

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 28.2-1303 of the Code of Virginia, relating to local wetlands boards.*

3 [H 419]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 28.2-1303 of the Code of Virginia is amended and reenacted as follows:**7 § 28.2-1303. Appointment, terms, compensation, etc., of local wetlands boards; jurisdiction of county
8 wetlands board over wetlands in town.9 A. Every county, city, or town which enacts a wetlands zoning ordinance pursuant to this chapter
10 shall create a wetlands board, consisting of five or seven residents of that jurisdiction appointed by the
11 local governing body. All board members' terms shall be for five years, except that the term of at least
12 one of the original appointments shall expire during each of the succeeding five years. The chairman of
13 the board shall notify the local governing body at least thirty days prior to the expiration of any
14 member's term and shall promptly notify the local governing body if any vacancy occurs. Vacancies
15 shall be filled by the local governing body without delay upon receipt of such notice. Appointments to
16 fill vacancies shall be for the unexpired portion of the term. Members may serve successive terms. A
17 member whose term expires shall continue to serve until his successor is appointed and qualified.
18 Members of the board shall hold no public office in the county or city other than membership on the
19 local planning or zoning commission, the local erosion commission, the local board of zoning appeals,
20 *any local board created to implement the provisions of the Chesapeake Bay Preservation Act*
21 *(§ 10.1-2100 et seq.) in a county with a population between 34,500 and 35,000, or as director of a soil*
22 *and water conservation board. When members of these local commissions or boards are appointed to a*
23 *local wetlands board, their terms of appointment shall be coterminous with their membership on those*
24 *boards or commissions.*25 B. Upon a hearing with at least fifteen days' notice thereof, any board member may be removed for
26 malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by the local governing body.27 C. If a town does not enact a wetlands zoning ordinance within one year of its enactment by the
28 surrounding county, application for permits to use and develop wetlands within the town shall be made
29 to the county wetlands board.30 D. Any county, city, or town which creates a local wetlands board pursuant to this section may
31 compensate the members of the board in accordance with such terms and conditions as the locality may
32 prescribe.33 E. Notwithstanding any other provision of this section, the Town of Dumfries in Prince William
34 County may enact a wetlands zoning ordinance pursuant to the provisions of this chapter.

ENROLLED

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