

2013 SESSION

INTRODUCED

13100969D

HOUSE BILL NO. 1535

Offered January 9, 2013

Prefiled January 3, 2013

A *BILL to amend the Code of Virginia by adding in Chapter 1 of Title 15.2 a section numbered 15.2-110, relating to joint town and county powers.*

Patron—Rust

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 15.2 a section numbered 15.2-110 as follows:

§ 15.2-110. Joint town and county powers.

A. This section is applicable to police powers that are granted jointly to towns and counties and shall apply generally and yield to more specific special or general acts of the General Assembly.

B. Where a town and county generally enjoy the same power, a county power applies in or as to a town when the county power is granted and exercised for a county-wide purpose, as determined by the county. A town may by ordinance negate the application of the exercised county power in or as to the town; may itself exercise the joint power, preempting the exercise of the county's power in or as to the town; or may adopt and affirm the application of the exercised county power in or as to the town.

C. Where a county and a town generally enjoy the same power, and the county power is granted and exercised for a local or municipal purpose that expressly or impliedly only applies in the unincorporated county, the county power does not apply in or as to the town absent the town's ordinance so applying the exercised county power in or as to the town.

D. Nothing in this section shall require a county to exercise a power only for a town or for towns in the county or affect the separate power of towns and counties to enter into agreements for the joint exercise of powers.

2. That this act is declarative of existing law.

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