

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 28.2-1408.1, relating to standards*  
3 *for use of coastal primary sand dunes; exemption.*

4  
5 Approved

[H 646]

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

7 **1. That the Code of Virginia is amended by adding a section numbered 28.2-1408.1 as follows:**

8 **§ 28.2-1408.1. Exemptions.**

9 *Notwithstanding the requirements of § 28.2-1408 or any other provision of this Code, the Virginia*  
10 *Beach Wetlands Board (Board) shall make an ongoing determination in the Sandbridge Beach*  
11 *Subdivision to determine which structures or properties are in clear and imminent danger from erosion*  
12 *and storm drainage due to severe wave action or storm surge, and the owners of such structures or*  
13 *properties shall not be prohibited from erecting and maintaining protective bulkheads or other*  
14 *equivalent structural improvements of the type, size and configuration as approved by the Board. As*  
15 *used in this section, the "Sandbridge Beach Subdivision" means the area that is bounded on the north*  
16 *by Dam Neck Naval Base, on the west by Sandpiper Road, and on the south by Little Island Park.*

17 *The Board shall not impose arbitrary or unreasonable conditions upon its approval of any such*  
18 *bulkhead or other structural improvement. The Board shall maintain a continuing responsibility to*  
19 *ensure that each bulkhead or structural improvement constructed under the authority of this section is*  
20 *maintained in a condition that is safe, structurally sound, and otherwise in conformity with the*  
21 *conditions imposed by the Board.*

22 *Upon submission of an application to the Board pursuant to this section, as a requirement for*  
23 *approval, the applicant must consent in writing to any subsequent construction approved by the Board*  
24 *whereby an adjacent property owner desires to tie in a bulkhead at no additional cost with the bulkhead*  
25 *proposed by the applicant. Such consent shall constitute a waiver of property line defenses relating to*  
26 *the bulkhead line.*

27 **2. That the provisions of this act shall expire on January 1, 2006.**

ENROLLED

HB646ER