

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 117

An Act to amend and reenact § 10.1-610 of the Code of Virginia, relating to right of entry to inspect and test dams.

[H 2616]

Approved March 20, 2005

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-610 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-610. Right of entry.

The Board and its agents and employees shall have the right to enter any property ~~upon consent of the owner or custodian~~ *at reasonable times and under reasonable circumstances* to perform such inspections and tests or to take such other actions it deems necessary to fulfill its responsibilities under this article, *including the inspection of dams that may be subject to this article, provided that the Board or its agents or employees make a reasonable effort to obtain the consent of the owner of the land prior to entry.* If entry is denied, the Board *or its designated agents or employees* may apply to any magistrate whose territorial jurisdiction encompasses the property to be inspected or entered for a warrant authorizing such investigation, tests or other actions. Such warrant shall issue if the magistrate finds probable cause to believe that there is a dam on such property which is not known to be safe.