at least 30 days prior to the public
2534 hearing, and the town council may by resolution determine if it wishes such property located within
2535 the town to be included within the proposed district and shall deliver a copy of any such resolution

2536 to the local governing body at the public hearing required by this section. Such resolution shall be
2537 binding upon the local governing body with respect to the inclusion or exclusion of such properties
2538 within the proposed district. The petition shall comply with the provisions of this section with
2539 respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by
2540 publication ~~once a week for three consecutive weeks~~ three times in a newspaper of general
2541 circulation within the locality, with the first publication appearing no more than ~~21~~ 35 days before
2542 and the third publication appearing no less than seven days before the hearing.

2543 D. If each local governing body finds the creation of the proposed district would be in
2544 furtherance of the locality's comprehensive plan for the development of the area, in the best
2545 interests of the residents and owners of real property within the proposed district, and in
2546 furtherance of the public health, safety, and welfare, then each local governing body may pass a
2547 resolution, which shall be reasonably consistent with the petition, creating the district and
2548 providing for the appointment of an advisory board in accordance with this chapter. The resolution
2549 shall provide a description with specific terms and conditions of all commercial and industrial
2550 zoning classifications that shall be in force in the district upon its creation, together with any related
2551 criteria and a term of years, not to exceed 20 years, as to which each zoning classification and each
2552 related criterion set forth therein shall remain in force within the district without elimination,
2553 reduction, or restriction, except (i) upon the written request or approval of the owner of any
2554 property affected by a change or (ii) as specifically required to comply with state or federal law.

2555 Each resolution creating a district shall also provide (a) that the district shall expire 35
2556 years from the date upon which the resolution is passed or (b) that the district shall expire when
2557 the district is abolished in accordance with § 33.2-2014. After the public hearing, each local
2558 governing body shall deliver a certified copy of its proposed resolution creating the district to the
2559 petitioning landowners or their attorneys-in-fact. Any petitioning landowner may then withdraw
2560 his signature on the petition, in writing, at any time prior to the vote of the local governing body.
2561 In the case where any signatures on the petition are withdrawn, the local governing body may pass
2562 the proposed resolution only upon certification that the petition continues to meet the provisions

2563 of this section. After all local governing bodies have adopted resolutions creating the district, the
2564 district shall be established and the name of the district shall be "The _____ Transportation
2565 Improvement District."

2566 **§ 33.2-2101. Creation of district.**

2567 A. A district may be created in a county by a resolution of the governing body. Any such
2568 resolution shall be considered only upon the petition, to the governing body, of the owners of at
2569 least 51 percent of either the land area or the assessed value of real property that (i) is within the
2570 boundaries of the proposed district, (ii) has been zoned for commercial or industrial use or is used
2571 for such purposes, and (iii) would be subject to the annual special improvement tax authorized by
2572 § 33.2-2105 if the proposed district is created. Any proposed district within a county may include
2573 any real property within a town or towns within the boundaries of such county.

2574 B. The petition to the governing body shall:

- 2575 1. Set forth the name and describe the boundaries of the proposed district;
- 2576 2. Describe the transportation improvements proposed within the district;
- 2577 3. Propose a plan for providing such transportation improvements within the district and
2578 describe specific terms and conditions with respect to all commercial and industrial zoning
2579 classifications and uses, densities, and criteria related thereto that the petitioners request for the
2580 proposed district;
- 2581 4. Describe the benefits that can be expected from the provision of such transportation
2582 improvements within the district; and
- 2583 5. Request the governing body to establish the proposed district for the purposes set forth
2584 in the petition.

2585 C. Upon the filing of such a petition, the governing body shall fix a day for a hearing on
2586 the question of whether the proposed district shall be created. The hearing shall consider whether
2587 the residents and owners of real property within the proposed district would benefit from the
2588 establishment of the proposed district. All interested persons who either reside in or own taxable
2589 real property within the proposed district shall have the right to appear and show cause why any

2590 property or properties should not be included in the proposed district. If real property within a
2591 town is included in the proposed district, a copy of the petition and notice of the public hearing
2592 shall be delivered to the town council at least 30 days prior to the public hearing, and the town
2593 council may by resolution determine if the town council wishes any property located within the
2594 town to be included within the proposed district and any such resolution shall be delivered to the
2595 governing body prior to the public hearing required by this section. Such resolution shall be
2596 binding upon the governing body with respect to the inclusion or exclusion of such properties
2597 within the proposed district. If that resolution permits any commercial or industrial property
2598 located within a town to be included in the proposed district, then if requested to do so by the
2599 petition the town council of any town that has adopted a zoning ordinance also shall pass a
2600 resolution, to be effective upon creation of the proposed district, that is consistent with the
2601 requirements of subsection E with respect to commercial and industrial zoning classifications that
2602 shall be in force in that portion of the town included in the district. The petition shall comply with
2603 the provisions of this section with respect to minimum acreage or assessed valuation. Notice of the
2604 hearing shall be given by publication ~~once a week for three consecutive weeks~~ three times in a
2605 newspaper of general circulation within the locality, with the first publication appearing no more
2606 than ~~21~~ 35 days before and the third publication appearing no less than seven days before the
2607 hearing. Such public hearing may be adjourned from time to time.

2608 D. If the governing body finds the creation of the proposed district would be in furtherance
2609 of the county's comprehensive plan for the development of the area, in the best interests of the
2610 residents and owners of real property within the proposed district, and in furtherance of the public
2611 health, safety, and welfare, the governing body may pass a resolution that is reasonably consistent
2612 with the petition, that creates the district upon final adoption, and that provides for the appointment
2613 of an advisory board in accordance with this chapter upon final adoption. Any such resolution shall
2614 be conclusively presumed to be reasonably consistent with the petition if, following the public
2615 hearing, as provided in the following provisions of this section, the petition continues to comply

2616 with the provisions of this section with respect to the criteria relating to minimum acreage or
2617 assessed valuation.

2618 E. The resolution shall provide a description with specific terms and conditions of all
2619 commercial and industrial zoning classifications that apply within the district, but not within any
2620 town within the district that has adopted a zoning ordinance, that shall be in force in the district
2621 upon its creation, together with any related criteria and a term of years, not to exceed 20 years, as
2622 to which each such zoning classification and each related criterion set forth therein shall remain in
2623 force within the district without elimination, reduction, or restriction, except (i) upon the written
2624 request or approval of the owner of any property affected by a change, (ii) as required to comply
2625 with the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) or the
2626 regulations adopted pursuant thereto, (iii) as required to comply with the provisions of the federal
2627 Clean Water Act regarding municipal and industrial stormwater discharges (33 U.S.C. § 1342(p))
2628 and regulations promulgated thereunder by the federal Environmental Protection Agency, or (iv)
2629 as specifically required to comply with any other state or federal law.

2630 F. A resolution creating a district shall also provide (i) that the district shall expire 50 years
2631 from the date upon which the resolution is passed or (ii) that the district shall expire when the
2632 district is abolished in accordance with § 33.2-2115. After the public hearing, the governing body
2633 may adopt a proposed resolution creating the district. No later than two business days following
2634 the adoption of the proposed resolution, copies of the proposed resolution shall be available in the
2635 office of the clerk of the governing body for inspection and copying by the petitioning landowners
2636 and their representatives, by members of the public, and by representatives of the news media. No
2637 later than seven business days following the adoption of the proposed resolution, any petitioning
2638 landowner may notify the clerk of the governing body in writing that the petitioning landowner is
2639 withdrawing his signature from the petition. Within the same seven-day period, the owner of any
2640 property in the proposed district that will be subject to the annual special improvements tax
2641 authorized by § 33.2-2105, if the proposed district is created, or the attorney-in-fact of any such
2642 owner may notify the clerk of the governing body in writing that he is adding his signature to the

2643 petition. The governing body may then proceed to final adoption of the proposed resolution
2644 following that seven-day period. If any petitioner has withdrawn his signature from the petition
2645 during that seven-day period, then the governing body may readopt the proposed resolution only
2646 if the petition, including any landowners who have added their signatures after adoption of the
2647 proposed resolution, continues to meet the provisions of this section. After the governing body has
2648 readopted the resolution creating the district, the district shall be established and the name of the
2649 district shall be "The _____ Transportation Improvement District."

2650 **§ 33.2-2701. Creation of district.**

2651 A. A district may be created in the City of Charlottesville and the County of Albemarle by
2652 resolutions of such localities' governing bodies. Such resolutions shall be considered upon the
2653 petition to each governing body of a locality in which the proposed district by the owners of at
2654 least 51 percent of either the land area or the assessed value of land, in each locality that (i) is
2655 within the boundaries of the proposed district and (ii) has been zoned for commercial or industrial
2656 use or is used for such purposes.

2657 B. The petition to the local governing bodies shall:

2658 1. Set forth the name and describe the boundaries of the proposed district;

2659 2. Describe the transportation improvements proposed within the district;

2660 3. Propose a plan for providing such transportation improvements within the district and
2661 describe specific terms and conditions with respect to all commercial and industrial zoning
2662 classifications and uses, densities, and criteria related thereto that the petitioners request for the
2663 proposed district;

2664 4. Describe the benefits that can be expected from the provision of such transportation
2665 improvements within the district; and

2666 5. Request the local governing bodies to establish the proposed district for the purposes set
2667 forth in the petition.

2668 C. Upon the filing of such a petition, each local governing body shall fix a day for a hearing
2669 on the question of whether the proposed district shall be created. The hearing shall consider

2670 whether the residents and owners of real property within the proposed district would benefit from
2671 the establishment of the proposed district. All interested persons who either reside in or own
2672 taxable real property within the proposed district shall have the right to appear and show cause
2673 why any property or properties should not be included in the proposed district. Such resolution
2674 shall be binding upon the local governing body with respect to the inclusion or exclusion of such
2675 properties within the proposed district. The petition shall comply with the provisions of this section
2676 with respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by
2677 publication ~~once a week for three consecutive weeks~~ three times in a newspaper of general
2678 circulation within the locality, with the first publication appearing no more than ~~21~~ 35 days before
2679 and the third publication appearing no less than seven days before the hearing.

2680 D. If both local governing bodies find the creation of the proposed district would be in
2681 furtherance of their comprehensive plans for the development of the area, in the best interests of
2682 the residents and owners of real property within the proposed district, and in furtherance of the
2683 public health, safety, and welfare, both local governing bodies may pass resolutions that are
2684 reasonably consistent with the petition, creating the district and providing for the appointment of
2685 an advisory board in accordance with this chapter. The resolutions shall provide a description with
2686 specific terms and conditions of all commercial and industrial zoning classifications that shall be
2687 in force in the district upon its creation, together with all related criteria and a term of years, not to
2688 exceed 20 years, as to which each such zoning classification and each related criterion set forth
2689 therein shall remain in force within the district without elimination, reduction, or restriction, except
2690 (i) upon the written request or approval of the owner of any property affected by a change or (ii)
2691 as specifically required to comply with federal or state law.

2692 Each resolution creating the district shall also provide (a) that the district shall expire 35
2693 years from the date upon which the resolution is passed or (b) that the district shall expire when
2694 the district is abolished in accordance with § 33.2-2714. After the public hearing, each local
2695 governing body shall deliver a certified copy of its proposed resolution creating the district to the
2696 petitioning landowners or their attorneys-in-fact. Any petitioning landowner may then withdraw

2697 his signature on the petition, in writing, at any time prior to the vote of the local governing body.
2698 In the case where any signature on the petition is withdrawn, the local governing body may pass
2699 the proposed resolution only upon certification that the petition continues to meet the provisions
2700 of this section. After both local governing bodies have adopted resolutions creating the district, the
2701 district shall be established and the name of the district shall be "The Charlottesville-Albemarle
2702 Transportation Improvement District."

2703 **§ 58.1-3245.2. Tax increment financing.**

2704 A. The governing body of any county, city or town may adopt tax increment financing by
2705 passing an ordinance designating a development project area and providing that real estate taxes
2706 in the development project area shall be assessed, collected and allocated in the following manner
2707 for so long as any obligations or development project cost commitments secured by the Tax
2708 Increment Financing Fund, hereinafter authorized, are outstanding and unpaid.

2709 1. The local assessing officer shall record in the land book both the base assessed value and
2710 the current assessed value of the real estate in the development project area.

2711 2. Real estate taxes attributable to the lower of the current assessed value or base assessed
2712 value of real estate located in a development project area shall be allocated by the treasurer or
2713 director of finance pursuant to the provisions of this chapter.

2714 3. Real estate taxes attributable to the increased value between the current assessed value
2715 of any parcel of real estate and the base assessed value of such real estate shall be allocated by the
2716 treasurer or director of finance and paid into a special fund entitled the "Tax Increment Financing
2717 Fund" to pay the principal and interest on obligations issued or development project cost
2718 commitments entered into to finance the development project costs.

2719 B. The governing body shall hold a public hearing on the need for tax increment financing
2720 in the county, city or town prior to adopting a tax increment financing ordinance. Notice of the
2721 public hearing shall be published ~~once each week for three consecutive weeks immediately~~
2722 ~~preceding the public hearing three times~~ in each newspaper of general circulation in such county,
2723 city or town, with the first publication appearing no more than ~~21~~ 35 days before and the third

2724 publication appearing no less than seven days before the hearing. The notice shall include the time,
2725 place and purpose of the public hearing, define tax increment financing, indicate the proposed
2726 boundaries of the development project area, and propose obligations to be issued to finance the
2727 development project area costs.

2728 **§ 58.1-3245.8. Adoption of local enterprise zone development taxation program.**

2729 A. The governing body of any county, city, or town may adopt a local enterprise zone
2730 development taxation program by passing an ordinance designating an enterprise zone located
2731 within its boundaries as a local enterprise zone; however, an ordinance may designate an area as a
2732 local enterprise zone contingent upon the designation of the area as an enterprise zone pursuant to
2733 Chapter 49 (§ 59.1-538 et seq.) of Title 59.1. If the county, city, or town contains more than one
2734 enterprise zone, such ordinance may designate one or more as a local enterprise zone. If an
2735 enterprise zone is located in more than one county, city, or town, the governing body may designate
2736 the portion of the enterprise zone located within its boundaries as a local enterprise zone. An
2737 ordinance designating a local enterprise zone shall provide that all or a specified percentage of the
2738 real estate taxes, machinery and tools taxes, or both, in the local enterprise zone shall be assessed,
2739 collected and allocated in the following manner:

2740 1. The local assessing officer shall record in the appropriate books both the base assessed
2741 value and the current assessed value of the real estate or machinery and tools, or both, in the local
2742 enterprise zone.

2743 2. Real estate taxes or machinery and tools taxes attributable to the lower of the current
2744 assessed value or base assessed value of real estate or machinery and tools located in a local
2745 enterprise zone shall be allocated by the treasurer or director of finance as they would be in the
2746 absence of such ordinance.

2747 3. All or the specified percentage of the increase in real estate taxes or machinery and tools
2748 taxes, or both, attributable to the difference between (i) the current assessed value of such property
2749 and (ii) the base assessed value of such property shall be allocated by the treasurer or director of
2750 finance and paid into a special fund entitled the "Local Enterprise Zone Development Fund" to be

2751 used as provided in § 58.1-3245.10. Such amounts paid into the fund shall not include any
2752 additional revenues resulting from an increase in the tax rate on real estate or machinery and tools
2753 after the adoption of a local enterprise zone development taxation ordinance, nor shall it include
2754 any additional revenues merely resulting from an increase in the assessed value of real estate or
2755 machinery and tools which were located in the zone prior to the adoption of a local enterprise zone
2756 development taxation ordinance unless such property is improved or enhanced.

2757 B. The governing body shall hold a public hearing on the need for a local enterprise zone
2758 development taxation program in the county, city, or town prior to adopting a local enterprise zone
2759 development taxation ordinance. Notice of the public hearing shall be published ~~once each week~~
2760 ~~for three consecutive weeks immediately preceding the public hearing~~ three times in each
2761 newspaper of general circulation in such county, city, or town, with the first publication appearing
2762 no more than ~~21~~ 35 days before and the third publication appearing no less than seven days before
2763 the hearing. The notice shall include the time, place and purpose of the public hearing; define local
2764 enterprise zone development taxation; indicate the proposed boundaries of the local enterprise
2765 zone; state whether all or a specified percentage of real property or machinery or tools, or both,
2766 will be subject to local enterprise zone development taxation; and describe the purposes for which
2767 funds in the Local Enterprise Zone Development Fund are authorized to be used.

2768 **§ 58.1-3321. Effect on rate when assessment results in tax increase; public hearings;**
2769 **referendum.**

2770 A. When any annual assessment, biennial assessment, or general reassessment of real
2771 property by a county, city, or town would result in an increase of one percent or more in the total
2772 real property tax levied, such county, city, or town shall reduce its rate of levy for the forthcoming
2773 tax year so as to cause such rate of levy to produce no more than 101 percent of the previous year's
2774 real property tax levies, unless subsection B is complied with, which rate shall be determined by
2775 multiplying the previous year's total real property tax levies by 101 percent and dividing the
2776 product by the forthcoming tax year's total real property assessed value. An additional assessment
2777 or reassessment due to the construction of new or other improvements, including those

2778 improvements and changes set forth in § 58.1-3285, to the property shall not be an annual
2779 assessment or general reassessment within the meaning of this section, nor shall the assessed value
2780 of such improvements be included in calculating the new tax levy for purposes of this section.
2781 Special levies shall not be included in any calculations provided for under this section.

2782 B. The governing body of a county, city, or town may, after conducting a public hearing,
2783 which shall not be held at the same time as the annual budget hearing, increase the rate above the
2784 reduced rate required in subsection A if any such increase is deemed to be necessary by such
2785 governing body.

2786 C. Notice of any public hearing held pursuant to this section shall be given at least seven
2787 days before the date of such hearing by the publication of a notice in (i) at least one newspaper of
2788 general circulation in such county or city and (ii) a prominent public location at which notices are
2789 regularly posted in the building where the governing body of the county, city, or town regularly
2790 conducts its business, ~~except that such notice shall be given at least 14 days before the date of such~~
2791 ~~hearing in any year in which neither a general appropriation act nor amendments to a general~~
2792 ~~appropriation act providing appropriations for the immediately following fiscal year have been~~
2793 ~~enacted by April 30 of such year.~~ Additionally, in a county, city, or town that conducts its
2794 reassessment more than once every four years, the notice for any public hearing held pursuant to
2795 this section shall be published on a different day and in a different notice from any notice published
2796 for the annual budget hearing. Any such notice shall be at least the size of one-eighth page of a
2797 standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type
2798 no smaller than 18-point. The notice described in clause (i) shall not be placed in that portion, if
2799 any, of the newspaper reserved for legal notices and classified advertisements. The notice
2800 described in clauses (i) and (ii) shall be in the following form and contain the following
2801 information, in addition to such other information as the local governing body may elect to include:

2802 NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

2803 The (name of the county, city or town) proposes to increase property tax levies.

2804 1. Assessment Increase: Total assessed value of real property, excluding additional
2805 assessments due to new construction or improvements to property, exceeds last year's total
2806 assessed value of real property by ___ percent.

2807 2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy
2808 the same amount of real estate tax as last year, when multiplied by the new total assessed value of
2809 real estate with the exclusions mentioned above, would be ____ \$ per \$100 of assessed value. This
2810 rate will be known as the "lowered tax rate."

2811 3. Effective Rate Increase: The (name of the county, city or town)proposes to adopt a tax
2812 rate of ____ \$ per \$100 of assessed value. The difference between the lowered tax rate and the
2813 proposed rate would be ____ \$ per \$100, or__ (name of the county, city or town) \$ \$ percent . This
2814 difference will be known as the "effective tax rate increase."

2815 Individual property taxes may, however, increase at a percentage greater than or less than
2816 the above percentage.

2817 4. Proposed Total Budget Increase: Based on the proposed real property tax rate and
2818 changes in other revenues, the total budget of (name of the county, city or town) will exceed last
2819 year's by __ (name of the county, city or town) percent.

2820 A public hearing on the increase will be held on(date and time) at (meeting place).

2821 D. All hearings shall be open to the public. The governing body shall permit persons
2822 desiring to be heard an opportunity to present oral testimony within such reasonable time limits as
2823 shall be determined by the governing body.

2824 E. The provisions of this section shall not be applicable to the assessment of public service
2825 corporation property by the State Corporation Commission.

2826 F. Notwithstanding other provisions of general or special law, the tax rate for taxes due on
2827 or before June 30 of each year may be fixed on or before May 15 of that tax year.

2828 **§ 62.1-44.15:33. (Effective until July 1, 2024) Authorization for more stringent**
2829 **ordinances.**

2830 A. Localities that are VSMP authorities are authorized to adopt more stringent stormwater
2831 management ordinances than those necessary to ensure compliance with the Board's minimum
2832 regulations, provided that the more stringent ordinances are based upon factual findings of local
2833 or regional comprehensive watershed management studies or findings developed through the
2834 implementation of a MS4 permit or a locally adopted watershed management study and are
2835 determined by the locality to be necessary to prevent any further degradation to water resources,
2836 to address TMDL requirements, to protect exceptional state waters, or to address specific existing
2837 water pollution including nutrient and sediment loadings, stream channel erosion, depleted
2838 groundwater resources, or excessive localized flooding within the watershed and that prior to
2839 adopting more stringent ordinances a public hearing is held. Notice of such hearing shall be given
2840 by publication ~~once a week for two consecutive weeks~~ twice in a newspaper of general circulation
2841 in the locality seeking to adopt the ordinance, with the first publication appearing no more than ~~14~~
2842 28 days before and the second publication appearing no less than seven days before the hearing.

2843 B. Localities that are VSMP authorities shall submit a letter report to the Department when
2844 more stringent stormwater management ordinances or more stringent requirements authorized by
2845 such ordinances, such as may be set forth in design manuals, policies, or guidance documents
2846 developed by the localities, are determined to be necessary pursuant to this section within 30 days
2847 after adoption thereof. Any such letter report shall include a summary explanation as to why the
2848 more stringent ordinance or requirement has been determined to be necessary pursuant to this
2849 section. Upon the request of an affected landowner or his agent submitted to the Department with
2850 a copy to be sent to the locality, within 90 days after adoption of any such ordinance or derivative
2851 requirement, localities shall submit the ordinance or requirement and all other supporting materials
2852 to the Department for a determination of whether the requirements of this section have been met
2853 and whether any determination made by the locality pursuant to this section is supported by the
2854 evidence. The Department shall issue a written determination setting forth its rationale within 90
2855 days of submission. Such a determination, or a failure by the Department to make such a
2856 determination within the 90-day period, may be appealed to the Board.

2857 C. Localities shall not prohibit or otherwise limit the use of any best management practice
2858 (BMP) approved for use by the Director or the Board except as follows:

2859 1. When the Director or the Board approves the use of any BMP in accordance with its
2860 stated conditions, the locality serving as a VSMP authority shall have authority to preclude the
2861 onsite use of the approved BMP, or to require more stringent conditions upon its use, for a specific
2862 land-disturbing project based on a review of the stormwater management plan and project site
2863 conditions. Such limitations shall be based on site-specific concerns. Any project or site-specific
2864 determination purportedly authorized pursuant to this subsection may be appealed to the
2865 Department and the Department shall issue a written determination regarding compliance with this
2866 section to the requesting party within 90 days of submission. Any such determination, or a failure
2867 by the Department to make any such determination within the 90-day period, may be appealed to
2868 the Board.

2869 2. When a locality is seeking to uniformly preclude jurisdiction-wide or otherwise limit
2870 geographically the use of a BMP approved by the Director or Board, or to apply more stringent
2871 conditions to the use of a BMP approved by the Director or Board, upon the request of an affected
2872 landowner or his agent submitted to the Department, with a copy submitted to the locality, within
2873 90 days after adoption, such authorizing ordinances, design manuals, policies, or guidance
2874 documents developed by the locality that set forth the BMP use policy shall be provided to the
2875 Department in such manner as may be prescribed by the Department that includes a written
2876 justification and explanation as to why such more stringent limitation or conditions are determined
2877 to be necessary. The Department shall review all supporting materials provided by the locality to
2878 determine whether the requirements of this section have been met and that any determination made
2879 by the locality pursuant to this section is reasonable under the circumstances. The Department shall
2880 issue its determination to the locality in writing within 90 days of submission. Such a
2881 determination, or a failure by the Department to make such a determination within the 90-day
2882 period, may be appealed to the Board.

2883 D. Based on a determination made in accordance with subsection B or C, any ordinance or
2884 other requirement enacted or established by a locality that is found to not comply with this section
2885 shall be null and void, replaced with state minimum standards, and remanded to the locality for
2886 revision to ensure compliance with this section. Any such ordinance or other requirement that has
2887 been proposed but neither enacted nor established shall be remanded to the locality for revision to
2888 ensure compliance with this section.

2889 E. Any provisions of a local stormwater management program in existence before January
2890 1, 2013, that contains more stringent provisions than this article shall be exempt from the
2891 requirements of this section. However, such provisions shall be reported to the Board at the time
2892 of the locality's VSMP approval package.

2893 **§ 62.1-44.15:33. (Effective July 1, 2024) Authorization for more stringent ordinances.**

2894 A. Localities that are serving as VESMP authorities are authorized to adopt more stringent
2895 soil erosion control or stormwater management ordinances than those necessary to ensure
2896 compliance with the Board's minimum regulations, provided that the more stringent ordinances
2897 are based upon factual findings of local or regional comprehensive watershed management studies
2898 or findings developed through the implementation of an MS4 permit or a locally adopted
2899 watershed management study and are determined by the locality to be necessary to prevent any
2900 further degradation to water resources, to address total maximum daily load requirements, to
2901 protect exceptional state waters, or to address specific existing water pollution including nutrient
2902 and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive
2903 localized flooding within the watershed and that prior to adopting more stringent ordinances a
2904 public hearing is held. Notice of such hearing shall be given by publication ~~once a week for two~~
2905 ~~consecutive weeks~~ twice in a newspaper of general circulation in the locality seeking to adopt the
2906 ordinance, with the first publication appearing no more than ~~14~~ 28 days before and the second
2907 publication appearing no less than seven days before the hearing. This process shall not be required
2908 when a VESMP authority chooses to reduce the threshold for regulating land-disturbing activities
2909 to a smaller area of disturbed land pursuant to § 62.1-44.15:34. However, this section shall not be

2910 construed to authorize a VESMP authority to impose a more stringent timeframe for land-
2911 disturbance review and approval than those provided in this article.

2912 B. Localities that are serving as VESMP authorities shall submit a letter report to the
2913 Department when more stringent stormwater management ordinances or more stringent
2914 requirements authorized by such stormwater management ordinances, such as may be set forth in
2915 design manuals, policies, or guidance documents developed by the localities, are determined to be
2916 necessary pursuant to this section within 30 days after adoption thereof. Any such letter report
2917 shall include a summary explanation as to why the more stringent ordinance or requirement has
2918 been determined to be necessary pursuant to this section. Upon the request of an affected
2919 landowner or his agent submitted to the Department with a copy to be sent to the locality, within
2920 90 days after adoption of any such ordinance or derivative requirement, localities shall submit the
2921 ordinance or requirement and all other supporting materials to the Department for a determination
2922 of whether the requirements of this section have been met and whether any determination made
2923 by the locality pursuant to this section is supported by the evidence. The Department shall issue a
2924 written determination setting forth its rationale within 90 days of submission. Such a
2925 determination, or a failure by the Department to make such a determination within the 90-day
2926 period, may be appealed to the Board.

2927 C. Localities shall not prohibit or otherwise limit the use of any best management practice
2928 (BMP) approved for use by the Director or the Board except as follows:

2929 1. When the Director or the Board approves the use of any BMP in accordance with its
2930 stated conditions, the locality serving as a VESMP authority shall have authority to preclude the
2931 onsite use of the approved BMP, or to require more stringent conditions upon its use, for a specific
2932 land-disturbing project based on a review of the stormwater management plan and project site
2933 conditions. Such limitations shall be based on site-specific concerns. Any project or site-specific
2934 determination purportedly authorized pursuant to this subsection may be appealed to the
2935 Department and the Department shall issue a written determination regarding compliance with this
2936 section to the requesting party within 90 days of submission. Any such determination, or a failure

2937 by the Department to make any such determination within the 90-day period, may be appealed to
2938 the Board.

2939 2. When a locality is seeking to uniformly preclude jurisdiction-wide or otherwise limit
2940 geographically the use of a BMP approved by the Director or Board, or to apply more stringent
2941 conditions to the use of a BMP approved by the Director or Board, upon the request of an affected
2942 landowner or his agent submitted to the Department, with a copy submitted to the locality, within
2943 90 days after adoption, such authorizing ordinances, design manuals, policies, or guidance
2944 documents developed by the locality that set forth the BMP use policy shall be provided to the
2945 Department in such manner as may be prescribed by the Department that includes a written
2946 justification and explanation as to why such more stringent limitation or conditions are determined
2947 to be necessary. The Department shall review all supporting materials provided by the locality to
2948 determine whether the requirements of this section have been met and that any determination made
2949 by the locality pursuant to this section is reasonable under the circumstances. The Department shall
2950 issue its determination to the locality in writing within 90 days of submission. Such a
2951 determination, or a failure by the Department to make such a determination within the 90-day
2952 period, may be appealed to the Board.

2953 D. Based on a determination made in accordance with subsection B or C, any ordinance or
2954 other requirement enacted or established by a locality that is found to not comply with this section
2955 shall be null and void, replaced with state minimum standards, and remanded to the locality for
2956 revision to ensure compliance with this section. Any such ordinance or other requirement that has
2957 been proposed but neither enacted nor established shall be remanded to the locality for revision to
2958 ensure compliance with this section.

2959 E. Any provisions of a local erosion and sediment control or stormwater management
2960 program in existence before January 1, 2016, that contains more stringent provisions than this
2961 article shall be exempt from the requirements of this section if the locality chooses to retain such
2962 provisions when it becomes a VESMP authority. However, such provisions shall be reported to
2963 the Board at the time of submission of the locality's VESMP approval package.

2964 **2. That any community development authority created by ordinance or resolution, or whose**
2965 **creating ordinance or resolution was amended, between July 1, 2023, and June 30, 2024, in**
2966 **accordance with § 15.2-5155 of the Code of Virginia, shall be declared to be validly created,**
2967 **and any such ordinance or resolution shall be declared to be validly adopted,**
2968 **notwithstanding any failure to strictly comply with the public hearing notice requirements**
2969 **of subsection A of § 15.2-5156 of the Code of Virginia, as amended by this act, in the creation**
2970 **and adoption thereof.**

2971 #

2972