

2006 SESSION

INTRODUCED

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SENATE BILL NO. 582

Offered January 11, 2006

Prefiled January 11, 2006

*A BILL to amend and reenact § 55-50.1 of the Code of Virginia, relating to the visual interference with the enjoyment of an easement.*

Patrons—Stosch; Delegate: Griffith

Referred to Committee for Courts of Justice

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

**1. That § 55-50.1 of the Code of Virginia is amended and reenacted as follows:**

§ 55-50.1. Enjoyment of easement.

Unless otherwise provided for in the terms of an easement, the owner of a dominant estate shall not use an easement in a way that is not reasonably consistent with the uses contemplated by the grant of the easement, and the owner of the servient estate shall not engage in an activity or cause to be present any objects upon the burdened land that unreasonably interfere with the enjoyment of the easement by the owner of the dominant estate. *In the case where the easement provides the owner of the dominant estate with the principal route of ingress and egress to his residence, unreasonable interference shall include the placement of objects or items adjacent to or in the vicinity of the easement that create a visual nuisance.* Any violation of this section may be deemed a private nuisance, provided, however, that the remedy for a violation of this section shall not in any manner impair the right to any other relief that may be applicable at law or in equity.

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