

HOUSE BILL NO. 1488

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Local Government

on _____)

(Patron Prior to Substitute--Delegate Henson)

A BILL to amend and reenact §§ 15.2-107, 15.2-201, 15.2-202, 15.2-301, 15.2-503, 15.2-603, 15.2-716, 15.2-749, 15.2-903, 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, 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, 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, 15.2-2409, 15.2-2506, 15.2-2507, 15.2-2606, 15.2-2610, 15.2-2652, 15.2-2653, 15.2-3236, 15.2-3242, 15.2-3400, 15.2-3401, 15.2-3504, 15.2-3600, 15.2-3805, 15.2-3913, 15.2-4311, 15.2-4313, 15.2-4405, 15.2-5136, 15.2-5156, 15.2-5403, 15.2-5431.25, 15.2-5704, 15.2-5806, 15.2-7502, 21-114, 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, 33.2-2001, 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 currently effective and as it shall become effective, of the Code of Virginia, relating to local government; standardization of public notice requirements for certain meetings, hearings, or intended actions.

Be it enacted by the General Assembly of Virginia:

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, 15.2-903, 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, 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, 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, 15.2-2409, 15.2-2506, 15.2-2507, 15.2-2606, 15.2-2610, 15.2-2652, 15.2-2653, 15.2-3236, 15.2-3242, 15.2-3400, 15.2-3401, 15.2-3504, 15.2-3600, 15.2-3805, 15.2-3913, 15.2-4311, 15.2-4313, 15.2-4405, 15.2-5136, 15.2-5156, 15.2-5403, 15.2-5431.25, 15.2-5704, 15.2-5806, 15.2-7502, 21-114, 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, 33.2-2001, 33.2-2101, 33.2-2701, 58.1-3245.2, 58.1-

27 3245.8, 58.1-3321, and 62.1-44.15:33, as it is currently effective and as it shall become effective, of
28 the Code of Virginia are amended and reenacted as follows:

29 § 15.2-107. Advertisement and enactment of certain fees and levies.

30 All levies and fees imposed or increased by a locality pursuant to the provisions of Chapters 21 (§
31 15.2-2100 et seq.) or 22 (§ 15.2-2200 et seq.) shall be adopted by ordinance. The advertising requirements
32 of subsection F of § 15.2-1427, or § 15.2-2204, as appropriate, shall apply, ~~except as modified in this~~
33 ~~section.~~

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

- 35 ~~1. The time, date, and place of the public hearing.~~
- 36 ~~2. The actual dollar amount or percentage change, if any, of the proposed levy, fee or increase.~~
- 37 ~~3. A specific reference to the Code of Virginia section or other legal authority granting the legal~~
38 ~~authority for enactment of such proposed levy, fee, or increase.~~
- 39 ~~4. A designation of the place or places where the complete ordinance, and information concerning~~
40 ~~the documentation for the proposed fee, levy or increase are available for examination by the public no~~
41 ~~later than the time of the first publication.~~

42 § 15.2-201. Charter elections; subsequent procedure; procedure when bill not introduced or
43 fails to pass in General Assembly.

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

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

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

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

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

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

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

81 § 15.2-301. Petition or resolution asking for referendum; notice; conduct of election.

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

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

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

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

98 § 15.2-503. Referendum on election of the county chairman from the county at large; powers
99 and duties of chairman.

100 A. The board of any county in which members of the board are elected from districts, may by
101 resolution petition the circuit court for the county for a referendum on the question of whether there should
102 be a chairman of the board elected at large, or the like referendum may be requested by a petition to the
103 circuit court signed by at least ten percent of the voters of the county. Upon the filing of the petition, which
104 shall be filed not less than ninety days before the general election, the circuit court shall order the election
105 officials at the next general election held in the county to open the polls and take the sense of the voters
106 therein on that question. Notice of the referendum shall be published ~~once a week for three consecutive~~
107 ~~weeks prior to the referendum~~ three times in a newspaper having general circulation in the county, ~~and~~

108 with the first notice appearing no more than 35 days before and the third notice appearing no less than
 109 seven days before the referendum. Notice of the referendum shall also be posted at the door of the county
 110 courthouse. The ballot shall be printed as follows:

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

113 [] Yes

114 [] No"

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

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

121 C. Notwithstanding the provisions of § 15.2-502, the board thereafter shall consist of one member
 122 elected from each district of the county and a county chairman elected by the voters of the county at large.
 123 The county chairman shall be the chairman of the board and preside at its meetings. The chairman shall
 124 represent the county at official functions and ceremonial events. The chairman shall have all voting and
 125 other rights, privileges, and duties of other board members and such other, not in conflict with this article,
 126 as the board may prescribe. At the first meeting at the beginning of its term and any time thereafter when
 127 necessary, the board shall elect a vice-chairman from its membership, who shall perform the duties of the
 128 chairman in his absence.

129 **§ 15.2-603. Referendum on election of supervisors by districts or at large.**

130 The governing body of any county which has adopted the county manager form of government, as
 131 provided in Chapter 368 of the Acts of 1932, at an election held for that purpose pursuant to the provisions
 132 of said chapter, may by resolution petition the circuit court of the county requesting that a referendum be
 133 held on the following questions: (i) Shall the board of supervisors be elected solely by the qualified voters
 134 of each magisterial or election district, or by the qualified voters of the county at large? (ii) Shall the board

135 have in addition to the members from each magisterial or election district, one member from any district
 136 elected from and representing the county at large? The court, by order entered of record in accordance
 137 with § 24.2-684, shall require the regular election officials on a day fixed in such order to open the polls
 138 and take the sense of the qualified voters of the county on the questions submitted as herein provided. The
 139 clerk of the circuit court of the county shall cause a notice of such referendum election to be published
 140 ~~once a week for three consecutive weeks~~ three times in a newspaper published or having a general
 141 circulation in the county ~~and shall~~, with the first notice appearing no more than 35 days before and the
 142 third notice appearing no less than seven days before the referendum. The clerk shall also post a copy of
 143 such notice at the door of the courthouse of the county. The ballot used shall be printed to read as follows:

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

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

147 By the qualified voters of the county at large.

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

150 Yes

151 No

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

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

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

161 § 15.2-716. Referendum for establishment of department of real estate assessments; board of
162 equalization; general reassessments in county where department established.

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

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

182 Upon the establishment of the department, the county manager shall select the head thereof and
183 provide for such employees and assistants as required. Such department shall be vested with the powers
184 and duties conferred or imposed upon commissioners of the revenue by general law to the extent that such
185 duties and powers are consistent with this section, in relation to the assessment of real estate. All real
186 estate shall be assessed at its fair market value as of January 1 of each year by the department and taxes
187 for each year on such real estate shall be entered on the land book by the department in the name of the

188 owner thereof. Whenever any such assessment is increased over the last assessment made prior to such
189 year, the department shall give written notice to the owner of such real estate or of any interest therein, by
190 mailing such notice to the last known post-office address of such owner. However, the validity of such
191 assessment shall not be affected by any failure to receive such notice.

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

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

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

211 **§ 15.2-749. Certain referenda in certain counties.**

212 If on or before July 15 of any year in which such referendum is provided for by law a petition
213 signed by 200 or more qualified voters of the county is filed with the circuit court of the county asking
214 that a referendum be held on any question upon which a referendum is provided for by any applicable

215 statute, then such court shall on or before August 1 of such year issue and enter of record an order requiring
 216 the county election officials to open the polls at the regular election to be held in November of such year
 217 on the question stated in such statute. If the statute providing for such referendum shall authorize or require
 218 the referendum to be held at a special election, then the petition hereinabove referred to shall be signed by
 219 1,000 or more voters of the county and the court shall within fifteen days of the date such petition is filed
 220 enter an order requiring the election officials to open the polls and take the sense of the voters of the
 221 county on a date fixed in his order, which shall be in accordance with § 24.2-682. The clerk of the county
 222 shall cause a notice of such election to be published three times in a newspaper published or having general
 223 circulation in the county ~~once a week for three successive weeks~~, with the first notice appearing no more
 224 than ~~21~~ 35 days before and the third notice appearing no less than seven days before the date on which the
 225 referendum is held, and shall post a copy of the notice at the door of the county courthouse.

226 **§ 15.2-903. Ordinances taxing and regulating "automobile graveyards," "junkyards," and**
 227 **certain vacant and abandoned property.**

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

231 No such ordinance shall be adopted until after notice ~~of the proposed ordinance~~ in accordance with
 232 § 15.2-1427 has been published ~~once a week for two successive weeks in a newspaper having general~~
 233 ~~circulation in the locality. The ordinance need not be advertised in full, but may be advertised by reference.~~
 234 ~~Every such advertisement shall contain a descriptive summary of the proposed ordinance and a reference~~
 235 ~~to the place or places within the locality where copies of the proposed ordinance may be examined.~~

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

238 B. The Counties of Bedford, Campbell, Caroline, Fauquier, Rockbridge, Shenandoah, Tazewell,
 239 Warren and York may adopt an ordinance imposing the screening of automobile graveyards and
 240 junkyards, unless screening is impractical due to topography, as set forth in § 33.2-804. Any such
 241 ordinance may apply to any automobile graveyard or junkyard within the boundaries of such county

242 regardless of the date on which any such automobile graveyard or junkyard may have come into existence,
243 notwithstanding the provisions of § 33.2-804.

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

247 **§ 15.2-907.2. Authority of locality or land bank entity to be appointed to act as a receiver to**
248 **repair derelict and blighted buildings in certain limited circumstances.**

249 A. Any locality that has adopted an ordinance pursuant to § 15.2-907.1 may petition the circuit
250 court for the appointment of the locality or a land bank entity created pursuant to the Land Bank Entities
251 Act (§ 15.2-7500 et seq.) to act as a receiver to repair real property that contains residential dwelling units
252 only in accordance with all of the following:

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

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

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

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

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

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

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

266 8. Upon appointment by the circuit court to serve as a receiver, the locality or land bank entity
267 shall have the authority to contract for all reasonable repairs necessary to bring the property into
268 compliance with the provisions of the Uniform Statewide Building Code, subject to all applicable

269 requirements of state and local procurement laws. Such repairs shall be made in a time period established
270 by the court, but in no event shall a receivership exceed two years;

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

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

275 B. A petition by the locality to be appointed, or to appoint a land bank entity created pursuant to
276 the Land Bank Entities Act (§ 15.2-7500 et seq.), to act as a receiver shall include affirmative statements
277 that the locality has satisfied each of the requirements of this section and further state that the locality has
278 recorded a memorandum of lis pendens simultaneously with the filing of said petition. The costs of the
279 receivership, along with reasonable attorney fees, incurred by the locality or land bank entity as receiver
280 shall constitute a lien in favor of the locality or land bank entity against the subject property in accordance
281 with the provisions of § 58.1-3340, and shall be on par with and collectible in the same manner as
282 delinquent real estate taxes owed to the locality. The judicial proceedings herein shall be held in
283 accordance with the requirements, statutory or arising at common law, relative to effecting the sale of real
284 estate by a creditor's bill in equity to subject real estate to the lien of a judgment creditor.

285 C. The locality or land bank entity created pursuant to the Land Bank Entities Act (§ 15.2-7500 et
286 seq.) appointed to be a receiver may enforce the receiver's lien by a sale of the property at public auction,
287 but only upon application for and entry of an order of sale by the circuit court. The court shall appoint a
288 special commissioner to conduct the sale, and an attorney employed by the locality may serve as special
289 commissioner. Such sale shall be upon order of the court entered after notice as required by the Rules of
290 the Supreme Court of Virginia and following publication of notice of the sale ~~once a week for four~~
291 ~~consecutive weeks~~ three times in a newspaper of general circulation, with the first notice appearing no
292 more than 35 days before and the third notice appearing no less than seven days before the sale. Following
293 such public auction, the special commissioner shall file an accounting with the court and seek confirmation
294 of the sale. Upon confirmation, the special commissioner shall be authorized to execute a deed conveying
295 title, which shall pass free and clear to the purchaser at public auction. Following such sale, the former

296 owner or owners, or any heirs, assignees, devisees, or successors in interest to the property shall be entitled
297 to the surplus received in excess of the receiver's lien, taxes, penalties, interest, reasonable attorney fees,
298 costs, and any recorded liens chargeable against the property. At any time prior to confirmation of the sale
299 provided for herein, the owner shall have the right to redeem the property, as provided for in subsection
300 D. The character of the title acquired by the purchaser of the property at public auction shall be governed
301 by the principles and rules applicable to the titles of purchases at judicial sales of real estate generally.

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

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

- 310 1. Demonstration of the ability to complete the repair within a reasonable amount of time to be
311 determined by the court; and
- 312 2. Entry of a court order setting forth a schedule for such repair.

313 **§ 15.2-909. Authority to require removal, repair, etc., of wharves, piers, pilings, bulkheads,**
314 **vessels or abandoned, obstructing or hazardous property.**

315 Any locality may by ordinance provide:

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

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

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

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

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

343 **§ 15.2-958.3. Commercial Property Assessed Clean Energy (C-PACE) financing programs.**

344 A. As used in this section:

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

- 346 1. Energy efficiency improvements;
- 347 2. Water efficiency and safe drinking water improvements;
- 348 3. Renewable energy improvements;

- 349 4. Resiliency improvements;
- 350 5. Stormwater management improvements;
- 351 6. Environmental remediation improvements; and
- 352 7. Electric vehicle infrastructure improvements.

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

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

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

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

- 368 1. Flood mitigation or the mitigation of the impacts of flooding;
- 369 2. Inundation adaptation;
- 370 3. Natural or nature-based features and living shorelines, as defined in § 28.2-104.1;
- 371 4. Enhancement of fire or wind resistance;
- 372 5. Microgrids;
- 373 6. Energy storage; and
- 374 7. Enhancement of the resilience capacity of a natural system, structure, or infrastructure.

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

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

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

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

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

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

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

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

404 C. The locality may combine the loan payments required by the contracts with billings for water
405 or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish
406 the order in which loan payments will be applied to the different charges. The locality may not combine
407 its billings for loan payments required by a contract authorized pursuant to this section with billings of
408 another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-
409 5100 et seq.), unless such locality or political subdivision has given its consent by duly adopted resolution
410 or ordinance. The locality may, either by ordinance or its program guide, delegate the billing; collection,
411 including enforcement; and remittance of C-PACE loan payments to a third party.

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

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

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

421 1. Shall have the same priority status as a property tax lien against real property, except that such
422 voluntary special assessment lien shall have priority over any previously recorded mortgage or deed of
423 trust lien only if (i) a written subordination agreement, in a form and substance acceptable to each prior
424 lienholder in its sole and exclusive discretion, is executed by the holder of each mortgage or deed of trust
425 lien on the property and recorded with the special assessment lien in the land records where the property
426 is located, and (ii) evidence that the property owner is current on payments on loans secured by a mortgage

427 or deed of trust lien on the property and on property tax payments, that the property owner is not insolvent
428 or in bankruptcy proceedings, and that the title of the benefited property is not in dispute is submitted to
429 the locality prior to recording of the special assessment lien;

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

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

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

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

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

449 **§ 15.2-958.6. Financing the repair of failed septic systems.**

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

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

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

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

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

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

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

467 B. The locality may combine the loan payments required by the contracts with billings for water
468 or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish
469 the order in which loan payments will be applied to the different charges. The locality may not combine
470 its billings for loan payments required by a contract authorized pursuant to this section with billings of
471 another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-
472 5100 et seq.), unless such locality or political subdivision has given its consent by duly adopted resolution
473 or ordinance.

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

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

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

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

493 **§ 15.2-1201. County boards of supervisors vested with powers and authority of councils of**
494 **cities and towns; exceptions.**

495 The boards of supervisors of counties are hereby vested with the same powers and authority as the
496 councils of cities and towns by virtue of the Constitution of the Commonwealth of Virginia or the acts of
497 the General Assembly passed in pursuance thereof. However, with the exception of ordinances expressly
498 authorized under Chapter 13 of Title 46.2, no ordinance shall be enacted under authority of this section
499 regulating the equipment, operation, lighting or speed of motor-propelled vehicles operated on the public
500 highways of a county unless it is uniform with the general laws of the Commonwealth regulating such
501 equipment, operation, lighting or speed and with the regulations of the Commonwealth Transportation
502 Board adopted pursuant to such laws. Nothing in this section shall be construed to give the boards of
503 supervisors any power to control or exercise supervision over signs, signals, marking or traffic lights on
504 any roads constructed and maintained by the Commonwealth Transportation Board. No powers or
505 authority conferred upon the boards of supervisors of counties solely by this section shall be exercised
506 within the corporate limits of any incorporated town except by agreement with the town council.

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

513 **§ 15.2-1301. Voluntary economic growth-sharing agreements.**

514 A. Any county, city or town, or combination thereof, may enter voluntarily into an agreement with
515 any other county, city or town, or combination thereof, whereby the locality may agree for any purpose
516 otherwise permitted, including the provision on a multi-jurisdictional basis of one or more public services
517 or facilities or any type of economic development project, to enter into binding fiscal arrangements for
518 fixed time periods, to exceed one year, to share in the benefits of the economic growth of their localities.
519 However, if any such agreement contains any provision addressing any issue provided for in Chapter 32
520 (§ 15.2-3200 et seq.), 33 (§ 15.2-3300 et seq.), 36 (§ 15.2-3600 et seq.), 38 (§ 15.2-3800 et seq.), 39 (§
521 15.2-3900 et seq.), or 41 (§ 15.2-4100 et seq.), the agreement shall be subject to the review and
522 implementation process established by Chapter 34 (§ 15.2-3400 et seq.). All such agreements, including
523 those that address any issue provided for in Chapter 32, 33, 36, 38, 39, or 41, shall require, at least
524 annually, a report from each locality that is a recipient of funds pursuant to the agreement to each of the
525 other governing bodies of the participating localities that includes (i) the amount of money transferred
526 among the localities pursuant to the agreement and (ii) the uses of such funds by the localities. The parties
527 to any such agreement that has been in effect for at least 10 years as of July 1, 2018, and pursuant to which
528 annual payments exceed \$5 million, shall (a) comply with the reporting requirements of this subsection,
529 notwithstanding whether such requirements are contained in the existing agreement and (b) convene an
530 annual meeting to discuss anticipated future plans for economic growth in the localities.

531 B. The terms and conditions of the revenue, tax base or economic growth-sharing agreement as
532 provided in subsection A shall be determined by the affected localities and shall be approved by the
533 governing body of each locality participating in the agreement, provided the governing body of each such

534 locality first holds a public hearing, which shall be advertised ~~once a week for two successive weeks~~ twice,
535 with the first notice appearing no more than ~~14~~ 28 days before and the second notice appearing no less
536 than seven days before the hearing, in a newspaper of general circulation in the locality. However, the
537 public hearing shall not take place until the Commission on Local Government has issued its findings in
538 accordance with subsection D. For purposes of this section, "revenue, tax base, and economic growth-
539 sharing agreements" means any agreement authorized by subsection A which obligates any locality to pay
540 another locality all or any portion of designated taxes or other revenues received by that political
541 subdivision, but shall not include any interlocal service agreement.

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

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

551 **§ 15.2-1427. Adoption of ordinances and resolutions generally; amending or repealing**
552 **ordinances.**

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

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

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

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

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

569 F. In counties, except as otherwise authorized by law, no ordinance shall be passed until after
 570 ~~descriptive~~ notice of an intention to propose the ordinance for passage ~~has been published once a week~~
 571 ~~for two successive weeks~~ has been advertised by reference twice, with the first notice ~~appearing being~~
 572 published no more than 14 28 days prior to the intended passage of the ordinance before and the second
 573 notice appearing no less than seven days before the date of the meeting referenced in the notice, in a
 574 newspaper having a general circulation in the county. ~~The second publication shall not be sooner than one~~
 575 ~~calendar week after the first publication.~~ The publication shall include a statement ~~either that the~~
 576 ~~publication contains the full text of the ordinance or~~ that a copy of the full text of the ordinance is on file
 577 in the clerk's office of the circuit court of the county or in the office of the county administrator; or in the
 578 case of any county organized under the form of government set out in Chapter 5, 7 or 8 of this title, a
 579 statement that a copy of the full text of the ordinance is on file in the office of the clerk of the county
 580 board. ~~Even if the publication contains the full text of the ordinance, a complete copy shall be available~~
 581 ~~for public inspection in the offices named herein.~~

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

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

586 **§ 15.2-1702. Referendum required prior to establishment of county police force.**

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

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

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

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

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

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

615 [] Yes

616 [] No"

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

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

626 **§ 15.2-1703. Referendum to abolish county police force.**

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

630 Either (i) the voters of the county by petition signed by not less than ten percent of the registered
631 voters therein on the January 1 preceding the filing of the petition or (ii) the governing body of the county,
632 by resolution, may petition the circuit court for the county that a referendum be held on the question,
633 "Shall the county police force be abolished and its responsibilities assumed by the county sheriff's office?"
634 The court, by order entered of record in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of
635 Title 24.2, shall require the regular election officials of the county at the next general election held in the
636 county to open the polls and take the sense of the voters on the question as herein provided. The clerk of
637 the circuit court for the county shall publish notice of the election in a newspaper of general circulation in
638 the county ~~once a week for three consecutive weeks prior to the election~~ three times, with the first notice

639 appearing no more than ~~21~~ 35 days before and the third notice appearing no less than seven days before
640 the election.

641 The ballot shall be printed as follows:

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

644 [] Yes

645 [] No"

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

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

653 **§ 15.2-1719. Disposal of unclaimed property in possession of sheriff or police.**

654 Any locality may provide by ordinance for (i) the public sale in accordance with the provisions of
655 this section or (ii) the retention for use by the law-enforcement agency, of any unclaimed personal property
656 which has been in the possession of its law-enforcement agencies and unclaimed for a period of more than
657 60 days, after payment of a reasonable storage fee to the sheriff or other agency storing such property. No
658 storage fee shall be charged or accounted for if such property has been stored by and is to be retained by
659 the sheriff's office or other law-enforcement agency. As used herein, "unclaimed personal property" shall
660 be any personal property belonging to another which has been acquired by a law-enforcement officer
661 pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its
662 rightful owner and which the State Treasurer has indicated will be declined if remitted under the Virginia
663 Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.). Unclaimed bicycles and mopeds may also
664 be disposed of in accordance with § 15.2-1720. Unclaimed firearms may also be disposed of in accordance
665 with § 15.2-1721.

666 Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item, the
667 chief of police, sheriff or their duly authorized agents shall make reasonable attempts to notify the rightful
668 owner of the property, obtain from the attorney for the Commonwealth in writing a statement advising
669 that the item is not needed in any criminal prosecution, and cause to be published twice in a newspaper of
670 general circulation in the locality ~~once a week for two successive weeks~~, notice that there will be a public
671 display and sale of unclaimed personal property. The first notice shall appear no more than 28 days before
672 and the second notice shall appear no less than seven days before the public display and sale of the
673 unclaimed personal property. Such property, including property selected for retention by the law-
674 enforcement agency, shall be described generally in the notice, together with the date, time and place of
675 the sale and shall be made available for public viewing at the sale. The chief of police, sheriff or their duly
676 authorized agents shall pay from the proceeds of sale the costs of advertisement, removal, storage,
677 investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by such
678 officer for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item
679 retained for use by the law-enforcement agency shall become the property of the locality served by the
680 agency and shall be retained only if, in the opinion of the chief law-enforcement officer, there is a
681 legitimate use for the property by the agency and that retention of the item is a more economical alternative
682 than purchase of a similar or equivalent item.

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

691 **§ 15.2-2006. Alteration and vacation of public rights-of-way; appeal from decision.**

692 In addition to (i) the powers contained in the charter of any locality, (ii) any powers now had by
693 such governing bodies under the common law or (iii) powers by other provisions of law, public rights-of-
694 way in localities may be altered or vacated on motion of such governing bodies or on application of any
695 person after notice of intention to do so has been published ~~at least twice, with at least six days elapsing~~
696 ~~between the first and second publication,~~ in a newspaper having general circulation in the locality, with
697 the first notice appearing no more than 28 days before and the second notice appearing no less than seven
698 days before the hearing. The notice shall specify the time and place of a hearing at which persons affected
699 may appear and be heard. The cost of publishing the notice shall be taxed to the applicant. At the
700 conclusion of the hearing and on application of any person, the governing body may appoint three to five
701 people to view such public right-of-way and report in writing any inconvenience that would result from
702 discontinuing the right-of-way. The governing body may allow the viewers up to fifty dollars each for
703 their services. The sum allowed shall be paid by the person making the application to alter or vacate the
704 public right-of-way. From such report and other evidence, if any, and after the land owners affected
705 thereby, along the public right-of-way proposed to be altered or vacated, have been notified, the governing
706 body may discontinue the public right-of-way. When an applicant requests a vacation to accommodate
707 expansion or development of an existing or proposed business, the governing body may condition the
708 vacation upon commencement of the expansion or development within a specified period of time. Failing
709 to commence within such time may render the vacation, at the option of the governing body, void. A
710 certified copy of the ordinance of vacation shall be recorded as deeds are recorded and indexed in the
711 name of the locality. A conditional vacation shall not be recorded until the condition has been met.

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

714 **§ 15.2-2101. Ordinance proposing grant of franchise, etc., to be advertised.**

715 A. Before granting any franchise, privilege, lease or right of any kind to use any public property
716 described in § 15.2-2100 or easement of any description, for a term in excess of five years, except in the
717 case of and for a trunk railway, the city or town proposing to make the grant shall ~~advertise a descriptive~~
718 give notice of the ordinance proposing to make the grant once a week for two successive weeks in a

719 ~~newspaper having general circulation in the city or town in accordance with § 15.2-1427. The descriptive~~
720 ~~notice of the ordinance may also be advertised as many times in such other newspaper or newspapers,~~
721 ~~published outside the city, town or Commonwealth, as the council may determine. The advertisement shall~~
722 ~~include a statement that a copy of the full text of the ordinance is on file in the office of the clerk of the~~
723 ~~city or town council.~~

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

730 **§ 15.2-2105. How amendments made to franchise, etc.; notice required.**

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

741 **§ 15.2-2108.7. Public hearings on feasibility study; notice.**

742 A. If the results of the feasibility study satisfy the revenue requirements of subsection D of § 15.2-
743 2108.6, the governing body shall, at the next regular meeting after the governing body receives the results
744 of the feasibility study, schedule at least two public hearings to be held at least seven days apart, but both
745 shall be held not more than 60 days from the date of the meeting at which the public hearings are

746 scheduled. The purpose of such public hearings shall be to allow the feasibility consultant to present the
747 results of the feasibility study, and to inform the public about the feasibility study results and offer the
748 public the opportunity to ask questions of the feasibility consultant about the results of the feasibility
749 study.

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

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

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

763 **§ 15.2-2108.21. Ordinance cable franchises.**

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

766 B. An ordinance cable franchise, which shall have a term of 15 years, may be requested by (i) a
767 certificated provider of telecommunications services with previous consent to use the public rights-of-way
768 in a locality through a franchise; (ii) a certificated provider of telecommunications services that lacked
769 previous consent to provide cable service in a locality but provided telecommunications services over
770 facilities leased from an entity having previous consent to use of the public rights-of-way in such locality
771 through a franchise; or (iii) a cable operator with previous consent to use the public rights-of-way to
772 provide cable service in a locality through a franchise and who seeks to renew its existing cable franchise

773 pursuant to § 15.2-2108.30 as an ordinance cable franchise. A cable operator with previous consent to use
774 the public rights-of-way to provide cable service in a locality through a franchise may opt into the new
775 terms of an ordinance cable franchise under § 15.2-2108.26.

776 C. In order to obtain an ordinance cable franchise, an applicant shall first file with the chief
777 administrative officer of the locality from which it seeks to receive such ordinance cable franchise a
778 request to negotiate the terms and conditions of a negotiated cable franchise under § 15.2-2108.20. An
779 applicant shall request and make itself available to participate in cable franchise negotiations with the
780 locality from which it seeks to receive a negotiated cable franchise at least 45 calendar days prior to filing
781 a notice electing an ordinance cable franchise; this prerequisite shall not be applicable if a locality refuses
782 to engage in negotiations at the request of an applicant or if the applicant already holds a negotiated cable
783 franchise from the locality. Thereafter, an applicant, through its president or chief executive officer, shall
784 file notice with the locality that it elects to receive an ordinance cable franchise at least 30 days prior to
785 offering cable in such locality. The notice shall be accompanied by a map or a boundary description
786 showing (i) the initial service area in which the cable operator intends to provide cable service in the
787 locality within the three-year period required for an initial service area and (ii) the area in the locality in
788 which the cable operator has its telephone facilities. The map or boundary description of the initial service
789 areas may be amended by the cable operator by filing with the locality a new map or boundary description
790 of the initial service area.

791 D. The cable operator shall assure that access to cable services is not denied to any group of
792 potential residential cable subscribers because of the income of the residents of the local area in which
793 such group resides. The local franchising authority shall have the right to monitor and inspect the
794 deployment of cable services and the cable operator shall submit semiannual progress reports detailing
795 the current provision of cable services in accordance with the deployment schedule and its new service
796 area plans for the next six months. The failure to correct or remedy any material deficiencies shall be
797 subject to the same remedies as contained in the cable television franchise of the existing cable operator
798 as that franchise existed at the time of the grant of the ordinance franchise.

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

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

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

811 **§ 15.2-2114. Regulation of stormwater.**

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

- 818 1. The acquisition, as permitted by § 15.2-1800, of real and personal property, and interest therein,
819 necessary to construct, operate and maintain stormwater control facilities;
- 820 2. The cost of administration of such programs;
- 821 3. Planning, design, engineering, construction, and debt retirement for new facilities and
822 enlargement or improvement of existing facilities, including the enlargement or improvement of dams,
823 levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control
824 stormwater;

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

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

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

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

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

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

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

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

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

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

866 F. Any locality may issue general obligation bonds or revenue bonds in order to finance the cost
867 of infrastructure and equipment for a stormwater control program. Infrastructure and equipment shall
868 include structural and natural stormwater control systems of all types, including, without limitation,
869 retention basins, sewers, conduits, pipelines, pumping and ventilating stations, and other plants, structures,
870 and real and personal property used for support of the system. The procedure for the issuance of any such
871 general obligation bonds or revenue bonds pursuant to this section shall be in conformity with the
872 procedure for issuance of such bonds as set forth in the Public Finance Act (§ 15.2-2600 et seq.).

873 G. In the event charges are not paid when due, interest thereon shall at that time accrue at the rate,
874 not to exceed the maximum amount allowed by law, determined by the locality until such time as the
875 overdue payment and interest are paid. Charges and interest may be recovered by the locality by action at
876 law or suit in equity and shall constitute a lien against the property, ranking on a parity with liens for
877 unpaid taxes. The locality may combine the billings for stormwater charges with billings for water or
878 sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish

879 the order in which payments will be applied to the different charges. No locality shall combine its billings
880 with those of another locality or political subdivision, including an authority operating pursuant to Chapter
881 51 (§ 15.2-5100 et seq.) of Title 15.2, unless such locality or political subdivision has given its consent by
882 duly adopted resolution or ordinance.

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

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

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

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

897 2. Seek the voluntary participation of property owners;

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

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

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

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

910 **§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of**
911 **certain amendments.**

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

916 The local planning commission shall not recommend nor the governing body adopt any plan,
917 ordinance or amendment thereof until notice of intention to do so has been published ~~once a week for two~~
918 ~~successive weeks~~ twice in some newspaper published or having general circulation in the locality, with
919 the first notice appearing no more than ~~14~~ 28 days before ~~the intended adoption~~ and the second notice
920 appearing no less than seven days before the date of the meeting referenced in the notice; however, the
921 notice for both the local planning commission and the governing body may be published concurrently.
922 The notice shall specify the time and place of hearing at which persons affected may appear and present
923 their views. The local planning commission and governing body may hold a joint public hearing after
924 public notice as set forth in this subsection. If a joint hearing is held, then public notice as set forth in this
925 subsection need be given only by the governing body. ~~As used in this subsection, "two successive weeks"~~
926 ~~means that such notice shall be published at least twice in such newspaper, with not less than six days~~
927 ~~elapsing between the first and second publication.~~ In any instance in which a locality has submitted a
928 correct and timely notice request to such newspaper and the newspaper fails to publish the notice, or
929 publishes the notice incorrectly, such locality shall be deemed to have met the notice requirements of this
930 subsection so long as the notice was published in the next available edition of a newspaper having general

931 circulation in the locality. After enactment of any plan, ordinance or amendment, further publication
932 thereof shall not be required.

933 B. When a proposed amendment of the zoning ordinance involves a change in the zoning map
934 classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection
935 A, the advertisement shall include the street address or tax map parcel number of the parcels subject to
936 the action. Written notice shall be given by the local planning commission, or its representative, at least
937 five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved;
938 to the owners, their agent or the occupant, of all abutting property and property immediately across the
939 street or road from the property affected, including those parcels that lie in other localities of the
940 Commonwealth; and, if any portion of the affected property is within a planned unit development, then to
941 such incorporated property owner's associations within the planned unit development that have members
942 owning property located within 2,000 feet of the affected property as may be required by the commission
943 or its agent. However, when a proposed amendment to the zoning ordinance involves a tract of land not
944 less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed
945 change affects only a portion of the larger tract, notice need be given only to the owners of those properties
946 that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the
947 last known address of such owner as shown on the current real estate tax assessment books or current real
948 estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing
949 is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the
950 applicant.

951 When a proposed amendment of the zoning ordinance involves a change in the zoning map
952 classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text
953 regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the
954 advertising as required by subsection A, the advertisement shall include the street address or tax map
955 parcel number of the parcels as well as the approximate acreage subject to the action. For more than 100
956 parcels of land, the advertisement may instead include a description of the boundaries of the area subject
957 to the changes and a link to a map of the subject area. Written notice shall be given by the local planning

958 commission, or its representative, at least five days before the hearing to the owner, owners, or their agent
959 of each parcel of land involved, provided, however, that written notice of such changes to zoning
960 ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown
961 on a subdivision plat approved and recorded pursuant to the provisions of Article 6 (§ 15.2-2240 et seq.)
962 where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known
963 address of such owner as shown on the current real estate tax assessment books or current real estate tax
964 assessment records shall be deemed adequate compliance with this requirement, provided that a
965 representative of the local commission shall make affidavit that such mailings have been made and file
966 such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate
967 any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative
968 of the local commission to give written notice to the owner, owners or their agent of any parcel involved.

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

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

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

979 C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map
980 classification; or an application for special exception for a change in use or to increase by greater than 50
981 percent of the bulk or height of an existing or proposed building, but not including renewals of previously
982 approved special exceptions, involves any parcel of land located within one-half mile of a boundary of an
983 adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as
984 required by this section, written notice shall also be given by the local commission, or its representative,

985 at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining
986 locality.

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

996 E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority
997 of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be
998 required by such act or by this chapter, provided a public hearing was conducted by the governing body
999 prior to such adoption or amendment. Every action contesting a decision of a locality based on a failure
1000 to advertise or give notice as may be required by this chapter shall be filed within 30 days of such decision
1001 with the circuit court having jurisdiction of the land affected by the decision. However, any litigation
1002 pending prior to July 1, 1996, shall not be affected by the 1996 amendment to this section.

1003 F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may
1004 cause such notice to be published in any newspaper of general circulation in the city.

1005 G. When a proposed comprehensive plan or amendment of an existing plan designates or alters
1006 previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written
1007 notice shall also be given by the local planning commission, or its representative, at least 10 days before
1008 the hearing to each electric utility with a certificated service territory that includes all or any part of such
1009 designated electric transmission corridors or routes.

1010 H. When any applicant requesting a written order, requirement, decision, or determination from
1011 the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the

1012 appeal provisions contained in § 15.2-2311 or 15.2-2314, is not the owner or the agent of the owner of the
 1013 real property subject to the written order, requirement, decision or determination, written notice shall be
 1014 given to the owner of the property within 10 days of the receipt of such request. Such written notice shall
 1015 be given by the zoning administrator or other administrative officer or, at the direction of the administrator
 1016 or officer, the requesting applicant shall be required to give the owner such notice and to provide
 1017 satisfactory evidence to the zoning administrator or other administrative officer that the notice has been
 1018 given. Written notice mailed to the owner at the last known address of the owner as shown on the current
 1019 real estate tax assessment books or current real estate tax assessment records shall satisfy the notice
 1020 requirements of this subsection.

1021 This subsection shall not apply to inquiries from the governing body, planning commission, or
 1022 employees of the locality made in the normal course of business.

1023 **§ 15.2-2270. Vacation of interests granted to a locality as a condition of site plan approval.**

1024 Any interest in streets, alleys, easements for public rights of passage, easements for drainage, and
 1025 easements for a public utility granted to a locality as a condition of the approval of a site plan may be
 1026 vacated according to either of the following methods:

1027 1. By a duly executed and acknowledged written instrument of the owner of the land which has
 1028 been or is to be developed in accordance with the site plan, declaring the interest or interests to be vacated,
 1029 provided the governing body or authorized agent of the locality where the land lies consents to the
 1030 vacation. The instrument shall be recorded in the same clerk's office wherein is recorded the written
 1031 instrument describing the interest in real property to be vacated. The execution and recordation of the
 1032 instrument shall operate to divest all public rights in, and to reinvest the owner with the title to the interests
 1033 which formerly were held by the governing body; or

1034 2. By ordinance of the governing body in the locality in which the property which is the subject of
 1035 an approved site plan lies, provided that no interest shall be vacated in an area in which facilities, for
 1036 which bonding is required pursuant to §§ 15.2-2241 through 15.2-2245, have been constructed.

1037 The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204.
 1038 ~~The notice shall clearly describe the interest of the governing body to be vacated by reference to the~~

1039 ~~recorded instrument on which it was created and state the time and place of the meeting of the governing~~
1040 ~~body at which the adoption of the ordinance will be voted upon.~~ Any person may appear at the meeting
1041 for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance
1042 may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction
1043 of the land over which the governing body's interest is located. Upon appeal, the court may nullify the
1044 ordinance if it finds that the owner of the property, which has been developed or is to be developed in
1045 accordance with the approved site plan, will be irreparably damaged. If no appeal from the adoption of
1046 the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified
1047 copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the instrument
1048 creating the governing body's interest is recorded.

1049 The execution and recordation of an ordinance of vacation shall operate to destroy the effect of the
1050 instrument which created the governing body's interest so vacated and to divest all public rights in and to
1051 the property and vest title in the streets, alleys, easements for public rights of passage, easements for
1052 drainage, and easements for a public utility as may be described in, and in accordance with, the ordinance
1053 of vacation.

1054 **§ 15.2-2271. Vacation of plat before sale of lot therein; ordinance of vacation.**

1055 Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either
1056 of the following methods:

- 1057 1. With the consent of the governing body, or its authorized agent, of the locality where the land
1058 lies, by the owners, proprietors and trustees, if any, who signed the statement required by § 15.2-2264 at
1059 any time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly
1060 executed, acknowledged or proved and recorded in the same clerk's office wherein the plat to be vacated
1061 is recorded and the execution and recordation of such writing shall operate to destroy the force and effect
1062 of the recording of the plat so vacated and to divest all public rights in, and to reinvest the owners,
1063 proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other
1064 public areas laid out or described in the plat; or

1065 2. By ordinance of the governing body of the locality in which the property shown on the plat or
1066 part thereof to be vacated lies, provided that no facilities for which bonding is required pursuant to §§
1067 15.2-2241 through 15.2-2245 have been constructed on the property and no facilities have been
1068 constructed on any related section of the property located in the subdivision within five years of the date
1069 on which the plat was first recorded.

1070 The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204.
1071 ~~The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of~~
1072 ~~the meeting of the governing body at which the adoption of the ordinance will be voted upon.~~ Any person
1073 may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from
1074 the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the
1075 circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal
1076 the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be
1077 irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above
1078 provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be
1079 recorded in the clerk's office of any court in which the plat is recorded.

1080 The execution and recordation of the ordinance of vacation shall operate to destroy the force and
1081 effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and
1082 to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys,
1083 and easements for public passage and other public areas laid out or described in the plat.

1084 **§ 15.2-2272. Vacation of plat after sale of lot.**

1085 In cases where any lot has been sold, the plat or part thereof may be vacated according to either of
1086 the following methods:

1087 1. By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the
1088 plat and also signed on behalf of the governing body of the locality in which the land shown on the plat
1089 or part thereof to be vacated lies for the purpose of showing the approval of the vacation by the governing
1090 body. In cases involving drainage easements or street rights-of-way where the vacation does not impede
1091 or alter drainage or access for any lot owners other than those lot owners immediately adjoining or

1092 contiguous to the vacated area, the governing body shall only be required to obtain the signatures of the
1093 lot owners immediately adjoining or contiguous to the vacated area. The word "owners" shall not include
1094 lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not
1095 include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a
1096 deed and filed for record in the clerk's office of any court in which the plat is recorded.

1097 2. By ordinance of the governing body of the locality in which the land shown on the plat or part
1098 thereof to be vacated lies on motion of one of its members or on application of any interested person. The
1099 ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. ~~The notice~~
1100 ~~shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting~~
1101 ~~of the governing body at which the adoption of the ordinance will be voted upon.~~ Any person may appear
1102 at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption
1103 of the ordinance may be filed within thirty days with the circuit court having jurisdiction of the land shown
1104 on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that
1105 the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the
1106 ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy
1107 of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

1108 Roads within the secondary system of highways may be vacated under either of the preceding
1109 methods and the action will constitute abandonment of the road, provided the land shown on the plat or
1110 part thereof to be vacated has been the subject of a rezoning or special exception application approved
1111 following public hearings required by § 15.2-2204 and provided the Commissioner of Highways or his
1112 agent is notified in writing prior to the public hearing, and provided further that the vacation is necessary
1113 in order to implement a proffered condition accepted by the governing body pursuant to §§ 15.2-2297,
1114 15.2-2298 or 15.2-2303 or to implement a condition of special exception approval. All abandonments of
1115 roads within the secondary system of highways sought to be effected according to either of the preceding
1116 methods before July 1, 1994, are hereby validated, notwithstanding any defects or deficiencies in the
1117 proceeding; however, property rights which have vested subsequent to the attempted vacation are not
1118 impaired by such validation. The manner of reversion shall not be affected by this section.

1119 § 15.2-2316.2. Localities may provide for transfer of development rights.

1120 A. Pursuant to the provisions of this article, the governing body of any locality by ordinance may,
1121 in order to conserve and promote the public health, safety, and general welfare, establish procedures,
1122 methods, and standards for the transfer of development rights within its jurisdiction. Any locality adopting
1123 or amending any such transfer of development rights ordinance shall give notice and hold a public hearing
1124 in accordance with § 15.2-2204 prior to approval by the governing body.

1125 B. In order to implement the provisions of this act, a locality shall adopt an ordinance that shall
1126 provide for:

1127 1. The issuance and recordation of the instruments necessary to sever development rights from the
1128 sending property, to convey development rights to one or more parties, or to affix development rights to
1129 one or more receiving properties. These instruments shall be executed by the property owners of the
1130 development rights being transferred, and any lien holders of such property owners. The instruments shall
1131 identify the development rights being severed, and the sending properties or the receiving properties, as
1132 applicable;

1133 2. Assurance that the prohibitions against the use and development of the sending property shall
1134 bind the landowner and every successor in interest to the landowner;

1135 3. The severance of transferable development rights from the sending property;

1136 4. The purchase, sale, exchange, or other conveyance of transferable development rights, after
1137 severance, and prior to the rights being affixed to a receiving property;

1138 5. A system for monitoring the severance, ownership, assignment, and transfer of transferable
1139 development rights;

1140 6. A map or other description of areas designated as sending and receiving areas for the transfer of
1141 development rights between properties;

1142 7. The identification of parcels, if any, within a receiving area that are inappropriate as receiving
1143 properties;

1144 8. The permitted uses and the maximum increases in density in the receiving area;

1145 9. The minimum acreage of a sending property and the minimum reduction in density of the
1146 sending property that may be conveyed in severance or transfer of development rights;

1147 10. The development rights permitted to be attached in the receiving areas shall be equal to or
1148 greater than the development rights permitted to be severed from the sending areas;

1149 11. An assessment of the infrastructure in the receiving area that identifies the ability of the area
1150 to accept increases in density and its plans to provide necessary utility services within any designated
1151 receiving area; and

1152 12. The application to be deemed approved upon the determination of compliance with the
1153 ordinance by the agent of the planning commission, or other agent designated by the locality.

1154 C. In order to implement the provisions of this act, a locality may provide in its ordinance for:

1155 1. The purchase of all or part of such development rights, which shall retire the development rights
1156 so purchased;

1157 2. The severance of development rights from existing zoned or subdivided properties as otherwise
1158 provided in subsection E;

1159 3. The owner of such development rights to make application to the locality for a real estate tax
1160 abatement for a period up to 25 years, to compensate the owner of such development rights for the fair
1161 market value of all or part of the development rights, which shall retire the number of development rights
1162 equal to the amount of the tax abatement, and such abatement is transferable with the property;

1163 4. The owner of a property to request designation by the locality of the owner's property as a
1164 "sending property" or a "receiving property";

1165 5. The allowance for residential density to be converted to bonus density on the receiving property
1166 by (i) an increase in the residential density on the receiving property or (ii) an increase in the square feet
1167 of commercial, industrial, or other uses on the receiving property, which upon conversion shall retire the
1168 development rights so converted;

1169 6. The receiving areas to include such urban development areas or similarly defined areas in the
1170 locality established pursuant to § 15.2-2223.1;

1171 7. The sending properties, subsequent to severance of development rights, to generate one or more
1172 forms of renewable energy, as defined in § 56-576, subject to the provisions of the local zoning ordinance;

1173 8. The sending properties, subsequent to severance of development rights, to produce agricultural
1174 products or forestal products, as defined in § 15.2-4302, and to include parks, campgrounds and related
1175 camping facilities; however, for purposes of this subdivision, "campgrounds" does not include use by
1176 travel trailers, motor homes, and similar vehicular type structures;

1177 9. The review of an application by the planning commission to determine whether the application
1178 complies with the provisions of the ordinance;

1179 10. Such other provisions as the locality deems necessary to aid in the implementation of the
1180 provisions of this act;

1181 11. Approval of an application upon the determination of compliance with the ordinance by the
1182 agent of the planning commission; and

1183 12. A requirement that development comply with any locality-adopted neighborhood design
1184 standards identified in the comprehensive plan for the receiving area in which the development shall occur,
1185 provided such design standard was adopted in the comprehensive plan and applied to the receiving area
1186 prior to the transfer of the development right.

1187 D. The locality may, by ordinance, designate receiving areas or receiving properties, add to,
1188 supplement, or amend its designations of receiving areas or receiving properties, or designate receiving
1189 areas or receiving properties that shall receive development rights only from certain sending areas or
1190 sending properties specified by the locality, so long as the development rights permitted to be attached in
1191 the receiving areas are equal to or greater than the development rights permitted to be severed in the
1192 sending areas.

1193 E. Any proposed severance or transfer of development rights shall only be initiated upon
1194 application by the property owners of the sending properties, development rights, or receiving properties
1195 as otherwise provided herein.

1196 F. A locality may not require property owners to sever or transfer development rights as a condition
1197 of the development of any property.

1198 G. The owner of a property may sever development rights from the sending property, pursuant to
1199 the provisions of this act. An application to transfer development rights to one or more receiving
1200 properties, for the purpose of affixing such rights thereto, shall only be initiated upon application by the
1201 owner of such development rights and the owners of the receiving properties.

1202 H. Development rights severed pursuant to this article shall be interests in real property and shall
1203 be considered as such for purposes of conveyance and taxation. Once a deed for transferable development
1204 rights, created pursuant to this act, has been recorded in the land records of the office of the circuit court
1205 clerk for the locality to reflect the transferable development rights sold, conveyed, or otherwise transferred
1206 by the owner of the sending property, the development rights shall vest in the grantee and may be
1207 transferred by such grantee to a successor in interest. Nothing herein shall be construed to prevent the
1208 owner of the sending property from recording a deed covenant against the sending property severing the
1209 development rights on said property, with the owner of the sending property retaining ownership of the
1210 severed development rights. Any transfer of the development rights to a property in a receiving area shall
1211 be in accordance with the provisions of the ordinance adopted pursuant to this article.

1212 I. For the purposes of ad valorem real property taxation, the value of a transferable development
1213 right shall be deemed appurtenant to the sending property until the transferable development right is
1214 severed from and recorded as a distinct interest in real property, or the transferable development right is
1215 used at a receiving property and becomes appurtenant thereto. Once a transferable development right is
1216 severed from the sending property, the assessment of the fee interest in the sending property shall reflect
1217 any change in the fair market value that results from the inability of the owner of the fee interest to use
1218 such property for such uses terminated by the severance of the transferable development right. Upon
1219 severance from the sending property and recordation as a distinct interest in real property, the transferable
1220 development right shall be assessed at its fair market value on a separate real estate tax bill sent to the
1221 owner of said development right as taxable real estate in accordance with Article 1 (§ 58.1-3200 et seq.)
1222 of Chapter 32 of Title 58.1. The development right shall be taxed as taxable real estate by the local
1223 jurisdiction where the sending property is located, until such time as the development right becomes

1224 attached to a receiving property, at which time it shall be taxed as taxable real estate by the local
1225 jurisdiction where the receiving property is located.

1226 J. The owner of a sending property from which development rights are severed shall provide a
1227 copy of the instrument, showing the deed book and page number, or instrument or GPIN, to the real estate
1228 tax assessor for the locality.

1229 K. Localities, from time to time as the locality designates sending and receiving areas, shall
1230 incorporate the map identified in subdivision B 6 into the comprehensive plan.

1231 L. No amendment to the zoning map, nor any amendments to the text of the zoning ordinance with
1232 respect to the zoning district applicable thereto initiated by the governing body, which eliminate, or
1233 materially restrict, reduce, or downzone the uses, or the density of uses permitted in the zoning district
1234 applicable to any property to which development rights have been transferred, shall be effective with
1235 respect to such property unless there has been mistake, fraud, or a material change in circumstances
1236 substantially affecting the public health, safety, or welfare.

1237 M. A county adopting an ordinance pursuant to this article may designate eligible receiving areas
1238 in any incorporated town within such county, if the governing body of the town has also amended its
1239 zoning ordinance to designate the same areas as eligible to receive density being transferred from sending
1240 areas in the county. The development right shall be taxed as taxable real estate by the local jurisdiction
1241 where the sending property is located, until such time as the development right becomes attached to a
1242 receiving property, at which time it shall be taxed as taxable real estate by the local jurisdiction where the
1243 receiving property is located.

1244 N. Any county and an adjacent city may enter voluntarily into an agreement to permit the county
1245 to designate eligible receiving areas in the city if the governing body of the city has also amended its
1246 zoning ordinance to designate the same areas as eligible to receive density being transferred from sending
1247 areas in the county. The city council shall designate areas it deems suitable as receiving areas and shall
1248 designate the maximum increases in density in each such receiving area. However, if any such agreement
1249 contains any provision addressing any issue provided for in Chapter 32 (§ 15.2-3200 et seq.), 33 (§ 15.2-
1250 3300 et seq.), 36 (§ 15.2-3600 et seq.), 38 (§ 15.2-3800 et seq.), 39 (§ 15.2-3900 et seq.), or 41 (§ 15.2-

1251 4100 et seq.), the agreement shall be subject to the review and implementation process established by
1252 Chapter 34 (§ 15.2-3400 et seq.). The development right shall be taxed as taxable real estate by the local
1253 jurisdiction where the sending property is located, until such time as the development right becomes
1254 attached to a receiving property, at which time it shall be taxed as taxable real estate by the local
1255 jurisdiction where the receiving property is located.

1256 1. The terms and conditions of the density transfer agreement as provided in this subsection shall
1257 be determined by the affected localities and shall be approved by the governing body of each locality
1258 participating in the agreement, provided the governing body of each such locality first holds a public
1259 hearing, which shall be advertised ~~once a week for two successive weeks in a newspaper of general~~
1260 ~~circulation in the locality~~ as required by § 15.2-2204.

1261 2. The governing bodies shall petition a circuit court having jurisdiction in one or more of the
1262 localities for an order affirming the proposed agreement. The circuit court shall be limited in its decision
1263 to either affirming or denying the agreement and shall have no authority, without the express approval of
1264 each local governing body, to amend or change the terms or conditions of the agreement, but shall have
1265 the authority to validate the agreement and give it full force and effect. The circuit court shall affirm the
1266 agreement unless the court finds either that the agreement is contrary to the best interests of the
1267 Commonwealth or that it is not in the best interests of each of the parties thereto.

1268 3. The agreement shall not become binding on the localities until affirmed by the court under this
1269 subsection. Once approved by the circuit court, the agreement shall also bind future local governing bodies
1270 of the localities.

1271 **§ 15.2-2321. Adoption of road improvements program.**

1272 Prior to adopting a system of impact fees, the locality shall conduct an assessment of road
1273 improvement needs benefiting an impact fee service area and shall adopt a road improvements plan for
1274 the area showing the new roads proposed to be constructed and the existing roads to be improved or
1275 expanded and the schedule for undertaking such construction, improvement or expansion. The road
1276 improvements plan shall be adopted as an amendment to the required comprehensive plan and shall be

1277 incorporated into the capital improvements program or, in the case of the counties where applicable, the
1278 six-year plan for secondary highway construction pursuant to § 33.2-331.

1279 The locality shall adopt the road improvements plan after holding a duly advertised public hearing
1280 ~~in accordance with § 15.2-2204. The public hearing notice shall identify the impact fee service area or~~
1281 ~~areas to be designated, and shall include a summary of the needs assessment and the assumptions upon~~
1282 ~~which the assessment is based, the proposed amount of the impact fee, and information as to how a copy~~
1283 ~~of the complete study may be examined. A copy of the complete study shall be available for public~~
1284 ~~inspection and copying at reasonable times prior to the public hearing.~~

1285 The locality at a minimum shall include the following items in assessing road improvement needs
1286 and preparing a road improvements plan:

1287 1. An analysis of the existing capacity, current usage and existing commitments to future usage of
1288 existing roads, as indicated by (i) current and projected service levels, (ii) current valid building permits
1289 outstanding, and (iii) approved and pending site plans and subdivision plats. If the current usage and
1290 commitments exceed the existing capacity of the roads, the locality also shall determine the costs of
1291 improving the roads to meet the demand. The analysis shall include any off-site road improvements or
1292 cash payments for road improvements accepted by the locality and shall include a plan to fund the current
1293 usages and commitments that exceed the existing capacity of the roads.

1294 2. The projected need for and costs of construction of new roads or improvement or expansion of
1295 existing roads attributable in whole or in part to projected new development. Road improvement needs
1296 shall be projected for the impact fee service area when fully developed in accord with the comprehensive
1297 plan and, if full development is projected to occur more than 20 years in the future, at the end of a 20-year
1298 period. The assumptions with regard to land uses, densities, intensities, and population upon which road
1299 improvement projections are based shall be presented.

1300 3. The total number of new service units projected for the impact fee service area when fully
1301 developed and, if full development is projected to occur more than 20 years in the future, at the end of a
1302 20-year period. A "service unit" is a standardized measure of traffic use or generation. The locality shall
1303 develop a table or method for attributing service units to various types of development and land use,

1304 including but not limited to residential, commercial and industrial uses. The table shall be based upon the
 1305 ITE manual (published by the Institute of Transportation Engineers) or locally conducted trip generation
 1306 studies, and consistent with the traffic analysis standards adopted pursuant to § 15.2-2222.1.

1307 **§ 15.2-2400. Creation of service districts.**

1308 Any locality may by ordinance, or any two or more localities may by concurrent ordinances, create
 1309 service districts within the locality or localities in accordance with the provisions of this article. Service
 1310 districts may be created to provide additional, more complete or more timely services of government than
 1311 are desired in the locality or localities as a whole.

1312 Any locality seeking to create a service district shall have a public hearing prior to the creation of
 1313 the service district. Notice of such hearing shall be published ~~once a week for three consecutive weeks~~
 1314 three times in a newspaper of general circulation within the locality, with the first notice appearing no
 1315 more than ~~21~~ 35 days before and the third notice appearing no less than seven days before the hearing.

1316 **§ 15.2-2401. Creation of service districts by court order in consolidated cities.**

1317 In any city which results from the consolidation of two or more localities, service districts may, in
 1318 addition to the method prescribed in § 15.2-2400, be created by order of the circuit court for the city upon
 1319 the petition of fifty voters of the proposed district, which order shall prescribe the metes and bounds of
 1320 the district.

1321 Upon the filing of a petition the court shall fix a date for a hearing on the question of the proposed
 1322 service district, which hearing shall embrace a consideration of whether the property embraced within the
 1323 proposed district will be benefited by the establishment thereof. Notice of such hearing shall be published
 1324 ~~once a week for three consecutive weeks~~ three times in a newspaper of general circulation within the city,
 1325 with the first notice appearing no more than ~~21~~ 35 days before and the third notice appearing no less than
 1326 seven days before the election. Any person interested may answer the petition and make defense thereto.
 1327 If upon such hearing the court is of opinion that any property embraced within the limits of such proposed
 1328 district will not be benefited by the establishment thereof, then such property shall not be embraced
 1329 therein.

1330 Upon the petition of the city council and of not less than 50 voters of the territory proposed to be
 1331 added, or if such territory contains less than 100 voters, of fifty percent of the voters of such territory, after
 1332 notice and hearing as provided above, any service district may be extended and enlarged by order of the
 1333 circuit court for the city which order shall prescribe the metes and bounds of the territory so added.

1334 **§ 15.2-2409. How notice given; objections.**

1335 The notice may be given by personal service on all persons entitled to such notice, except (i) notice
 1336 to an infant, a mentally incapacitated person or other person under a disability may be served on his
 1337 guardian, conservator or committee; (ii) notice to a nonresident may be mailed to him at his place of
 1338 residence or served on any agent of his having charge of the property or on the tenant of the property; or
 1339 (iii) in any case when the owner is a nonresident or when the owner's residence is not known, such notice
 1340 may be given by publication three times in a newspaper having general circulation in the locality ~~once a~~
 1341 ~~week for four successive weeks,~~ with the first notice appearing no more than 35 days before and the third
 1342 notice appearing no less than seven days before the parties are cited to appear. In lieu of such personal
 1343 service on the parties or their agents and of such publication, the notice to all parties may be given by
 1344 publishing the same twice in a newspaper having general circulation in the locality, ~~once a week for two~~
 1345 ~~successive weeks; the second publication shall be made at least seven days~~ with the first notice appearing
 1346 no more than 28 days before and the second notice appearing no less than seven days before the parties
 1347 are cited to appear. Any landowner wishing to make objections to an assessment or apportionment may
 1348 appear in person or by counsel and state such objections.

1349 **§ 15.2-2506. Publication and notice; public hearing; adjournment; moneys not to be paid out**
 1350 **until appropriated.**

1351 ~~A brief synopsis of the budget that, except in the case of the school division budget, shall be for~~
 1352 ~~informative and fiscal planning purposes only, shall be published once in a newspaper having general~~
 1353 ~~circulation in the locality affected, and notice given of one or more public hearings, at least seven days~~
 1354 ~~prior to the date set for hearing, at which any citizen of the locality shall have the right to attend and state~~
 1355 ~~his views thereon.~~ Notice of one or more public hearings shall be given in accordance with § 15.2-1427.
 1356 Such notice shall, at a minimum, include a summary of the total revenues and expenditures for each

1357 appropriated fund and the current and proposed real estate and personal property tax levies. Any locality
1358 not having a newspaper of general circulation may in lieu of the foregoing notice provide for notice by
1359 written or printed handbills, posted at such places as it may direct. The hearing shall be held at least seven
1360 days prior to the approval of the budget as prescribed in § 15.2-2503. With respect to the school division
1361 budget, which shall include the estimated required local match, such hearing shall be held at least seven
1362 days prior to the approval of that budget as prescribed in § 22.1-93. With respect to the budget of a
1363 constitutional officer, if the proposed budget reduces funding of such officer at a rate greater than the
1364 average rate of reduced funding for other agencies appropriated through such locality's general fund,
1365 exclusive of the school division, the locality shall give written notice to such constitutional officer at least
1366 14 days prior to adoption of the budget. If a constitutional officer determines that the proposed budget
1367 cuts would impair the performance of his statutory duties, such constitutional officer shall make a written
1368 objection to the local governing body within seven days after receipt of the written notice and shall deliver
1369 a copy of such objection to the Compensation Board. The local governing body shall consider the written
1370 objection of such constitutional officer. The governing body may adjourn such hearing from time to time.
1371 The fact of such notice and hearing shall be entered of record in the minute book.

1372 In no event, including school division budgets, shall such preparation, publication, and approval
1373 be deemed to be an appropriation. No money shall be paid out or become available to be paid out for any
1374 contemplated expenditure unless and until there has first been made an annual, semiannual, quarterly, or
1375 monthly appropriation for such contemplated expenditure by the governing body, except that funds
1376 appropriated in a county having adopted the county executive form of government for multiyear capital
1377 projects and outstanding grants may be carried over from year to year without being reappropriated.

1378 **§ 15.2-2507. Amendment of budget.**

1379 A. Any locality may amend its budget to adjust the aggregate amount to be appropriated during
1380 the current fiscal year as shown in the currently adopted budget as prescribed by § 15.2-2504. However,
1381 any such amendment which exceeds one percent of the total expenditures shown in the currently adopted
1382 budget must be accomplished by publishing a notice of a meeting and a public hearing ~~once in a newspaper~~
1383 ~~having general circulation in that locality at least seven days prior to the meeting date~~ in accordance with

1384 § 15.2-1427. The notice shall state the governing body's intent to amend the budget and include a brief
1385 synopsis of the proposed budget amendment. Any local governing body may adopt such amendment at
1386 the advertised meeting, after first providing a public hearing during such meeting on the proposed budget
1387 amendments.

1388 B. Pursuant to the requirements of §§ 15.2-1609.1, 15.2-1609.7, 15.2-1636.8, and 15.2-1636.13
1389 through 15.2-1636.17 every county and city shall appropriate as part of its annual budget or in amendments
1390 thereto amounts for salaries, expenses and other allowances for its constitutional officers that are not less
1391 than those established for such offices in the locality by the Compensation Board pursuant to applicable
1392 law or, in the event of an appeal pursuant to § 15.2-1636.9, by the circuit court in accordance with the
1393 provisions of that section.

1394 **§ 15.2-2606. Public hearing before issuance of bonds.**

1395 A. Notwithstanding any contrary provision of law, general or special, but subject to subsection B
1396 of this section, before the final authorization of the issuance of any bonds by a locality, the governing
1397 body of the locality shall hold a public hearing on the proposed bond issue. Notice of the hearing shall be
1398 published ~~once a week for two successive weeks~~ twice in a newspaper published or having general
1399 circulation in the locality, with the first notice appearing no more than ~~14~~ 28 days before and the second
1400 notice appearing no less than seven days before the hearing. The notice shall (i) state the estimated
1401 maximum amount of the bonds proposed to be issued, (ii) state the proposed use of the bond proceeds,
1402 and if there is more than one use, state the proposed uses for which more than 10 percent of the total bond
1403 proceeds is expected to be used, and (iii) specify the time and place of the hearing at which persons may
1404 appear and present their views. ~~The hearing shall not be held less than six nor more than 21 days after the~~
1405 ~~date the second notice appears in the newspaper.~~

1406 B. No notice or public hearing shall be required for (i) bonds which have been approved by a
1407 majority of the voters of the issuing locality voting on the issuance of such bonds or (ii) obligations issued
1408 pursuant to § 15.2-2629, 15.2-2630 or 15.2-2643.

1409 **§ 15.2-2610. Request for referendum filed with court; order for election; notice.**

1410 If voter approval of any bond issue by a locality is required by the Constitution of Virginia or this
1411 chapter or any charter provision, a copy of the resolution or ordinance adopted by the governing body of
1412 the locality, certified by the clerk of the governing body, requesting that a referendum on the question of
1413 the issuance of the bonds be held, shall be filed with the circuit court for the locality or in the case of a
1414 town the circuit court for the county in which the town is located. The circuit court shall order a special
1415 election, in accordance with § 24.2-681 et seq., requiring the election officers of the locality on the day
1416 fixed in the order to open the polls and take the sense of the voters of the locality on the question of
1417 contracting the debt and issuing bonds for the purpose or purposes set forth in the resolution or ordinance.
1418 When any town is situated partly in two or more counties, the certified copy of the resolution or ordinance
1419 may be presented to the circuit court for any of the counties and the court shall order an election to be held
1420 in the town in accordance with the provisions of §§ 24.2-601 and 24.2-681 et seq. Notice of the election
1421 in the form prescribed by the court shall be published at least once but not less than ~~ten~~ seven days before
1422 the election in a newspaper published or having general circulation in the locality.

1423 Where voter approval is required by the Constitution of Virginia, this chapter or any charter
1424 provision, a locality may, at its option, provide in the ordinance or resolution that any two or more
1425 purposes and amounts of the bonds proposed to be issued for such purposes be combined into a single
1426 question for the election and referred to as "capital improvement bonds" in an aggregate principal amount
1427 equal to the sum of the amounts for the purposes so combined.

1428 **§ 15.2-2652. Service by publication of motion for judgment; parties defendant.**

1429 Upon the filing of the motion for judgment the court shall fix the time and place for hearing the
1430 proceeding and shall enter an order requiring the publication of the motion for judgment or a summary of
1431 it approved by the court, together with the order setting forth the time and place of the hearing, ~~once a~~
1432 ~~week for two consecutive weeks~~ twice in a newspaper published or having general circulation in the
1433 jurisdiction where the issuer is located, with the first notice appearing no more than 28 days before and
1434 the second notice appearing no less than seven days before the date fixed for hearing. ~~The date fixed for~~
1435 ~~the hearing shall not be sooner than ten days after the date the second publication of the motion for~~
1436 ~~judgment or summary and the order appears in the newspaper.~~

1437 By the publication of the motion for judgment or summary and the order, all taxpayers, property
1438 owners and citizens of the jurisdiction where the issuer is located, including nonresidents owning property
1439 in or subject to taxation by it, and all other persons having or claiming any right, title or interest in any
1440 property or funds affected in any way by the issuance of the bonds, or having or claiming to have any
1441 right or interest in the subject matter of the motion for judgment, shall be considered parties defendant in
1442 the proceedings, and the court shall have jurisdiction of them the same as if each of them were named
1443 individually as a defendant in the motion for judgment and personally served with process.

1444 **§ 15.2-2653. Contesting issuance of bonds; notice and hearing; service on member of**
1445 **governing body, etc.**

1446 Any person, corporation, or association desiring to contest the issuance of any bonds pursuant to
1447 the provisions of this chapter, or any other law, general or special, shall proceed by filing a motion for
1448 judgment within thirty days after the filing of the resolution or ordinance authorizing the issuance of the
1449 bonds with the circuit court having jurisdiction over the issuer, or in contesting the validity of a petition
1450 for or the results of a referendum, within thirty days after the date that the result of the election for the
1451 issuance of the bonds is certified, in the court having jurisdiction as provided in § 15.2-2651. For bonds
1452 which are not authorized pursuant to a referendum, or for which the authorizing resolution or ordinance
1453 is not required to be filed with the circuit court, the contestant shall proceed by filing a motion for judgment
1454 within thirty days after the adoption of the authorizing resolution or ordinance. Upon the filing of a motion
1455 for judgment, the court shall fix a time and place for hearing the proceeding and shall enter an order
1456 requiring the publication of the motion for judgment or a summary of it approved by the court, together
1457 with the order setting forth the time and place of the hearing, ~~once a week for two consecutive weeks~~ twice
1458 in a newspaper published or having general circulation in the jurisdiction where the issuer is located, with
1459 the first notice appearing no more than ~~14~~ 28 days before and the second notice appearing no less than
1460 seven days before the date fixed for the hearing. ~~The date fixed for the hearing shall not be sooner than~~
1461 ~~ten days after the date the second publication of the motion for judgment or summary and the order appears~~
1462 ~~in the newspaper.~~ In addition to such publication, the plaintiff shall secure personal service on at least one
1463 member of the governing body of the issuer.

1464 § 15.2-3236. Council may enact ordinance.

1465 Whenever it is deemed desirable to contract the corporate limits of any city or town, the council
 1466 thereof may enact an ordinance defining accurately the boundary of the territory proposed to be
 1467 abandoned. The ordinance, or a descriptive summary of the ordinance, along with a reference of the place
 1468 in the city or town where the ordinance may be examined, shall be published three times ~~in at least ten~~
 1469 ~~issues of a daily paper having general circulation in the city or town, if there is such a paper, or in two~~
 1470 ~~successive issues of a weekly newspaper having general circulation in such city or town, if there is such a~~
 1471 ~~paper. If there is no daily newspaper having general circulation therein, the ordinance shall be~~
 1472 ~~conspicuously posted in at least ten public places in the territory for at least ten days before the application~~
 1473 ~~to the circuit court for the city or town as provided for in § 15.2-3237 in addition to the publication in the~~
 1474 ~~weekly newspaper with the first notice appearing no more than 35 days before and the third notice~~
 1475 appearing no less than seven days before the enactment of the ordinance. A copy of the ordinance shall be
 1476 served by the city or town upon the chairman of the board of supervisors of the contiguous county or
 1477 counties of which the territory may become a part.

1478 § 15.2-3242. Parties defendant and publication of such petition.

1479 The county in which the part of the town proposed to be abandoned under § 15.2-3241 is located
 1480 shall be named as defendant to the petition. Satisfactory proof that the petition, or a descriptive summary
 1481 of the petition along with a reference to the place in the town where the petition may be examined, has
 1482 been published in a newspaper having general circulation in the county or town ~~once a week for four~~
 1483 ~~successive weeks and has been posted at the front door of the courthouse of the county for a like period~~
 1484 three times, with the first notice appearing no more than 35 days before and the third notice appearing no
 1485 less than seven days before the filing of the petition, shall be filed with the petition. A statement in the
 1486 publication to the effect that a certain number of registered voters of the territory proposed to be abandoned
 1487 signed the petition shall be sufficient in lieu of the names of the signers.

1488 § 15.2-3400. Voluntary settlements among local governments.

1489 Recognizing that the localities of the Commonwealth may be able to settle the matters provided
 1490 for in this subtitle through voluntary agreements and further recognizing that such a resolution can be

1491 beneficial to the orderly growth and continued viability of the localities of the Commonwealth the
1492 following provisions are made:

1493 1. Any locality may enter voluntarily into agreement with any other locality or combination of
1494 localities whereby any rights provided for its benefit in this subtitle may be modified or waived in whole
1495 or in part, as determined by its governing body, provided that the modification or waiver does not conflict
1496 with the Constitution of Virginia.

1497 2. The terms of the agreement may include fiscal arrangements, land use arrangements, zoning
1498 arrangements, subdivision arrangements and arrangements for infrastructure, revenue and economic
1499 growth sharing, provisions for the acceptance on each other's behalf of proffered conditions under § 15.2-
1500 2298 or 15.2-2303, dedication of all or any portion of tax revenues to a revenue and economic growth
1501 sharing account, boundary line adjustments, acquisition of real property and buildings and the joint
1502 exercise or delegation of powers as well as the modification or waiver of specific annexation, transition
1503 or immunity rights as determined by the local governing body including opposition to petitions filed
1504 pursuant to § 15.2-3203, and such other provisions as the parties deem in their best interest. The terms of
1505 the agreement may also provide for subsequent court review, instituted pursuant to provisions contained
1506 in the agreement, by a special court convened under Chapter 30 (§ 15.2-3000 et seq.) of this title.

1507 3. If a voluntary agreement is reached pursuant to this chapter, the governing bodies shall present
1508 to the Commission the proposed settlement. The Commission shall conduct a hearing pursuant to
1509 subsection A of § 15.2-2907. The Commission shall report, in writing, its findings and recommendations
1510 as to whether the proposed settlement is in the best interest of the Commonwealth. Such report shall not
1511 be binding upon any court but shall be advisory in nature only.

1512 4. Upon receipt of the Commission report, the localities, by ordinance passed by a recorded
1513 affirmative vote of a majority of the members of each governing body thereof, may adopt either the
1514 original or a modified agreement acceptable to all parties. ~~Before adopting such ordinance each~~ Each local
1515 governing body shall advertise its intention to approve such agreement, or modified agreement, ~~at least~~
1516 ~~once a week for two successive weeks~~ twice, with the first notice appearing no more than 28 days before
1517 and the second notice appearing no less than seven days before the adoption of the ordinance in a

1518 newspaper having a general circulation in its jurisdiction ~~and such~~. Such advertisements shall contain a
1519 descriptive summary of the agreement or modified agreement. Each locality shall hold at least one public
1520 hearing on the agreement or modified agreement prior to the adoption of the ordinance. The publication
1521 shall include a statement that a copy of the agreement, or modified agreement, is on file in the office of
1522 the clerk of the circuit court for each of the affected jurisdictions.

1523 5. The governing bodies shall petition a circuit court having jurisdiction in one or more of the
1524 localities for an order affirming the proposed settlement. The circuit court with which the petition is filed
1525 shall notify the Supreme Court, which shall appoint a special court to hear the case as prescribed by
1526 Chapter 30 (§ 15.2-3000 et seq.) of this title. The special court shall be limited in its decision to either
1527 affirming or denying the voluntary agreement and shall have no authority, without the express approval
1528 of each local governing body, to amend or change the terms or conditions of the agreement, but shall have
1529 the authority to validate the agreement and give it full force and effect. The court shall affirm the
1530 agreement unless the court finds either that the agreement is contrary to the best interests of the
1531 Commonwealth or that it is not in the best interests of each of the parties thereto. In determining whether
1532 such agreement should be affirmed, the court shall consider, among other things, whether the interest of
1533 the Commonwealth in promoting orderly growth and the continued viability of localities has been met. If
1534 the agreement is validated and provides for annexation by a city or town, the agreement shall take effect
1535 on the first day of the month succeeding validation of the agreement unless the agreement stipulates that
1536 the annexation shall be effective on some other date.

1537 6. The agreement shall not become binding on the localities until affirmed by the special court
1538 under this section. Once approved by the special court, the agreement shall also bind future local governing
1539 bodies of the localities.

1540 7. The applicable provisions of this chapter shall be deemed to have been met with regard to any
1541 voluntary fiscal agreement or voluntary agreement in settlement of an annexation, transition or immunity
1542 petition or voluntary settlement agreement entered into pursuant to this chapter (i) which was entered into
1543 before July 1, 1990, (ii) which had been reviewed or was in the process of review by the Commission on
1544 Local Government on or before July 1, 1990, (iii) which had been or was the subject of review by a special

1545 court convened under Chapter 30 of this title on or before July 1, 1990, or (iv) which had been or was
1546 approved by a special court convened under Chapter 30 of this title on or before July 1, 1990.

1547 8. The provisions of § 15.2-3226 shall apply when a voluntary agreement made under this section
1548 includes the annexation of territory by a city or town. No election for members of council shall be held as
1549 a result of such annexation unless the city or town increases its population by more than five percent due
1550 to the annexation.

1551 **§ 15.2-3401. Referendum on contracting of debt by counties in voluntary settlement**
1552 **agreements.**

1553 Before a county, under the terms of a voluntary agreement pursuant to this chapter, contracts a
1554 debt pursuant to Article VII, § 10 (b) of the Constitution of Virginia, the board of supervisors shall, in
1555 conformity with Article VII, § 10 (b) of the Constitution of Virginia, petition the circuit court for the
1556 county for an order calling for a special election in the county on the question of contracting such debt.

1557 The question on the ballot shall be as follows, provided that the circuit court in its order calling for
1558 the election may substitute alternative language necessary to specify the type of agreement or the particular
1559 debt which the county proposes to contract under an agreement:

1560 "Shall (name of county) be authorized to contract a debt by entering into a contract for the payment
1561 (describe the debt or payment) to (name of locality to whom payments are to be made) as a part of the
1562 proposed voluntary annexation and immunity settlement agreement between the county and (name of
1563 other locality)?

1564 [] Yes

1565 [] No"

1566 The clerk of the county shall cause a notice of the referendum to be published three times in a
1567 newspaper having general circulation in the county ~~once a week for three consecutive weeks, the first such~~
1568 ~~notice of which must be published not more than 21 days prior to,~~ with the first notice appearing no more
1569 than 35 days before and the third notice appearing no less than seven days before the election, and shall
1570 post a copy of the notice at the door of the county courthouse.

1571 The election shall be held and the results thereof ascertained and certified in accordance with
1572 Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2. If a majority of the voters of the county voting in
1573 such election approve the contracting of such debt, the county may proceed to adopt, by ordinance, the
1574 agreement.

1575 **§ 15.2-3504. Publication of agreement.**

1576 The governing body of each of the consolidating localities shall cause a copy of the consolidation
1577 agreement, or a descriptive summary of the agreement and a reference to the place within the locality
1578 where a copy of the agreement may be examined, to be published in each locality with which it is proposed
1579 to consolidate ~~at least once a week for four successive weeks~~ three times in a newspaper having a general
1580 circulation therein, with the first notice appearing no more than 35 days before and the third notice
1581 appearing no less than seven days before the adoption of the consolidated agreement in accordance with
1582 § 15.2-3502. A copy of the agreement shall be available for public inspection at the circuit court clerk's
1583 office of each of the consolidating localities.

1584 **§ 15.2-3600. Petition for incorporation of community; appointment of special court.**

1585 A petition signed by 100 voters of any community may be presented to the circuit court for the
1586 county in which such community, or the greater part thereof, is situated, requesting that the community
1587 be incorporated as a town. A plat showing the boundaries of the community shall be attached to the
1588 petition. The circuit court with which the petition is filed shall notify the Supreme Court, which shall
1589 appoint a special court to hear the case as prescribed by Chapter 30 (§ 15.2-3000 et seq.) of this title. The
1590 plat shall be prepared by a registered surveyor in a form suitable for recording in the clerk's office of the
1591 circuit court. A copy of the petition shall be served upon the county attorney or, if there is no county
1592 attorney, the attorney for the Commonwealth, and each member of the governing body of the county or
1593 counties wherein the area sought to be incorporated lies. The governing body at its option may become a
1594 party to the proceeding. The petition shall be accompanied by proof that:

- 1595 1. The petition has been available for public inspection in the office of the clerk of the circuit court;
1596 and

1597 2. The following have been published ~~once a week for three successive weeks~~ three times in a
 1598 newspaper having general circulation in the county, with the first publication appearing no more than ~~21~~
 1599 35 days before and the third publication appearing no less than seven days before the petition will be
 1600 presented:

- 1601 a. Notice of the time and place the petition would be presented; and
- 1602 b. The text of the petition in full; or
- 1603 c. A descriptive summary of the petition and notice that the petition may be inspected at the circuit
 1604 court clerk's office.

1605 **§ 15.2-3805. Time limit for intervenors; publication of order.**

1606 The special court shall by order fix a time within which a voter, property owner or political
 1607 subdivision not served may become a party to a proceeding instituted under this chapter, and thereafter no
 1608 such petition shall be received, except for good cause shown. A copy of the order shall be published ~~at~~
 1609 ~~least once a week for two successive weeks~~ twice in a newspaper of general circulation in the county and
 1610 in the adjoining or adjacent counties and cities, with the first notice appearing no more than 28 days and
 1611 the second notice appearing no less than seven days before the time fixed by the special court.

1612 **§ 15.2-3913. Public hearing on charter; notice and publication; adoption of charter by**
 1613 **governing body.**

1614 Upon the completion of the proposed charter the governing body shall hold a public hearing at
 1615 which the citizens shall have an opportunity to be heard with respect thereto. Notice of the time and place
 1616 of such hearing and the text of the charter, or an informative summary thereof, shall be published twice in
 1617 a newspaper of general circulation in the county ~~at least once a week for two successive weeks~~, with the
 1618 first notice appearing no more than 28 days before and the second notice appearing no less than seven
 1619 days before the hearing. ~~The hearing shall not be held sooner than thirty days subsequent to the first~~
 1620 ~~publication.~~ Such hearing may be adjourned from time to time, but shall be completed not less than thirty
 1621 days before the election. Upon completion of the hearing the governing body shall adopt the charter with
 1622 such revisions as it may accept.

1623 **§ 15.2-4311. Review of districts.**

1624 The local governing body may complete a review of any district created under this section, together
1625 with additions to such district, no less than four years but no more than ten years after the date of its
1626 creation and every four to ten years thereafter. If the local governing body determines that a review is
1627 necessary, it shall begin such review at least ninety days before the expiration date of the period established
1628 when the district was created. In conducting such review, the local governing body shall ask for the
1629 recommendations of the local advisory committee and the planning commission in order to determine
1630 whether to terminate, modify or continue the district. When each district is reviewed, land within the
1631 district may be withdrawn at the owner's discretion by filing a written notice with the local governing
1632 body at any time before it acts to continue, modify or terminate the district. The local planning commission
1633 or the advisory committee shall schedule as part of the review a public meeting with the owners of land
1634 within the district, and shall send by first-class mail a written notice of the meeting and review to all such
1635 owners. The notice shall state the time and place for the meeting; that the district is being reviewed by the
1636 local governing body; that the local governing body may continue, modify, or terminate the district; and
1637 that land may be withdrawn from the district at the owner's discretion by filing a written notice with the
1638 local governing body at any time before it acts to continue, modify or terminate the district. The local
1639 governing body shall hold a public hearing as provided by law. The governing body may stipulate
1640 conditions to continuation of the district and may establish a period before the next review of the district,
1641 which may be different from the conditions or period established when the district was created. Any such
1642 different conditions or period shall be described in a notice sent by first-class mail to all owners of land
1643 within the district and published in a newspaper having a general circulation within the district ~~at least~~
1644 ~~two weeks~~ no less than seven days prior to adoption of the ordinance continuing the district. Unless the
1645 district is modified or terminated by the local governing body, the district shall continue as originally
1646 constituted, with the same conditions and period before the next review as that established when the
1647 district was created.

1648 If the local governing body determines that a review is unnecessary, it shall set the year in which
1649 the next review shall occur.

1650 **§ 15.2-4313. Proposals as to land acquisition or construction within district.**

1651 A. Any agency of the Commonwealth or any political subdivision which intends to acquire land
1652 or any interest therein other than by gift, devise, bequest or grant, or any public service corporation which
1653 intends to: (i) acquire land or any interest therein for public utility facilities not subject to approval by the
1654 State Corporation Commission, provided that the proposed acquisition from any one farm or forestry
1655 operation within the district is in excess of one acre or that the total proposed acquisition within the district
1656 is in excess of ten acres or (ii) advance a grant, loan, interest subsidy or other funds within a district for
1657 the construction of dwellings, commercial or industrial facilities, or water or sewer facilities to serve
1658 nonfarm structures, shall at least ninety days prior to such action notify the local governing body and all
1659 of the owners of land within the district. Notice to landowners shall be sent by first-class or registered
1660 mail and shall state that further information on the proposed action is on file with the local governing
1661 body. Notice to the local governing body shall be filed in the form of a report containing the following
1662 information:

- 1663 1. A detailed description of the proposed action, including a proposed construction schedule;
- 1664 2. All the reasons for the proposed action;
- 1665 3. A map indicating the land proposed to be acquired or on which the proposed dwellings,
1666 commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures are to be
1667 constructed;
- 1668 4. An evaluation of anticipated short-term and long-term adverse impacts on agricultural and
1669 forestal operations within the district and how such impacts are proposed to be minimized;
- 1670 5. An evaluation of alternatives which would not require action within the district; and
- 1671 6. Any other relevant information required by the local governing body.

1672 B. Upon receipt of a notice filed pursuant to subsection A, the local governing body, in consultation
1673 with the local planning commission and the advisory committee, shall review the proposed action and
1674 make written findings as to (i) the effect the action would have upon the preservation and enhancement of
1675 agriculture and forestry and agricultural and forestal resources within the district and the policy of this
1676 chapter; (ii) the necessity of the proposed action to provide service to the public in the most economical
1677 and practical manner; and (iii) whether reasonable alternatives to the proposed action are available that

1678 would minimize or avoid any adverse impacts on agricultural and forestal resources within the district. If
1679 requested to do so by any owner of land that will be directly affected by the proposed action of the agency,
1680 corporation, or political subdivision, the Director of the Department of Conservation and Recreation, or
1681 his designee, may advise the local governing body on the issues listed in clauses (i), (ii) and (iii) of this
1682 subsection.

1683 C. If the local governing body finds that the proposed action might have an unreasonably adverse
1684 effect upon either state or local policy, it shall (i) issue an order within ninety days from the date the notice
1685 was filed directing the agency, corporation or political subdivision not to take the proposed action for a
1686 period of 150 days from the date the notice was filed and (ii) hold a public hearing, as prescribed by law,
1687 concerning the proposed action. The hearing shall be held where the local governing body usually meets
1688 or at a place otherwise easily accessible to the district. The locality shall publish notice in a newspaper
1689 having a general circulation within the district no less than seven days before the hearing, and mail
1690 individual notice of the hearing to the political subdivisions whose territory encompasses or is part of the
1691 district, and the agency, corporation or political subdivision proposing to take the action. Before the
1692 conclusion of the 150-day period, the local governing body shall issue a final order on the proposed action.
1693 Unless the local governing body, by an affirmative vote of a majority of all the members elected to it,
1694 determines that the proposed action is necessary to provide service to the public in the most economic and
1695 practical manner and will not have an unreasonably adverse effect upon state or local policy, the order
1696 shall prohibit the agency, corporation or political subdivision from proceeding with the proposed action.
1697 If the agency, corporation or political subdivision is aggrieved by the final order of the local governing
1698 body, an appeal shall lie to the circuit court having jurisdiction of the territory wherein a majority of the
1699 land affected by the acquisition is located. However, if such public service corporation is regulated by the
1700 State Corporation Commission, an appeal shall be to the State Corporation Commission.

1701 **§ 15.2-4405. Creation of districts of local significance.**

1702 A. A participating locality shall have the authority to create agricultural, forestal, or agricultural
1703 and forestal districts of local significance by the adoption of a general ordinance establishing a local
1704 districts program according to the provisions of this chapter.

1705 B. In participating localities where such an ordinance has been adopted by the local governing
1706 body, any owner or owners of land may submit an application pursuant to § 15.2-4403 to the locality for
1707 the creation of an agricultural, forestal, or an agricultural and forestal district of local significance within
1708 such locality. Each individual district of local significance shall have a core of no less than the minimum
1709 acreage specified in the general ordinance, which minimum acreage in no case shall be less than 20 acres
1710 in one parcel or contiguous parcels, provided that (i) any noncontiguous parcel that is not part of the core
1711 may be included in a district of local significance if the nearest boundary of such noncontiguous parcel is
1712 within one-quarter of a mile of the core and (ii) such noncontiguous parcel had previously been included
1713 in a district of local significance. No owner of land shall be included in any agricultural, forestal, or
1714 agricultural and forestal district of local significance without the owner's written approval. A separate
1715 application may be made by any owner or owners of land for additional contiguous qualifying lands, or
1716 noncontiguous lands that meet the conditions of clauses (i) and (ii), to be included in an already created
1717 district at any time following such creation.

1718 C. Upon receipt of a proposal for a district of local significance, the local governing body shall
1719 refer the proposal to the planning commission which shall:

1720 1. Provide notice of the proposal by publishing a notice in a newspaper having general circulation
1721 within the proposed district and by posting such notice in three conspicuous places within the jurisdiction
1722 in which the proposed district is located. The notice shall state that an application for an agricultural,
1723 forestal, or agricultural and forestal district of local significance has been submitted to the local governing
1724 body, that a copy of the application is on file open to public inspection in the office of the clerk, that any
1725 proposals for modifications of the district shall be filed within 30 days, that any owner included in the
1726 proposal may withdraw his land, in whole or in part, at any time until the local governing body makes a
1727 final decision as to the constitution of the district pursuant to subsection D, and that hearing dates of the
1728 planning commission and local governing body shall be published and posted within 30 days.

1729 2. Refer such proposal and modifications to the advisory committee.

1730 D. Within one year of the date of filing of the application for such original proposal, the proposal:
1731 shall be reviewed by (i) the advisory committee, which shall report to the local planning commission its

1732 recommendations concerning the proposal and proposed modifications; (ii) the planning commission,
1733 which, after receiving the report of the advisory committee, shall hold a public hearing as prescribed in
1734 subsection E, and shall report its recommendations concerning the proposal and proposed modifications
1735 to the local governing body; and (iii) the local governing body, which, after receiving the report of the
1736 local planning commission and the advisory committee, shall hold a public hearing as prescribed below,
1737 and may create the district or any modification of the district by the adoption of a district ordinance as
1738 described in subsection E, or reject the creation of a district as it deems appropriate. All districts shall
1739 meet the minimum requirements set forth in the participating locality's general ordinance for the creation
1740 of districts of local significance.

1741 E. Public hearings required to be held by the planning commission and local governing body shall
1742 be conducted in the following manner:

1743 1. The hearing as prescribed by law shall be held where the local governing body usually meets or
1744 at a place otherwise readily accessible to the proposed district;

1745 2. The notice of the public hearing as prescribed by law shall contain a description of the proposed
1746 district, any proposed modifications and any recommendations of the local planning commission or the
1747 advisory committee; and

1748 3. The notice shall be published twice in a newspaper having a general circulation within the
1749 proposed district ~~and~~, with the first notice appearing no more than 28 days before and the second notice
1750 appearing no less than seven days before the hearing. Such notice shall be given in writing complete with
1751 proposed modifications to those municipalities whose territory encompasses or is part of the proposed
1752 district.

1753 F. The general ordinance establishing the program to create agricultural, forestal, or agricultural
1754 and forestal districts of local significance shall state the criteria which shall be considered by the advisory
1755 committee and the local planning commission in advising the local governing body and by the local
1756 governing body in making its decision on whether or not to create a district. These criteria shall be based
1757 on and consistent with the following factors:

- 1758 1. The agricultural and forestal significance within the proposed district and in areas adjacent
1759 thereto;
- 1760 2. The presence of any significant agricultural lands or significant forestal lands within the
1761 proposed district and adjacent thereto that are not now in active farming or production;
- 1762 3. The nature and extent of land uses other than active farming or forestry within the proposed
1763 district and adjacent thereto;
- 1764 4. Local developmental patterns and needs including zoning and the comprehensive plan;
- 1765 5. The scenic and historic features of land uses within the proposed district and adjacent thereto;
- 1766 6. The environmental benefits of preserving the lands in the district in their existing use; and
- 1767 7. Any other matter which may be relevant.

1768 In judging significance, any relevant agricultural and forest maps may be considered as well as
1769 soil, climate, topography, quality of tree cover, other natural factors, markets for farm and forest products,
1770 the extent and nature of farm and forest improvements, evidence of commitment to long-term farm and
1771 forest use, anticipated trends in agricultural and forest economic conditions and technology, and such
1772 other factors as may be relevant. Criteria for judging the significance of lands in local agricultural and
1773 forestal districts to be created pursuant to this chapter may differ from those for judging the significance
1774 of lands in statewide districts to be created pursuant to Chapter 43 (§ 15.2-4300 et seq.).

1775 **§ 15.2-5136. Rates and charges.**

1776 A. The authority may fix and revise rates, fees and other charges (which shall include, but not be
1777 limited to, a penalty not to exceed 10 percent on delinquent accounts, and interest on the principal), subject
1778 to the provisions of this section, for the use of and for the services furnished or to be furnished by any
1779 system, or streetlight system in King George County, or refuse collection and disposal system or facilities
1780 incident thereto, owned, operated or maintained by the authority, or facilities incident thereto, for which
1781 the authority has issued revenue bonds as authorized by this chapter. Such rates, fees and charges shall be
1782 so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all
1783 times (i) to pay the cost of maintaining, repairing and operating the system or systems, or facilities incident
1784 thereto, for which such bonds were issued, including reserves for such purposes and for replacement and

1785 depreciation and necessary extensions, (ii) to pay the principal of and the interest on the revenue bonds as
1786 they become due and reserves therefor, and (iii) to provide a margin of safety for making such payments.
1787 The authority shall charge and collect the rates, fees and charges so fixed or revised.

1788 B. The rates for water (including fire protection) and sewer service (including disposal) shall be
1789 sufficient to cover the expenses necessary or properly attributable to furnishing the class of services for
1790 which the charges are made. However, the authority may fix rates and charges for the services and
1791 facilities of its water system sufficient to pay all or any part of the cost of operating and maintaining its
1792 sewer system (including disposal) and all or any part of the principal of or the interest on the revenue
1793 bonds issued for such sewer or sewage disposal system, and may pledge any surplus revenues of its water
1794 system, subject to prior pledges thereof, for such purposes.

1795 C. Rates, fees and charges for the services of a sewer or sewage disposal system shall be just and
1796 equitable, and may be based upon:

- 1797 1. The quantity of water used or the number and size of sewer connections;
- 1798 2. The number and kind of plumbing fixtures in use in the premises connected with the sewer or
1799 sewage disposal system;
- 1800 3. The number or average number of persons residing or working in or otherwise connected with
1801 such premises or the type or character of such premises;
- 1802 4. Any other factor affecting the use of the facilities furnished; or
- 1803 5. Any combination of the foregoing factors.

1804 However, the authority may fix rates and charges for services of its sewer or sewage disposal
1805 system sufficient to pay all or any part of the cost of operating and maintaining its water system, including
1806 distribution and disposal, and all or any part of the principal of or the interest on the revenue bonds issued
1807 for such water system, and to pledge any surplus revenues of its water system, subject to prior pledges
1808 thereof, for such purposes.

1809 D. Water and sewer rates, fees and charges established by any authority shall be fair and
1810 reasonable. An authority may charge fair and reasonable rates, fees, and charges to create reserves for
1811 expansion of its water and sewer or sewage disposal systems. Such rates, fees, and charges shall be

1812 reviewed by the authority periodically and shall be adjusted, if necessary, to assure that they continue to
1813 be fair and reasonable. However, any authority may charge and collect rates, fees, and charges to create a
1814 reserve fund for reasonable expansion of its water, sewer, or sewage disposal system. Nothing herein shall
1815 affect existing contracts with bondholders which are in conflict with any of the foregoing provisions.

1816 E. Rates, fees and charges for the service of a streetlight system shall be just and equitable, and
1817 may be based upon:

- 1818 1. The portion of such system used;
- 1819 2. The number and size of premises benefiting therefrom;
- 1820 3. The number or average number of persons residing or working in or otherwise connected with
1821 such premises;
- 1822 4. The type or character of such premises;
- 1823 5. Any other factor affecting the use of the facilities furnished; or
- 1824 6. Any combination of the foregoing factors.

1825 However, the authority may fix rates and charges for the service of its streetlight system sufficient
1826 to pay all or any part of the cost of operating and maintaining such system.

1827 F. The authority may also fix rates and charges for the services and facilities of a water system or
1828 a refuse collection and disposal system sufficient to pay all or any part of the cost of operating and
1829 maintaining facilities incident thereto for the generation or transmission of power and all or any part of
1830 the principal of or interest upon the revenue bonds issued for any such facilities incident thereto, and to
1831 pledge any surplus revenues from any such system, subject to prior pledges thereof, for such purposes.
1832 Charges for services to premises, including services to manufacturing and industrial plants, obtaining all
1833 or a part of their water supply from sources other than a public water system may be determined by gauging
1834 or metering or in any other manner approved by the authority.

1835 G. No rates, fees or charges shall be fixed under subsections A through F of this section or under
1836 subdivision 10 of § 15.2-5114 until after a public hearing at which all of the users of the systems or
1837 facilities; the owners, tenants or occupants of property served or to be served thereby; and all others
1838 interested have had an opportunity to be heard concerning the proposed rates, fees and charges. After the

1839 adoption by the authority of a resolution setting forth the preliminary schedule or schedules fixing and
1840 classifying such rates, fees and charges, notice of a public hearing, ~~setting forth the proposed schedule or~~
1841 ~~schedules of rates, fees and charges, in accordance with § 15.2-1427~~ shall be published ~~once a week for~~
1842 ~~two successive weeks in a newspaper having a general circulation in the area to be served by such systems~~
1843 ~~or facilities, with the first notice appearing no more than 14 days before the hearing.~~ The hearing may be
1844 adjourned from time to time. A copy of the notice shall be mailed to the governing bodies of all localities
1845 in which such systems or facilities or any part thereof is located. After the hearing the preliminary schedule
1846 or schedules, either as originally adopted or as amended, shall be adopted and put into effect.

1847 H. A copy of the schedule or schedules of the final rates, fees and charges fixed in accordance with
1848 subsection G shall be kept on file in the office of the clerk or secretary of the governing body of each
1849 locality in which such systems or any part thereof is located, and shall be open to inspection by all
1850 interested parties. The rates, fees or charges so fixed for any class of users or property served shall be
1851 extended to cover any additional properties thereafter served which fall within the same class, without the
1852 necessity of a hearing or notice. Any increase in any rates, fees or charges under this section shall be made
1853 in the manner provided in subsection G. Any other change or revision of the rates, fees or charges may be
1854 made in the same manner as the rates, fees or charges were originally established as provided in subsection
1855 G.

1856 I. No rates, fees or charges established, fixed, changed or revised before January 1, 2013, by any
1857 authority pursuant to this section or to subdivision 10 of § 15.2-5114 shall be invalidated because of any
1858 defect in or failure to publish or provide any notice required under this section or any predecessor
1859 provision.

1860 **§ 15.2-5156. Hearing; notice.**

1861 A. An ordinance or resolution creating a community development authority shall not be adopted
1862 or approved until a public hearing has been held by the governing body on the question of its adoption or
1863 approval. Notice of the public hearing shall be published ~~once a week for three successive weeks~~ three
1864 times in a newspaper of general circulation within the locality, with the first notice appearing no more
1865 than ~~21~~ 35 days before and the third notice appearing no less than seven days before the hearing. The

1866 petitioning landowners shall bear the expense of publishing the notice. ~~The hearing shall not be held~~
 1867 ~~sooner than ten days after completion of publication of the notice.~~

1868 B. After the public hearing and before adoption of the ordinance or resolution, the local governing
 1869 body shall mail a true copy of its proposed ordinance or resolution creating the development authority to
 1870 the petitioning landowners or their attorney in fact. Unless waived in writing, any petitioning landowner
 1871 shall have thirty days from mailing of the proposed ordinance or resolution in which to withdraw his
 1872 signature from the petition in writing prior to the vote of the local governing body on such ordinance or
 1873 resolution. If any signatures on the petition are so withdrawn, the local governing body may pass the
 1874 proposed ordinance or resolution only upon certification by the petitioners that the petition continues to
 1875 meet the requirements of § 15.2-5152. If all petitioning landowners waive the right to withdraw their
 1876 signatures from the petition, the local governing body may adopt the ordinance or resolution upon
 1877 compliance with the provisions of subsection A and any other applicable provisions of law.

1878 **§ 15.2-5403. Creation of electric authority; referendum.**

1879 The governing body of a governmental unit may by ordinance, or the governing bodies of two or
 1880 more governmental units may by concurrent ordinances or agreement authorized by ordinance of each of
 1881 the respective governmental units, create an electric authority, under any appropriate name and title
 1882 containing the words "electric authority." Upon compliance with the provisions of this section and §§
 1883 15.2-5404 and 15.2-5405, the authority shall be a political subdivision of the Commonwealth and a body
 1884 politic and corporate. Any such ordinance shall be adopted in accordance with applicable general or
 1885 special laws or charter provisions providing for the adoption of ordinances of the particular governmental
 1886 unit, and shall be published ~~once a week for two successive weeks prior to adoption~~ twice in a newspaper
 1887 of general circulation within the governmental unit, with the first notice appearing no more than 28 days
 1888 before and the second notice appearing no less than seven days before adoption. ~~The second publication~~
 1889 ~~shall not be sooner than one calendar week after the first publication.~~

1890 No governmental unit shall participate as a member of such an authority unless and until such
 1891 participation is authorized by a majority of the voters voting in a referendum held in the governmental
 1892 unit on the question of whether or not the governmental unit should participate in the authority. The

1893 referendum shall be held as provided in §§ 24.2-682 and 24.2-684. The foregoing referendum requirement
1894 shall not apply to the Town of Elkton if the Town creates an authority by an ordinance that includes articles
1895 of incorporation which comply with the provisions of § 15.2-5404 and also set forth a statement that such
1896 authority shall have only the Town as its sole member throughout its life.

1897 **§ 15.2-5431.25. Rates and charges.**

1898 A. The authority may fix and revise rates, fees and other charges (which shall include, but not be
1899 limited to, a penalty not to exceed 10 percent on delinquent accounts, and interest on the principal), subject
1900 to the provisions of this section, for the use of a project or any portion thereof and for the services furnished
1901 or to be furnished by the authority, or facilities incident thereto, owned, operated or maintained by the
1902 authority, or facilities incident thereto, for which the authority has issued revenue bonds as authorized by
1903 this chapter or received loan funding from other sources. Such rates, fees and charges shall be so fixed
1904 and revised as to provide funds, with other funds available for such purposes, sufficient at all times (i) to
1905 pay the cost of maintaining, repairing and operating the project or systems, or facilities incident thereto,
1906 for which such bonds were issued or loans obtained, including reserves for such purposes and for
1907 replacement and depreciation and necessary extensions, (ii) to pay the principal of and the interest on the
1908 revenue bonds as they become due and reserves therefor, or other loan principal and interest, and (iii) to
1909 provide a margin of safety for making such payments. The authority shall charge and collect the rates,
1910 fees and charges so fixed or revised. The authority shall maintain records demonstrating compliance with
1911 the requirements of this section concerning the fixing and revision of rates, fees, and charges that shall be
1912 made available for inspection and copying by the public pursuant to the Virginia Freedom of Information
1913 Act (§ 2.2-3700 et seq.).

1914 B. No rates, fees or charges shall be fixed under subsection A until after a public hearing at which
1915 all of the users of such facilities; the owners, tenants or occupants of property served or to be served
1916 thereby; and all others interested have had an opportunity to be heard concerning the proposed rates, fees
1917 and charges. After the adoption by the authority of a resolution setting forth the preliminary schedule or
1918 schedules fixing and classifying such rates, fees and charges, notice of a public hearing, setting forth the
1919 proposed schedule or schedules of rates, fees and charges, shall be published ~~once a week for two~~

1920 ~~successive weeks~~ twice in a newspaper having a general circulation in the area to be served by such
 1921 systems, with the first notice appearing no more than ~~14~~ 28 days before and the second notice appearing
 1922 no less than seven days before the hearing. The hearing may be adjourned from time to time. A copy of
 1923 the notice shall be mailed to the governing bodies of all localities in which such systems or any part thereof
 1924 is located. After the hearing the preliminary schedule or schedules, either as originally adopted or as
 1925 amended, shall be adopted and put into effect.

1926 C. A copy of the schedule or schedules of the final rates, fees and charges fixed in accordance with
 1927 subsection B shall be kept on file in the office of the clerk or secretary of the governing body of the
 1928 locality, and shall be open to inspection by all interested parties. The rates, fees or charges so fixed for
 1929 any class of users or property served shall be extended to cover any additional properties thereafter served
 1930 which fall within the same class, without the necessity of a hearing or notice. Any increase in any rates,
 1931 fees or charges under this section shall be made in the manner provided in subsection B. Any other change
 1932 or revision of the rates, fees or charges may be made in the same manner as the rates, fees or charges were
 1933 originally established as provided in subsection B.

1934 D. Connection fees established by any authority shall be fair and reasonable. Such fees shall be
 1935 reviewed by the authority periodically and shall be adjusted, if necessary, to assure that they continue to
 1936 be fair and reasonable. Nothing herein shall affect existing contracts with bondholders which are in
 1937 conflict with any of the foregoing provisions.

1938 **§ 15.2-5704. Powers of authority.**

1939 Each authority shall be deemed to be performing essential governmental functions providing for
 1940 the public health and welfare, and is authorized and empowered:

- 1941 1. To have existence for such term of years as specified by the participating localities;
- 1942 2. To adopt bylaws for the regulation of its affairs and the conduct of its business;
- 1943 3. To adopt an official seal and alter the same at pleasure;
- 1944 4. To maintain an office at such place or places as it may designate;
- 1945 5. To sue and be sued;

1946 6. To acquire, purchase, lease as lessee, construct, reconstruct, improve, extend, operate and
1947 maintain parks within, or partly within and partly outside, one or more of the participating localities; to
1948 acquire by gift, purchase or the exercise of the right of eminent domain lands or rights in land or water
1949 rights in connection therewith; and to sell, lease as lessor, transfer or dispose of any property or interest
1950 therein acquired by it; however, the power of eminent domain shall not extend beyond the geographical
1951 limits of the localities composing the authority;

1952 7. To regulate the uses of all lands and facilities under control of the authority;

1953 8. To locate and operate a retail fee-based electric vehicle charging station on property under the
1954 jurisdiction of the authority; to provide that the use of such station is restricted to the employees of the
1955 locality, authority, and authorized visitors; and to install signage that provides notice of such restriction;

1956 9. To issue revenue bonds and revenue refunding bonds of the authority, such bonds to be payable
1957 solely from revenues derived from the use of the facilities or the furnishing of park services;

1958 10. To accept grants and gifts from the localities forming or thereafter joining the authority, the
1959 Commonwealth, the federal government or any other governmental bodies or political subdivisions, and
1960 from any other person;

1961 11. To enter into contracts with the federal government, the Commonwealth, any political
1962 subdivision, or any agency or instrumentality thereof, or with any other person providing for or relating
1963 to the furnishing of park services or facilities;

1964 12. To contract with any municipality, county, person or any public authority or political
1965 subdivision of this or any adjoining state, on such terms as the authority shall deem proper, for the
1966 construction, operation and maintenance of any park which is partly in this Commonwealth and partly in
1967 such adjoining state;

1968 13. To exercise the same rights for acquiring property for the construction or improvement,
1969 maintenance or operation of a park as the locality or localities by which such authority is created may
1970 exercise. The governing body of any participating locality, notwithstanding any contrary provision of law,
1971 general or special, is authorized and empowered to transfer jurisdiction over, to lease, lend, grant or convey
1972 to the authority, upon the request of the authority, upon such terms and conditions as the governing body

1973 of such locality may agree with the authority as reasonable and fair, real or personal property as may be
1974 necessary or desirable in connection with the acquisition, construction, improvement, operation or
1975 maintenance of a park, including public roads and other property already devoted to public use.
1976 Agreements may be entered into by the authority with the Commonwealth, or any agency acting on behalf
1977 of the Commonwealth, for the acquisition of any lands or property, owned or controlled by the
1978 Commonwealth, for the purposes of construction or improvement, maintenance or operation of a park;

1979 14. In the event of annexation by a municipality not a member of the authority of lands, areas, or
1980 territory served by the authority, then such authority may continue to do business, exercise its jurisdiction
1981 over properties and facilities in and upon or over such lands, areas or territory as long as any bonds or
1982 indebtedness remain outstanding or unpaid, or any contracts or other obligations remain in force;

1983 15. To make and enter into all contracts and agreements necessary or incidental to the performance
1984 of its duties and the execution of its powers under this chapter, including a trust agreement or trust
1985 agreements securing any revenue bonds or revenue refunding bonds issued hereunder;

1986 16. To do all acts and things necessary or convenient to carry out the powers granted by this
1987 chapter;

1988 17. To borrow, at such rates of interest as the law authorizes, from the federal government or any
1989 agency thereof, individuals, partnerships, or private or municipal corporations, for the purpose of
1990 acquiring parklands and improvements thereon; to issue its notes, bonds or other obligations; to secure
1991 such obligations by mortgage or pledge of the property and improvements being acquired and the income
1992 derived therefrom; and to use any revenues and other income of the authority for payment of interest and
1993 retirement of principal of such obligations provided that prior approval of the governing body of the
1994 locality shall be obtained by an authority that was created by a single locality. Any locality which has
1995 formed or joined an authority may lend money to the authority. The power to borrow set forth in this
1996 subdivision shall be in addition to the power to issue revenue bonds and revenue refunding bonds set forth
1997 in subdivision 9 and § 15.2-5712. Notes, bonds or other obligations issued under this subdivision shall not
1998 be deemed to constitute a debt of the Commonwealth or of any political subdivision of the Commonwealth

1999 or a pledge of the faith and credit of the Commonwealth or of any political subdivision of the
2000 Commonwealth; and

2001 18. To adopt such rules and regulations from time to time, not in conflict with the laws of this
2002 Commonwealth, concerning the use of properties under its control as will tend to the protection of such
2003 property and the public thereon. No such rule or regulation shall be adopted until after ~~descriptive~~ notice
2004 of an intention to propose such rule or regulation for passage has been published in accordance with the
2005 procedures required for the adoption of general county ordinances and emergency county ordinances as
2006 set forth in § 15.2-1427, mutatis mutandis. ~~The full text of any proposed rule or regulation shall be~~
2007 ~~available for public inspection and copying during regular office hours of the authority at a place~~
2008 ~~designated in the published notice.~~

2009 **§ 15.2-5806. Public hearings; notice; reports.**

2010 A. At least sixty days prior to selecting a site for a major league or minor league baseball stadium,
2011 the Authority shall hold a public hearing within thirty miles of the site proposed to be acquired for the
2012 purpose of soliciting public comment.

2013 B. Except as otherwise provided herein, ~~at least seven days prior to the public hearing required by~~
2014 ~~this section,~~ the Authority shall notify the local governing body in which the major league or minor league
2015 baseball stadium is proposed to be located and advertise the notice in a newspaper of general circulation
2016 in that locality no less than seven days before the public hearing. The notice shall include: (i) a description
2017 of the site proposed to be acquired, (ii) the intended use of the site, and (iii) the date, time, and location of
2018 the public hearing. After receipt of the notice required by this section, the local governing body in which
2019 a major league or minor league baseball stadium is proposed to be located may require that this period be
2020 extended for up to sixty additional days or for such other time period as agreed upon by the local governing
2021 body and the Authority.

2022 C. At least thirty days before acquiring or entering into a lease involving a major league or minor
2023 league baseball stadium and before entering into a construction contract involving a major league or minor
2024 league baseball stadium or stadium site, the Authority shall submit a detailed written report and the
2025 findings of the Authority that justify the proposed acquisition, lease, or contract to the General Assembly.

2026 The report and findings shall include a detailed plan of the method of funding and the economic necessity
2027 of the proposed acquisition, lease, or contract.

2028 D. The time periods in subsections A, B, and C of this section may not run concurrently.

2029 E. The Commonwealth shall not enter into any purchase agreement, lease agreement, lease-
2030 purchase agreement, master lease agreement or any other contractual arrangement that creates a direct or
2031 contingent financial obligation of the Commonwealth unless such agreement or arrangement has first been
2032 submitted to the State Treasurer sufficiently prior to the execution of such agreement or arrangement to
2033 allow the State Treasurer to undertake a review for the purposes of determining (i) whether the agreement
2034 or arrangement may constitute tax-supported debt of the Commonwealth and (ii) the potential impact of
2035 the agreement or arrangement on the debt capacity and credit ratings of the Commonwealth. If after such
2036 review the State Treasurer determines that the agreement or arrangement may constitute tax-supported
2037 debt of the Commonwealth, or may have an adverse impact on the debt capacity or the credit ratings of
2038 the Commonwealth, the agreement or arrangement and any associated financing shall be submitted to the
2039 Treasury Board for review and approval of terms and structures in a manner consistent with § 2.2-2416.

2040 F. The Commonwealth shall not enter into any purchase agreement, lease agreement, lease-
2041 purchase agreement, master lease agreement or any other contractual arrangement that creates a direct or
2042 contingent financial obligation of the Commonwealth unless such agreement or arrangement has first been
2043 reviewed and approved as required by subsection E and subsequently approved in writing by the Governor.

2044 **§ 15.2-7502. Public hearing required prior to creation or designation of a land bank entity.**

2045 The governing body of a locality shall not adopt an ordinance creating a land bank entity pursuant
2046 to § 15.2-7501 or designating a planning district commission or an existing nonprofit entity pursuant to §
2047 15.2-7512 until notice of intention to do so has been published ~~once a week for two successive weeks~~
2048 twice in some newspaper published or having general circulation in the locality, with the first publication
2049 appearing no more than ~~14~~ 28 days before and the second publication appearing no less than seven days
2050 before the hearing. The notice shall specify the time and place of a hearing at which affected or interested
2051 persons may appear and present their views. After the public hearing has been conducted pursuant to this

2052 section, the governing body shall be empowered to create a land bank entity or designate a planning district
2053 commission or an existing nonprofit entity.

2054 **§ 21-114. Hearing and notice thereof.**

2055 Upon the filing of the petition, the governing body of a county shall fix a day for a hearing on the
2056 question of the proposed sanitary district, which hearing shall embrace a finding of fact of whether creation
2057 of the proposed district or enlargement of the existing district is necessary, practical, fiscally responsible,
2058 and supported by at least 50 percent of persons who own real property in (i) the proposed district or (ii) in
2059 cases of enlargement, the area proposed to be included in an existing district. All interested persons who
2060 reside in or who own real property in (a) a proposed district or (b) an existing district in cases of
2061 enlargement shall have the right to appear and show cause why the property under consideration should
2062 or should not be included in the proposed district or enlargement of same at such hearing. Such hearing
2063 shall be subject to minimum standards regarding timeliness; notice of such hearing shall be given by
2064 publication ~~once a week for three consecutive weeks~~ three times in some newspaper of general circulation
2065 within the county to be designated by the governing body, with the first publication appearing no more
2066 than ~~21~~ 35 days before and the third publication appearing no less than seven days before the hearing. No
2067 such district shall be created until the notice has been given and the hearing had.

2068 **§ 21-117.1. Abolishing sanitary districts.**

2069 Any sanitary district heretofore or hereafter created in any county under the provisions of the
2070 preceding sections of this article may be abolished by ordinance adopted by the governing body of such
2071 county, upon the petition of no less than 50 qualified voters residing within the boundaries of the district
2072 desired to be abolished or, if the district contains less than 100 qualified voters, upon petition of 50 percent
2073 of the qualified voters residing within the boundaries of such district.

2074 Upon filing of the petition, the governing body of the county shall fix a day for a hearing on the
2075 question of abolishing the sanitary district, which hearing shall embrace a consideration of whether the
2076 property in the sanitary district will or will not be benefited by the abolition thereof, and the governing
2077 body of the county shall be fully informed as to the obligations and functions of the sanitary district.
2078 Notice of such hearing shall be given by publication ~~once a week for three consecutive weeks~~ three times

2079 in some newspaper of general circulation within the county to be designated by the governing body of the
 2080 county, with the first publication appearing no more than ~~21~~ 35 days before and the third publication
 2081 appearing no less than seven days before the hearing. No such district shall be abolished until the notice
 2082 has been given and the hearing had.

2083 Any interested parties may appear and be heard on any matters pertaining to the subject of the
 2084 hearing.

2085 Upon the hearing, such ordinance shall be adopted as to the governing body of the county may
 2086 seem equitable and proper, concerning the abolition of the district and as to the funds on hand to the credit
 2087 of the district, provided, however, that no such ordinance shall be adopted abolishing the sanitary district
 2088 unless any bonds of the sanitary district that have theretofore been issued have been redeemed and the
 2089 purposes for which the sanitary district was created have been completed, or unless all obligations and
 2090 functions of the sanitary district have been taken over by the county as a whole, or unless the purposes for
 2091 which the sanitary district was created are impractical or impossible of accomplishment and no obligations
 2092 have been incurred by said sanitary district.

2093 **§ 21-146. Notice of hearing on petition for creation.**

2094 Upon the presentation of a petition complying with the requirements of this article, praying for the
 2095 creation of a sanitation district, fixing the boundaries thereof and naming the counties, cities and towns
 2096 which in whole or in part are to be embraced therein, the circuit court of any such county, or of any county
 2097 in which any such town is situated, or the corporation court of any such city shall make an order filing
 2098 such petition and fixing a day for a hearing by such court on such petition and the question of the creation
 2099 of the proposed sanitation district. Such order shall direct notice of such hearing to be given by publication
 2100 ~~once a week for at least three consecutive weeks~~ three times in some newspaper or newspapers having
 2101 general circulation in the proposed sanitation district, with the first publication appearing no more than ~~21~~
 2102 35 days before and the third publication appearing no less than seven days before the hearing. Such notice
 2103 shall set forth the petition as filed, but need not set forth the signatures or exhibits thereto, and shall state
 2104 the time and place of hearing and that at such hearing all persons desiring to controvert the allegations of

2105 such petition or question the conformity thereof to this article will be heard and all objections to the
2106 creation of the proposed sanitation district considered.

2107 **§ 21-229. Notice of hearing on petition for creation.**

2108 Upon the presentation of a petition complying with the requirements of this article, praying for the
2109 creation of a sanitation district, fixing the boundaries thereof and naming the counties, cities and towns
2110 which in whole or in part are to be embraced therein, the circuit court of any such county, or of any county
2111 in which any such town is situated, or the corporation court of any such city shall make an order filing
2112 such petition and fixing a day for a hearing by such court on such petition and the question of the creation
2113 of the proposed sanitation district. Such order shall direct notice of such hearing to be given by publication
2114 ~~once a week for at least three consecutive weeks~~ three times in some newspaper or newspapers having
2115 general circulation in the proposed sanitation district, with the first publication appearing no more than ~~21~~
2116 35 days before and the third publication appearing no less than seven days before the hearing. Such notice
2117 shall set forth the petition as filed, but need not set forth the signatures or exhibits thereto, and shall state
2118 the time and place of hearing and that at such hearing all persons desiring to controvert the allegations of
2119 such petition or question the conformity thereof to this article will be heard and all objections to the
2120 creation of the proposed sanitation district considered.

2121 **§ 21-393. Notice of issuance of bonds.**

2122 The board of viewers of the county in which the petition was filed shall give notice by publication
2123 ~~once a week for three successive weeks~~ three times in some newspaper published in the county in which
2124 the project, or some part thereof, is situated, if there be any such newspaper, with the first publication
2125 appearing no more than ~~21~~ 35 days before and the third publication appearing no less than seven days
2126 before the hearing, and also by posting a written or printed notice at the door of the courthouse and at five
2127 conspicuous places in the project, reciting that they propose to issue drainage bonds for the total cost of
2128 the improvement, giving the amount of the bonds to be issued, the rate of interest that they are to bear,
2129 and the time when payable.

2130 **§ 21-420. How additional assessments made.**

2131 If additional or new assessments are so levied, such assessments shall be made on the same basis
2132 as the original assessments, and shall be levied only after all persons interested shall have been given full
2133 hearing by the board of viewers on the question of benefits and any other question on which they shall
2134 desire to be heard. Notice of such hearing shall be given by publication ~~once a week for two consecutive~~
2135 ~~weeks~~ twice in a newspaper of general circulation published in a county in which such project is located
2136 in whole or in part, with the first publication appearing no more than ~~14~~ 28 days before and the second
2137 publication appearing no less than seven days before the hearing. The determination of the board of
2138 viewers shall be final.

2139 **§ 22.1-37. Notice by commission of meeting for appointment.**

2140 Before any appointment is made by the school board selection commission, it shall give notice, by
2141 publication ~~once a week for three successive weeks~~ three times in a newspaper having general circulation
2142 in such county, with the first publication appearing no more than ~~21~~ 35 days before and the third
2143 publication appearing no less than seven days before the hearing, of the time and place of any meeting for
2144 the purpose of appointing the members of the county school board. Such notice shall be given whether the
2145 appointment is of a member or members of the county school board for the full term of office as provided
2146 by law or of a member to fill a vacancy occurring in the membership of the county school board or of a
2147 member from a new school district.

2148 **§ 30-140. Certain political subdivisions to file report of audit; period in which report kept as**
2149 **public record; when audit not required; sworn statement of exempted entities; publication of**
2150 **summary of financial condition; repeal of conflicting provisions.**

2151 A. Each authority, commission, district, or other political subdivision the members of whose
2152 governing body are not elected by popular vote shall annually, within five months after the end of its fiscal
2153 year, have an audit performed covering its financial transactions for such fiscal year according to the
2154 specifications of the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy of
2155 the report, unless exempted in accordance with subsection B.

2156 Each authority, commission, district, or other political subdivision the members of whose
2157 governing body are not elected by popular vote and which is reported in the Commonwealth's

2158 Comprehensive Annual Financial Report as determined by the State Comptroller and the Auditor of Public
2159 Accounts shall annually, within three months after the end of its fiscal year, have an audit performed
2160 covering its financial transactions for such fiscal year according to the specifications of the Auditor of
2161 Public Accounts and file with the Auditor of Public Accounts a copy of the report, unless exempted in
2162 accordance with subsection B.

2163 The Auditor of Public Accounts shall receive such reports required by this subsection and keep
2164 the same as public records for a period of 10 years from their receipt.

2165 B. No audit, however, shall be required for any fiscal year during which such entity's financial
2166 transactions did not exceed the sum of \$25,000.

2167 As used in this section, "financial transactions" shall not include financial transactions involving
2168 notes, bonds, or other evidences of indebtedness of such entity the proceeds of which are held or advanced
2169 by a corporate trustee or other financial institution and not received or disbursed directly by such entity.

2170 In the event an audit is not required, the entity shall file a statement under oath certifying that the
2171 transactions did not exceed such sum and, as to all transactions involving notes, bonds, or other evidences
2172 of indebtedness that are exempted, the statement shall be accompanied by an affidavit from the trustee or
2173 financial institution certifying that it has performed the duties required under the agreement governing
2174 such transactions. Notwithstanding the foregoing, the Auditor of Public Accounts may require an audit if
2175 he deems it to be necessary to determine the propriety of the entity's financial transactions.

2176 In the case of a water and sewer authority required by a governing body to have an audit conducted
2177 as specified in § 15.2-5145, the authority shall file the certified audit with the Auditor of Public Accounts.

2178 At the time the report required by this section is filed with the Auditor of Public Accounts every
2179 such authority, commission, district, or other political subdivision, except those exempted from the audit
2180 report requirement, shall publish, in a newspaper of general circulation in the county, city, or town wherein
2181 the authority, commission, district, or other political subdivision is located, ~~a summary statement~~
2182 ~~reflecting the financial condition of the authority, commission, district, or other political subdivision,~~
2183 ~~which shall include a reference to where the~~ a detailed statement reflecting the financial condition of the
2184 authority, commission, district, or other political subdivision may be found.

2185 Any provision of law, general or special, which by its terms requires an audit that is not required
2186 by this section shall be repealed to the extent of any conflict.

2187 **§ 33.2-331. Annual meeting with county officers; six-year plan for secondary state highways;**
2188 **certain reimbursements required.**

2189 For purposes of this section, "cancellation" means complete elimination of a highway construction
2190 or improvement project from the six-year plan.

2191 The governing body of each county in the secondary state highway system may, jointly with the
2192 representatives of the Department as designated by the Commissioner of Highways, prepare a six-year
2193 plan for the improvements to the secondary state highway system in that county. Each such six-year plan
2194 shall be based upon the best estimate of funds to be available to the county for expenditure in the six-year
2195 period on the secondary state highway system. Each such plan shall list the proposed improvements,
2196 together with an estimated cost of each project so listed. Following the preparation of the plan in any year
2197 in which a proposed new funding allocation is greater than \$100,000, the board of supervisors or other
2198 local governing body shall conduct a public hearing after publishing notice twice in a newspaper published
2199 in or having general circulation in the county ~~once a week for two successive weeks~~, with the first
2200 publication appearing no more than ~~14~~ 28 days before and the second publication appearing no less than
2201 seven days before the hearing, and posting notice of the proposed hearing at the front door of the
2202 courthouse of such county 10 days before the meeting. At the public hearings, which shall be conducted
2203 jointly by the board of supervisors and the representative of the Department, the entire six-year plan shall
2204 be discussed with the citizens of the county and their views considered. Following the discussion, the local
2205 governing body, together with the representative of the Department, shall finalize and officially adopt the
2206 six-year plan, which shall then be considered the official plan of the county.

2207 At least once in each calendar year in which a proposed new funding allocation is greater than
2208 \$100,000, representatives of the Department in charge of the secondary state highway system in each
2209 county, or some representative of the Department designated by the Commissioner of Highways, shall
2210 meet with the governing body of each county in a regular or special meeting of the local governing body
2211 for the purpose of preparing a budget for the expenditure of improvement funds for the next fiscal year.

2212 The representative of the Department shall furnish the local governing body with an updated estimate of
2213 funds, and the board and the representative of the Department shall jointly prepare the list of projects to
2214 be carried out in that fiscal year taken from the six-year plan by order of priority and following generally
2215 the policies of the Board in regard to the statewide improvements to the secondary state highway system.
2216 In any year in which a proposed new funding allocation is greater than \$100,000, such list of priorities
2217 shall then be presented at a public hearing duly advertised in accordance with the procedure outlined in
2218 this section, and comments of citizens shall be obtained and considered. Following this public hearing,
2219 the board, with the concurrence of the representative of the Department, shall adopt, as official, a priority
2220 program for the ensuing year, and the Department shall include such listed projects in its secondary
2221 highways budget for the county for that year.

2222 At least once every two years following the adoption of the original six-year plan, the governing
2223 body of each county, together with the representative of the Department, may update the six-year plan of
2224 the county by adding to it and extending it as necessary so as to maintain it as a plan encompassing six
2225 years. Whenever additional funds for secondary highway purposes become available, the local governing
2226 body may request a revision in its six-year plan in order that such plan be amended to provide for the
2227 expenditure of the additional funds. Such additions and extensions to each six-year plan shall be prepared
2228 in the same manner and following the same procedures as outlined herein for its initial preparation. Where
2229 the local governing body and the representative of the Department fail to agree upon a priority program,
2230 the local governing body may appeal to the Commissioner of Highways. The Commissioner of Highways
2231 shall consider all proposed priorities and render a decision establishing a priority program based upon a
2232 consideration by the Commissioner of Highways of the welfare and safety of county citizens. Such
2233 decision shall be binding.

2234 Nothing in this section shall preclude a local governing body, with the concurrence of the
2235 representative of the Department, from combining the public hearing that may be required pursuant to this
2236 section for revision of a six-year plan with the public hearing that may be required pursuant to this section
2237 for review of the list of priorities, provided that notice of such combined hearing is published in accordance
2238 with procedures provided in this section.

2239 All such six-year plans shall consider all existing highways in the secondary state highway system,
 2240 including those in the towns located in the county that are maintained as a part of the secondary state
 2241 highway system, and shall be made a public document.

2242 If any county cancels any highway construction or improvement project included in its six-year
 2243 plan after the location and design for the project has been approved, such county shall reimburse the
 2244 Department the net amount of all funds expended by the Department for planning, engineering, right-of-
 2245 way acquisition, demolition, relocation, and construction between the date on which project development
 2246 was initiated and the date of cancellation. To the extent that funds from secondary highway allocations
 2247 have been expended to pay for a highway construction or improvement project, all revenues generated
 2248 from a reimbursement by the county shall be deposited into that same county's secondary highway
 2249 allocation. The Commissioner of Highways may waive all or any portion of such reimbursement at his
 2250 discretion.

2251 The provisions of this section shall not apply in instances where less than 100 percent of the right-
 2252 of-way is available for donation for unpaved highway improvements.

2253 **§ 33.2-723. Assumption of district highway indebtedness by counties.**

2254 A. Any county may assume the payment of and pay any outstanding indebtedness of any
 2255 magisterial district or districts thereof incurred for the purpose of constructing public highways that were
 2256 subsequently taken over by the Commonwealth, provided the assumption thereof is approved by a
 2257 majority of the qualified voters of the county voting on the question at an election to be held as provided
 2258 in this section.

2259 B. The governing body of the county may, by a resolution entered of record in its minute book,
 2260 require the judges of election to open a poll at the next regular election and take the sense of the qualified
 2261 voters of the county upon the question whether or not the county shall assume the highway indebtedness
 2262 of _____ district, or _____ districts. The local governing body shall cause notice of such
 2263 election to be given by the posting of written notice thereof at the front door of the county courthouse at
 2264 least 30 days prior to the date the same is to be held and by publication thereof ~~once a week for two~~
 2265 ~~successive weeks~~ twice in a newspaper published or having general circulation in the county, with the first

2266 publication appearing no more than ~~14~~ 28 days before and the second publication appearing no less than
2267 seven days before the election. Such notice shall set forth the date of such election and the question to be
2268 voted on.

2269 C. The ballots for use in voting upon the question so submitted shall be prepared, printed,
2270 distributed, voted, and counted and the returns made and canvassed in accordance with the provisions of
2271 § 24.2-684. The results shall be certified by the commissioners of election to the county clerk, who shall
2272 certify the same to the governing body of the county, and such returns shall be entered of record in the
2273 minute book of the local governing body.

2274 D. If a majority of the voters voting on the question vote in favor of the assumption by the county
2275 of the highway indebtedness of any district of the county, such indebtedness shall become and be an
2276 obligation of the county and as binding thereon as if the same had been originally contracted by the county.
2277 In such event the governing body of the county is authorized to levy and collect taxes throughout the
2278 county for the payment of the district indebtedness so assumed, both as to principal and interest.

2279 E. Nothing contained in this section shall affect the validity of such district highway obligations
2280 in the event that the result of such election is against the assumption thereof by the county, but they shall
2281 continue to be as valid and binding in all respects as they were in their inception.

2282 **§ 33.2-909. Abandonment of highway, landing, or railroad crossing; procedure.**

2283 A. The governing body of any county on its own motion or upon petition of any interested
2284 landowner may cause any section of the secondary state highway system, or any crossing by the highway
2285 of the lines of a railroad company or crossing by the lines of a railroad company of the highway, deemed
2286 by it to be no longer necessary for the uses of the secondary state highway system to be abandoned
2287 altogether as a public highway, a public landing, or a public railroad crossing by complying substantially
2288 with the procedure provided in this section.

2289 B. The governing body of the county shall give notice of its intention to abandon any such
2290 highway, landing, or railroad crossing (i) by posting a notice of such intention at least three days before
2291 the first day of a regular term of the circuit court at the front door of the courthouse of the county in which
2292 the section of the highway, landing, or railroad crossing sought to be abandoned as a public highway,

2293 public landing, or public railroad crossing is located or (ii) by posting notice in at least three places on and
2294 along the highway, landing, or railroad crossing sought to be abandoned for at least 30 days and in either
2295 case by publishing notice of its intention in two or more issues of a newspaper having general circulation
2296 in the county. In addition, the governing body of the county shall give notice of its intention to abandon
2297 such highway, landing, or railroad crossing to the Board or the Commissioner of Highways. In any case
2298 in which the highway, landing, or railroad crossing proposed to be abandoned lies in two or more counties,
2299 the governing bodies of such counties shall not abandon such highway, landing, or railroad crossing unless
2300 and until all affected governing bodies agree. The procedure in such cases shall conform mutatis mutandis
2301 to the procedure prescribed for the abandonment of a highway, landing, or railroad crossing located
2302 entirely within a county.

2303 When the governing body of a county gives notice of intention to abandon a public landing, the
2304 governing body shall also give such notice to the Department of Wildlife Resources.

2305 C. If one or more landowners in the county whose property abuts the highway, landing, or railroad
2306 crossing proposed to be abandoned, or if only a section of a highway, landing, or railroad crossing is
2307 proposed to be abandoned, whose property abuts such section, or the Board or the Department of Wildlife
2308 Resources, in the case of a public landing, files a petition with the governing body of the county within
2309 30 days after notice is posted and published as provided in this section, the governing body of the county
2310 shall hold a public hearing on the proposed abandonment and shall give notice of the time and place of
2311 the hearing by publishing such information ~~once a week for two successive weeks~~ twice in a newspaper
2312 having general circulation in the county, with the first publication appearing no more than ~~14~~ 28 days
2313 before and the second publication appearing no less than seven days before the hearing. The governing
2314 body shall also give notice to the Board or, if a public landing is sought to be abandoned, to the Department
2315 of Wildlife Resources.

2316 D. If a petition for a public hearing is not filed as provided in this section, or if after a public
2317 hearing is held the governing body of the county is satisfied that no public necessity exists for the
2318 continuance of the section of the secondary highway as a public highway or the railroad crossing as a
2319 public railroad crossing or the landing as a public landing or that the safety and welfare of the public

2320 would be served best by abandoning the section of highway, the landing, or the railroad crossing as a
2321 public highway, public landing, or public railroad crossing, the governing body of the county shall (i)
2322 within four months of the 30-day period during which notice was posted where no petition for a public
2323 hearing was filed or (ii) within four months after the public hearing adopt an ordinance or resolution
2324 abandoning the section of highway as a public highway, or the landing as a public landing, or the railroad
2325 crossing as a public railroad crossing, and with that ordinance or resolution the section of highway shall
2326 cease to be a public highway, a public landing, or a public railroad crossing. If the governing body is not
2327 so satisfied, it shall dismiss the application within the applicable four months provided in this subsection.

2328 E. A finding by the governing body of a county that a section of the secondary state highway
2329 system is no longer necessary for the uses of the secondary state highway system may be made if the
2330 following conditions exist:

- 2331 1. The highway is located within a residence district as defined in § 46.2-100;
- 2332 2. The residence district is located within a county having a density of population exceeding 1,000
2333 per square mile;
- 2334 3. Continued operation of the section of highway in question constitutes a threat to the public safety
2335 and welfare; and
- 2336 4. Alternate routes for use after abandonment of the highway are readily available.

2337 F. In considering the abandonment of any section of highway under the provisions of this section,
2338 due consideration shall be given to the historic value, if any, of such highway.

2339 G. Any ordinance or resolution of abandonment issued in compliance with this section shall give
2340 rise in subsequent proceedings, if any, to a presumption of adequate justification for the abandonment.

2341 H. No public landing shall be abandoned unless the Board of Wildlife Resources shall by resolution
2342 concur in such abandonment.

2343 **§ 33.2-2001. Creation of district.**

2344 A. A district may be created in a single locality or in two or more contiguous localities. If created
2345 in a single locality, a district shall be created by a resolution of the local governing body. If created in two
2346 or more contiguous localities, a district shall be created by the resolutions of each of the local governing

2347 bodies. Any such resolution shall be considered only upon the petition, to each local governing body of
2348 the locality in which the proposed district is to be located, of the owners of at least 51 percent of either the
2349 land area or the assessed value of land in each locality that (i) is within the boundaries of the proposed
2350 district and (ii) has been zoned for commercial or industrial use or is used for such purposes. Any proposed
2351 district within a county or counties may include any land within a town or towns within the boundaries of
2352 such county or counties.

2353 B. The petition to the local governing body or bodies shall:

- 2354 1. Set forth the name and describe the boundaries of the proposed district;
- 2355 2. Describe the transportation improvements proposed within the district;
- 2356 3. Propose a plan for providing such transportation improvements within the district and describe
2357 specific terms and conditions with respect to all commercial and industrial zoning classifications and uses,
2358 densities, and criteria related thereto which the petitioners request for the proposed district;
- 2359 4. Describe the benefits that can be expected from the provision of such transportation
2360 improvements within the district; and
- 2361 5. Request the local governing body or bodies to establish the proposed district for the purposes
2362 set forth in the petition.

2363 C. Upon the filing of such a petition, each local governing body shall fix a day for a hearing on the
2364 question of whether the proposed district shall be created. The hearing shall consider whether the residents
2365 and owners of real property within the proposed district would benefit from the establishment of the
2366 proposed district. All interested persons who either reside in or own taxable real property within the
2367 proposed district shall have the right to appear and show cause why any property or properties should not
2368 be included in the proposed district. If real property within a town is included in the proposed district, the
2369 governing body shall deliver a copy of the petition and notice of the public hearing to the town council at
2370 least 30 days prior to the public hearing, and the town council may by resolution determine if it wishes
2371 such property located within the town to be included within the proposed district and shall deliver a copy
2372 of any such resolution to the local governing body at the public hearing required by this section. Such
2373 resolution shall be binding upon the local governing body with respect to the inclusion or exclusion of

2374 such properties within the proposed district. The petition shall comply with the provisions of this section
 2375 with respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by publication
 2376 ~~once a week for three consecutive weeks~~ three times in a newspaper of general circulation within the
 2377 locality, with the first publication appearing no more than ~~21~~ 35 days before and the third publication
 2378 appearing no less than seven days before the hearing.

2379 D. If each local governing body finds the creation of the proposed district would be in furtherance
 2380 of the locality's comprehensive plan for the development of the area, in the best interests of the residents
 2381 and owners of real property within the proposed district, and in furtherance of the public health, safety,
 2382 and welfare, then each local governing body may pass a resolution, which shall be reasonably consistent
 2383 with the petition, creating the district and providing for the appointment of an advisory board in
 2384 accordance with this chapter. The resolution shall provide a description with specific terms and conditions
 2385 of all commercial and industrial zoning classifications that shall be in force in the district upon its creation,
 2386 together with any related criteria and a term of years, not to exceed 20 years, as to which each zoning
 2387 classification and each related criterion set forth therein shall remain in force within the district without
 2388 elimination, reduction, or restriction, except (i) upon the written request or approval of the owner of any
 2389 property affected by a change or (ii) as specifically required to comply with state or federal law.

2390 Each resolution creating a district shall also provide (a) that the district shall expire 35 years from
 2391 the date upon which the resolution is passed or (b) that the district shall expire when the district is abolished
 2392 in accordance with § 33.2-2014. After the public hearing, each local governing body shall deliver a
 2393 certified copy of its proposed resolution creating the district to the petitioning landowners or their
 2394 attorneys-in-fact. Any petitioning landowner may then withdraw his signature on the petition, in writing,
 2395 at any time prior to the vote of the local governing body. In the case where any signatures on the petition
 2396 are withdrawn, the local governing body may pass the proposed resolution only upon certification that the
 2397 petition continues to meet the provisions of this section. After all local governing bodies have adopted
 2398 resolutions creating the district, the district shall be established and the name of the district shall be "The
 2399 _____ Transportation Improvement District."

2400 **§ 33.2-2101. Creation of district.**

2401 A. A district may be created in a county by a resolution of the governing body. Any such resolution
2402 shall be considered only upon the petition, to the governing body, of the owners of at least 51 percent of
2403 either the land area or the assessed value of real property that (i) is within the boundaries of the proposed
2404 district, (ii) has been zoned for commercial or industrial use or is used for such purposes, and (iii) would
2405 be subject to the annual special improvement tax authorized by § 33.2-2105 if the proposed district is
2406 created. Any proposed district within a county may include any real property within a town or towns
2407 within the boundaries of such county.

2408 B. The petition to the governing body shall:

- 2409 1. Set forth the name and describe the boundaries of the proposed district;
- 2410 2. Describe the transportation improvements proposed within the district;
- 2411 3. Propose a plan for providing such transportation improvements within the district and describe
2412 specific terms and conditions with respect to all commercial and industrial zoning classifications and uses,
2413 densities, and criteria related thereto that the petitioners request for the proposed district;
- 2414 4. Describe the benefits that can be expected from the provision of such transportation
2415 improvements within the district; and
- 2416 5. Request the governing body to establish the proposed district for the purposes set forth in the
2417 petition.

2418 C. Upon the filing of such a petition, the governing body shall fix a day for a hearing on the
2419 question of whether the proposed district shall be created. The hearing shall consider whether the residents
2420 and owners of real property within the proposed district would benefit from the establishment of the
2421 proposed district. All interested persons who either reside in or own taxable real property within the
2422 proposed district shall have the right to appear and show cause why any property or properties should not
2423 be included in the proposed district. If real property within a town is included in the proposed district, a
2424 copy of the petition and notice of the public hearing shall be delivered to the town council at least 30 days
2425 prior to the public hearing, and the town council may by resolution determine if the town council wishes
2426 any property located within the town to be included within the proposed district and any such resolution
2427 shall be delivered to the governing body prior to the public hearing required by this section. Such

2428 resolution shall be binding upon the governing body with respect to the inclusion or exclusion of such
2429 properties within the proposed district. If that resolution permits any commercial or industrial property
2430 located within a town to be included in the proposed district, then if requested to do so by the petition the
2431 town council of any town that has adopted a zoning ordinance also shall pass a resolution, to be effective
2432 upon creation of the proposed district, that is consistent with the requirements of subsection E with respect
2433 to commercial and industrial zoning classifications that shall be in force in that portion of the town
2434 included in the district. The petition shall comply with the provisions of this section with respect to
2435 minimum acreage or assessed valuation. Notice of the hearing shall be given by publication ~~once a week~~
2436 ~~for three consecutive weeks~~ three times in a newspaper of general circulation within the locality, with the
2437 first publication appearing no more than ~~21~~ 35 days before and the third publication appearing no less than
2438 seven days before the hearing. Such public hearing may be adjourned from time to time.

2439 D. If the governing body finds the creation of the proposed district would be in furtherance of the
2440 county's comprehensive plan for the development of the area, in the best interests of the residents and
2441 owners of real property within the proposed district, and in furtherance of the public health, safety, and
2442 welfare, the governing body may pass a resolution that is reasonably consistent with the petition, that
2443 creates the district upon final adoption, and that provides for the appointment of an advisory board in
2444 accordance with this chapter upon final adoption. Any such resolution shall be conclusively presumed to
2445 be reasonably consistent with the petition if, following the public hearing, as provided in the following
2446 provisions of this section, the petition continues to comply with the provisions of this section with respect
2447 to the criteria relating to minimum acreage or assessed valuation.

2448 E. The resolution shall provide a description with specific terms and conditions of all commercial
2449 and industrial zoning classifications that apply within the district, but not within any town within the
2450 district that has adopted a zoning ordinance, that shall be in force in the district upon its creation, together
2451 with any related criteria and a term of years, not to exceed 20 years, as to which each such zoning
2452 classification and each related criterion set forth therein shall remain in force within the district without
2453 elimination, reduction, or restriction, except (i) upon the written request or approval of the owner of any
2454 property affected by a change, (ii) as required to comply with the provisions of the Chesapeake Bay

2455 Preservation Act (§ 62.1-44.15:67 et seq.) or the regulations adopted pursuant thereto, (iii) as required to
2456 comply with the provisions of the federal Clean Water Act regarding municipal and industrial stormwater
2457 discharges (33 U.S.C. § 1342(p)) and regulations promulgated thereunder by the federal Environmental
2458 Protection Agency, or (iv) as specifically required to comply with any other state or federal law.

2459 F. A resolution creating a district shall also provide (i) that the district shall expire 50 years from
2460 the date upon which the resolution is passed or (ii) that the district shall expire when the district is
2461 abolished in accordance with § 33.2-2115. After the public hearing, the governing body may adopt a
2462 proposed resolution creating the district. No later than two business days following the adoption of the
2463 proposed resolution, copies of the proposed resolution shall be available in the office of the clerk of the
2464 governing body for inspection and copying by the petitioning landowners and their representatives, by
2465 members of the public, and by representatives of the news media. No later than seven business days
2466 following the adoption of the proposed resolution, any petitioning landowner may notify the clerk of the
2467 governing body in writing that the petitioning landowner is withdrawing his signature from the petition.
2468 Within the same seven-day period, the owner of any property in the proposed district that will be subject
2469 to the annual special improvements tax authorized by § 33.2-2105, if the proposed district is created, or
2470 the attorney-in-fact of any such owner may notify the clerk of the governing body in writing that he is
2471 adding his signature to the petition. The governing body may then proceed to final adoption of the
2472 proposed resolution following that seven-day period. If any petitioner has withdrawn his signature from
2473 the petition during that seven-day period, then the governing body may readopt the proposed resolution
2474 only if the petition, including any landowners who have added their signatures after adoption of the
2475 proposed resolution, continues to meet the provisions of this section. After the governing body has
2476 readopted the resolution creating the district, the district shall be established and the name of the district
2477 shall be "The _____ Transportation Improvement District."

2478 **§ 33.2-2701. Creation of district.**

2479 A. A district may be created in the City of Charlottesville and the County of Albemarle by
2480 resolutions of such localities' governing bodies. Such resolutions shall be considered upon the petition to
2481 each governing body of a locality in which the proposed district by the owners of at least 51 percent of

2482 either the land area or the assessed value of land, in each locality that (i) is within the boundaries of the
2483 proposed district and (ii) has been zoned for commercial or industrial use or is used for such purposes.

2484 B. The petition to the local governing bodies shall:

2485 1. Set forth the name and describe the boundaries of the proposed district;

2486 2. Describe the transportation improvements proposed within the district;

2487 3. Propose a plan for providing such transportation improvements within the district and describe
2488 specific terms and conditions with respect to all commercial and industrial zoning classifications and uses,
2489 densities, and criteria related thereto that the petitioners request for the proposed district;

2490 4. Describe the benefits that can be expected from the provision of such transportation
2491 improvements within the district; and

2492 5. Request the local governing bodies to establish the proposed district for the purposes set forth
2493 in the petition.

2494 C. Upon the filing of such a petition, each local governing body shall fix a day for a hearing on the
2495 question of whether the proposed district shall be created. The hearing shall consider whether the residents
2496 and owners of real property within the proposed district would benefit from the establishment of the
2497 proposed district. All interested persons who either reside in or own taxable real property within the
2498 proposed district shall have the right to appear and show cause why any property or properties should not
2499 be included in the proposed district. Such resolution shall be binding upon the local governing body with
2500 respect to the inclusion or exclusion of such properties within the proposed district. The petition shall
2501 comply with the provisions of this section with respect to minimum acreage or assessed valuation. Notice
2502 of the hearing shall be given by publication ~~once a week for three consecutive weeks~~ three times in a
2503 newspaper of general circulation within the locality, with the first publication appearing no more than ~~21~~
2504 35 days before and the third publication appearing no less than seven days before the hearing.

2505 D. If both local governing bodies find the creation of the proposed district would be in furtherance
2506 of their comprehensive plans for the development of the area, in the best interests of the residents and
2507 owners of real property within the proposed district, and in furtherance of the public health, safety, and
2508 welfare, both local governing bodies may pass resolutions that are reasonably consistent with the petition,

2509 creating the district and providing for the appointment of an advisory board in accordance with this
2510 chapter. The resolutions shall provide a description with specific terms and conditions of all commercial
2511 and industrial zoning classifications that shall be in force in the district upon its creation, together with all
2512 related criteria and a term of years, not to exceed 20 years, as to which each such zoning classification and
2513 each related criterion set forth therein shall remain in force within the district without elimination,
2514 reduction, or restriction, except (i) upon the written request or approval of the owner of any property
2515 affected by a change or (ii) as specifically required to comply with federal or state law.

2516 Each resolution creating the district shall also provide (a) that the district shall expire 35 years
2517 from the date upon which the resolution is passed or (b) that the district shall expire when the district is
2518 abolished in accordance with § 33.2-2714. After the public hearing, each local governing body shall
2519 deliver a certified copy of its proposed resolution creating the district to the petitioning landowners or
2520 their attorneys-in-fact. Any petitioning landowner may then withdraw his signature on the petition, in
2521 writing, at any time prior to the vote of the local governing body. In the case where any signature on the
2522 petition is withdrawn, the local governing body may pass the proposed resolution only upon certification
2523 that the petition continues to meet the provisions of this section. After both local governing bodies have
2524 adopted resolutions creating the district, the district shall be established and the name of the district shall
2525 be "The Charlottesville-Albemarle Transportation Improvement District."

2526 **§ 58.1-3245.2. Tax increment financing.**

2527 A. The governing body of any county, city or town may adopt tax increment financing by passing
2528 an ordinance designating a development project area and providing that real estate taxes in the
2529 development project area shall be assessed, collected and allocated in the following manner for so long as
2530 any obligations or development project cost commitments secured by the Tax Increment Financing Fund,
2531 hereinafter authorized, are outstanding and unpaid.

2532 1. The local assessing officer shall record in the land book both the base assessed value and the
2533 current assessed value of the real estate in the development project area.

2534 2. Real estate taxes attributable to the lower of the current assessed value or base assessed value
2535 of real estate located in a development project area shall be allocated by the treasurer or director of finance
2536 pursuant to the provisions of this chapter.

2537 3. Real estate taxes attributable to the increased value between the current assessed value of any
2538 parcel of real estate and the base assessed value of such real estate shall be allocated by the treasurer or
2539 director of finance and paid into a special fund entitled the "Tax Increment Financing Fund" to pay the
2540 principal and interest on obligations issued or development project cost commitments entered into to
2541 finance the development project costs.

2542 B. The governing body shall hold a public hearing on the need for tax increment financing in the
2543 county, city or town prior to adopting a tax increment financing ordinance. Notice of the public hearing
2544 shall be published ~~once each week for three consecutive weeks immediately preceding the public hearing~~
2545 three times in each newspaper of general circulation in such county, city or town, with the first publication
2546 appearing no more than ~~21~~ 35 days before and the third publication appearing no less than seven days
2547 before the hearing. The notice shall include the time, place and purpose of the public hearing, define tax
2548 increment financing, indicate the proposed boundaries of the development project area, and propose
2549 obligations to be issued to finance the development project area costs.

2550 **§ 58.1-3245.8. Adoption of local enterprise zone development taxation program.**

2551 A. The governing body of any county, city, or town may adopt a local enterprise zone development
2552 taxation program by passing an ordinance designating an enterprise zone located within its boundaries as
2553 a local enterprise zone; however, an ordinance may designate an area as a local enterprise zone contingent
2554 upon the designation of the area as an enterprise zone pursuant to Chapter 49 (§ 59.1-538 et seq.) of Title
2555 59.1. If the county, city, or town contains more than one enterprise zone, such ordinance may designate
2556 one or more as a local enterprise zone. If an enterprise zone is located in more than one county, city, or
2557 town, the governing body may designate the portion of the enterprise zone located within its boundaries
2558 as a local enterprise zone. An ordinance designating a local enterprise zone shall provide that all or a
2559 specified percentage of the real estate taxes, machinery and tools taxes, or both, in the local enterprise
2560 zone shall be assessed, collected and allocated in the following manner:

2561 1. The local assessing officer shall record in the appropriate books both the base assessed value
2562 and the current assessed value of the real estate or machinery and tools, or both, in the local enterprise
2563 zone.

2564 2. Real estate taxes or machinery and tools taxes attributable to the lower of the current assessed
2565 value or base assessed value of real estate or machinery and tools located in a local enterprise zone shall
2566 be allocated by the treasurer or director of finance as they would be in the absence of such ordinance.

2567 3. All or the specified percentage of the increase in real estate taxes or machinery and tools taxes,
2568 or both, attributable to the difference between (i) the current assessed value of such property and (ii) the
2569 base assessed value of such property shall be allocated by the treasurer or director of finance and paid into
2570 a special fund entitled the "Local Enterprise Zone Development Fund" to be used as provided in § 58.1-
2571 3245.10. Such amounts paid into the fund shall not include any additional revenues resulting from an
2572 increase in the tax rate on real estate or machinery and tools after the adoption of a local enterprise zone
2573 development taxation ordinance, nor shall it include any additional revenues merely resulting from an
2574 increase in the assessed value of real estate or machinery and tools which were located in the zone prior
2575 to the adoption of a local enterprise zone development taxation ordinance unless such property is improved
2576 or enhanced.

2577 B. The governing body shall hold a public hearing on the need for a local enterprise zone
2578 development taxation program in the county, city, or town prior to adopting a local enterprise zone
2579 development taxation ordinance. Notice of the public hearing shall be published ~~once each week for three~~
2580 ~~consecutive weeks immediately preceding the public hearing~~ three times in each newspaper of general
2581 circulation in such county, city, or town, with the first publication appearing no more than ~~21~~ 35 days
2582 before and the third publication appearing no less than seven days before the hearing. The notice shall
2583 include the time, place and purpose of the public hearing; define local enterprise zone development
2584 taxation; indicate the proposed boundaries of the local enterprise zone; state whether all or a specified
2585 percentage of real property or machinery or tools, or both, will be subject to local enterprise zone
2586 development taxation; and describe the purposes for which funds in the Local Enterprise Zone
2587 Development Fund are authorized to be used.

2588 § 58.1-3321. Effect on rate when assessment results in tax increase; public hearings;
2589 referendum.

2590 A. When any annual assessment, biennial assessment, or general reassessment of real property by
2591 a county, city, or town would result in an increase of one percent or more in the total real property tax
2592 levied, such county, city, or town shall reduce its rate of levy for the forthcoming tax year so as to cause
2593 such rate of levy to produce no more than 101 percent of the previous year's real property tax levies, unless
2594 subsection B is complied with, which rate shall be determined by multiplying the previous year's total real
2595 property tax levies by 101 percent and dividing the product by the forthcoming tax year's total real property
2596 assessed value. An additional assessment or reassessment due to the construction of new or other
2597 improvements, including those improvements and changes set forth in § 58.1-3285, to the property shall
2598 not be an annual assessment or general reassessment within the meaning of this section, nor shall the
2599 assessed value of such improvements be included in calculating the new tax levy for purposes of this
2600 section. Special levies shall not be included in any calculations provided for under this section.

2601 B. The governing body of a county, city, or town may, after conducting a public hearing, which
2602 shall not be held at the same time as the annual budget hearing, increase the rate above the reduced rate
2603 required in subsection A if any such increase is deemed to be necessary by such governing body.

2604 C. Notice of any public hearing held pursuant to this section shall be given at least seven days
2605 before the date of such hearing by the publication of a notice in (i) at least one newspaper of general
2606 circulation in such county or city and (ii) a prominent public location at which notices are regularly posted
2607 in the building where the governing body of the county, city, or town regularly conducts its business;
2608 ~~except that such notice shall be given at least 14 days before the date of such hearing in any year in which~~
2609 ~~neither a general appropriation act nor amendments to a general appropriation act providing appropriations~~
2610 ~~for the immediately following fiscal year have been enacted by April 30 of such year.~~ Additionally, in a
2611 county, city, or town that conducts its reassessment more than once every four years, the notice for any
2612 public hearing held pursuant to this section shall be published on a different day and in a different notice
2613 from any notice published for the annual budget hearing. Any such notice shall be at least the size of one-
2614 eighth page of a standard size or a tabloid size newspaper, and the headline in the advertisement shall be

2615 in a type no smaller than 18-point. The notice described in clause (i) shall not be placed in that portion, if
 2616 any, of the newspaper reserved for legal notices and classified advertisements. The notice described in
 2617 clauses (i) and (ii) shall be in the following form and contain the following information, in addition to
 2618 such other information as the local governing body may elect to include:

2619 NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

2620 The (name of the county, city or town) proposes to increase property tax levies.

2621 1. Assessment Increase: Total assessed value of real property, excluding additional assessments
 2622 due to new construction or improvements to property, exceeds last year's total assessed value of real
 2623 property by ___ percent.

2624 2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the
 2625 same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate
 2626 with the exclusions mentioned above, would be ___ \$ per \$100 of assessed value. This rate will be known
 2627 as the "lowered tax rate."

2628 3. Effective Rate Increase: The (name of the county, city or town)proposes to adopt a tax rate of
 2629 ___ \$ per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate
 2630 would be ___ \$ per \$100, or__ (name of the county, city or town) \$ \$ percent . This difference will be
 2631 known as the "effective tax rate increase."

2632 Individual property taxes may, however, increase at a percentage greater than or less than the above
 2633 percentage.

2634 4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in
 2635 other revenues, the total budget of (name of the county, city or town) will exceed last year's by ___ (name
 2636 of the county, city or town) percent.

2637 A public hearing on the increase will be held on_(date and time) at (meeting place).

2638 D. All hearings shall be open to the public. The governing body shall permit persons desiring to
 2639 be heard an opportunity to present oral testimony within such reasonable time limits as shall be determined
 2640 by the governing body.

2641 E. The provisions of this section shall not be applicable to the assessment of public service
2642 corporation property by the State Corporation Commission.

2643 F. Notwithstanding other provisions of general or special law, the tax rate for taxes due on or
2644 before June 30 of each year may be fixed on or before May 15 of that tax year.

2645 **§ 62.1-44.15:33. (Effective until July 1, 2024) Authorization for more stringent ordinances.**

2646 A. Localities that are VSMP authorities are authorized to adopt more stringent stormwater
2647 management ordinances than those necessary to ensure compliance with the Board's minimum
2648 regulations, provided that the more stringent ordinances are based upon factual findings of local or
2649 regional comprehensive watershed management studies or findings developed through the implementation
2650 of a MS4 permit or a locally adopted watershed management study and are determined by the locality to
2651 be necessary to prevent any further degradation to water resources, to address TMDL requirements, to
2652 protect exceptional state waters, or to address specific existing water pollution including nutrient and
2653 sediment loadings, stream channel erosion, depleted groundwater resources, or excessive localized
2654 flooding within the watershed and that prior to adopting more stringent ordinances a public hearing is
2655 held. Notice of such hearing shall be given by publication ~~once a week for two consecutive weeks~~ twice
2656 in a newspaper of general circulation in the locality seeking to adopt the ordinance, with the first
2657 publication appearing no more than ~~14~~ 28 days before and the second publication appearing no less than
2658 seven days before the hearing.

2659 B. Localities that are VSMP authorities shall submit a letter report to the Department when more
2660 stringent stormwater management ordinances or more stringent requirements authorized by such
2661 ordinances, such as may be set forth in design manuals, policies, or guidance documents developed by the
2662 localities, are determined to be necessary pursuant to this section within 30 days after adoption thereof.
2663 Any such letter report shall include a summary explanation as to why the more stringent ordinance or
2664 requirement has been determined to be necessary pursuant to this section. Upon the request of an affected
2665 landowner or his agent submitted to the Department with a copy to be sent to the locality, within 90 days
2666 after adoption of any such ordinance or derivative requirement, localities shall submit the ordinance or
2667 requirement and all other supporting materials to the Department for a determination of whether the

2668 requirements of this section have been met and whether any determination made by the locality pursuant
2669 to this section is supported by the evidence. The Department shall issue a written determination setting
2670 forth its rationale within 90 days of submission. Such a determination, or a failure by the Department to
2671 make such a determination within the 90-day period, may be appealed to the Board.

2672 C. Localities shall not prohibit or otherwise limit the use of any best management practice (BMP)
2673 approved for use by the Director or the Board except as follows:

2674 1. When the Director or the Board approves the use of any BMP in accordance with its stated
2675 conditions, the locality serving as a VSMP authority shall have authority to preclude the onsite use of the
2676 approved BMP, or to require more stringent conditions upon its use, for a specific land-disturbing project
2677 based on a review of the stormwater management plan and project site conditions. Such limitations shall
2678 be based on site-specific concerns. Any project or site-specific determination purportedly authorized
2679 pursuant to this subsection may be appealed to the Department and the Department shall issue a written
2680 determination regarding compliance with this section to the requesting party within 90 days of submission.
2681 Any such determination, or a failure by the Department to make any such determination within the 90-
2682 day period, may be appealed to the Board.

2683 2. When a locality is seeking to uniformly preclude jurisdiction-wide or otherwise limit
2684 geographically the use of a BMP approved by the Director or Board, or to apply more stringent conditions
2685 to the use of a BMP approved by the Director or Board, upon the request of an affected landowner or his
2686 agent submitted to the Department, with a copy submitted to the locality, within 90 days after adoption,
2687 such authorizing ordinances, design manuals, policies, or guidance documents developed by the locality
2688 that set forth the BMP use policy shall be provided to the Department in such manner as may be prescribed
2689 by the Department that includes a written justification and explanation as to why such more stringent
2690 limitation or conditions are determined to be necessary. The Department shall review all supporting
2691 materials provided by the locality to determine whether the requirements of this section have been met
2692 and that any determination made by the locality pursuant to this section is reasonable under the
2693 circumstances. The Department shall issue its determination to the locality in writing within 90 days of

2694 submission. Such a determination, or a failure by the Department to make such a determination within the
2695 90-day period, may be appealed to the Board.

2696 D. Based on a determination made in accordance with subsection B or C, any ordinance or other
2697 requirement enacted or established by a locality that is found to not comply with this section shall be null
2698 and void, replaced with state minimum standards, and remanded to the locality for revision to ensure
2699 compliance with this section. Any such ordinance or other requirement that has been proposed but neither
2700 enacted nor established shall be remanded to the locality for revision to ensure compliance with this
2701 section.

2702 E. Any provisions of a local stormwater management program in existence before January 1, 2013,
2703 that contains more stringent provisions than this article shall be exempt from the requirements of this
2704 section. However, such provisions shall be reported to the Board at the time of the locality's VSMP
2705 approval package.

2706 **§ 62.1-44.15:33. (Effective July 1, 2024) Authorization for more stringent ordinances.**

2707 A. Localities that are serving as VESMP authorities are authorized to adopt more stringent soil
2708 erosion control or stormwater management ordinances than those necessary to ensure compliance with the
2709 Board's minimum regulations, provided that the more stringent ordinances are based upon factual findings
2710 of local or regional comprehensive watershed management studies or findings developed through the
2711 implementation of an MS4 permit or a locally adopted watershed management study and are determined
2712 by the locality to be necessary to prevent any further degradation to water resources, to address total
2713 maximum daily load requirements, to protect exceptional state waters, or to address specific existing water
2714 pollution including nutrient and sediment loadings, stream channel erosion, depleted groundwater
2715 resources, or excessive localized flooding within the watershed and that prior to adopting more stringent
2716 ordinances a public hearing is held. Notice of such hearing shall be given by publication ~~once a week for~~
2717 ~~two consecutive weeks~~ twice in a newspaper of general circulation in the locality seeking to adopt the
2718 ordinance, with the first publication appearing no more than ~~14~~ 28 days before and the second publication
2719 appearing no less than seven days before the hearing. This process shall not be required when a VESMP
2720 authority chooses to reduce the threshold for regulating land-disturbing activities to a smaller area of

2721 disturbed land pursuant to § 62.1-44.15:34. However, this section shall not be construed to authorize a
2722 VESMP authority to impose a more stringent timeframe for land-disturbance review and approval than
2723 those provided in this article.

2724 B. Localities that are serving as VESMP authorities shall submit a letter report to the Department
2725 when more stringent stormwater management ordinances or more stringent requirements authorized by
2726 such stormwater management ordinances, such as may be set forth in design manuals, policies, or guidance
2727 documents developed by the localities, are determined to be necessary pursuant to this section within 30
2728 days after adoption thereof. Any such letter report shall include a summary explanation as to why the more
2729 stringent ordinance or requirement has been determined to be necessary pursuant to this section. Upon the
2730 request of an affected landowner or his agent submitted to the Department with a copy to be sent to the
2731 locality, within 90 days after adoption of any such ordinance or derivative requirement, localities shall
2732 submit the ordinance or requirement and all other supporting materials to the Department for a
2733 determination of whether the requirements of this section have been met and whether any determination
2734 made by the locality pursuant to this section is supported by the evidence. The Department shall issue a
2735 written determination setting forth its rationale within 90 days of submission. Such a determination, or a
2736 failure by the Department to make such a determination within the 90-day period, may be appealed to the
2737 Board.

2738 C. Localities shall not prohibit or otherwise limit the use of any best management practice (BMP)
2739 approved for use by the Director or the Board except as follows:

2740 1. When the Director or the Board approves the use of any BMP in accordance with its stated
2741 conditions, the locality serving as a VESMP authority shall have authority to preclude the onsite use of
2742 the approved BMP, or to require more stringent conditions upon its use, for a specific land-disturbing
2743 project based on a review of the stormwater management plan and project site conditions. Such limitations
2744 shall be based on site-specific concerns. Any project or site-specific determination purportedly authorized
2745 pursuant to this subsection may be appealed to the Department and the Department shall issue a written
2746 determination regarding compliance with this section to the requesting party within 90 days of submission.

2747 Any such determination, or a failure by the Department to make any such determination within the 90-
2748 day period, may be appealed to the Board.

2749 2. When a locality is seeking to uniformly preclude jurisdiction-wide or otherwise limit
2750 geographically the use of a BMP approved by the Director or Board, or to apply more stringent conditions
2751 to the use of a BMP approved by the Director or Board, upon the request of an affected landowner or his
2752 agent submitted to the Department, with a copy submitted to the locality, within 90 days after adoption,
2753 such authorizing ordinances, design manuals, policies, or guidance documents developed by the locality
2754 that set forth the BMP use policy shall be provided to the Department in such manner as may be prescribed
2755 by the Department that includes a written justification and explanation as to why such more stringent
2756 limitation or conditions are determined to be necessary. The Department shall review all supporting
2757 materials provided by the locality to determine whether the requirements of this section have been met
2758 and that any determination made by the locality pursuant to this section is reasonable under the
2759 circumstances. The Department shall issue its determination to the locality in writing within 90 days of
2760 submission. Such a determination, or a failure by the Department to make such a determination within the
2761 90-day period, may be appealed to the Board.

2762 D. Based on a determination made in accordance with subsection B or C, any ordinance or other
2763 requirement enacted or established by a locality that is found to not comply with this section shall be null
2764 and void, replaced with state minimum standards, and remanded to the locality for revision to ensure
2765 compliance with this section. Any such ordinance or other requirement that has been proposed but neither
2766 enacted nor established shall be remanded to the locality for revision to ensure compliance with this
2767 section.

2768 E. Any provisions of a local erosion and sediment control or stormwater management program in
2769 existence before January 1, 2016, that contains more stringent provisions than this article shall be exempt
2770 from the requirements of this section if the locality chooses to retain such provisions when it becomes a
2771 VESMP authority. However, such provisions shall be reported to the Board at the time of submission of
2772 the locality's VESMP approval package.

2773 2. That any community development authority created by ordinance or resolution, or whose
2774 creating ordinance or resolution was amended, between July 1, 2023, and June 30, 2024, in
2775 accordance with § 15.2-5155 of the Code of Virginia, shall be declared to be validly created, and any
2776 such ordinance or resolution shall be declared to be validly adopted, notwithstanding any failure to
2777 strictly comply with the public hearing notice requirements of subsection A of § 15.2-5156 of the
2778 Code of Virginia, as amended by this act, in the creation and adoption thereof.

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