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**HOUSE BILL NO. 129**

Offered January 13, 2016

Prefiled December 17, 2015

A *BILL to amend and reenact §§ 15.2-201, 15.2-202, 15.2-619, 15.2-903, 15.2-909, 15.2-951, 15.2-1201, 15.2-1301, 15.2-1416, 15.2-1719, 15.2-1720, 15.2-1813, 15.2-2108.7, 15.2-2114, 15.2-2204, 15.2-2214, 15.2-2316.2, 15.2-2400, 15.2-2401, 15.2-2506, 15.2-2507, 15.2-2606, 15.2-3107, 15.2-3400, 15.2-3537, 15.2-3913, 15.2-5104, 15.2-5403, 15.2-5431.5, 15.2-5602, 15.2-5702, 15.2-5711, and 33.2-1929 of the Code of Virginia, relating to local government; publication of notices for charter changes, referenda, and public hearings, etc.; alternatives.*

Patron—Bell, Richard P.

Referred to Committee on Counties, Cities and Towns

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

1. That §§ 15.2-201, 15.2-202, 15.2-619, 15.2-903, 15.2-909, 15.2-951, 15.2-1201, 15.2-1301, 15.2-1416, 15.2-1719, 15.2-1720, 15.2-1813, 15.2-2108.7, 15.2-2114, 15.2-2204, 15.2-2214, 15.2-2316.2, 15.2-2400, 15.2-2401, 15.2-2506, 15.2-2507, 15.2-2606, 15.2-3107, 15.2-3400, 15.2-3537, 15.2-3913, 15.2-5104, 15.2-5403, 15.2-5431.5, 15.2-5602, 15.2-5702, 15.2-5711, and 33.2-1929 of the Code of Virginia are amended and reenacted as follows:

**§ 15.2-201. Charter elections; subsequent procedure; procedure when bill not introduced or fails to pass in General Assembly.**

A locality may provide for holding an election to be conducted as provided in Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2 to determine if the voters of the locality desire that it request the General Assembly to grant to the locality a new charter or to amend its existing charter. At least ~~ten~~ 10 days prior to the holding of such election, the text or an informative summary of the new charter or amendment desired shall be published in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) in a newspaper of general circulation in the locality, including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available.

If a majority of the voters voting in such election vote in favor of such request, the locality shall transmit two certified copies of the results of such election together with the publisher's affidavit and the new charter or the amendments to the existing charter, to one or more members of the General Assembly representing such locality for introduction as a bill in the succeeding session of the General Assembly.

If a bill incorporating such charter or amendments is not introduced at the succeeding session of the General Assembly, the approval of the voters for such charter or amendments shall be void. If, at such session, members of the General Assembly fail to enact or pass by indefinitely and do not carry over such a bill incorporating such charter or amendments, the charter or amendments shall again be presented to the voters for their approval or submitted to a public hearing pursuant to § 15.2-202 before reintroduction in the General Assembly.

**§ 15.2-202. Public hearing in lieu of election; procedure when bill not introduced or fails to pass in General Assembly.**

In lieu of the election provided for in § 15.2-201, a locality requesting the General Assembly to grant to it a new charter or to amend its existing charter may hold a public hearing with respect thereto, at which citizens shall have an opportunity to be heard to determine if the citizens of the locality desire that the locality request the General Assembly to grant to it a new charter, or to amend its existing charter. At least ~~ten~~ 10 days' notice of the time and place of such hearing and the text or an informative summary of the new charter or amendment desired shall be published in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) in a newspaper of general circulation in the locality, including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least

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59 *two other times during the day; (iv) using any automated voice or text alert systems used by the*  
60 *locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition,*  
61 *any resident of the locality annually filing a written request for notification with the locality shall be*  
62 *provided notice by the locality in a manner mutually agreed upon by the locality and such individual.*  
63 *The request shall include the resident's name, address, zip code, daytime telephone number, and email*  
64 *address, if available. Such public hearing may be adjourned from time to time, and upon the completion*  
65 *thereof, the locality may request, in the manner provided in § 15.2-201, the General Assembly to grant*  
66 *the new charter or amend the existing charter and the provisions of § 15.2-201 shall be applicable*  
67 *thereto.*

68 If a bill incorporating such charter or amendments is not introduced at the succeeding session of the  
69 General Assembly, the authority of the locality to request such charter or amendments by reason of such  
70 public hearing shall thereafter be void. If at such session members of the General Assembly fail to enact  
71 and do not carry over or pass by indefinitely a bill incorporating such charter or amendments, the  
72 charter or amendments may again be submitted to a public hearing in lieu of an election as provided  
73 hereinabove before reintroduction in the General Assembly.

74 The locality requesting a new or amended charter shall provide with such request a publisher's  
75 affidavit showing that the public hearing was advertised and a certified copy of the governing body's  
76 minutes showing the action taken at the advertised public hearing.

77 **§ 15.2-619. Department of finance; powers of commissioners of revenue; real estate**  
78 **reassessments.**

79 The director of finance shall exercise all the powers conferred and perform all the duties imposed by  
80 general law upon commissioners of the revenue, not inconsistent herewith, and shall be subject to the  
81 obligations and penalties imposed by general law.

82 Every general reassessment of real estate in the county, unless some other person is designated for  
83 this purpose by the county manager in accordance with § 15.2-612 or unless the board creates a separate  
84 department of assessments in accordance with § 15.2-616, shall be made by the director of finance; he  
85 shall collect and keep in his office data and devise methods and procedures to be followed in each such  
86 general reassessment that will make for uniformity in assessments throughout the county.

87 In addition to any other method provided by general law or by this article or to certain classified  
88 counties, the director of finance may provide for the annual assessment and equalization of real estate  
89 and any general reassessment order by the board. The director of finance or his designated agent shall  
90 collect data, provide maps and charts, and devise methods and procedures to be followed for such  
91 assessment that will make for uniformity in assessments throughout the county.

92 There shall be a reassessment of all real estate at periods not to exceed six years between such  
93 reassessments.

94 All real estate shall be assessed as of January 1 of each year by the director of finance or such other  
95 person designated to make assessment. Such assessment shall provide for the equalization of assessments  
96 of real estate, correction of errors in tax assessment records, addition of erroneously omitted properties  
97 to the tax rolls, and removal of properties acquired by owners not subject to taxation.

98 The taxes for each year on the real estate assessed shall be extended on the basis of the last  
99 assessment made prior to such year.

100 This section shall not apply to real estate assessable under the law by the Commonwealth, and the  
101 director of finance or his designated agent shall not make any real estate assessments during the life of  
102 any general reassessment board.

103 Any reassessments which change the assessment of real estate shall not be extended for taxation until  
104 ~~forty-five~~ 45 days after a written notice is mailed to the person in whose name such property is to be  
105 assessed at his last known address, setting forth the amount of the prior assessment and the new  
106 assessment.

107 The board shall establish a continuing board of real estate review and equalization to review all  
108 assessments made under authority of this section and to which all appeals by any person aggrieved by  
109 any real estate assessment shall first apply for relief. The board of real estate review and equalization  
110 shall consist of not fewer than three nor more than five members who shall be freeholders in the county.  
111 The appointment, terms of office and compensation of the members of such board shall be prescribed by  
112 the board of supervisors. The board of real estate review and equalization shall have all the powers  
113 conferred upon boards of equalization by general law. All applications for review to such board shall be  
114 made not later than April 1 of the year for which extension of taxes on the assessment is to be made.  
115 Such board shall grant a hearing to any person making application at a regular advertised meeting of the  
116 board, shall rule on all applications within ~~sixty~~ 60 days after the date of the hearing, and shall  
117 thereafter promptly certify its action thereon to the director of finance. The equalization board shall  
118 conduct hearings at such times as are convenient, after publishing a notice *in a manner gauged to*  
119 *ensure that the maximum number of persons within the locality are likely to be informed and shall*  
120 *include at least two of the following forms of publication: (i) in a newspaper having a general*

circulation in the county, ~~ten~~ including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. Notice shall be published as provided above at least 10 days prior to any such hearing at which any person applying for review will be heard.

Any person aggrieved by any reassessment or action of the board of real estate review and equalization may apply for relief to the circuit court of the county in the manner provided by general law.

**§ 15.2-903. Ordinances taxing and regulating "automobile graveyards," "junkyards," and certain vacant and abandoned property.**

A. Any locality may adopt ordinances imposing license taxes upon and otherwise regulating the maintenance and operation of places commonly known as automobile graveyards and junkyards and may prescribe fines and other punishment for violations of such ordinances.

No such ordinance shall be adopted until after notice of the proposed ordinance has been published in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) once a week for two successive weeks in a newspaper having general circulation in the locality, including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. The ordinance need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed ordinance and a reference to the place or places within the locality where copies of the proposed ordinance may be examined.

As used in this section the terms "automobile graveyard" and "junkyard" have the meanings ascribed to them in § 33.2-804.

B. The Counties of Bedford, Campbell, Caroline, Fauquier, Rockbridge, Shenandoah, Tazewell, Warren and York may adopt an ordinance imposing the screening of automobile graveyards and junkyards, unless screening is impractical due to topography, as set forth in § 33.2-804. Any such ordinance may apply to any automobile graveyard or junkyard within the boundaries of such county regardless of the date on which any such automobile graveyard or junkyard may have come into existence, notwithstanding the provisions of § 33.2-804.

C. The City of Newport News may adopt an ordinance imposing screening or landscape screening for retail or commercial properties that have been vacant or abandoned for more than three years within designated areas consistent with the city's comprehensive plan.

**§ 15.2-909. Authority to require removal, repair, etc., of wharves, piers, pilings, bulkheads, vessels or abandoned, obstructing, or hazardous property.**

Any locality may by ordinance provide:

1. The owners of property therein shall at such time or times as the governing body may prescribe, remove, repair or secure any vessel which has been abandoned or any wharf, pier, piling, bulkhead or any other structure or vessel which might endanger the public health or safety of other persons, or which might constitute an obstruction or hazard to the lawful use of the waters within or adjoining such locality. If such property is deemed to be abandoned, the governing body may designate and empower an official to ascertain the lawful owner of such property and to have the owner repair, remove or secure such property;

2. The locality, through its own agents or employees, may remove, repair or secure any vessel which has been abandoned or any wharf, pier, piling, bulkhead, or other structure or vessel which might endanger the public health or safety of other persons or which might constitute a hazard or obstruction to the lawful use of the waters within such locality, if the owner of such property, after reasonable notice and reasonable time to do so, has failed to remove, repair or secure such wharf, pier, piling, bulkhead or other structure or vessel;

3. In the event the locality, through its own agents or employees removes, repairs or secures any wharf, pier, piling, bulkhead or other structure or vessel after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property

and to the extent applicable may be collected by the locality as taxes are collected;

4. If the identity or whereabouts of the lawful owner is unknown or not able to be ascertained after a reasonable search and after lawful notice has been made to the last known address of any known owner, the locality, through its own agents or employees, may repair such wharf, pier, piling, bulkhead or other structure or vessel or remove such property after giving notice by publication *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication:* (i) once each week for two weeks in a newspaper of general circulation in the area where such property is located, *including such newspaper's online publication, if any;* (ii) *on any website of the locality;* (iii) *on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day;* (iv) *using any automated voice or text alert systems used by the locality;* or (v) *posting at the local public library established pursuant to § 42.1-33, if any.* In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available;

5. Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid, to the extent applicable, shall constitute a lien against the owner's real property, and such lien shall be recorded in the judgment lien docket book in the circuit court for such locality. Such lien may also be reduced to a personal judgment against the owner.

**§ 15.2-951. Acquisition, disposition and use of personal property by localities generally.**

Localities, for the purposes of exercising any of their powers and duties and performing any of their functions, may acquire by gift, bequest, purchase, lease, or installment purchase contract; and may own and make use of and may grant security interests in, sell and otherwise dispose of, within and outside the localities, personal property, including any interest, right or estate therein. In addition, localities may sell and otherwise dispose of surplus materials, as defined in § 2.2-1124, by public sale or auction, including online public auction, provided that such sale or auction conforms with the procedures set forth in subdivisions B 3 through B 5 and subdivision B 8 of § 2.2-1124. In any instance where personal property in any of the following categories: school or transit bus fleet, vehicle fleet, or road construction equipment is sold with the intent to lease back the property, when the value of the proposed sale amount exceeds \$2,000,000 approval by the governing body, after notice and a public hearing, shall be required. The public hearing shall be advertised *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication:* (i) once in a newspaper having general circulation in the locality, *including such newspaper's online publication, if any;* (ii) *on any website of the locality;* (iii) *on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day;* (iv) *using any automated voice or text alert systems used by the locality;* or (v) *posting at the local public library established pursuant to § 42.1-33, if any.* In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. Notice shall be published as provided above at least seven days prior to the date set for the hearing. Any debt incurred by a municipality pursuant to the provisions of this section shall be subject to the limitations imposed by Article VII, Section 10 of the Constitution of Virginia.

**§ 15.2-1201. County boards of supervisors vested with powers and authority of councils of cities and towns; exceptions.**

The boards of supervisors of counties are hereby vested with the same powers and authority as the councils of cities and towns by virtue of the Constitution of the Commonwealth of Virginia or the acts of the General Assembly passed in pursuance thereof. However, with the exception of ordinances expressly authorized under Chapter 13 of Title 46.2, no ordinance shall be enacted under authority of this section regulating the equipment, operation, lighting or speed of motor-propelled vehicles operated on the public highways of a county unless it is uniform with the general laws of the Commonwealth regulating such equipment, operation, lighting or speed and with the regulations of the Commonwealth Transportation Board adopted pursuant to such laws. Nothing in this section shall be construed to give the boards of supervisors any power to control or exercise supervision over signs, signals, marking or traffic lights on any roads constructed and maintained by the Commonwealth Transportation Board. No powers or authority conferred upon the boards of supervisors of counties solely by this section shall be exercised within the corporate limits of any incorporated town except by agreement with the town council.

In the County of Fairfax an ordinance may be adopted by the board of supervisors under this section after a descriptive notice of intention to propose the same for passage has been published *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication:* (i) once a week for two successive

weeks in a newspaper having a general circulation in the county, *including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available.* After the enactment of such ordinance by the board of supervisors, no publication of the ordinance shall be required and such ordinance shall become effective upon adoption or upon a date fixed by the board of supervisors.

**§ 15.2-1301. Voluntary economic growth-sharing agreements.**

A. Any county, city or town, or combination thereof, may enter voluntarily into an agreement with any other county, city or town, or combination thereof, whereby the locality may agree for any purpose otherwise permitted, including the provision on a multi-jurisdictional basis of one or more public services or facilities or any type of economic development project, to enter into binding fiscal arrangements for fixed time periods, to exceed one year, to share in the benefits of the economic growth of their localities. However, if any such agreement contains any provision addressing any issue provided for in ~~Chapter~~ *Chapter 32 (§ 15.2-3200 et seq.), 33 (§ 15.2-3300 et seq.), 36 (§ 15.2-3600 et seq.), 38 (§ 15.2-3800 et seq.), 39 (§ 15.2-3900 et seq.), or 41 of this title (§ 15.2-4100 et seq.), the agreement shall be subject to the review and implementation process established by Chapter 34 of this title (§ 15.2-3400 et seq.).*

B. The terms and conditions of the revenue, tax base or economic growth-sharing agreement as provided in subsection A shall be determined by the affected localities and shall be approved by the governing body of each locality participating in the agreement, provided the governing body of each such locality first holds a public hearing which shall be advertised *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) once a week for two successive weeks in a newspaper of general circulation in the locality, including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available.* However, the public hearing shall not take place until the Commission on Local Government has issued its findings in accordance with subsection D. For purposes of this section, "revenue, tax base, and economic growth-sharing agreements" means any agreement authorized by subsection A ~~which~~ *that* obligates any locality to pay another locality all or any portion of designated taxes or other revenues received by that political subdivision, but ~~shall~~ *does* not include any interlocal service agreement.

C. Any revenue, tax base or economic growth-sharing agreement entered into under the provisions of this section that creates a debt pursuant to Article VII, Section 10 (b) of the Constitution of Virginia, shall require the board of supervisors to hold a special election on the question as provided in § 15.2-3401.

D. Revenue, tax base and economic growth-sharing agreements drafted under the provisions of this chapter shall be submitted to the Commission on Local Government for review as provided in subdivision 4 of § 15.2-2903. However, no such review shall be required for two or more localities entering into an economic growth-sharing agreement pursuant to this section in order to facilitate the reception of grants for qualified companies in such locality pursuant to the Port of Virginia Economic and Infrastructure Development Grant Fund and Program established pursuant to § 62.1-132.3:2.

**§ 15.2-1416. Regular meetings.**

The governing body shall assemble at a public place as the governing body may prescribe, in regular session in January for counties and in July for cities and towns. Future meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.

The days, times and places of regular meetings to be held during the ensuing months shall be established at the first meeting which meeting may be referred to as the annual or organizational meeting; however, if the governing body subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the governing body shall pass a resolution as to such future meeting day, place or time. The governing body shall cause a copy of such resolution to be posted on the door of the courthouse or the

initial public meeting place and ~~inserted~~ published in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) in a newspaper having general circulation in the county or municipality, including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. Notice shall be published as provided above at least seven days prior to the first such meeting at such other day, place or time. Should the day established by the governing body as the regular meeting day fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the governing body.

At its annual meeting the governing body may fix the day or days to which a regular meeting shall be continued if the chairman or mayor, or vice-chairman or vice-mayor if the chairman or mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the governing body is completed.

Notwithstanding the provisions of this section, any city or town that holds an organizational meeting in compliance with its charter or code shall be deemed to be in compliance with this section.

**§ 15.2-1719. Disposal of unclaimed property in possession of sheriff or police.**

Any locality may provide by ordinance for (i) the public sale in accordance with the provisions of this section or (ii) the retention for use by the law-enforcement agency, of any unclaimed personal property which has been in the possession of its law-enforcement agencies and unclaimed for a period of more than 60 days, after payment of a reasonable storage fee to the sheriff or other agency storing such property. No storage fee shall be charged or accounted for if such property has been stored by and is to be retained by the sheriff's office or other law-enforcement agency. As used herein, "unclaimed personal property" shall be any personal property belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.). Unclaimed bicycles and mopeds may also be disposed of in accordance with § 15.2-1720. Unclaimed firearms may also be disposed of in accordance with § 15.2-1721.

Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item, the chief of police, sheriff or their duly authorized agents shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for the Commonwealth in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed of the existence of the unclaimed personal property and shall include at least two of the following forms of publication: (i) in a newspaper of general circulation in the locality once a week for two successive weeks, ~~notice~~ including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. Notice shall state that there will be a public display and sale of unclaimed personal property. Such property, including property selected for retention by the law-enforcement agency, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The chief of police, sheriff or their duly authorized agents shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the law-enforcement agency shall become the property of the locality served by the agency and shall be retained only if, in the opinion of the chief law-enforcement officer, there is a legitimate use for the property by the agency and that retention of the item is a more

economical alternative than purchase of a similar or equivalent item.

If no claim has been made by the owner for the property or proceeds of such sale within 60 days of the sale, the remaining funds shall be deposited in the general fund of the locality and the retained property may be placed into use by the law-enforcement agency. Any such owner shall be entitled to apply to the locality within three years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the locality shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three years from the date of the sale.

**§ 15.2-1720. Localities authorized to license bicycles, electric power-assisted bicycles, mopeds, and electric personal assistive mobility devices; disposition of unclaimed bicycles, electric power-assisted bicycles, mopeds, and electric personal assistive mobility devices.**

Any locality may, by ordinance, (i) provide for the public sale or donation to a charitable organization of any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped that has been in the possession of the police or sheriff's department, unclaimed, for more than ~~thirty~~ 30 days; (ii) require every resident owner of a bicycle, electric power-assisted bicycle, electric personal assistive mobility device, or moped to obtain a license therefor and a license plate, tag, or adhesive license decal of such design and material as the ordinance may prescribe, to be substantially attached to the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped; (iii) prescribe the license fee, the license application forms and the license form; and (iv) prescribe penalties for operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped on public roads or streets within the locality without an attached license plate, tag, or adhesive decal. The ordinance shall require the license plates, tags, or adhesive decals to be provided by and at the cost of the locality. Any locality may provide that the license plates, tags, or adhesive decals shall be valid for the life of the bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds to which they are attached or for such other period as it may prescribe and may prescribe such fee therefor as it may deem reasonable. When any town license is required as provided for herein, the license shall be in lieu of any license required by any county ordinance. Any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped found and delivered to the police or sheriff's department by a private person that thereafter remains unclaimed for ~~thirty~~ 30 days after the final date of publication as required herein may be given to the finder; however, the location and description of the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be published *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed of the existence of the unclaimed property and shall include at least two of the following forms of publication:* (i) at least once a week for two successive weeks in a newspaper of general circulation within the locality, *including such newspaper's online publication, if any;* (ii) *on any website of the locality;* (iii) *on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day;* (iv) *using any automated voice or text alert systems used by the locality;* or (v) *posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available.* In addition, if there is a license, tag, or adhesive license decal affixed to the bicycle, electric personal assistive mobility device, or electric power-assisted bicycle, or moped, the record owner shall be notified directly.

**§ 15.2-1813. Notice when public hearing required.**

Any public hearing required by this chapter shall be advertised *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication:* (i) once in a newspaper having general circulation in the locality, *including such newspaper's online publication, if any;* (ii) *on any website of the locality;* (iii) *on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day;* (iv) *using any automated voice or text alert systems used by the locality;* or (v) *posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. Notice shall be published as provided in this section at least seven days prior to the date set for the hearing.*

**§ 15.2-2108.7. Public hearings on feasibility study; notice.**

A. If the results of the feasibility study satisfy the revenue requirements of subsection D of

§ 15.2-2108.6, the governing body shall, at the next regular meeting after the governing body receives the results of the feasibility study, schedule at least two public hearings to be held at least seven days apart, but both shall be held not more than 60 days from the date of the meeting at which the public hearings are scheduled. The purpose of such public hearings shall be to allow the feasibility consultant to present the results of the feasibility study, and to inform the public about the feasibility study results and offer the public the opportunity to ask questions of the feasibility consultant about the results of the feasibility study.

B. Except as provided in subsection C, the municipality shall publish notice of the public hearings required under subsection A *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication:* (i) at least once a week for three consecutive weeks in a newspaper of general circulation in the municipality, *including such newspaper's online publication, if any;* (ii) *on any website of the locality;* (iii) *on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day;* (iv) *using any automated voice or text alert systems used by the locality;* or (v) *posting at the local public library established pursuant to § 42.1-33, if any.* In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. ~~The~~ When applicable, last publication of notice required under this subsection shall be at least three days before the first public hearing required under subsection A.

C. If there is no newspaper of general circulation in the municipality, for each 1,000 residents the municipality shall post at least one notice of the hearings in a conspicuous place within the municipality that is likely to give notice of the hearings to the greatest number of residents of the municipality. The municipality shall post the notices at least seven days before the first public hearing required under subsection A is held.

D. After holding the public hearings required by this section, if the governing body of the municipality elects to proceed, the municipality shall adopt by resolution the feasibility study.

**§ 15.2-2114. Regulation of stormwater.**

A. Any locality, by ordinance, may establish a utility or enact a system of service charges to support a local stormwater management program consistent with Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 or any other state or federal regulation governing stormwater management. Income derived from a utility or system of charges shall be dedicated special revenue, may not exceed the actual costs incurred by a locality operating under the provisions of this section, and may be used only to pay or recover costs for the following:

1. The acquisition, as permitted by § 15.2-1800, of real and personal property, and interest therein, necessary to construct, operate and maintain stormwater control facilities;
2. The cost of administration of such programs;
3. Planning, design, engineering, construction, and debt retirement for new facilities and enlargement or improvement of existing facilities, including the enlargement or improvement of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;
4. Facility operation and maintenance, including the maintenance of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control the stormwater;
5. Monitoring of stormwater control devices and ambient water quality monitoring; and
6. Other activities consistent with the state or federal regulations or permits governing stormwater management, including, but not limited to, public education, watershed planning, inspection and enforcement activities, and pollution prevention planning and implementation.

B. The charges may be assessed to property owners or occupants, including condominium unit owners or tenants (when the tenant is the party to whom the water and sewer service is billed), and shall be based upon an analysis that demonstrates the rational relationship between the amount charged and the services provided. Prior to adopting such a system, a public hearing shall be held after giving notice as required by charter or by publishing *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication:* (i) a descriptive notice once a week for two successive weeks prior to adoption in a newspaper with a general circulation in the locality, *including such newspaper's online publication, if any;* (ii) *on any website of the locality;* (iii) *on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day;* (iv) *using any automated voice or text alert systems used by the locality;* or (v) *posting at the local public library established pursuant to § 42.1-33, if any.* In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. The second publication, if applicable, shall not be sooner than one calendar week after the first publication. However, prior to



adoption of any ordinance pursuant to this section related to the enlargement, improvement, or maintenance of privately owned dams, a locality shall comply with the notice provisions of § 15.2-1427 and hold a public hearing.

C. A locality adopting such a system shall provide for full waivers of charges to the following:

1. A federal, state, or local government, or public entity, that holds a permit to discharge stormwater from a municipal separate storm sewer system; except that the waiver of charges shall apply only to property covered by any such permit; and

2. Public roads and street rights-of-way that are owned and maintained by state or local agencies including property rights-of-way acquired through the acquisitions process.

D. A locality adopting such a system shall provide for full or partial waivers of charges to any person who installs, operates, and maintains a stormwater management facility that achieves a permanent reduction in stormwater flow or pollutant loadings. The locality shall base the amount of the waiver in part on the percentage reduction in stormwater flow or pollutant loadings, or both, from pre-installation to post-installation of the facility. No locality shall provide a waiver to any person who does not obtain a stormwater permit from the Department of Environmental Quality when such permit is required by statute or regulation.

E. A locality adopting such a system may provide for full or partial waivers of charges to cemeteries, property owned or operated by the locality administering the program, and public or private entities that implement or participate in strategies, techniques, or programs that reduce stormwater flow or pollutant loadings, or decrease the cost of maintaining or operating the public stormwater management system.

F. Any locality may issue general obligation bonds or revenue bonds in order to finance the cost of infrastructure and equipment for a stormwater control program. Infrastructure and equipment shall include structural and natural stormwater control systems of all types, including, without limitation, retention basins, sewers, conduits, pipelines, pumping and ventilating stations, and other plants, structures, and real and personal property used for support of the system. The procedure for the issuance of any such general obligation bonds or revenue bonds pursuant to this section shall be in conformity with the procedure for issuance of such bonds as set forth in the Public Finance Act (§ 15.2-2600 et seq.).

G. In the event charges are not paid when due, interest thereon shall at that time accrue at the rate, not to exceed the maximum amount allowed by law, determined by the locality until such time as the overdue payment and interest are paid. Charges and interest may be recovered by the locality by action at law or suit in equity and shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. The locality may combine the billings for stormwater charges with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which payments will be applied to the different charges. No locality shall combine its billings with those of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2, unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance.

H. Any two or more localities may enter into cooperative agreements concerning the management of stormwater.

I. For purposes of implementing waivers pursuant to provision 1 of subsection C, for property where two adjoining localities subject to a revenue sharing agreement each hold municipal separate storm sewer permits, the waiver shall also apply to the property of each locality and of its school board that is accounted for in that locality's municipal separate storm sewer program plan, regardless of whether such property is located within the adjoining locality.

**§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.**

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full; but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed of the existence of the proposed plans, ordinances, or amendments and shall include at least two of the following forms of publication: (i) once a week for two successive weeks in some newspaper published or having general circulation in the locality; ~~however, the~~ including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public

551 *library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing*  
552 *a written request for notification with the locality shall be provided notice by the locality in a manner*  
553 *mutually agreed upon by the locality and such individual. The request shall include the resident's name,*  
554 *address, zip code, daytime telephone number, and email address, if available. The notice for both the*  
555 *local planning commission and the governing body may be published concurrently. The notice shall*  
556 *specify the time and place of hearing at which persons affected may appear and present their views, not*  
557 *less than five days nor more than 21 days after the second advertisement appears in such newspaper or*  
558 *other method of notice selected by the local planning commission or governing body. The local planning*  
559 *commission and governing body may hold a joint public hearing after public notice as set forth*  
560 *hereinabove. If a joint hearing is held, then public notice as set forth above need be given only by the*  
561 *governing body. The term "two successive weeks" as used in this paragraph shall mean subsection*  
562 *means that such notice shall be published at least twice in such newspaper with not less than six days*  
563 *elapsing between the first and second publication. After enactment of any plan, ordinance or amendment,*  
564 *further publication thereof shall not be required.*

565 B. When a proposed amendment of the zoning ordinance involves a change in the zoning map  
566 classification of 25 or fewer parcels of land, then, in addition to the advertising as required by  
567 subsection A, written notice shall be given by the local planning commission, or its representative, at  
568 least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel  
569 involved; to the owners, their agent or the occupant, of all abutting property and property immediately  
570 across the street or road from the property affected, including those parcels which lie in other localities  
571 of the Commonwealth; and, if any portion of the affected property is within a planned unit development,  
572 then to such incorporated property owner's associations within the planned unit development that have  
573 members owning property located within 2,000 feet of the affected property as may be required by the  
574 commission or its agent. However, when a proposed amendment to the zoning ordinance involves a tract  
575 of land not less than 500 acres owned by the Commonwealth or by the federal government, and when  
576 the proposed change affects only a portion of the larger tract, notice need be given only to the owners  
577 of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or  
578 certified mail to the last known address of such owner as shown on the current real estate tax  
579 assessment books or current real estate tax assessment records shall be deemed adequate compliance  
580 with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required  
581 under this chapter shall be taxed to the applicant.

582 When a proposed amendment of the zoning ordinance involves a change in the zoning map  
583 classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text  
584 regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to  
585 the advertising as required by subsection A, written notice shall be given by the local planning  
586 commission, or its representative, at least five days before the hearing to the owner, owners, or their  
587 agent of each parcel of land involved, provided, however, that written notice of such changes to zoning  
588 ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown  
589 on a subdivision plat approved and recorded pursuant to the provisions of Article 6 (§ 15.2-2240 et seq.)  
590 where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known  
591 address of such owner as shown on the current real estate tax assessment books or current real estate tax  
592 assessment records shall be deemed adequate compliance with this requirement, provided that a  
593 representative of the local commission shall make affidavit that such mailings have been made and file  
594 such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate  
595 any subsequently adopted amendment or ordinance because of the inadvertent failure by the  
596 representative of the local commission to give written notice to the owner, owners or their agent of any  
597 parcel involved.

598 The governing body may provide that, in the case of a condominium or a cooperative, the written  
599 notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in  
600 lieu of each individual unit owner.

601 Whenever the notices required hereby are sent by an agency, department or division of the local  
602 governing body, or their representative, such notices may be sent by first class mail; however, a  
603 representative of such agency, department or division shall make affidavit that such mailings have been  
604 made and file such affidavit with the papers in the case.

605 A party's actual notice of, or active participation in, the proceedings for which the written notice  
606 provided by this section is required shall waive the right of that party to challenge the validity of the  
607 proceeding due to failure of the party to receive the written notice required by this section.

608 C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map  
609 classification; or an application for special exception for a change in use or to increase by greater than  
610 50 percent of the bulk or height of an existing or proposed building, but not including renewals of  
611 previously approved special exceptions, involves any parcel of land located within one-half mile of a  
612 boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written

notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public-use airport then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 30 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Every action contesting a decision of a locality based on a failure to advertise or give notice as may be required by this chapter shall be filed within 30 days of such decision with the circuit court having jurisdiction of the land affected by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the 1996 amendment to this section.

F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may cause such notice to be published in any newspaper of general circulation in the city.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local planning commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

H. When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the appeal provisions contained in § 15.2-2311 or 15.2-2314, is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer or, at the direction of the administrator or officer, the requesting applicant shall be required to give the owner such notice and to provide satisfactory evidence to the zoning administrator or other administrative officer that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection.

This subsection shall not apply to inquiries from the governing body, planning commission, or employees of the locality made in the normal course of business.

#### **§ 15.2-2214. Meetings.**

The local planning commission shall fix the time for holding regular meetings. The commission, by resolution adopted at a regular meeting, may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required. The commission shall cause a copy of such resolution to be ~~inserted~~ *published in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) in a newspaper having general circulation in the locality, including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. Notice shall be published as provided above at least seven days prior to the first meeting held pursuant to the adopted schedule.*

Commissions shall meet at least every two months. However, in any locality with a population of not more than 7,500, the commission shall be required to meet at least once each year.

Special meetings of the commission may be called by the chairman or by two members upon written

request to the secretary. The secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof.

Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice.

**§ 15.2-2316.2. Localities may provide for transfer of development rights.**

A. Pursuant to the provisions of this article, the governing body of any locality by ordinance may, in order to conserve and promote the public health, safety, and general welfare, establish procedures, methods, and standards for the transfer of development rights within its jurisdiction. Any locality adopting or amending any such transfer of development rights ordinance shall give notice and hold a public hearing in accordance with § 15.2-2204 prior to approval by the governing body.

B. In order to implement the provisions of this act, a locality shall adopt an ordinance that shall provide for:

1. The issuance and recordation of the instruments necessary to sever development rights from the sending property, to convey development rights to one or more parties, or to affix development rights to one or more receiving properties. These instruments shall be executed by the property owners of the development rights being transferred, and any lien holders of such property owners. The instruments shall identify the development rights being severed, and the sending properties or the receiving properties, as applicable;

2. Assurance that the prohibitions against the use and development of the sending property shall bind the landowner and every successor in interest to the landowner;

3. The severance of transferable development rights from the sending property;

4. The purchase, sale, exchange, or other conveyance of transferable development rights, after severance, and prior to the rights being affixed to a receiving property;

5. A system for monitoring the severance, ownership, assignment, and transfer of transferable development rights;

6. A map or other description of areas designated as sending and receiving areas for the transfer of development rights between properties;

7. The identification of parcels, if any, within a receiving area that are inappropriate as receiving properties;

8. The permitted uses and the maximum increases in density in the receiving area;

9. The minimum acreage of a sending property and the minimum reduction in density of the sending property that may be conveyed in severance or transfer of development rights;

10. The development rights permitted to be attached in the receiving areas shall be equal to or greater than the development rights permitted to be severed from the sending areas;

11. An assessment of the infrastructure in the receiving area that identifies the ability of the area to accept increases in density and its plans to provide necessary utility services within any designated receiving area; and

12. The application to be deemed approved upon the determination of compliance with the ordinance by the agent of the planning commission, or other agent designated by the locality.

C. In order to implement the provisions of this act, a locality may provide in its ordinance for:

1. The purchase of all or part of such development rights, which shall retire the development rights so purchased;

2. The severance of development rights from existing zoned or subdivided properties as otherwise provided in subsection E;

3. The owner of such development rights to make application to the locality for a real estate tax abatement for a period up to 25 years, to compensate the owner of such development rights for the fair market value of all or part of the development rights, which shall retire the number of development rights equal to the amount of the tax abatement, and such abatement is transferable with the property;

4. The owner of a property to request designation by the locality of the owner's property as a "sending property" or a "receiving property";

5. The allowance for residential density to be converted to bonus density on the receiving property by (i) an increase in the residential density on the receiving property or (ii) an increase in the square feet of commercial, industrial, or other uses on the receiving property, which upon conversion shall retire the development rights so converted;

6. The receiving areas to include such urban development areas in the locality established pursuant to § 15.2-2223.1;

7. The sending properties, subsequent to severance of development rights, to generate one or more forms of renewable energy, as defined in § 56-576, subject to the provisions of the local zoning ordinance;

8. The sending properties, subsequent to severance of development rights, to produce agricultural products or forestal products, as defined in § 15.2-4302, and to include parks, campgrounds and related

camping facilities; however, for purposes of this subdivision, "campgrounds" does not include use by travel trailers, motor homes, and similar vehicular type structures;

9. The review of an application by the planning commission to determine whether the application complies with the provisions of the ordinance;

10. Such other provisions as the locality deems necessary to aid in the implementation of the provisions of this act;

11. Approval of an application upon the determination of compliance with the ordinance by the agent of the planning commission; and

12. A requirement that development comply with any locality-adopted neighborhood design standards identified in the comprehensive plan for the receiving area in which the development shall occur, provided such design standard was adopted in the comprehensive plan and applied to the receiving area prior to the transfer of the development right.

D. The locality may, by ordinance, designate receiving areas or receiving properties, or add to, supplement, or amend its designations of receiving areas or receiving properties, so long as the development rights permitted to be attached in the receiving areas are equal to or greater than the development rights permitted to be severed in the sending areas.

E. Any proposed severance or transfer of development rights shall only be initiated upon application by the property owners of the sending properties, development rights, or receiving properties as otherwise provided herein.

F. A locality may not require property owners to sever or transfer development rights as a condition of the development of any property.

G. The owner of a property may sever development rights from the sending property, pursuant to the provisions of this act. An application to transfer development rights to one or more receiving properties, for the purpose of affixing such rights thereto, shall only be initiated upon application by the owner of such development rights and the owners of the receiving properties.

H. Development rights severed pursuant to this article shall be interests in real property and shall be considered as such for purposes of conveyance and taxation. Once a deed for transferable development rights, created pursuant to this act, has been recorded in the land records of the office of the circuit court clerk for the locality to reflect the transferable development rights sold, conveyed, or otherwise transferred by the owner of the sending property, the development rights shall vest in the grantee and may be transferred by such grantee to a successor in interest. Nothing herein shall be construed to prevent the owner of the sending property from recording a deed covenant against the sending property severing the development rights on said property, with the owner of the sending property retaining ownership of the severed development rights. Any transfer of the development rights to a property in a receiving area shall be in accordance with the provisions of the ordinance adopted pursuant to this article.

I. For the purposes of ad valorem real property taxation, the value of a transferable development right shall be deemed appurtenant to the sending property until the transferable development right is severed from and recorded as a distinct interest in real property, or the transferable development right is used at a receiving property and becomes appurtenant thereto. Once a transferable development right is severed from the sending property, the assessment of the fee interest in the sending property shall reflect any change in the fair market value that results from the inability of the owner of the fee interest to use such property for such uses terminated by the severance of the transferable development right. Upon severance from the sending property and recordation as a distinct interest in real property, the transferable development right shall be assessed at its fair market value on a separate real estate tax bill sent to the owner of said development right as taxable real estate in accordance with Article 1 (§ 58.1-3200 et seq.) of Chapter 32 of Title 58.1. The development right shall be taxed as taxable real estate by the local jurisdiction where the sending property is located, until such time as the development right becomes attached to a receiving property, at which time it shall be taxed as taxable real estate by the local jurisdiction where the receiving property is located.

J. The owner of a sending property from which development rights are severed shall provide a copy of the instrument, showing the deed book and page number, or instrument or GPIN, to the real estate tax assessor for the locality.

K. Localities, from time to time as the locality designates sending and receiving areas, shall incorporate the map identified in subdivision B 6 into the comprehensive plan.

L. No amendment to the zoning map, nor any amendments to the text of the zoning ordinance with respect to the zoning district applicable thereto initiated by the governing body, which eliminate, or materially restrict, reduce, or downzone the uses, or the density of uses permitted in the zoning district applicable to any property to which development rights have been transferred, shall be effective with respect to such property unless there has been mistake, fraud, or a material change in circumstances substantially affecting the public health, safety, or welfare.

797 M. A county adopting an ordinance pursuant to this article may designate eligible receiving areas in  
798 any incorporated town within such county, if the governing body of the town has also amended its  
799 zoning ordinance to designate the same areas as eligible to receive density being transferred from  
800 sending areas in the county. The development right shall be taxed as taxable real estate by the local  
801 jurisdiction where the sending property is located, until such time as the development right becomes  
802 attached to a receiving property, at which time it shall be taxed as taxable real estate by the local  
803 jurisdiction where the receiving property is located.

804 N. Any county and an adjacent city may enter voluntarily into an agreement to permit the county to  
805 designate eligible receiving areas in the city if the governing body of the city has also amended its  
806 zoning ordinance to designate the same areas as eligible to receive density being transferred from  
807 sending areas in the county. The city council shall designate areas it deems suitable as receiving areas  
808 and shall designate the maximum increases in density in each such receiving area. However, if any such  
809 agreement contains any provision addressing any issue provided for in Chapter 32 (§ 15.2-3200 et seq.),  
810 33 (§ 15.2-3300 et seq.), 36 (§ 15.2-3600 et seq.), 38 (§ 15.2-3800 et seq.), 39 (§ 15.2-3900 et seq.), or  
811 41 (§ 15.2-4100 et seq.), the agreement shall be subject to the review and implementation process  
812 established by Chapter 34 (§ 15.2-3400 et seq.). The development right shall be taxed as taxable real  
813 estate by the local jurisdiction where the sending property is located, until such time as the development  
814 right becomes attached to a receiving property, at which time it shall be taxed as taxable real estate by  
815 the local jurisdiction where the receiving property is located.

816 1. The terms and conditions of the density transfer agreement as provided in this subsection shall be  
817 determined by the affected localities and shall be approved by the governing body of each locality  
818 participating in the agreement, provided the governing body of each such locality first holds a public  
819 hearing, which shall be advertised *in a manner gauged to ensure that the maximum number of persons*  
820 *within the locality are likely to be informed and shall include at least two of the following forms of*  
821 *publication: (i) once a week for two successive weeks in a newspaper of general circulation in the*  
822 *locality, including such newspaper's online publication, if any; (ii) on any website of the locality; (iii)*  
823 *on any public access channel operated by the locality, to be aired during prime-time programming and*  
824 *at least two other times during the day; (iv) using any automated voice or text alert systems used by the*  
825 *locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition,*  
826 *any resident of the locality annually filing a written request for notification with the locality shall be*  
827 *provided notice by the locality in a manner mutually agreed upon by the locality and such individual.*  
828 *The request shall include the resident's name, address, zip code, daytime telephone number, and email*  
829 *address, if available.*

830 2. The governing bodies shall petition a circuit court having jurisdiction in one or more of the  
831 localities for an order affirming the proposed agreement. The circuit court shall be limited in its decision  
832 to either affirming or denying the agreement and shall have no authority, without the express approval  
833 of each local governing body, to amend or change the terms or conditions of the agreement, but shall  
834 have the authority to validate the agreement and give it full force and effect. The circuit court shall  
835 affirm the agreement unless the court finds either that the agreement is contrary to the best interests of  
836 the Commonwealth or that it is not in the best interests of each of the parties thereto.

837 3. The agreement shall not become binding on the localities until affirmed by the court under this  
838 subsection. Once approved by the circuit court, the agreement shall also bind future local governing  
839 bodies of the localities.

#### 840 § 15.2-2400. Creation of service districts.

841 Any locality may by ordinance, or any two or more localities may by concurrent ordinances, create  
842 service districts within the locality or localities in accordance with the provisions of this article. Service  
843 districts may be created to provide additional, more complete or more timely services of government  
844 than are desired in the locality or localities as a whole.

845 Any locality seeking to create a service district shall have a public hearing prior to the creation of  
846 the service district. Notice of such hearing shall be published *in a manner gauged to ensure that the*  
847 *maximum number of persons within the locality are likely to be informed of the proposed creation of a*  
848 *service district and shall include at least two of the following forms of publication: (i) once a week for*  
849 *three consecutive weeks in a newspaper of general circulation within the locality, and the including such*  
850 *newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access*  
851 *channel operated by the locality, to be aired during prime-time programming and at least two other*  
852 *times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v)*  
853 *posting at the local public library established pursuant to § 42.1-33, if any. In addition, any individual*  
854 *annually filing a written request for notification with the locality shall be provided notice by the locality*  
855 *in a manner mutually agreed upon by the locality and such individual. The request shall include the*  
856 *resident's name, address, zip code, daytime telephone number, and email address, if available. The*  
857 *hearing shall be held no sooner than ten 10 days after the date the notice, or, if applicable, 10 days*  
858 *after the second notice appears in the newspaper.*

**§ 15.2-2401. Creation of service districts by court order in consolidated cities.**

In any city which results from the consolidation of two or more localities, service districts may, in addition to the method prescribed in § 15.2-2400, be created by order of the circuit court for the city upon the petition of ~~five~~ 50 voters of the proposed district, which order shall prescribe the metes and bounds of the district.

Upon the filing of a petition the court shall fix a date for a hearing on the question of the proposed service district, which hearing shall embrace a consideration of whether the property embraced within the proposed district will be benefited by the establishment thereof. Notice of such hearing shall be published *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed of the proposed creation of a service district and shall include at least two of the following forms of publication:* (i) once a week for three consecutive weeks in a newspaper of general circulation within the city, ~~and the~~ including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. The hearing shall not be held sooner than ~~ten~~ 10 days after the last publication. Any person interested may answer the petition and make defense thereto. If upon such hearing the court is of opinion that any property embraced within the limits of such proposed district will not be benefited by the establishment thereof, then such property shall not be embraced therein.

Upon the petition of the city council and of not less than 50 voters of the territory proposed to be added, or if such territory contains less than 100 voters, of ~~five~~ 50 percent of the voters of such territory, after notice and hearing as provided above, any service district may be extended and enlarged by order of the circuit court for the city which order shall prescribe the metes and bounds of the territory so added.

**§ 15.2-2506. Publication and notice; public hearing; adjournment; moneys not to be paid out until appropriated.**

A brief synopsis of the budget which, except in the case of the school division budget, shall be for informative and fiscal planning purposes only, shall be published *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication:* (i) once in a newspaper having general circulation in the locality affected, ~~and~~ including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. The notice ~~given~~ of one or more public hearings, shall be given at least seven days prior to the date set for hearing, at which any citizen of the locality shall have the right to attend and state his views thereon. Any locality not having a newspaper of general circulation may in lieu of the ~~foregoing notice~~ newspaper publication option specified in clause (i) provide for notice by written or printed handbills, posted at such places as it may direct. The hearing shall be held at least seven days prior to the approval of the budget as prescribed in § 15.2-2503. With respect to the school division budget, which shall include the estimated required local match, such hearing shall be held at least seven days prior to the approval of that budget as prescribed in § 22.1-93. With respect to the budget of a constitutional officer, if the proposed budget reduces funding of such officer at a rate greater than the average rate of reduced funding for other agencies appropriated through such locality's general fund, exclusive of the school division, the locality shall give written notice to such constitutional officer at least 14 days prior to adoption of the budget. If a constitutional officer determines that the proposed budget cuts would impair the performance of his statutory duties, such constitutional officer shall make a written objection to the local governing body within seven days after receipt of the written notice and shall deliver a copy of such objection to the Compensation Board. The local governing body shall consider the written objection of such constitutional officer. The governing body may adjourn such hearing from time to time. The fact of such notice and hearing shall be entered of record in the minute book.

In no event, including school division budgets, shall such preparation, publication and approval be deemed to be an appropriation. No money shall be paid out or become available to be paid out for any

920 contemplated expenditure unless and until there has first been made an annual, semiannual, quarterly or  
921 monthly appropriation for such contemplated expenditure by the governing body, except funds  
922 appropriated in a county having adopted the county executive form of government, outstanding grants  
923 may be carried over for one year without being reappropriated.

924 **§ 15.2-2507. Amendment of budget.**

925 A. Any locality may amend its budget to adjust the aggregate amount to be appropriated during the  
926 current fiscal year as shown in the currently adopted budget as prescribed by § 15.2-2504. However, any  
927 such amendment which exceeds one percent of the total expenditures shown in the currently adopted  
928 budget must be accomplished by publishing a notice of a meeting and a public hearing *in a manner*  
929 *gauged to ensure that the maximum number of persons within the locality are likely to be informed and*  
930 *shall include at least two of the following forms of publication:* (i) once in a newspaper having general  
931 circulation in that locality, *including such newspaper's online publication, if any;* (ii) *on any website of*  
932 *the locality;* (iii) *on any public access channel operated by the locality, to be aired during prime-time*  
933 *programming and at least two other times during the day;* (iv) *using any automated voice or text alert*  
934 *systems used by the locality;* or (v) *posting at the local public library established pursuant to § 42.1-33,*  
935 *if any. In addition, any resident of the locality annually filing a written request for notification with the*  
936 *locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and*  
937 *such individual. The request shall include the resident's name, address, zip code, daytime telephone*  
938 *number, and email address, if available. Notice shall be published as provided above at least seven days*  
939 *prior to the meeting date. The notice shall state the governing body's intent to amend the budget and*  
940 *include a brief synopsis of the proposed budget amendment. Any local governing body may adopt such*  
941 *amendment at the advertised meeting, after first providing a public hearing during such meeting on the*  
942 *proposed budget amendments.*

943 B. Pursuant to the requirements of §§ 15.2-1609.1, 15.2-1609.7, 15.2-1636.8, and 15.2-1636.13  
944 through 15.2-1636.17, every county and city shall appropriate as part of its annual budget or in  
945 amendments thereto amounts for salaries, expenses and other allowances for its constitutional officers  
946 that are not less than those established for such offices in the locality by the Compensation Board  
947 pursuant to applicable law or, in the event of an appeal pursuant to § 15.2-1636.9, by the circuit court in  
948 accordance with the provisions of that section.

949 **§ 15.2-2606. Public hearing before issuance of bonds.**

950 A. Notwithstanding any contrary provision of law, general or special, but subject to subsection B of  
951 ~~this section~~, before the final authorization of the issuance of any bonds by a locality, the governing body  
952 of the locality shall hold a public hearing on the proposed bond issue. Notice of the hearing shall be  
953 published *in a manner gauged to ensure that the maximum number of persons within the locality are*  
954 *likely to be informed and shall include at least two of the following forms of publication:* (i) once a  
955 week for two successive weeks in a newspaper published or having general circulation in the locality,  
956 *including such newspaper's online publication, if any;* (ii) *on any website of the locality;* (iii) *on any*  
957 *public access channel operated by the locality, to be aired during prime-time programming and at least*  
958 *two other times during the day;* (iv) *using any automated voice or text alert systems used by the*  
959 *locality;* or (v) *posting at the local public library established pursuant to § 42.1-33, if any. In addition,*  
960 *any resident of the locality annually filing a written request for notification with the locality shall be*  
961 *provided notice by the locality in a manner mutually agreed upon by the locality and such individual.*  
962 *The request shall include the resident's name, address, zip code, daytime telephone number, and email*  
963 *address, if available. The notice shall (i) state the estimated maximum amount of the bonds proposed to*  
964 *be issued, (ii) state the proposed use of the bond proceeds, and if there is more than one use, state the*  
965 *proposed uses for which more than 10 percent of the total bond proceeds is expected to be used, and*  
966 *(iii) specify the time and place of the hearing at which persons may appear and present their views. The*  
967 *hearing shall not be held less than six nor more than 21 days after the date of publication, or, if*  
968 *applicable, not less than six nor more than 21 days after the second notice appears in the newspaper.*

969 B. No notice or public hearing shall be required for (i) bonds which have been approved by a  
970 majority of the voters of the issuing locality voting on the issuance of such bonds or (ii) obligations  
971 issued pursuant to § 15.2-2629, 15.2-2630 or 15.2-2643.

972 **§ 15.2-3107. Publication of agreed boundary line.**

973 A. Before adopting an agreement pursuant to § 15.2-3106, each governing body shall advertise its  
974 intention to approve such an agreement *in a manner gauged to ensure that the maximum number of*  
975 *persons within the locality are likely to be informed and shall include at least two of the following*  
976 *forms of publication:* (i) at least once a week for two successive weeks in a newspaper having general  
977 circulation in its locality, ~~and such~~ *including such newspaper's online publication, if any;* (ii) *on any*  
978 *website of the locality;* (iii) *on any public access channel operated by the locality, to be aired during*  
979 *prime-time programming and at least two other times during the day;* (iv) *using any automated voice or*  
980 *text alert systems used by the locality;* or (v) *posting at the local public library established pursuant to*  
981 *§ 42.1-33, if any. In addition, any resident of the locality annually filing a written request for*



notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. Such notice shall include a descriptive summary of the proposed agreement. The summary shall describe the new boundary, but need not include a metes and bounds description. The publication shall include a statement that a copy of the agreement is on file in the office of the clerk of the governing body which is considering the proposed agreement. A joint publication of the proposed agreement by the localities which otherwise meets the requirements of this section shall satisfy this requirement. If joint publication is used, the publication costs shall be apportioned between the participating localities in the manner agreed upon by them. After providing the notice required by this section, each locality shall hold at least one public hearing on the agreement prior to its adoption.

B. Notice of any agreement as provided in subsection A hereof shall be served upon the affected property owners, if any, of the area affected by the agreement, and if the owners of at least one third of the affected parcels object to the change, they shall be permitted to intervene in the proceedings as prescribed in § 15.2-3108 and show cause why the boundary line should not be changed. For purposes of this article "affected parcel" means a parcel of real property that is the subject of the boundary relocation or change, as shown on the current real estate tax assessment records. One notice sent by first class mail to the last known address of the owners of such parcels as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of each local governing body shall make affidavit that such mailings have been made and file such affidavit with the papers in the petition as prescribed in § 15.2-3108. Nothing in this subsection shall be construed as to invalidate any subsequently adopted boundary line agreement because of the inadvertent failure by the representatives of the local governments to give written notice to the owner, owners, or their agent of any parcel involved.

**§ 15.2-3400. Voluntary settlements among local governments.**

Recognizing that the localities of the Commonwealth may be able to settle the matters provided for in this subtitle through voluntary agreements and further recognizing that such a resolution can be beneficial to the orderly growth and continued viability of the localities of the Commonwealth the following provisions are made:

1. Any locality may enter voluntarily into agreement with any other locality or combination of localities whereby any rights provided for its benefit in this subtitle may be modified or waived in whole or in part, as determined by its governing body, provided that the modification or waiver does not conflict with the Constitution of Virginia.

2. The terms of the agreement may include fiscal arrangements, land use arrangements, zoning arrangements, subdivision arrangements and arrangements for infrastructure, revenue and economic growth sharing, provisions for the acceptance on each other's behalf of proffered conditions under § 15.2-2298 or 15.2-2303, dedication of all or any portion of tax revenues to a revenue and economic growth sharing account, boundary line adjustments, acquisition of real property and buildings and the joint exercise or delegation of powers as well as the modification or waiver of specific annexation, transition or immunity rights as determined by the local governing body including opposition to petitions filed pursuant to § 15.2-3203, and such other provisions as the parties deem in their best interest. The terms of the agreement may also provide for subsequent court review, instituted pursuant to provisions contained in the agreement, by a special court convened under Chapter 30 (§ 15.2-3000 et seq.) of this title.

3. If a voluntary agreement is reached pursuant to this chapter, the governing bodies shall present to the Commission the proposed settlement. The Commission shall conduct a hearing pursuant to subsection A of § 15.2-2907. The Commission shall report, in writing, its findings and recommendations as to whether the proposed settlement is in the best interest of the Commonwealth. Such report shall not be binding upon any court but shall be advisory in nature only.

4. Upon receipt of the Commission report, the localities, by ordinance passed by a recorded affirmative vote of a majority of the members of each governing body thereof, may adopt either the original or a modified agreement acceptable to all parties. Before adopting such ordinance each local governing body shall advertise its intention to approve such agreement, or modified agreement, in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) at least once a week for two successive weeks in a newspaper having a general circulation in its jurisdiction and such advertisements, including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality

shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. Such publication shall contain a descriptive summary of the agreement or modified agreement. Each locality shall hold at least one public hearing on the agreement or modified agreement prior to the adoption of the ordinance. The publication shall include a statement that a copy of the agreement, or modified agreement, is on file in the office of the clerk of the circuit court for each of the affected jurisdictions.

5. The governing bodies shall petition a circuit court having jurisdiction in one or more of the localities for an order affirming the proposed settlement. The circuit court with which the petition is filed shall notify the Supreme Court, which shall appoint a special court to hear the case as prescribed by Chapter 30 (§ 15.2-3000 et seq.) of this title. The special court shall be limited in its decision to either affirming or denying the voluntary agreement and shall have no authority, without the express approval of each local governing body, to amend or change the terms or conditions of the agreement, but shall have the authority to validate the agreement and give it full force and effect. The court shall affirm the agreement unless the court finds either that the agreement is contrary to the best interests of the Commonwealth or that it is not in the best interests of each of the parties thereto. In determining whether such agreement should be affirmed, the court shall consider, among other things, whether the interest of the Commonwealth in promoting orderly growth and the continued viability of localities has been met. If the agreement is validated and provides for annexation by a city or town, the agreement shall take effect on the first day of the month succeeding validation of the agreement unless the agreement stipulates that the annexation shall be effective on some other date.

6. The agreement shall not become binding on the localities until affirmed by the special court under this section. Once approved by the special court, the agreement shall also bind future local governing bodies of the localities.

7. The applicable provisions of this chapter shall be deemed to have been met with regard to any voluntary fiscal agreement or voluntary agreement in settlement of an annexation, transition or immunity petition or voluntary settlement agreement entered into pursuant to this chapter (i) which was entered into before July 1, 1990, (ii) which had been reviewed or was in the process of review by the Commission on Local Government on or before July 1, 1990, (iii) which had been or was the subject of review by a special court convened under Chapter 30 of this title (§ 15.2-3000 et seq.) on or before July 1, 1990, or (iv) which had been or was approved by a special court convened under Chapter 30 of this title on or before July 1, 1990.

8. The provisions of § 15.2-3226 shall apply when a voluntary agreement made under this section includes the annexation of territory by a city or town. No election for members of council shall be held as a result of such annexation unless the city or town increases its population by more than five percent due to the annexation.

#### **§ 15.2-3537. Publication of consolidation agreement.**

Each locality which is a party to a consolidation agreement shall cause a copy of the consolidation agreement, or a descriptive summary of the agreement and a reference to the place in the locality where a copy of the agreement may be examined, to be published in its locality in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) at least once a week for four successive weeks in a newspaper having a general circulation in the locality, including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available.

#### **§ 15.2-3913. Public hearing on charter; notice and publication; adoption of charter by governing body.**

Upon the completion of the proposed charter the governing body shall hold a public hearing at which the citizens shall have an opportunity to be heard with respect thereto. Notice of the time and place of such hearing and the text of the charter, or an informative summary thereof, shall be published in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) in a newspaper of general circulation in the county at least once a week for two successive weeks, including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of

the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. The hearing shall not be held sooner than ~~thirty~~ 30 days subsequent to the first publication as required above. Such hearing may be adjourned from time to time, but shall be completed not less than ~~thirty~~ 30 days before the election. Upon completion of the hearing the governing body shall adopt the charter with such revisions as it may accept.

**§ 15.2-5104. Advertisement of ordinance, agreement or resolution and notice of hearing.**

The governing body of each participating locality shall cause to be advertised in such locality a copy of the ordinance, agreement, or resolution creating an authority, or a descriptive summary of the ordinance, agreement, or resolution and a reference to the place within the locality where a copy of the ordinance, agreement, or resolution can be obtained, and notice of the day, not less than 30 days after publication of the advertisement, on which a public hearing will be held on the ordinance, agreement, or resolution. Such advertisement shall be in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) at least one time in a newspaper of general circulation in such locality a copy of the ordinance, agreement or resolution creating an authority, or a descriptive summary of the ordinance, agreement or resolution and a reference to the place within the locality where a copy of the ordinance, agreement or resolution can be obtained, and notice of the day, not less than thirty days after publication of the advertisement, on which a public hearing will be held on the ordinance, agreement or resolution, including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available.

**§ 15.2-5403. Creation of electric authority; referendum.**

The governing body of a governmental unit may by ordinance, or the governing bodies of two or more governmental units may by concurrent ordinances or agreement authorized by ordinance of each of the respective governmental units, create an electric authority, under any appropriate name and title containing the words "electric authority." Upon compliance with the provisions of this section and §§ 15.2-5404 and 15.2-5405, the authority shall be a political subdivision of the Commonwealth and a body politic and corporate. Any such ordinance shall be adopted in accordance with applicable general or special laws or charter provisions providing for the adoption of ordinances of the particular governmental unit, and shall be published in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) once a week for two successive weeks prior to adoption in a newspaper of general circulation within the governmental unit, including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. The second publication of the required notice shall not be sooner than one calendar week after the first publication.

No governmental unit shall participate as a member of such an authority unless and until such participation is authorized by a majority of the voters voting in a referendum held in the governmental unit on the question of whether or not the governmental unit should participate in the authority. The referendum shall be held as provided in §§ 24.2-682 and 24.2-684. The foregoing referendum requirement shall not apply to the Town of Elkton if the Town creates an authority by an ordinance that includes articles of incorporation which comply with the provisions of § 15.2-5404 and also set forth a statement that such authority shall have only the Town as its sole member throughout its life.

**§ 15.2-5431.5. Advertisement of resolution and notice of hearing.**

The governing body of the locality shall cause to be advertised a copy of the resolution creating the authority, or a descriptive summary of the resolution and a reference to the place within the locality where a copy of the resolution can be obtained, and notice of the day, not less than 30 days after publication of the advertisement, on which a public hearing will be held on the resolution. The advertisement shall be in a manner gauged to ensure that the maximum number of persons within the

1166 *locality are likely to be informed and shall include at least two of the following forms of publication: (i)*  
 1167 *at least one time in a newspaper of general circulation in such locality a copy of the resolution creating*  
 1168 *the authority, or a descriptive summary of the resolution and a reference to the place within the locality*  
 1169 *where a copy of the resolution can be obtained, and notice of the day, not less than 30 days after*  
 1170 *publication of the advertisement, on which a public hearing will be held on the resolution, including*  
 1171 *such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access*  
 1172 *channel operated by the locality, to be aired during prime-time programming and at least two other*  
 1173 *times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v)*  
 1174 *posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of*  
 1175 *the locality annually filing a written request for notification with the locality shall be provided notice by*  
 1176 *the locality in a manner mutually agreed upon by the locality and such individual. The request shall*  
 1177 *include the resident's name, address, zip code, daytime telephone number, and email address, if*  
 1178 *available.*

1179 **§ 15.2-5602. Creation of authorities.**

1180 A. A locality may by ordinance or resolution, or two or more localities, may by concurrent  
 1181 ordinances or resolutions, signify their intention to create an authority under an appropriate name and  
 1182 title containing the word "authority." Each participating locality shall hold a public hearing, notice of  
 1183 which shall be given by publication *in a manner gauged to ensure that the maximum number of persons*  
 1184 *within the locality are likely to be informed and shall include at least two of the following forms of*  
 1185 *publication: (i) at least once, not less than ten 10 days prior to the date fixed for the hearing, in a*  
 1186 *newspaper having general circulation in the locality, including such newspaper's online publication, if*  
 1187 *any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be*  
 1188 *aired during prime-time programming and at least two other times during the day; (iv) using any*  
 1189 *automated voice or text alert systems used by the locality; or (v) posting at the local public library*  
 1190 *established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a*  
 1191 *written request for notification with the locality shall be provided notice by the locality in a manner*  
 1192 *mutually agreed upon by the locality and such individual. The request shall include the resident's name,*  
 1193 *address, zip code, daytime telephone number, and email address, if available. The notice shall contain a*  
 1194 *brief statement of the substance of the proposed authority, shall set forth the proposed articles of*  
 1195 *incorporation of the authority and shall state the time and place of the public hearing. The locality, by*  
 1196 *resolution, may call for a referendum on the question of the creation of an authority, which shall be held*  
 1197 *as provided by Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2. When a referendum is to be*  
 1198 *held in more than one locality, the referendum shall be held on the same date in all of such localities.*

1199 B. The articles of incorporation shall set forth:

- 1200 1. The name of the authority and address of its principal office.
- 1201 2. A statement that the authority is created under this chapter.
- 1202 3. The name of each participating locality.
- 1203 4. The names, addresses and terms of office of the first members of the authority.
- 1204 5. The purpose or purposes for which the authority is to be created.

1205 C. Passage of such ordinance or resolution by the governing body or governing bodies shall  
 1206 constitute the authority a body politic and corporate of the Commonwealth.

1207 D. Any locality may become a member of an existing authority, and any locality which is a member  
 1208 of an existing authority may withdraw therefrom, but no locality shall be permitted to withdraw from  
 1209 any authority that has outstanding obligations unless United States securities have been deposited for  
 1210 their payment or without the unanimous consent of all holders of the outstanding obligations.

1211 E. Having specified the initial purpose or purposes of the authority in the articles of incorporation,  
 1212 the governing bodies of the participating localities may, from time to time by subsequent ordinance or  
 1213 resolution, after public hearing, modify the articles of incorporation and the purpose or purposes  
 1214 specified therein. Such modification may be made either with or without a referendum.

1215 **§ 15.2-5702. Creation of authorities.**

1216 A. A locality may by ordinance or resolution, or two or more localities may by concurrent  
 1217 ordinances or resolutions, signify their intention to create a park authority, under an appropriate name  
 1218 and title, containing the word "authority" which shall be a body politic and corporate.

1219 Whenever an authority has been incorporated by two or more localities, any one or more of the  
 1220 localities may withdraw therefrom, but no locality shall be permitted to withdraw from any authority  
 1221 that has outstanding obligations unless United States securities have been deposited for their payment or  
 1222 without unanimous consent of all holders of the outstanding obligations.

1223 Other localities may join the authority as provided in the ordinances or resolutions.

1224 B. Each ordinance or resolution shall include articles of incorporation setting forth:

- 1225 1. The name of the authority and the address of its principal office.
- 1226 2. The name of each incorporating locality, together with the names, addresses and terms of office of  
 1227 the first members of the board of the authority.

3. The purpose or purposes for which the authority is created.

C. Each participating locality shall cause to be published *a copy of the ordinance or resolution creating the authority, or a descriptive summary of the resolution and a reference to the place within the locality where a copy of the resolution can be obtained, and notice of the day, not less than 30 days after publication of the advertisement, on which a public hearing will be held on the resolution. Such publication shall be in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication:* (i) at least one time in a newspaper of general circulation in its locality, ~~a copy of the ordinance or resolution together with a notice stating that on a day certain, not less than ten days after publication of the notice, a public hearing will be held on such ordinance or resolution including such newspaper's online publication, if any;~~ (ii) *on any website of the locality;* (iii) *on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day;* (iv) *using any automated voice or text alert systems used by the locality;* or (v) *posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. If at the hearing substantial opposition to the proposed park authority is heard, the members of the participating localities' governing bodies may in their discretion call for a referendum on the question of establishing such an authority. The request for a referendum shall be initiated by resolution of the governing body and filed with the clerk of the circuit court for the locality. The court shall order the referendum as provided for in Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2. Where two or more localities are participating in the formation of an authority the referendum, if any be ordered, shall be held on the same date in all such localities so participating. In any event if ~~ten~~ 10 percent of the registered voters in such locality file a petition with the governing body at the hearing calling for a referendum such governing body shall request a referendum as herein provided.*

D. Having specified the initial plan of organization of the authority, and having initiated the program, the localities organizing such authority may, from time to time, by subsequent ordinance or resolution, after public hearing, and with or without referendum, specify further parks to be acquired and maintained by the authority, and no other parks shall be acquired or maintained by the authority than those so specified. However, if the governing bodies of the localities fail to specify any project or projects to be undertaken, and if the governing bodies do not disapprove any project or projects proposed by the authority, then the authority shall be deemed to have all the powers granted by this chapter.

**§ 15.2-5711. Conveyance or lease of park to authority; contract for park services; when referendum required before certain contracts made.**

Each locality and other public body is hereby authorized and empowered:

1. To convey or lease to any authority created hereunder, with or without consideration, any park upon such terms and conditions as the governing body thereof shall determine to be for the best interests of such locality or other public body; and

2. To contract with any authority created hereunder for park services; provided, that no locality shall enter into any contract with an authority involving payments by such locality to such authority for park services which requires the locality to incur an indebtedness extending beyond one fiscal year, unless the question of entering into such contract shall first be submitted to the voters of the locality for approval or rejection by a majority vote. Nothing herein shall prevent any locality from making a voluntary contribution to any authority.

In the event that a locality shall desire to contract with an authority under this subdivision, such governing body shall adopt a resolution stating in brief and general terms the substance of the proposed contract for park services and requesting the circuit court for the locality to order an election upon the question of entering into such contract. A copy of such resolution, certified by the clerk of the governing body, shall be filed with the judge of the circuit court who shall thereupon enter an order in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2. Notice of such election entered and paid for by the locality shall be published at least 10 days before the election in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed and shall include at least two of the following forms of publication: (i) once in a newspaper of general circulation in the locality at least ~~ten~~ days before the election, including such newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner

1289 *mutually agreed upon by the locality and such individual. The request shall include the resident's name,*  
1290 *address, zip code, daytime telephone number, and email address, if available.*

1291 The question to be submitted to the voters for determination shall include the names of the locality  
1292 and the authority between whom the contract is proposed and the nature, duration and cost of such  
1293 contract.

1294 **§ 33.2-1929. Procedures.**

1295 To ensure that the planning process specified in § 33.2-1928 is effectively and efficiently utilized, the  
1296 commission shall conform to the following procedures and may prescribe such additional procedures as  
1297 it deems advisable:

1298 1. Commission meetings shall be held at least monthly and more often in the discretion of the  
1299 commission, as the proper performance of its duties requires.

1300 2. At such meetings the commission shall receive and consider reports from:

1301 a. Its members who are also members of an agency, as to the status and progress of the work of  
1302 such agency, and if the commission deems that such reports are of concern to them, shall fully inform  
1303 its component governments, committees, and the Commonwealth Transportation Board with respect  
1304 thereto, as a means of developing the informed views requisite for sound policy-making; and

1305 b. Its members, technical and other committees, members of the governing bodies of the component  
1306 governments, and consultants, presenting and analyzing studies and data on matters affecting the making  
1307 of policies and decisions on a transportation plan and the implementation thereof.

1308 3. The objective of the procedures specified in this section is to develop agreement, based on the  
1309 best available information, among the district commission, the governing bodies of the component  
1310 governments, the Commonwealth Transportation Board, and an interstate agency with respect to the  
1311 various factors that affect the making of policies and decisions relating to a transportation plan and the  
1312 implementation thereof. If any material disagreements occur in the planning process with respect to  
1313 objectives and goals, the evaluation of basic data, or the selection of criteria and standards to be applied  
1314 in the planning process, the commission shall exert its best efforts to bring about agreement and  
1315 understanding on such matters. The commission may hold hearings in an effort to resolve any such  
1316 basic controversies.

1317 4. Before a transportation plan is adopted, altered, revised, or amended by the commission or by an  
1318 agency on which it is represented, the commission shall transmit such proposed plan, alteration, revision,  
1319 or amendment to the governing bodies of the component governments, to the Commonwealth  
1320 Transportation Board, and to its technical committees and shall release to the public information with  
1321 respect thereto. A copy of the proposed transportation plan, amendment, or revision shall be kept at the  
1322 commission office and shall be available for public inspection. Upon 30 days' notice, *a public hearing*  
1323 *shall be held on the proposed plan, alteration, revision or amendment, which notice shall be published*  
1324 *in a manner gauged to ensure that the maximum number of persons within the locality are likely to be*  
1325 *informed and shall include at least two of the following forms of publication: (i) once a week for two*  
1326 *successive weeks in one or more newspapers of general circulation within the transportation district, a*  
1327 *public hearing shall be held on the proposed plan, alteration, revision or amendment including such*  
1328 *newspaper's online publication, if any; (ii) on any website of the locality; (iii) on any public access*  
1329 *channel operated by the locality, to be aired during prime-time programming and at least two other*  
1330 *times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v)*  
1331 *posting at the local public library established pursuant to § 42.1-33, if any. In addition, any resident of*  
1332 *the locality annually filing a written request for notification with the locality shall be provided notice by*  
1333 *the locality in a manner mutually agreed upon by the locality and such individual. The request shall*  
1334 *include the resident's name, address, zip code, daytime telephone number, and email address, if*  
1335 *available. The 30 days' notice period shall begin to run on the first day the notice appears in any such*  
1336 *newspaper publication method required in this subdivision.* The commission shall consider the evidence  
1337 submitted and statements and comments made at such hearings and, if objections in writing to the whole  
1338 or any part of the plan are made by the governing body of any component government, or by the  
1339 Commonwealth Transportation Board, or if the commission considers any written objection made by any  
1340 other person, group, or organization to be sufficiently significant, the commission shall reconsider the  
1341 plan, alteration, revision, or amendment. If, upon reconsideration, the commission agrees with the  
1342 objection, then the commission shall make appropriate changes to the proposed plan, alteration, revision,  
1343 or amendment and may adopt them without further hearing. If, upon reconsideration, the commission  
1344 disagrees with the objection, the commission may adopt the plan, alteration, revision, or amendment. No  
1345 facilities shall be located in and no service rendered, however, within any county or city that does not  
1346 execute an appropriate agreement with the commission or with an interstate agency as provided in  
1347 § 33.2-1922; but in such case, the commission shall determine whether the absence of such an  
1348 agreement so materially and adversely affects the feasibility of the transportation plan as to require its  
1349 modification or abandonment.