

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

3 [H 489]

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~~ *that* enacts a wetlands zoning ordinance pursuant to this
10 chapter shall create a wetlands board, consisting of five or seven residents of that jurisdiction appointed
11 by the local governing body. All board members' terms shall be for five years, except that the term of at
12 least one of the original appointments shall expire during each of the succeeding five years. The
13 chairman of the board shall notify the local governing body at least ~~thirty~~ 30 days prior to the expiration
14 of any member's term and shall promptly notify the local governing body if any vacancy occurs.
15 Vacancies shall be filled by the local governing body without delay upon receipt of such notice.
16 Appointments to fill vacancies shall be for the unexpired portion of the term. Members may serve
17 successive terms. A member whose term expires shall continue to serve until his successor is appointed
18 and qualified. Members of the board shall hold no public office in the county or city other than
19 membership on the local planning or zoning commission, the local erosion commission, the local board
20 of zoning appeals, or as director of a soil and water conservation board. When members of these local
21 commissions or boards are appointed to a local wetlands board, their terms of appointment shall be
22 coterminous with their membership on those boards or commissions. *The governing body shall also*
23 *appoint at least one but not more than three alternate members to the board. The qualifications, terms,*
24 *and compensation of alternate members shall be the same as those of members. Any member who knows*
25 *that he will not be able to attend a board meeting shall notify the chairman at least 24 hours in*
26 *advance of such meeting. The chairman shall select an alternate member to serve in place of the absent*
27 *member at the board meeting, which shall be noted in the records of the board.*

28 B. Upon a hearing with at least ~~fifteen~~ 15 days' notice thereof, any board member may be removed
29 for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by the local governing
30 body.

31 C. If a town does not enact a wetlands zoning ordinance within one year of its enactment by the
32 surrounding county, application for permits to use and develop wetlands within the town shall be made
33 to the county wetlands board.

34 D. Any county, city, or town ~~which~~ *that* creates a local wetlands board pursuant to this section may
35 compensate the members of the board in accordance with such terms and conditions as the locality may
36 prescribe.

37 E. Notwithstanding any other provision of this section, the Town of Dumfries in Prince William
38 County may enact a wetlands zoning ordinance pursuant to the provisions of this chapter.

ENROLLED

HB489ER