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## HOUSE BILL NO. 2687

Offered January 21, 1999

A BILL to amend the Code of Virginia by adding a section numbered 10.1-1408.1:1, relating to landfill referenda.

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Patron—Davis

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Referred to Committee on Conservation and Natural Resources

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 10.1-1408.1:1 as follows:**

§ 10.1-1408.1:1. Local referendum required.

A. The Director shall not issue a permit to construct or expand any landfill designated to receive municipal solid waste unless he first provides notice to the governing body of the county or city where the landfill would be, or is, located of the completion of a permit application for the construction or expansion and the governing body of the county or city either does not request a referendum or holds a referendum, in conformance with subsection B, in which the question is approved. If the landfill would be, or is, located in more than one city or county, the provisions of this section shall be followed with regard to all such jurisdictions.

B. Within sixty days of the receipt of the notice required by subsection A, the governing body of a county or city may file a petition with the circuit court of the county or city, asking that a referendum be held on the question, "Shall the construction (or expansion, as appropriate) of a landfill designated to receive municipal solid waste be permitted in (name of county or city) pursuant to the provisions of Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia?"

Following the filing of the petition, the court shall, by order entered in accordance with § 24.2-684, require the regular election officers of the county or city to cause a special election to be held to take the sense of the qualified voters on the question. The provisions of Article 5 (§ 24.2-681 et seq.) of Title 24.2 shall apply to the election. In addition, the clerk of court issuing the order shall publish notice of the election in a newspaper of general circulation in the locality once a week for three consecutive weeks prior to such election.

The regular election officers of the county or city shall open the polls at the various voting places in the county or city on the date specified in the order and conduct the election in the manner provided by law. The election shall be by ballot which shall be prepared by the electoral board of the county or city and on which shall be printed:

"Shall the construction [or expansion] of a landfill designated to receive municipal solid waste be permitted in [name of locality] pursuant to the provisions of Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia?"

☐ Yes

☐ No"

The ballots shall be counted, and returns made and canvassed as in other elections, and the results certified by the secretary of the electoral board to the court ordering such election, to the Director and to the governing body of the locality.

C. No referendum shall be held pursuant to this section in the same locality more often than every three years. A referendum on a new landfill shall not preclude a referendum on an expansion and a referendum on an expansion shall not preclude a referendum on a new landfill.

D. The procedures and requirements of this section shall reapply if a permit has not been issued by the Director within five years of the certification of the results of the election approving the question.

INTRODUCED

HB2687