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HOUSE BILL NO. 2221**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Chesapeake and Its Tributaries)

(Patron Prior to Substitute—Delegate Behm)

House Amendments in [] — February 9, 1999

A BILL to amend and reenact § 28.2-1210 of the Code of Virginia, relating to removal of obstructions or hazardous property from state waters; penalty.

Be it enacted by the General Assembly of Virginia:**1. That § 28.2-1210 of the Code of Virginia is amended and reenacted as follows:**

§ 28.2-1210. Removal of obstructions or hazardous property from state waters; penalty.

A. Whenever any wharf, pier, piling, bulkhead, structure, or vessel is found in or upon the bays, oceans, rivers, streams or creeks of the Commonwealth in a state of abandonment, in danger of sinking, or in such disrepair as to constitute a hazard or obstruction to the use of such waterway, the Commission may ascertain the owner of the property and require him to repair or remove the property from the waters of the Commonwealth. If the identity or location of the owner remains unknown and unascertainable after a diligent search and the posting of proper notice at the last known address of the owner, if known, the Commission may have the property removed from the waterways of the Commonwealth after giving notice by publication once in a newspaper of general circulation in the area where such property is located.

B. *It is unlawful for any person who owns a vessel to allow such vessel, for more than one week after [delivery of] notification by the Commission or a law-enforcement official in person or by United States Postal Service certified mail, return receipt requested, to be in a state of abandonment and in danger of sinking, or in such disrepair as to constitute a hazard or obstruction to the use of a waterway. [Upon the occurrence of a natural disaster or other act of God, the Commission or law-enforcement official shall not issue a notification until twenty-one days following such occurrence.] Any person who violates this subsection is guilty of a Class 3 misdemeanor.*

ENGROSSED

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