

24107775D

HOUSE BILL NO. 1488

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Local Government
on February 19, 2024)

(Patron Prior to Substitute—Delegate Henson)

A BILL to amend and reenact §§ 15.2-107, 15.2-201, 15.2-202, 15.2-301, 15.2-503, 15.2-603, 15.2-716, 15.2-749, 15.2-903, 15.2-907.2, 15.2-909, 15.2-958.3, 15.2-958.6, 15.2-1201, 15.2-1301, 15.2-1427, 15.2-1702, 15.2-1703, 15.2-1719, 15.2-2006, 15.2-2101, 15.2-2105, 15.2-2108.7, 15.2-2108.21, 15.2-2114, 15.2-2204, 15.2-2270, 15.2-2271, 15.2-2272, 15.2-2316.2, 15.2-2321, 15.2-2400, 15.2-2401, 15.2-2409, 15.2-2506, 15.2-2507, 15.2-2606, 15.2-2610, 15.2-2652, 15.2-2653, 15.2-3236, 15.2-3242, 15.2-3400, 15.2-3401, 15.2-3504, 15.2-3600, 15.2-3805, 15.2-3913, 15.2-4311, 15.2-4313, 15.2-4405, 15.2-5136, 15.2-5156, 15.2-5403, 15.2-5431.25, 15.2-5704, 15.2-5806, 15.2-7502, 21-114, 21-117.1, 21-146, 21-229, 21-393, 21-420, 22.1-37, 30-140, 33.2-331, 33.2-723, 33.2-909, 33.2-2001, 33.2-2101, 33.2-2701, 58.1-3245.2, 58.1-3245.8, 58.1-3321, and 62.1-44.15:33, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to local government; standardization of public notice requirements for certain meetings, hearings, or intended actions.

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-107, 15.2-201, 15.2-202, 15.2-301, 15.2-503, 15.2-603, 15.2-716, 15.2-749, 15.2-903, 15.2-907.2, 15.2-909, 15.2-958.3, 15.2-958.6, 15.2-1201, 15.2-1301, 15.2-1427, 15.2-1702, 15.2-1703, 15.2-1719, 15.2-2006, 15.2-2101, 15.2-2105, 15.2-2108.7, 15.2-2108.21, 15.2-2114, 15.2-2204, 15.2-2270, 15.2-2271, 15.2-2272, 15.2-2316.2, 15.2-2321, 15.2-2400, 15.2-2401, 15.2-2409, 15.2-2506, 15.2-2507, 15.2-2606, 15.2-2610, 15.2-2652, 15.2-2653, 15.2-3236, 15.2-3242, 15.2-3400, 15.2-3401, 15.2-3504, 15.2-3600, 15.2-3805, 15.2-3913, 15.2-4311, 15.2-4313, 15.2-4405, 15.2-5136, 15.2-5156, 15.2-5403, 15.2-5431.25, 15.2-5704, 15.2-5806, 15.2-7502, 21-114, 21-117.1, 21-146, 21-229, 21-393, 21-420, 22.1-37, 30-140, 33.2-331, 33.2-723, 33.2-909, 33.2-2001, 33.2-2101, 33.2-2701, 58.1-3245.2, 58.1-3245.8, 58.1-3321, and 62.1-44.15:33, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 15.2-107. Advertisement and enactment of certain fees and levies.

All levies and fees imposed or increased by a locality pursuant to the provisions of Chapters 21 (§ 15.2-2100 et seq.) or 22 (§ 15.2-2200 et seq.) shall be adopted by ordinance. The advertising requirements of subsection F of § 15.2-1427, or § 15.2-2204, as appropriate, shall apply; ~~except as modified in this section.~~

The advertisement shall include the following:

1. The time, date, and place of the public hearing.
2. The actual dollar amount or percentage change, if any, of the proposed levy, fee or increase.
3. A specific reference to the Code of Virginia section or other legal authority granting the legal authority for enactment of such proposed levy, fee, or increase.
4. A designation of the place or places where the complete ordinance, and information concerning the documentation for the proposed fee, levy or increase are available for examination by the public no later than the time of the first publication.

§ 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 § 24.2-681 et seq. 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~~ seven 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 newspaper of general circulation in the locality *public notice shall be given in accordance with § 15.2-1427.*

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 seven 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 newspaper of general circulation in the locality~~ *Public notice shall be given in accordance with § 15.2-1427.* ~~Such~~ The public hearing may be adjourned from time to time, and upon the completion thereof, the locality may request, in the manner provided in § 15.2-201, the General Assembly to grant the new charter or amend the existing charter and the provisions of § 15.2-201 shall be applicable thereto.

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

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

§ 15.2-301. Petition or resolution asking for referendum; notice; conduct of election.

A. A county may adopt one of the optional forms of government provided for in Chapters 4 through 8 of this title only after approval by voter referendum. The referendum shall be initiated by (i) a petition filed with the circuit court for the county signed by at least ten percent of the voters of the county, asking that a referendum be held on the question of adopting one of the forms of government or (ii) a resolution passed by the board of supervisors and filed with the circuit court asking for a referendum. The petition or resolution shall specify which of the forms of government provided for in Chapters 4 through 8 is to be placed on the ballot for consideration. Only one form may be placed on the ballot for consideration.

B. Notice of the election shall be published *three times* in a newspaper having a general circulation in the county ~~once a week for three consecutive weeks and shall, with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the election.~~ *Notice of the election shall also be posted at the door of the county courthouse.*

C. The election shall be conducted in accordance with the provisions of § 24.2-684. In addition to the certifications required by such section, the secretary of the appropriate electoral board shall certify the results to the Commission on Local Government.

D. Prior to adopting an optional form of government provided for in Chapter 5 or Chapter 6, a county shall also comply with the referendum requirements of § 24.2-686.

§ 15.2-503. Referendum on election of the county chairman from the county at large; powers and duties of chairman.

A. The board of any county in which members of the board are elected from districts, may by resolution petition the circuit court for the county for a referendum on the question of whether there should be a chairman of the board elected at large, or the like referendum may be requested by a petition to the circuit court signed by at least ten percent of the voters of the county. Upon the filing of the petition, which shall be filed not less than ninety days before the general election, the circuit court shall order the election officials at the next general election held in the county to open the polls and take the sense of the voters therein on that question. Notice of the referendum shall be published ~~once a week for three consecutive weeks prior to the referendum~~ *three times* in a newspaper having general circulation in the county, ~~and with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the referendum.~~ *Notice of the referendum shall also be posted at the door of the county courthouse. The ballot shall be printed as follows:*

"Shall the chairman of the county board of supervisors, to be known as the county chairman, be elected by the voters of the county at large?"

☐ Yes

☐ No"

The election shall be held and the results certified as provided in § 24.2-684.

B. If a majority of the qualified voters voting in such referendum vote in favor of the election of a county chairman of the board from the county at large, beginning at the next general election for the board, the county chairman shall be elected for a term of the same length and commencing at the same time as that of other members of the board. No person may be a candidate for county chairman at the same time he is a candidate for membership on the board from any district of the county.

C. Notwithstanding the provisions of § 15.2-502, the board thereafter shall consist of one member elected from each district of the county and a county chairman elected by the voters of the county at large. The county chairman shall be the chairman of the board and preside at its meetings. The chairman shall represent the county at official functions and ceremonial events. The chairman shall have all voting and other rights, privileges, and duties of other board members and such other, not in conflict with this article, as the board may prescribe. At the first meeting at the beginning of its term and any time thereafter when necessary, the board shall elect a vice-chairman from its membership, who shall perform the duties of the chairman in his absence.

§ 15.2-603. Referendum on election of supervisors by districts or at large.

The governing body of any county which has adopted the county manager form of government, as provided in Chapter 368 of the Acts of 1932, at an election held for that purpose pursuant to the provisions of said chapter, may by resolution petition the circuit court of the county requesting that a referendum be held on the following questions: (i) Shall the board of supervisors be elected solely by the qualified voters of each magisterial or election district, or by the qualified voters of the county at large? (ii) Shall the board have in addition to the members from each magisterial or election district, one member from any district elected from and representing the county at large? The court, by order entered of record in accordance with § 24.2-684, shall require the regular election officials on a day fixed in such order to open the polls and take the sense of the qualified voters of the county on the questions submitted as herein provided. The clerk of the circuit court of the county shall cause a notice of such referendum election to be published ~~once a week for three consecutive weeks~~ *three times* in a newspaper published or having a general circulation in the county ~~and shall, with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the referendum.~~ *The clerk shall also* post a copy of such notice at the door of the courthouse of the county. The ballot used shall be printed to read as follows:

Shall the board of supervisors be elected by the qualified voters of each magisterial or election district, or by the qualified voters of the county at large?

☐ By the qualified voters of each magisterial or election district.

☐ By the qualified voters of the county at large.

Shall the board have in addition to the members for each magisterial or election district, one member from any district elected from and representing the county at large?

☐ Yes

☐ No

The ballots shall be marked in accordance with the provisions of § 24.2-684.

The ballots shall be counted, returns made and canvassed as in other elections, and the result certified by the electoral board to the circuit court of the county. The circuit court shall enter of record the fact of which method of election of supervisors has been chosen by a majority of the qualified voters participating in such referendum election, and an election for members of the board by such method in that county shall be held at the next regular November election of such officers, and every four years thereafter.

In any election pursuant to Chapter 3 (§ 15.2-300 et seq.), the questions provided for in this section shall be submitted to the voters, in addition to the question or questions required by § 15.2-301.

§ 15.2-716. Referendum for establishment of department of real estate assessments; board of equalization; general reassessments in county where department established.

A referendum may be initiated by a petition signed by 200 or more qualified voters of the county filed with the circuit court, asking that a referendum be held on the question of whether the county shall have a department of real estate assessments. The court shall on or before August 1 enter of record an order requiring the county election officials to open the polls at the regular election to be held in November of such year on the question stated in such order. If the petition seeks the holding of a special election on the question, then the petition hereinabove referred to shall be signed by 1,000 or more qualified voters of the county and the court shall within fifteen days of the date such petition is filed enter an order, in accordance with § 24.2-684, requiring the election officials to open the polls on a date fixed in the order and take the sense of the qualified voters of the county. The clerk of the county shall cause a notice of such election to be published ~~once a week for three successive weeks~~ *three times* in a newspaper having general circulation in the county ~~more than 35 days before and the third notice appearing no less than seven days before the date on which the referendum is held,~~ *with the first notice appearing no more than 24 35 days before and the third notice appearing no less than seven days before the date on* which the referendum is held, and shall post a copy of such notice at the door of the county courthouse.

If a majority of the voters voting in the referendum vote for the establishment of a department of real estate assessments, the board shall by ordinance establish such department, provide for the compensation of the department head and employees therein, and decide such other matters in relation to the powers and duties of the department, the department head and the employees, as the board deems proper. As used in this section the term "department" refers to the department of real estate assessments

183 and where proper the department head thereof.

184 Upon the establishment of the department, the county manager shall select the head thereof and
185 provide for such employees and assistants as required. Such department shall be vested with the powers
186 and duties conferred or imposed upon commissioners of the revenue by general law to the extent that
187 such duties and powers are consistent with this section, in relation to the assessment of real estate. All
188 real estate shall be assessed at its fair market value as of January 1 of each year by the department and
189 taxes for each year on such real estate shall be entered on the land book by the department in the name
190 of the owner thereof. Whenever any such assessment is increased over the last assessment made prior to
191 such year, the department shall give written notice to the owner of such real estate or of any interest
192 therein, by mailing such notice to the last known post-office address of such owner. However, the
193 validity of such assessment shall not be affected by any failure to receive such notice.

194 If a department of real estate assessments is appointed as above provided, a board of equalization of
195 real estate assessments shall be appointed pursuant to § 15.2-716.1. Any person aggrieved by any
196 assessment made under the provisions of this section may apply for relief to such board as therein
197 provided.

198 When a department of real estate assessments is appointed, the county shall not be required to
199 undertake general reassessments of real estate every six years, but the governing body of the county
200 may, but shall not be required to, request the circuit court of such county to order a general
201 reassessment at such times as the governing body deems proper. Such court shall then enter an order
202 directing a reassessment of real estate in the manner provided by law.

203 The department of real estate assessments may require that the owners of income-producing real
204 estate in the county subject to local taxation, except property producing income solely from the rental of
205 no more than four dwelling units, furnish to the department on or before a time specified by the director
206 of the department statements of the income and expenses attributable over a specified period of time to
207 each such parcel of real estate. If there is a willful failure to furnish statements of income and expenses
208 in a timely manner to the director, the owner of such parcel of real estate shall be deemed to have
209 waived his right in any proceeding contesting the assessment to utilize such income and expenses as
210 evidence of fair market value. Each such statement shall be certified as to its accuracy by an owner of
211 the real estate for which the statement is furnished, or a duly authorized agent thereof. Any statement
212 required by this section shall be kept confidential as required by § 58.1-3.

213 **§ 15.2-749. Certain referenda in certain counties.**

214 If on or before July 15 of any year in which such referendum is provided for by law a petition
215 signed by 200 or more qualified voters of the county is filed with the circuit court of the county asking
216 that a referendum be held on any question upon which a referendum is provided for by any applicable
217 statute, then such court shall on or before August 1 of such year issue and enter of record an order
218 requiring the county election officials to open the polls at the regular election to be held in November of
219 such year on the question stated in such statute. If the statute providing for such referendum shall
220 authorize or require the referendum to be held at a special election, then the petition hereinabove
221 referred to shall be signed by 1,000 or more voters of the county and the court shall within fifteen days
222 of the date such petition is filed enter an order requiring the election officials to open the polls and take
223 the sense of the voters of the county on a date fixed in his order, which shall be in accordance with
224 § 24.2-682. The clerk of the county shall cause a notice of such election to be published *three times* in a
225 newspaper published or having general circulation in the county ~~once a week for three successive weeks,~~
226 with the first notice appearing no more than ~~24~~ 35 days *before and the third notice appearing no less*
227 *than seven days* before the date on which the referendum is held, and shall post a copy of the notice at
228 the door of the county courthouse.

229 **§ 15.2-903. Ordinances taxing and regulating "automobile graveyards," "junkyards," and**
230 **certain vacant and abandoned property.**

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

234 No such ordinance shall be adopted until after notice ~~of the proposed ordinance in accordance with~~
235 ~~§ 15.2-1427 has been published once a week for two successive weeks in a newspaper having general~~
236 ~~circulation in the locality. The ordinance need not be advertised in full, but may be advertised by~~
237 ~~reference. Every such advertisement shall contain a descriptive summary of the proposed ordinance and~~
238 ~~a reference to the place or places within the locality where copies of the proposed ordinance may be~~
239 ~~examined.~~

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

242 B. The Counties of Bedford, Campbell, Caroline, Fauquier, Rockbridge, Shenandoah, Tazewell,
243 Warren and York may adopt an ordinance imposing the screening of automobile graveyards and
244 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.

§ 15.2-907.2. Authority of locality or land bank entity to be appointed to act as a receiver to repair derelict and blighted buildings in certain limited circumstances.

A. Any locality that has adopted an ordinance pursuant to § 15.2-907.1 may petition the circuit court for the appointment of the locality or a land bank entity created pursuant to the Land Bank Entities Act (§ 15.2-7500 et seq.) to act as a receiver to repair real property that contains residential dwelling units only in accordance with all of the following:

1. The locality has properly declared the subject property to be a derelict building in compliance with the provisions of § 15.2-907.1;

2. The property owners are in noncompliance with the provisions of § 15.2-907.1;

3. The locality has properly declared the subject property to be blighted in compliance with the provisions of § 36-49.1:1 for spot blight abatement, and the subject property is itself blighted;

4. The property owners are in noncompliance with the provisions of § 36-49.1:1 requiring abatement of the blighted condition of the property;

5. The locality has made bona fide efforts to ensure compliance by the property owners of the subject property with the requirements of §§ 15.2-907.1 and 36-49.1:1;

6. The repairs to the subject property are necessary to bring the subject property into compliance with the provisions of the Uniform Statewide Building Code;

7. The repairs to the subject property necessary to satisfy the requirements of subdivision 6 shall not result in a change of use for zoning purposes of the subject property;

8. Upon appointment by the circuit court to serve as a receiver, the locality or land bank entity shall have the authority to contract for all reasonable repairs necessary to bring the property into compliance with the provisions of the Uniform Statewide Building Code, subject to all applicable requirements of state and local procurement laws. Such repairs shall be made in a time period established by the court, but in no event shall a receivership exceed two years;

9. Notwithstanding any other provision of law, the provisions of this section are subject to the requirements of the Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.); and

10. Notwithstanding any other provisions of law, the subject property shall be eligible for any real estate abatement programs that exist in the locality.

B. A petition by the locality to be appointed, or to appoint a land bank entity created pursuant to the Land Bank Entities Act (§ 15.2-7500 et seq.), to act as a receiver shall include affirmative statements that the locality has satisfied each of the requirements of this section and further state that the locality has recorded a memorandum of lis pendens simultaneously with the filing of said petition. The costs of the receivership, along with reasonable attorney fees, incurred by the locality or land bank entity as receiver shall constitute a lien in favor of the locality or land bank entity against the subject property in accordance with the provisions of § 58.1-3340, and shall be on par with and collectible in the same manner as delinquent real estate taxes owed to the locality. The judicial proceedings herein shall be held in accordance with the requirements, statutory or arising at common law, relative to effecting the sale of real estate by a creditor's bill in equity to subject real estate to the lien of a judgment creditor.

C. The locality or land bank entity created pursuant to the Land Bank Entities Act (§ 15.2-7500 et seq.) appointed to be a receiver may enforce the receiver's lien by a sale of the property at public auction, but only upon application for and entry of an order of sale by the circuit court. The court shall appoint a special commissioner to conduct the sale, and an attorney employed by the locality may serve as special commissioner. Such sale shall be upon order of the court entered after notice as required by the Rules of the Supreme Court of Virginia and following publication of notice of the sale ~~once a week for four consecutive weeks~~ *three times in a newspaper of general circulation, with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the sale.* Following such public auction, the special commissioner shall file an accounting with the court and seek confirmation of the sale. Upon confirmation, the special commissioner shall be authorized to execute a deed conveying title, which shall pass free and clear to the purchaser at public auction. Following such sale, the former owner or owners, or any heirs, assignees, devisees, or successors in interest to the property shall be entitled to the surplus received in excess of the receiver's lien, taxes, penalties, interest, reasonable attorney fees, costs, and any recorded liens chargeable against the property. At any time prior to confirmation of the sale provided for herein, the owner shall have the right to redeem the property, as provided for in subsection D. The character of the title acquired by the purchaser of the property at public auction shall be governed by the principles and rules applicable to

the titles of purchases at judicial sales of real estate generally.

D. The owner of any property subject to receivership may redeem the property at any time prior to the expiration of the two-year period or prior to confirmation of sale at public auction by paying the receiver's lien in full and the taxes, penalties, interest, reasonable attorney fees, costs, and any recorded liens chargeable against the property. Partial payment shall not be sufficient to redeem the property and shall not operate to suspend the receivership.

E. In lieu of appointment of a receiver, the circuit court shall permit repair by a property owner or a person with an interest in the property secured by a deed of trust properly recorded upon the following conditions:

1. Demonstration of the ability to complete the repair within a reasonable amount of time to be determined by the court; and

2. Entry of a court order setting forth a schedule for such repair.

§ 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 ~~once each week for two weeks~~ *twice* in a newspaper of general circulation in the area where such property is located, *with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before proceeding with repair or removal;*

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.

§ 15.2-958.3. Commercial Property Assessed Clean Energy (C-PACE) financing programs.

A. As used in this section:

"Eligible improvements" means any of the following improvements made to eligible properties:

1. Energy efficiency improvements;
2. Water efficiency and safe drinking water improvements;
3. Renewable energy improvements;
4. Resiliency improvements;
5. Stormwater management improvements;
6. Environmental remediation improvements; and
7. Electric vehicle infrastructure improvements.

A program administrator may include in its C-PACE loan program guide or other administrative documentation definitions, interpretations, and examples of these categories of eligible improvements.

"Eligible properties" means all assessable commercial real estate located within the Commonwealth, with all buildings located or to be located thereon, whether vacant or occupied, whether improved or unimproved, and regardless of whether such real estate is currently subject to taxation by the locality, other than a residential dwelling with fewer than five dwelling units or a condominium as defined in § 55.1-2000 used for residential purposes. Common areas of real estate owned by a cooperative or a property owners' association described in Subtitle IV (§ 55.1-1800 et seq.) of Title 55.1 that have a separate real property tax identification number are eligible properties. Eligible properties shall be

eligible to participate in the C-PACE loan program.

"Program administrator" means a third party that is contracted for professional services to administer a C-PACE loan program.

"Resiliency improvement" means an improvement that increases the capacity of a structure or infrastructure to withstand or recover from natural disasters, the effects of climate change, and attacks and accidents, including, but not limited to:

1. Flood mitigation or the mitigation of the impacts of flooding;
2. Inundation adaptation;
3. Natural or nature-based features and living shorelines, as defined in § 28.2-104.1;
4. Enhancement of fire or wind resistance;
5. Microgrids;
6. Energy storage; and
7. Enhancement of the resilience capacity of a natural system, structure, or infrastructure.

B. Any locality may, by ordinance, authorize contracts to provide C-PACE loans (loans) for the initial acquisition, installation, and refinancing of eligible improvements located on eligible properties by free and willing property owners of such eligible properties. The ordinance may refer to the mode of financing as Commercial Property Assessed Clean Energy (C-PACE) financing and shall include but not be limited to the following:

1. The kinds of eligible improvements that qualify for loans;
2. The proposed arrangement for such C-PACE loan program (loan program), including (i) a statement concerning the source of funding for the C-PACE loan; (ii) the time period during which contracting property owners would repay the C-PACE loan; and (iii) the method of apportioning all or any portion of the costs incidental to financing, administration, and collection of the C-PACE loan among the parties to the C-PACE transaction;
3. (i) A minimum dollar amount that may be financed with respect to an eligible property; (ii) if a locality or other public body is originating the loans, a maximum aggregate dollar amount that may be financed with respect to loans originated by the locality or other public body, and (iii) provisions that the loan program may approve a loan application submitted within two years of the locality's issuance of a certificate of occupancy or other evidence that eligible improvements comply substantially with the plans and specifications previously approved by the locality and that such loan may refinance or reimburse the property owner for the total costs of such eligible improvements;
4. In the case of a loan program described in clause (ii) of subdivision 3, a method for setting requests from owners of eligible properties for financing in priority order in the event that requests appear likely to exceed the authorization amount of the loan program. Priority shall be given to those requests from owners of eligible properties who meet established income or assessed property value eligibility requirements;
5. Identification of a local official authorized to enter into contracts on behalf of the locality. A locality may contract with a program administrator to administer such loan program;
6. Identification of any fee that the locality intends to impose on the property owner requesting to participate in the loan program to offset the cost of administering the loan program. The fee may be assessed as a program fee paid by the property owner requesting to participate in the program; and
7. A draft contract specifying the terms and conditions proposed by the locality.

C. The locality may combine the loan payments required by the contracts 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 loan payments will be applied to the different charges. The locality may not combine its billings for loan payments required by a contract authorized pursuant to this section with billings of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.), unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance. The locality may, either by ordinance or its program guide, delegate the billing; collection, including enforcement; and remittance of C-PACE loan payments to a third party.

D. The locality shall offer private lending institutions the opportunity to participate in local C-PACE loan programs established pursuant to this section.

E. In order to secure the loan authorized pursuant to this section, the locality shall place a voluntary special assessment lien equal in value to the loan against any property where such eligible improvements are being installed. The locality may bundle or package said loans for transfer to private lenders in such a manner that would allow the voluntary special assessment liens to remain in full force to secure the loans. The placement of a voluntary special assessment lien shall not require a new assessment on the value of the real property that is being improved under the loan program.

F. A voluntary special assessment lien imposed on real property under this section:

1. Shall have the same priority status as a property tax lien against real property, except that such voluntary special assessment lien shall have priority over any previously recorded mortgage or deed of

trust lien only if (i) a written subordination agreement, in a form and substance acceptable to each prior lienholder in its sole and exclusive discretion, is executed by the holder of each mortgage or deed of trust lien on the property and recorded with the special assessment lien in the land records where the property is located, and (ii) evidence that the property owner is current on payments on loans secured by a mortgage or deed of trust lien on the property and on property tax payments, that the property owner is not insolvent or in bankruptcy proceedings, and that the title of the benefited property is not in dispute is submitted to the locality prior to recording of the special assessment lien;

2. Shall run with the land, and that portion of the assessment under the assessment contract that has not yet become due is not eliminated by foreclosure of a property tax lien;

3. May be enforced by the local government in the same manner that a property tax lien against real property is enforced by the local government. A local government shall be entitled to recover costs and expenses, including attorney fees, in a suit to collect a delinquent installment of an assessment in the same manner as in a suit to collect a delinquent property tax; and

4. May incur interest and penalties for delinquent installments of the assessment in the same manner as delinquent property taxes.

G. Prior to the enactment of an ordinance pursuant to this section, a public hearing shall be held at which interested persons may object to or inquire about the proposed loan program or any of its particulars. The public hearing shall be published ~~once a week for two successive weeks~~ *twice*, with the first notice appearing no more than 14 28 days before *and the second notice appearing no less than seven days before* the hearing, in a newspaper of general circulation in the locality.

H. The Department of Energy shall serve as a statewide sponsor for a loan program that meets the requirements of this section. The Department of Energy shall engage a private program administrator through a competitive selection process to develop the statewide loan program. A locality, in its adoption or amendment of its C-PACE ordinance described in subsection B, may opt into the statewide C-PACE loan program sponsored by the Department of Energy, and such action shall not require the locality to undertake any competitive procurement process.

§ 15.2-958.6. Financing the repair of failed septic systems.

A. Any locality may, by ordinance, authorize contracts with property owners to provide loans for the repair of septic systems. Such an ordinance shall state:

1. The kinds of septic system repairs for which loans may be offered;

2. The proposed arrangement for such loan program, including (i) the interest rate and time period during which contracting property owners shall repay the loan; (ii) the method of apportioning all or any portion of the costs incidental to financing, administration, and collection of the arrangement among the consenting property owners and the locality; and (iii) the possibility that the locality may partner with a planning district commission (PDC) to coordinate and provide financing for the repairs, including the locality's obligation to reimburse the PDC as the loan is repaid;

3. A minimum and maximum aggregate dollar amount that may be financed;

4. A method for setting requests from property owners for financing in priority order in the event that requests appear likely to exceed the authorization amount of the loan program. Priority shall be given to those requests from property owners who meet established income or assessed property value eligibility requirements;

5. Identification of a local official authorized to enter into contracts on behalf of the locality; and

6. A draft contract specifying the terms and conditions proposed by the locality or by a PDC acting on behalf of the locality.

B. The locality may combine the loan payments required by the contracts 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 loan payments will be applied to the different charges. The locality may not combine its billings for loan payments required by a contract authorized pursuant to this section with billings of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.), unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance.

C. In cases in which local property records fail to identify all of the individuals having an ownership interest in a property containing a failing septic system, the locality may set a minimum total ownership interest that it will require a property owner or owners to prove before it will allow the owner or owners to participate in the program.

D. The locality or PDC acting on behalf of the locality shall offer private lending institutions the opportunity to participate in local loan programs established pursuant to this section.

E. In order to secure the loan authorized pursuant to this section, the locality is authorized to place a lien equal in value to the loan against any property where such septic system repair is being undertaken. Such liens shall be subordinate to all liens on the property as of the date loans authorized pursuant to this section are made, except that with the prior written consent of the holders of all liens on the property as of the date loans authorized pursuant to this section are made, the liens securing loans

authorized pursuant to this section shall be liens on the property ranking on a parity with liens for unpaid local taxes. The locality may bundle or package such loans for transfer to private lenders in such a manner that would allow the liens to remain in full force to secure the loans.

F. Prior to the enactment of an ordinance pursuant to this section, a public hearing shall be held at which interested persons may object to or inquire about the proposed loan program or any of its particulars. The public hearing shall be published ~~once a week for two successive weeks~~ *twice*, with the first notice appearing no more than 14 28 days before *and the second notice appearing no less than seven days before* the hearing, in a newspaper of general circulation in the locality.

§ 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 ~~once a week for two successive weeks in a newspaper having a general circulation in the county in accordance with § 15.2-1427.~~ 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 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 (§ 15.2-4100 et seq.), the agreement shall be subject to the review and implementation process established by Chapter 34 (§ 15.2-3400 et seq.). All such agreements, including those that address any issue provided for in Chapter 32, 33, 36, 38, 39, or 41, shall require, at least annually, a report from each locality that is a recipient of funds pursuant to the agreement to each of the other governing bodies of the participating localities that includes (i) the amount of money transferred among the localities pursuant to the agreement and (ii) the uses of such funds by the localities. The parties to any such agreement that has been in effect for at least 10 years as of July 1, 2018, and pursuant to which annual payments exceed \$5 million, shall (a) comply with the reporting requirements of this subsection, notwithstanding whether such requirements are contained in the existing agreement and (b) convene an annual meeting to discuss anticipated future plans for economic growth in the localities.

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 ~~once a week for two successive weeks~~ *twice*, with the first notice appearing no more than 14 28 days before *and the second notice appearing no less than seven days before* the hearing, in a newspaper of general circulation in the locality. 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 obligates any locality to pay another locality all or any portion of designated taxes or other revenues received by that political subdivision, but shall 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, § 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.

§ 15.2-1427. Adoption of ordinances and resolutions generally; amending or repealing ordinances.

A. Unless otherwise specifically provided for by the Constitution or by other general or special law, an ordinance may be adopted by majority vote of those present and voting at any lawful meeting.

B. On final vote on any ordinance or resolution, the name of each member of the governing body voting and how he voted shall be recorded; however, votes on all ordinances and resolutions adopted prior to February 27, 1998, in which an unanimous vote of the governing body was recorded, shall be deemed to have been validly recorded. The governing body may adopt an ordinance or resolution by a recorded voice vote unless otherwise provided by law, or any member calls for a roll call vote. An ordinance shall become effective upon adoption or upon a date fixed by the governing body.

C. All ordinances or resolutions heretofore adopted by a governing body shall be deemed to have been validly adopted, unless some provision of the Constitution of Virginia or the Constitution of the United States has been violated in such adoption.

D. An ordinance may be amended or repealed in the same manner, or by the same procedure, in which, or by which, ordinances are adopted.

E. An amendment or repeal of an ordinance shall be in the form of an ordinance which shall become effective upon adoption or upon a date fixed by the governing body, but, if no effective date is specified, then such ordinance shall become effective upon adoption.

F. In counties, except as otherwise authorized by law, no ordinance shall be passed until after ~~descriptive~~ notice of an intention to propose the ordinance for passage ~~has been published once a week for two successive weeks has been advertised by reference twice,~~ with the first notice ~~appearing being published~~ no more than 14 28 days ~~prior to the intended passage of the ordinance before and the second notice appearing no less than seven days before the date of the meeting referenced in the notice,~~ in a newspaper having a general circulation in the county. ~~The second publication shall not be sooner than one calendar week after the first publication.~~ The publication shall include a statement ~~either that the publication contains the full text of the ordinance or that a copy of the full text of the ordinance is on file in the clerk's office of the circuit court of the county or in the office of the county administrator; or in the case of any county organized under the form of government set out in Chapter 5, 7 or 8 of this title, a statement that a copy of the full text of the ordinance is on file in the office of the clerk of the county board. Even if the publication contains the full text of the ordinance, a complete copy shall be available for public inspection in the offices named herein.~~

In counties, emergency ordinances may be adopted without prior notice; however, no such ordinance shall be enforced for more than sixty days unless readopted in conformity with the provisions of this Code.

G. In towns, no tax shall be imposed except by a two-thirds vote of the council members.

§ 15.2-1702. Referendum required prior to establishment of county police force.

A. A county shall not establish a police force unless (i) such action is first approved by the voters of the county in accordance with the provisions of this section and (ii) the General Assembly enacts appropriate authorizing legislation.

B. The governing body of any county shall petition the court, by resolution, asking that a referendum be held on the question, "Shall a police force be established in the county and the sheriff's office be relieved of primary law-enforcement responsibilities?" The court, by order entered of record in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, shall require the regular election officials of the county to open the polls and take the sense of the voters on the question as herein provided.

The clerk of the circuit court for the county shall publish notice of the election in a newspaper of general circulation in the county ~~once a week for three consecutive weeks prior to the election three times,~~ with the first notice appearing no more than 24 35 days before ~~and the third notice appearing no less than seven days before~~ the election. The notice shall contain the ballot question and a statement of not more than 500 words on the proposed question. The explanation shall be presented in plain English, shall be limited to a neutral explanation, and shall not present arguments by either proponents or opponents of the proposal. The attorney for the county or city or, if there is no county or city attorney, the attorney for the Commonwealth shall prepare the explanation. "Plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is

limited to a particular field or profession.

C. The county may expend public funds to produce and distribute neutral information concerning the referendum; provided, however, public funds may not be used to promote a particular position on the question, either in the notice called for in subsection B, or in any other distribution of information to the public.

D. The regular election officers of the county shall open the polls on the date specified in such 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 and on which shall be printed the following:

"Shall a police force be established in the county and the sheriff's office be relieved of primary law-enforcement responsibilities?

☐ Yes

☐ No"

The ballots shall be counted, returns made and canvassed as in other elections, and the results certified by the electoral board to the court ordering the election. If a majority of the voters voting in the election vote "Yes," the court shall enter an order proclaiming the results of the election and a duly certified copy of such order shall be transmitted to the governing body of the county. The governing body shall proceed to establish a police force following the enactment of authorizing legislation by the General Assembly.

E. After a referendum has been conducted pursuant to this section, no subsequent referendum shall be conducted pursuant to this section in the same county for a period of four years from the date of the prior referendum.

§ 15.2-1703. Referendum to abolish county police force.

The police force in any county which established the force subsequent to July 1, 1983, may be abolished and its responsibilities assumed by the sheriff's office after a referendum held pursuant to this section.

Either (i) the voters of the county by petition signed by not less than ten percent of the registered voters therein on the January 1 preceding the filing of the petition or (ii) the governing body of the county, by resolution, may petition the circuit court for the county that a referendum be held on the question, "Shall the county police force be abolished and its responsibilities assumed by the county sheriff's office?" The court, by order entered of record in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, shall require the regular election officials of the county at the next general election held in the county to open the polls and take the sense of the voters on the question as herein provided. The clerk of the circuit court for the county shall publish notice of the election in a newspaper of general circulation in the county ~~once a week for three consecutive weeks prior to the election three times~~, with the first notice appearing no more than ~~24~~ 35 days before ~~and the third notice appearing no less than seven days before~~ the election.

The ballot shall be printed as follows:

"Shall the county police force be abolished and its responsibilities assumed by the county sheriff's office?

☐ Yes

☐ No"

The election shall be held and the results certified as provided in § 24.2-684. If a majority of the voters voting in the election vote in favor of the question, the court shall enter an order proclaiming the results of the election, and a duly certified copy of such order shall be transmitted to the governing body of the county. The governing body shall proceed with the necessary action to abolish the police force and transfer its responsibilities to the sheriff's office, to become effective on July 1 following the referendum.

Once a referendum has been held pursuant to this section, no further referendum shall be held pursuant to this section within four years thereafter.

§ 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 Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.). Unclaimed bicycles and mopeds may also be disposed of in accordance with § 15.2-1720. Unclaimed firearms may

675 also be disposed of in accordance with § 15.2-1721.

676 Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item, the chief
677 of police, sheriff or their duly authorized agents shall make reasonable attempts to notify the rightful
678 owner of the property, obtain from the attorney for the Commonwealth in writing a statement advising
679 that the item is not needed in any criminal prosecution, and cause to be published *twice* in a newspaper
680 of general circulation in the locality ~~once a week for two successive weeks~~; notice that there will be a
681 public display and sale of unclaimed personal property. *The first notice shall appear no more than 28*
682 *days before and the second notice shall appear no less than seven days before the public display and*
683 *sale of the unclaimed personal property.* Such property, including property selected for retention by the
684 law-enforcement agency, shall be described generally in the notice, together with the date, time and
685 place of the sale and shall be made available for public viewing at the sale. The chief of police, sheriff
686 or their duly authorized agents shall pay from the proceeds of sale the costs of advertisement, removal,
687 storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be
688 held by such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any
689 unclaimed item retained for use by the law-enforcement agency shall become the property of the locality
690 served by the agency and shall be retained only if, in the opinion of the chief law-enforcement officer,
691 there is a legitimate use for the property by the agency and that retention of the item is a more
692 economical alternative than purchase of a similar or equivalent item.

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

701 **§ 15.2-2006. Alteration and vacation of public rights-of-way; appeal from decision.**

702 In addition to (i) the powers contained in the charter of any locality, (ii) any powers now had by
703 such governing bodies under the common law or (iii) powers by other provisions of law, public
704 rights-of-way in localities may be altered or vacated on motion of such governing bodies or on
705 application of any person after notice of intention to do so has been published ~~at least twice, with at~~
706 ~~least six days elapsing between the first and second publication~~, in a newspaper having general
707 circulation in the locality, *with the first notice appearing no more than 28 days before and the second*
708 *notice appearing no less than seven days before the hearing.* The notice shall specify the time and place
709 of a hearing at which persons affected may appear and be heard. The cost of publishing the notice shall
710 be taxed to the applicant. At the conclusion of the hearing and on application of any person, the
711 governing body may appoint three to five people to view such public right-of-way and report in writing
712 any inconvenience that would result from discontinuing the right-of-way. The governing body may allow
713 the viewers up to fifty dollars each for their services. The sum allowed shall be paid by the person
714 making the application to alter or vacate the public right-of-way. From such report and other evidence,
715 if any, and after the land owners affected thereby, along the public right-of-way proposed to be altered
716 or vacated, have been notified, the governing body may discontinue the public right-of-way. When an
717 applicant requests a vacation to accommodate expansion or development of an existing or proposed
718 business, the governing body may condition the vacation upon commencement of the expansion or
719 development within a specified period of time. Failing to commence within such time may render the
720 vacation, at the option of the governing body, void. A certified copy of the ordinance of vacation shall
721 be recorded as deeds are recorded and indexed in the name of the locality. A conditional vacation shall
722 not be recorded until the condition has been met.

723 Any appeal shall be filed within sixty days of adoption of the ordinance with the circuit court for the
724 locality in which the public right-of-way is located.

725 **§ 15.2-2101. Ordinance proposing grant of franchise, etc., to be advertised.**

726 A. Before granting any franchise, privilege, lease or right of any kind to use any public property
727 described in § 15.2-2100 or easement of any description, for a term in excess of five years, except in the
728 case of and for a trunk railway, the city or town proposing to make the grant shall ~~advertise a~~
729 ~~descriptive give notice of the ordinance proposing to make the grant once a week for two successive~~
730 ~~weeks in a newspaper having general circulation in the city or town in accordance with § 15.2-1427.~~
731 The ~~descriptive~~ notice of the ordinance may also be advertised as many times in such other newspaper
732 or newspapers, published outside the city, town or Commonwealth, as the council may determine. The
733 advertisement shall include a statement that a copy of the full text of the ordinance is on file in the
734 office of the clerk of the city or town council.

735 B. The advertisement shall invite bids for the franchise, privilege, lease or right proposed to be
736 granted in the ordinance. The bids shall be in writing and delivered upon the day and hour named in the

advertisement and shall be opened in public session and marked for identification by the person designated in the advertisement to receive such bids. The cost of the required advertisement shall be paid by the city or town which shall be reimbursed by the person to whom the grant is made. The city or town shall have the right to reject any and all bids and shall reserve this right in the advertisement.

§ 15.2-2105. How amendments made to franchise, etc.; notice required.

No amendment or extension of any franchise, right, lease or privilege that now exists, or that may hereafter be authorized, which extends or enlarges the time or territory of such franchise, right, lease or privilege, shall be granted by any city or town until the provisions of §§ 15.2-2101 through 15.2-2104 have been complied with. No amendment that releases the grantee, or his assignee, from the performance of any duty required by the ordinance or that authorizes an increase in the user charges to be made by such grantee or assignee shall be granted until notice of such proposed amendment has been given to the public by advertising the proposed amendment for ~~ten~~ seven days in some newspaper having general circulation in the city or town. The cost of such advertising shall be paid by the city or town, which shall be reimbursed by the person to whom the amendment is granted. No such amendment shall be adopted except by ordinance.

§ 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 at least once a week for three consecutive weeks three times in a newspaper of general circulation in the municipality, with the first notice appearing no more than 21 35 days before and the third notice appearing no less than seven days before the first public hearing. The 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.

§ 15.2-2108.21. Ordinance cable franchises.

A. This section shall govern the procedures by which a locality may grant ordinance cable franchises.

B. An ordinance cable franchise, which shall have a term of 15 years, may be requested by (i) a certificated provider of telecommunications services with previous consent to use the public rights-of-way in a locality through a franchise; (ii) a certificated provider of telecommunications services that lacked previous consent to provide cable service in a locality but provided telecommunications services over facilities leased from an entity having previous consent to use of the public rights-of-way in such locality through a franchise; or (iii) a cable operator with previous consent to use the public rights-of-way to provide cable service in a locality through a franchise and who seeks to renew its existing cable franchise pursuant to § 15.2-2108.30 as an ordinance cable franchise. A cable operator with previous consent to use the public rights-of-way to provide cable service in a locality through a franchise may opt into the new terms of an ordinance cable franchise under § 15.2-2108.26.

C. In order to obtain an ordinance cable franchise, an applicant shall first file with the chief administrative officer of the locality from which it seeks to receive such ordinance cable franchise a request to negotiate the terms and conditions of a negotiated cable franchise under § 15.2-2108.20. An applicant shall request and make itself available to participate in cable franchise negotiations with the locality from which it seeks to receive a negotiated cable franchise at least 45 calendar days prior to filing a notice electing an ordinance cable franchise; this prerequisite shall not be applicable if a locality refuses to engage in negotiations at the request of an applicant or if the applicant already holds a negotiated cable franchise from the locality. Thereafter, an applicant, through its president or chief executive officer, shall file notice with the locality that it elects to receive an ordinance cable franchise at least 30 days prior to offering cable in such locality. The notice shall be accompanied by a map or a boundary description showing (i) the initial service area in which the cable operator intends to provide cable service in the locality within the three-year period required for an initial service area and (ii) the

798 area in the locality in which the cable operator has its telephone facilities. The map or boundary
799 description of the initial service areas may be amended by the cable operator by filing with the locality
800 a new map or boundary description of the initial service area.

801 D. The cable operator shall assure that access to cable services is not denied to any group of
802 potential residential cable subscribers because of the income of the residents of the local area in which
803 such group resides. The local franchising authority shall have the right to monitor and inspect the
804 deployment of cable services and the cable operator shall submit semiannual progress reports detailing
805 the current provision of cable services in accordance with the deployment schedule and its new service
806 area plans for the next six months. The failure to correct or remedy any material deficiencies shall be
807 subject to the same remedies as contained in the cable television franchise of the existing cable operator
808 as that franchise existed at the time of the grant of the ordinance franchise.

809 E. The locality from which the applicant seeks to receive an ordinance cable franchise shall adopt
810 any ordinance requiring adoption under this article within 120 days of the applicant filing the notice
811 required in subsection C. Any ordinance adopted under this section that relates to a cable operator's
812 provision of cable service shall apply to such cable operator retroactively to the date on which the cable
813 operator began to offer cable service in the locality pursuant to this article.

814 F. Notice of any ordinance that requires a public hearing shall be advertised ~~once a week for two~~
815 ~~successive weeks in a newspaper having general circulation in the locality. The advertisement shall~~
816 ~~include a statement that a copy of the full text of the ordinance is on file in the office of the clerk of~~
817 ~~the locality as provided in § 15.2-1427.~~ All costs of such advertising shall be assessed against the
818 operator or applicant.

819 G. If the governing body of any town adopts an ordinance pursuant to the provisions of this article,
820 such town shall not be subject to any ordinance adopted by the county within which such town lies.

821 **§ 15.2-2114. Regulation of stormwater.**

822 A. Any locality, by ordinance, may establish a utility or enact a system of service charges to support
823 a local stormwater management program consistent with Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter
824 3.1 of Title 62.1 or any other state or federal regulation governing stormwater management. Income
825 derived from a utility or system of charges shall be dedicated special revenue, may not exceed the actual
826 costs incurred by a locality operating under the provisions of this section, and may be used only to pay
827 or recover costs for the following:

828 1. The acquisition, as permitted by § 15.2-1800, of real and personal property, and interest therein,
829 necessary to construct, operate and maintain stormwater control facilities;

830 2. The cost of administration of such programs;

831 3. Planning, design, engineering, construction, and debt retirement for new facilities and enlargement
832 or improvement of existing facilities, including the enlargement or improvement of dams, levees,
833 floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;

834 4. Facility operation and maintenance, including the maintenance of dams, levees, floodwalls, and
835 pump stations, whether publicly or privately owned, that serve to control stormwater;

836 5. Monitoring of stormwater control devices and ambient water quality monitoring;

837 6. Contracts related to stormwater management, including contracts for the financing, construction,
838 operation, or maintenance of stormwater management facilities, regardless of whether such facilities are
839 located on public or private property and, in the case of private property locations, whether the contract
840 is entered into pursuant to a stormwater management private property program under subsection J or
841 otherwise; and

842 7. Other activities consistent with the state or federal regulations or permits governing stormwater
843 management, including, but not limited to, public education, watershed planning, inspection and
844 enforcement activities, and pollution prevention planning and implementation.

845 B. The charges may be assessed to property owners or occupants, including condominium unit
846 owners or tenants (when the tenant is the party to whom the water and sewer service is billed), and
847 shall be based upon an analysis that demonstrates the rational relationship between the amount charged
848 and the services provided. Prior to adopting such a system, a public hearing shall be held after giving
849 notice as required by charter or ~~by publishing a descriptive notice once a week for two successive weeks~~
850 ~~prior to adoption in a newspaper with a general circulation in the locality. The second publication shall~~
851 ~~not be sooner than one calendar week after the first publication as provided in § 15.2-1427.~~ However,
852 prior to adoption of any ordinance pursuant to this section related to the enlargement, improvement, or
853 maintenance of privately owned dams, a locality shall comply with the notice provisions of § 15.2-1427
854 and hold a public hearing.

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

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

859 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 or other such other facility, system, or practice whereby stormwater runoff produced by the property is retained and treated on site in accordance with a stormwater management plan approved pursuant to Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1. 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 subdivision C 1, 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.

J. Any locality that establishes a system of charges pursuant to this section may establish a public-private partnership program, to be known as a stormwater management private property program, in order to promote cost-effectiveness in reducing excessive stormwater flow or pollutant loadings or in making other stormwater improvements authorized pursuant to this section. A locality that opts to establish a stormwater management private property program pursuant to this subsection shall:

1. Promote awareness of the location, quantity, and timing of reductions or other improvements that it determines appropriate under this program;

2. Seek the voluntary participation of property owners;

3. Accept the participation of property owners on both an individual and a group basis by which multiple owners may collaborate on improvements and allocate among the multiple owners any payments made by the locality;

4. Enter into contracts at its discretion to secure improvements on terms and conditions that the locality deems appropriate, including by making payments to property owners in excess of the value of any applicable waivers pursuant to subsections D and E; and

5. Require appropriate operation and maintenance of the contracted improvements.

K. Any locality that establishes a stormwater management private property program pursuant to subsection J may procure reductions and improvements in accordance with the Public-Private Education Facilities and Infrastructure Act (§ 56-575.1 et seq.) or other means, as appropriate. Subsection J shall not be interpreted to limit the authority of a locality to secure reductions of excessive stormwater flow or pollutant loadings or other stormwater improvements by other means.

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

921 A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred
922 by this chapter need not be advertised in full, but may be advertised by reference. Every such
923 advertisement shall identify the place or places within the locality where copies of the proposed plans,
924 ordinances or amendments may be examined.

925 The local planning commission shall not recommend nor the governing body adopt any plan,
926 ordinance or amendment thereof until notice of intention to do so has been published ~~once a week for~~
927 ~~two successive weeks~~ *twice* in some newspaper published or having general circulation in the locality,
928 with the first notice appearing no more than ~~14~~ 28 days before ~~the intended adoption and the second~~
929 ~~notice appearing no less than seven days before the date of the meeting referenced in the notice;~~
930 however, the notice for both the local planning commission and the governing body may be published
931 concurrently. The notice shall specify the time and place of hearing at which persons affected may
932 appear and present their views. The local planning commission and governing body may hold a joint
933 public hearing after public notice as set forth in this subsection. If a joint hearing is held, then public
934 notice as set forth in this subsection need be given only by the governing body. ~~As used in this~~
935 ~~subsection, "two successive weeks" means that such notice shall be published at least twice in such~~
936 ~~newspaper, with not less than six days elapsing between the first and second publication.~~ In any instance
937 in which a locality has submitted a correct and timely notice request to such newspaper and the
938 newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed
939 to have met the notice requirements of this subsection so long as the notice was published in the next
940 available edition of a newspaper having general circulation in the locality. After enactment of any plan,
941 ordinance or amendment, further publication thereof shall not be required.

942 B. When a proposed amendment of the zoning ordinance involves a change in the zoning map
943 classification of 25 or fewer parcels of land, then, in addition to the advertising as required by
944 subsection A, the advertisement shall include the street address or tax map parcel number of the parcels
945 subject to the action. Written notice shall be given by the local planning commission, or its
946 representative, at least five days before the hearing to the owner or owners, their agent or the occupant,
947 of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property
948 immediately across the street or road from the property affected, including those parcels that lie in other
949 localities of the Commonwealth; and, if any portion of the affected property is within a planned unit
950 development, then to such incorporated property owner's associations within the planned unit
951 development that have members owning property located within 2,000 feet of the affected property as
952 may be required by the commission or its agent. However, when a proposed amendment to the zoning
953 ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the
954 federal government, and when the proposed change affects only a portion of the larger tract, notice need
955 be given only to the owners of those properties that are adjacent to the affected area of the larger tract.
956 Notice sent by registered or certified mail to the last known address of such owner as shown on the
957 current real estate tax assessment books or current real estate tax assessment records shall be deemed
958 adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs
959 of any notice required under this chapter shall be taxed to the applicant.

960 When a proposed amendment of the zoning ordinance involves a change in the zoning map
961 classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text
962 regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to
963 the advertising as required by subsection A, the advertisement shall include the street address or tax map
964 parcel number of the parcels as well as the approximate acreage subject to the action. For more than
965 100 parcels of land, the advertisement may instead include a description of the boundaries of the area
966 subject to the changes and a link to a map of the subject area. Written notice shall be given by the local
967 planning commission, or its representative, at least five days before the hearing to the owner, owners, or
968 their agent of each parcel of land involved, provided, however, that written notice of such changes to
969 zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots
970 shown on a subdivision plat approved and recorded pursuant to the provisions of Article 6 (§ 15.2-2240
971 et seq.) where such lots are less than 11,500 square feet. One notice sent by first class mail to the last
972 known address of such owner as shown on the current real estate tax assessment books or current real
973 estate tax assessment records shall be deemed adequate compliance with this requirement, provided that
974 a representative of the local commission shall make affidavit that such mailings have been made and file
975 such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate
976 any subsequently adopted amendment or ordinance because of the inadvertent failure by the
977 representative of the local commission to give written notice to the owner, owners or their agent of any
978 parcel involved.

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

982 Whenever the notices required hereby are sent by an agency, department or division of the local

governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

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

C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than 50 percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half mile of a 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.

§ 15.2-2270. Vacation of interests granted to a locality as a condition of site plan approval.

Any interest in streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility granted to a locality as a condition of the approval of a site plan may be vacated according to either of the following methods:

1. By a duly executed and acknowledged written instrument of the owner of the land which has been or is to be developed in accordance with the site plan, declaring the interest or interests to be vacated, provided the governing body or authorized agent of the locality where the land lies consents to the vacation. The instrument shall be recorded in the same clerk's office wherein is recorded the written instrument describing the interest in real property to be vacated. The execution and recordation of the instrument shall operate to divest all public rights in, and to reinvest the owner with the title to the interests which formerly were held by the governing body; or

2. By ordinance of the governing body in the locality in which the property which is the subject of an approved site plan lies, provided that no interest shall be vacated in an area in which facilities, for which bonding is required pursuant to §§ 15.2-2241 through 15.2-2245, have been constructed.

The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. The notice shall clearly describe the interest of the governing body to be vacated by reference to the recorded instrument on which it was created and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land over which the governing body's interest is located. Upon appeal, the court may nullify the ordinance if it finds that the owner of the property, which has been developed or is to be developed in accordance with the approved site plan, will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the instrument creating the governing body's interest is recorded.

The execution and recordation of an ordinance of vacation shall operate to destroy the effect of the instrument which created the governing body's interest so vacated and to divest all public rights in and to the property and vest title in the streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility as may be described in, and in accordance with, the ordinance of vacation.

§ 15.2-2271. Vacation of plat before sale of lot therein; ordinance of vacation.

Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:

1. With the consent of the governing body, or its authorized agent, of the locality where the land lies, by the owners, proprietors and trustees, if any, who signed the statement required by § 15.2-2264 at any time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly executed, acknowledged or proved and recorded in the same clerk's office wherein the plat to be vacated is recorded and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat; or

2. By ordinance of the governing body of the locality in which the property shown on the plat or part thereof to be vacated lies, provided that no facilities for which bonding is required pursuant to §§ 15.2-2241 through 15.2-2245 have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within five years of the date on which the plat was first recorded.

The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.

§ 15.2-2272. Vacation of plat after sale of lot.

In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

1. By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat and also signed on behalf of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies for the purpose of showing the approval of the vacation by the governing body. In cases involving drainage easements or street rights-of-way where the vacation does not impede or alter drainage or access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, the governing body shall only be required to obtain the signatures of the lot owners immediately adjoining or contiguous to the vacated area. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be

acknowledged in the manner of a deed and filed for record in the clerk's office of any court in which the plat is recorded.

2. By ordinance of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies on motion of one of its members or on application of any interested person. The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. ~~The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon.~~ Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

Roads within the secondary system of highways may be vacated under either of the preceding methods and the action will constitute abandonment of the road, provided the land shown on the plat or part thereof to be vacated has been the subject of a rezoning or special exception application approved following public hearings required by § 15.2-2204 and provided the Commissioner of Highways or his agent is notified in writing prior to the public hearing, and provided further that the vacation is necessary in order to implement a proffered condition accepted by the governing body pursuant to §§ 15.2-2297, 15.2-2298 or 15.2-2303 or to implement a condition of special exception approval. All abandonments of roads within the secondary system of highways sought to be effected according to either of the preceding methods before July 1, 1994, are hereby validated, notwithstanding any defects or deficiencies in the proceeding; however, property rights which have vested subsequent to the attempted vacation are not impaired by such validation. The manner of reversion shall not be affected by this section.

§ 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.

1167 C. In order to implement the provisions of this act, a locality may provide in its ordinance for:
1168 1. The purchase of all or part of such development rights, which shall retire the development rights
1169 so purchased;
1170 2. The severance of development rights from existing zoned or subdivided properties as otherwise
1171 provided in subsection E;
1172 3. The owner of such development rights to make application to the locality for a real estate tax
1173 abatement for a period up to 25 years, to compensate the owner of such development rights for the fair
1174 market value of all or part of the development rights, which shall retire the number of development
1175 rights equal to the amount of the tax abatement, and such abatement is transferable with the property;
1176 4. The owner of a property to request designation by the locality of the owner's property as a
1177 "sending property" or a "receiving property";
1178 5. The allowance for residential density to be converted to bonus density on the receiving property
1179 by (i) an increase in the residential density on the receiving property or (ii) an increase in the square
1180 feet of commercial, industrial, or other uses on the receiving property, which upon conversion shall
1181 retire the development rights so converted;
1182 6. The receiving areas to include such urban development areas or similarly defined areas in the
1183 locality established pursuant to § 15.2-2223.1;
1184 7. The sending properties, subsequent to severance of development rights, to generate one or more
1185 forms of renewable energy, as defined in § 56-576, subject to the provisions of the local zoning
1186 ordinance;
1187 8. The sending properties, subsequent to severance of development rights, to produce agricultural
1188 products or forestal products, as defined in § 15.2-4302, and to include parks, campgrounds and related
1189 camping facilities; however, for purposes of this subdivision, "campgrounds" does not include use by
1190 travel trailers, motor homes, and similar vehicular type structures;
1191 9. The review of an application by the planning commission to determine whether the application
1192 complies with the provisions of the ordinance;
1193 10. Such other provisions as the locality deems necessary to aid in the implementation of the
1194 provisions of this act;
1195 11. Approval of an application upon the determination of compliance with the ordinance by the agent
1196 of the planning commission; and
1197 12. A requirement that development comply with any locality-adopted neighborhood design standards
1198 identified in the comprehensive plan for the receiving area in which the development shall occur,
1199 provided such design standard was adopted in the comprehensive plan and applied to the receiving area
1200 prior to the transfer of the development right.
1201 D. The locality may, by ordinance, designate receiving areas or receiving properties, add to,
1202 supplement, or amend its designations of receiving areas or receiving properties, or designate receiving
1203 areas or receiving properties that shall receive development rights only from certain sending areas or
1204 sending properties specified by the locality, so long as the development rights permitted to be attached
1205 in the receiving areas are equal to or greater than the development rights permitted to be severed in the
1206 sending areas.
1207 E. Any proposed severance or transfer of development rights shall only be initiated upon application
1208 by the property owners of the sending properties, development rights, or receiving properties as
1209 otherwise provided herein.
1210 F. A locality may not require property owners to sever or transfer development rights as a condition
1211 of the development of any property.
1212 G. The owner of a property may sever development rights from the sending property, pursuant to the
1213 provisions of this act. An application to transfer development rights to one or more receiving properties,
1214 for the purpose of affixing such rights thereto, shall only be initiated upon application by the owner of
1215 such development rights and the owners of the receiving properties.
1216 H. Development rights severed pursuant to this article shall be interests in real property and shall be
1217 considered as such for purposes of conveyance and taxation. Once a deed for transferable development
1218 rights, created pursuant to this act, has been recorded in the land records of the office of the circuit
1219 court clerk for the locality to reflect the transferable development rights sold, conveyed, or otherwise
1220 transferred by the owner of the sending property, the development rights shall vest in the grantee and
1221 may be transferred by such grantee to a successor in interest. Nothing herein shall be construed to
1222 prevent the owner of the sending property from recording a deed covenant against the sending property
1223 severing the development rights on said property, with the owner of the sending property retaining
1224 ownership of the severed development rights. Any transfer of the development rights to a property in a
1225 receiving area shall be in accordance with the provisions of the ordinance adopted pursuant to this
1226 article.
1227 I. For the purposes of ad valorem real property taxation, the value of a transferable development
1228 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.

M. A county adopting an ordinance pursuant to this article may designate eligible receiving areas in any incorporated town within such county, if the governing body of the town has also amended its zoning ordinance to designate the same areas as eligible to receive density being transferred from sending areas in the county. 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.

N. Any county and an adjacent city may enter voluntarily into an agreement to permit the county to designate eligible receiving areas in the city if the governing body of the city has also amended its zoning ordinance to designate the same areas as eligible to receive density being transferred from sending areas in the county. The city council shall designate areas it deems suitable as receiving areas and shall designate the maximum increases in density in each such receiving area. However, if any such agreement contains any provision addressing any issue provided for in 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 (§ 15.2-4100 et seq.), the agreement shall be subject to the review and implementation process established by Chapter 34 (§ 15.2-3400 et seq.). 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.

1. The terms and conditions of the density transfer agreement as provided in this subsection 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 ~~once a week for two successive weeks in a newspaper of general circulation in the locality as required by § 15.2-2204.~~

2. The governing bodies shall petition a circuit court having jurisdiction in one or more of the localities for an order affirming the proposed agreement. The circuit court shall be limited in its decision to either affirming or denying the 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 circuit 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.

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

§ 15.2-2321. Adoption of road improvements program.

Prior to adopting a system of impact fees, the locality shall conduct an assessment of road improvement needs benefiting an impact fee service area and shall adopt a road improvements plan for the area showing the new roads proposed to be constructed and the existing roads to be improved or

expanded and the schedule for undertaking such construction, improvement or expansion. The road improvements plan shall be adopted as an amendment to the required comprehensive plan and shall be incorporated into the capital improvements program or, in the case of the counties where applicable, the six-year plan for secondary highway construction pursuant to § 33.2-331.

The locality shall adopt the road improvements plan after holding a duly advertised public hearing *in accordance with § 15.2-2204. The public hearing notice shall identify the impact fee service area or areas to be designated, and shall include a summary of the needs assessment and the assumptions upon which the assessment is based, the proposed amount of the impact fee, and information as to how a copy of the complete study may be examined. A copy of the complete study shall be available for public inspection and copying at reasonable times prior to the public hearing.*

The locality at a minimum shall include the following items in assessing road improvement needs and preparing a road improvements plan:

1. An analysis of the existing capacity, current usage and existing commitments to future usage of existing roads, as indicated by (i) current and projected service levels, (ii) current valid building permits outstanding, and (iii) approved and pending site plans and subdivision plats. If the current usage and commitments exceed the existing capacity of the roads, the locality also shall determine the costs of improving the roads to meet the demand. The analysis shall include any off-site road improvements or cash payments for road improvements accepted by the locality and shall include a plan to fund the current usages and commitments that exceed the existing capacity of the roads.

2. The projected need for and costs of construction of new roads or improvement or expansion of existing roads attributable in whole or in part to projected new development. Road improvement needs shall be projected for the impact fee service area when fully developed in accord with the comprehensive plan and, if full development is projected to occur more than 20 years in the future, at the end of a 20-year period. The assumptions with regard to land uses, densities, intensities, and population upon which road improvement projections are based shall be presented.

3. The total number of new service units projected for the impact fee service area when fully developed and, if full development is projected to occur more than 20 years in the future, at the end of a 20-year period. A "service unit" is a standardized measure of traffic use or generation. The locality shall develop a table or method for attributing service units to various types of development and land use, including but not limited to residential, commercial and industrial uses. The table shall be based upon the ITE manual (published by the Institute of Transportation Engineers) or locally conducted trip generation studies, and consistent with the traffic analysis standards adopted pursuant to § 15.2-2222.1.

§ 15.2-2400. Creation of service districts.

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

Any locality seeking to create a service district shall have a public hearing prior to the creation of the service district. Notice of such hearing shall be published ~~once a week for three consecutive weeks~~ *three times* in a newspaper of general circulation within the locality, with the first notice appearing no more than ~~24~~ 35 days before *and the third notice appearing no less than seven days before* the hearing.

§ 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 fifty 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 ~~once a week for three consecutive weeks~~ *three times* in a newspaper of general circulation within the city, with the first notice appearing no more than ~~24~~ 35 days before *and the third notice appearing no less than seven days before* the election. 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 fifty 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.

§ 15.2-2409. How notice given; objections.

The notice may be given by personal service on all persons entitled to such notice, except (i) notice

to an infant, a mentally incapacitated person or other person under a disability may be served on his guardian, conservator or committee; (ii) notice to a nonresident may be mailed to him at his place of residence or served on any agent of his having charge of the property or on the tenant of the property; or (iii) in any case when the owner is a nonresident or when the owner's residence is not known, such notice may be given by publication *three times* in a newspaper having general circulation in the locality ~~once a week for four successive weeks, with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the parties are cited to appear.~~ In lieu of such personal service on the parties or their agents and of such publication, the notice to all parties may be given by publishing the same *twice* in a newspaper having general circulation in the locality, ~~once a week for two successive weeks; the second publication shall be made at least seven days with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the parties are cited to appear.~~ Any landowner wishing to make objections to an assessment or apportionment may appear in person or by counsel and state such objections.

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

A brief synopsis of the budget that, except in the case of the school division budget, shall be for informative and fiscal planning purposes only, shall be published once in a newspaper having general circulation in the locality affected, and notice given of one or more public hearings, 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. *Notice of one or more public hearings shall be given in accordance with § 15.2-1427. Such notice shall, at a minimum, include a summary of the total revenues and expenditures for each appropriated fund and the current and proposed real estate and personal property tax levies.* Any locality not having a newspaper of general circulation may in lieu of the foregoing notice 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 contemplated expenditure unless and until there has first been made an annual, semiannual, quarterly, or monthly appropriation for such contemplated expenditure by the governing body, except that funds appropriated in a county having adopted the county executive form of government for multiyear capital projects and outstanding grants may be carried over from year to year without being reappropriated.

§ 15.2-2507. Amendment of budget.

A. Any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget as prescribed by § 15.2-2504. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing a notice of a meeting and a public hearing ~~once in a newspaper having general circulation in that locality at least seven days prior to the meeting date in accordance with § 15.2-1427.~~ The notice shall state the governing body's intent to amend the budget and include a brief synopsis of the proposed budget amendment. Any local governing body may adopt such amendment at the advertised meeting, after first providing a public hearing during such meeting on the proposed budget amendments.

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

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

A. Notwithstanding any contrary provision of law, general or special, but subject to subsection B of

1413 this section, before the final authorization of the issuance of any bonds by a locality, the governing body
1414 of the locality shall hold a public hearing on the proposed bond issue. Notice of the hearing shall be
1415 published ~~once a week for two successive weeks~~ *twice* in a newspaper published or having general
1416 circulation in the locality, with the first notice appearing no more than 14 28 days before *and the*
1417 *second notice appearing no less than seven days before* the hearing. The notice shall (i) state the
1418 estimated maximum amount of the bonds proposed to be issued, (ii) state the proposed use of the bond
1419 proceeds, and if there is more than one use, state the proposed uses for which more than 10 percent of
1420 the total bond proceeds is expected to be used, and (iii) specify the time and place of the hearing at
1421 which persons may appear and present their views. ~~The hearing shall not be held less than six nor more~~
1422 ~~than 21 days after the date the second notice appears in the newspaper.~~

1423 B. No notice or public hearing shall be required for (i) bonds which have been approved by a
1424 majority of the voters of the issuing locality voting on the issuance of such bonds or (ii) obligations
1425 issued pursuant to § 15.2-2629, 15.2-2630 or 15.2-2643.

1426 **§ 15.2-2610. Request for referendum filed with court; order for election; notice.**

1427 If voter approval of any bond issue by a locality is required by the Constitution of Virginia or this
1428 chapter or any charter provision, a copy of the resolution or ordinance adopted by the governing body of
1429 the locality, certified by the clerk of the governing body, requesting that a referendum on the question
1430 of the issuance of the bonds be held, shall be filed with the circuit court for the locality or in the case
1431 of a town the circuit court for the county in which the town is located. The circuit court shall order a
1432 special election, in accordance with § 24.2-681 et seq., requiring the election officers of the locality on
1433 the day fixed in the order to open the polls and take the sense of the voters of the locality on the
1434 question of contracting the debt and issuing bonds for the purpose or purposes set forth in the resolution
1435 or ordinance. When any town is situated partly in two or more counties, the certified copy of the
1436 resolution or ordinance may be presented to the circuit court for any of the counties and the court shall
1437 order an election to be held in the town in accordance with the provisions of §§ 24.2-601 and 24.2-681
1438 et seq. Notice of the election in the form prescribed by the court shall be published at least once but not
1439 less than ~~ten~~ *seven* days before the election in a newspaper published or having general circulation in
1440 the locality.

1441 Where voter approval is required by the Constitution of Virginia, this chapter or any charter
1442 provision, a locality may, at its option, provide in the ordinance or resolution that any two or more
1443 purposes and amounts of the bonds proposed to be issued for such purposes be combined into a single
1444 question for the election and referred to as "capital improvement bonds" in an aggregate principal
1445 amount equal to the sum of the amounts for the purposes so combined.

1446 **§ 15.2-2652. Service by publication of motion for judgment; parties defendant.**

1447 Upon the filing of the motion for judgment the court shall fix the time and place for hearing the
1448 proceeding and shall enter an order requiring the publication of the motion for judgment or a summary
1449 of it approved by the court, together with the order setting forth the time and place of the hearing, ~~once~~
1450 ~~a week for two consecutive weeks~~ *twice* in a newspaper published or having general circulation in the
1451 jurisdiction where the issuer is located, *with the first notice appearing no more than 28 days before and*
1452 *the second notice appearing no less than seven days before the date fixed for hearing.* ~~The date fixed~~
1453 ~~for the hearing shall not be sooner than ten days after the date the second publication of the motion for~~
1454 ~~judgment or summary and the order appears in the newspaper.~~

1455 By the publication of the motion for judgment or summary and the order, all taxpayers, property
1456 owners and citizens of the jurisdiction where the issuer is located, including nonresidents owning
1457 property in or subject to taxation by it, and all other persons having or claiming any right, title or
1458 interest in any property or funds affected in any way by the issuance of the bonds, or having or
1459 claiming to have any right or interest in the subject matter of the motion for judgment, shall be
1460 considered parties defendant in the proceedings, and the court shall have jurisdiction of them the same
1461 as if each of them were named individually as a defendant in the motion for judgment and personally
1462 served with process.

1463 **§ 15.2-2653. Contesting issuance of bonds; notice and hearing; service on member of governing**
1464 **body, etc.**

1465 Any person, corporation, or association desiring to contest the issuance of any bonds pursuant to the
1466 provisions of this chapter, or any other law, general or special, shall proceed by filing a motion for
1467 judgment within thirty days after the filing of the resolution or ordinance authorizing the issuance of the
1468 bonds with the circuit court having jurisdiction over the issuer, or in contesting the validity of a petition
1469 for or the results of a referendum, within thirty days after the date that the result of the election for the
1470 issuance of the bonds is certified, in the court having jurisdiction as provided in § 15.2-2651. For bonds
1471 which are not authorized pursuant to a referendum, or for which the authorizing resolution or ordinance
1472 is not required to be filed with the circuit court, the contestant shall proceed by filing a motion for
1473 judgment within thirty days after the adoption of the authorizing resolution or ordinance. Upon the filing
1474 of a motion for judgment, the court shall fix a time and place for hearing the proceeding and shall enter

an order requiring the publication of the motion for judgment or a summary of it approved by the court, together with the order setting forth the time and place of the hearing, ~~once a week for two consecutive weeks twice~~ in a newspaper published or having general circulation in the jurisdiction where the issuer is located, with the first notice appearing no more than 14 28 days before *and the second notice appearing no less than seven days before the date fixed for the hearing.* ~~The date fixed for the hearing shall not be sooner than ten days after the date the second publication of the motion for judgment or summary and the order appears in the newspaper.~~ In addition to such publication, the plaintiff shall secure personal service on at least one member of the governing body of the issuer.

§ 15.2-3236. Council may enact ordinance.

Whenever it is deemed desirable to contract the corporate limits of any city or town, the council thereof may enact an ordinance defining accurately the boundary of the territory proposed to be abandoned. The ordinance, or a descriptive summary of the ordinance, along with a reference of the place in the city or town where the ordinance may be examined, shall be published *three times* in at least ten issues of a daily paper having general circulation in the city or town, if there is such a paper, or in two successive issues of a weekly newspaper having general circulation in such city or town, if there is such a paper. If there is no daily newspaper having general circulation therein, the ordinance shall be conspicuously posted in at least ten public places in the territory for at least ten days before the application to the circuit court for the city or town as provided for in ~~§ 15.2-3237~~ in addition to the publication in the weekly newspaper *with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the enactment of the ordinance.* A copy of the ordinance shall be served by the city or town upon the chairman of the board of supervisors of the contiguous county or counties of which the territory may become a part.

§ 15.2-3242. Parties defendant and publication of such petition.

The county in which the part of the town proposed to be abandoned under § 15.2-3241 is located shall be named as defendant to the petition. Satisfactory proof that the petition, or a descriptive summary of the petition along with a reference to the place in the town where the petition may be examined, has been published in a newspaper having general circulation in the county or town ~~once a week for four successive weeks and has been posted at the front door of the courthouse of the county for a like period~~ *three times, with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the filing of the petition,* shall be filed with the petition. A statement in the publication to the effect that a certain number of registered voters of the territory proposed to be abandoned signed the petition shall be sufficient in lieu of the names of the signers.

§ 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~~ *Each* local governing body shall advertise its intention to approve such agreement, or modified agreement, at

least once a week for two successive weeks twice, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the adoption of the ordinance in a newspaper having a general circulation in its jurisdiction ~~and such~~. Such advertisements 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 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.

§ 15.2-3401. Referendum on contracting of debt by counties in voluntary settlement agreements.

Before a county, under the terms of a voluntary agreement pursuant to this chapter, contracts a debt pursuant to Article VII, § 10 (b) of the Constitution of Virginia, the board of supervisors shall, in conformity with Article VII, § 10 (b) of the Constitution of Virginia, petition the circuit court for the county for an order calling for a special election in the county on the question of contracting such debt.

The question on the ballot shall be as follows, provided that the circuit court in its order calling for the election may substitute alternative language necessary to specify the type of agreement or the particular debt which the county proposes to contract under an agreement:

"Shall (name of county) be authorized to contract a debt by entering into a contract for the payment (describe the debt or payment) to (name of locality to whom payments are to be made) as a part of the proposed voluntary annexation and immunity settlement agreement between the county and (name of other locality)?

[] Yes

[] No"

The clerk of the county shall cause a notice of the referendum to be published *three times* in a newspaper having general circulation in the county ~~once a week for three consecutive weeks, the first such notice of which must be published not more than 21 days prior to, with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before~~ the election, and shall post a copy of the notice at the door of the county courthouse.

The election shall be held and the results thereof ascertained and certified in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2. If a majority of the voters of the county voting in such election approve the contracting of such debt, the county may proceed to adopt, by ordinance, the agreement.

§ 15.2-3504. Publication of agreement.

The governing body of each of the consolidating localities shall cause a copy of the consolidation agreement, or a descriptive summary of the agreement and a reference to the place within the locality

where a copy of the agreement may be examined, to be published in each locality with which it is proposed to consolidate ~~at least once a week for four successive weeks~~ *three times* in a newspaper having a general circulation therein, ~~with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the adoption of the consolidated agreement in accordance with § 15.2-3502.~~ A copy of the agreement shall be available for public inspection at the circuit court clerk's office of each of the consolidating localities.

§ 15.2-3600. Petition for incorporation of community; appointment of special court.

A petition signed by 100 voters of any community may be presented to the circuit court for the county in which such community, or the greater part thereof, is situated, requesting that the community be incorporated as a town. A plat showing the boundaries of the community shall be attached to the petition. 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 plat shall be prepared by a registered surveyor in a form suitable for recording in the clerk's office of the circuit court. A copy of the petition shall be served upon the county attorney or, if there is no county attorney, the attorney for the Commonwealth, and each member of the governing body of the county or counties wherein the area sought to be incorporated lies. The governing body at its option may become a party to the proceeding. The petition shall be accompanied by proof that:

1. The petition has been available for public inspection in the office of the clerk of the circuit court; and

2. The following have been published ~~once a week for three successive weeks~~ *three times* in a newspaper having general circulation in the county, with the first publication appearing no more than 24 35 days before ~~and the third publication appearing no less than seven days before~~ the petition will be presented:

a. Notice of the time and place the petition would be presented; and

b. The text of the petition in full; or

c. A descriptive summary of the petition and notice that the petition may be inspected at the circuit court clerk's office.

§ 15.2-3805. Time limit for intervenors; publication of order.

The special court shall by order fix a time within which a voter, property owner or political subdivision not served may become a party to a proceeding instituted under this chapter, and thereafter no such petition shall be received, except for good cause shown. A copy of the order shall be published ~~at least once a week for two successive weeks~~ *twice* in a newspaper of general circulation in the county and in the adjoining or adjacent counties and cities, ~~with the first notice appearing no more than 28 days and the second notice appearing no less than seven days before the time fixed by the special court.~~

§ 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 *twice* in a newspaper of general circulation in the county ~~at least once a week for two successive weeks, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the hearing.~~ ~~The hearing shall not be held sooner than thirty days subsequent to the first publication.~~ Such hearing may be adjourned from time to time, but shall be completed not less than thirty days before the election. Upon completion of the hearing the governing body shall adopt the charter with such revisions as it may accept.

§ 15.2-4311. Review of districts.

The local governing body may complete a review of any district created under this section, together with additions to such district, no less than four years but no more than ten years after the date of its creation and every four to ten years thereafter. If the local governing body determines that a review is necessary, it shall begin such review at least ninety days before the expiration date of the period established when the district was created. In conducting such review, the local governing body shall ask for the recommendations of the local advisory committee and the planning commission in order to determine whether to terminate, modify or continue the district. When each district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the local governing body at any time before it acts to continue, modify or terminate the district. The local planning commission or the advisory committee shall schedule as part of the review a public meeting with the owners of land within the district, and shall send by first-class mail a written notice of the meeting and review to all such owners. The notice shall state the time and place for the meeting; that the district is being reviewed by the local governing body; that the local governing body may continue, modify, or terminate the district; and that land may be withdrawn from the district at the owner's discretion by filing a written notice with the local governing body at any time before it acts to continue,

1659 modify or terminate the district. The local governing body shall hold a public hearing as provided by
1660 law. The governing body may stipulate conditions to continuation of the district and may establish a
1661 period before the next review of the district, which may be different from the conditions or period
1662 established when the district was created. Any such different conditions or period shall be described in a
1663 notice sent by first-class mail to all owners of land within the district and published in a newspaper
1664 having a general circulation within the district *at least two weeks no less than seven days* prior to
1665 adoption of the ordinance continuing the district. Unless the district is modified or terminated by the
1666 local governing body, the district shall continue as originally constituted, with the same conditions and
1667 period before the next review as that established when the district was created.

1668 If the local governing body determines that a review is unnecessary, it shall set the year in which the
1669 next review shall occur.

1670 **§ 15.2-4313. Proposals as to land acquisition or construction within district.**

1671 A. Any agency of the Commonwealth or any political subdivision which intends to acquire land or
1672 any interest therein other than by gift, devise, bequest or grant, or any public service corporation which
1673 intends to: (i) acquire land or any interest therein for public utility facilities not subject to approval by
1674 the State Corporation Commission, provided that the proposed acquisition from any one farm or forestry
1675 operation within the district is in excess of one acre or that the total proposed acquisition within the
1676 district is in excess of ten acres or (ii) advance a grant, loan, interest subsidy or other funds within a
1677 district for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities
1678 to serve nonfarm structures, shall at least ninety days prior to such action notify the local governing
1679 body and all of the owners of land within the district. Notice to landowners shall be sent by first-class
1680 or registered mail and shall state that further information on the proposed action is on file with the local
1681 governing body. Notice to the local governing body shall be filed in the form of a report containing the
1682 following information:

- 1683 1. A detailed description of the proposed action, including a proposed construction schedule;
- 1684 2. All the reasons for the proposed action;
- 1685 3. A map indicating the land proposed to be acquired or on which the proposed dwellings,
1686 commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures are to be
1687 constructed;
- 1688 4. An evaluation of anticipated short-term and long-term adverse impacts on agricultural and forestal
1689 operations within the district and how such impacts are proposed to be minimized;
- 1690 5. An evaluation of alternatives which would not require action within the district; and
- 1691 6. Any other relevant information required by the local governing body.

1692 B. Upon receipt of a notice filed pursuant to subsection A, the local governing body, in consultation
1693 with the local planning commission and the advisory committee, shall review the proposed action and
1694 make written findings as to (i) the effect the action would have upon the preservation and enhancement
1695 of agriculture and forestry and agricultural and forestal resources within the district and the policy of
1696 this chapter; (ii) the necessity of the proposed action to provide service to the public in the most
1697 economical and practical manner; and (iii) whether reasonable alternatives to the proposed action are
1698 available that would minimize or avoid any adverse impacts on agricultural and forestal resources within
1699 the district. If requested to do so by any owner of land that will be directly affected by the proposed
1700 action of the agency, corporation, or political subdivision, the Director of the Department of
1701 Conservation and Recreation, or his designee, may advise the local governing body on the issues listed
1702 in clauses (i), (ii) and (iii) of this subsection.

1703 C. If the local governing body finds that the proposed action might have an unreasonably adverse
1704 effect upon either state or local policy, it shall (i) issue an order within ninety days from the date the
1705 notice was filed directing the agency, corporation or political subdivision not to take the proposed action
1706 for a period of 150 days from the date the notice was filed and (ii) hold a public hearing, as prescribed
1707 by law, concerning the proposed action. The hearing shall be held where the local governing body
1708 usually meets or at a place otherwise easily accessible to the district. The locality shall publish notice in
1709 a newspaper having a general circulation within the district *no less than seven days before the hearing*,
1710 and mail individual notice of the hearing to the political subdivisions whose territory encompasses or is
1711 part of the district, and the agency, corporation or political subdivision proposing to take the action.
1712 Before the conclusion of the 150-day period, the local governing body shall issue a final order on the
1713 proposed action. Unless the local governing body, by an affirmative vote of a majority of all the
1714 members elected to it, determines that the proposed action is necessary to provide service to the public
1715 in the most economic and practical manner and will not have an unreasonably adverse effect upon state
1716 or local policy, the order shall prohibit the agency, corporation or political subdivision from proceeding
1717 with the proposed action. If the agency, corporation or political subdivision is aggrieved by the final
1718 order of the local governing body, an appeal shall lie to the circuit court having jurisdiction of the
1719 territory wherein a majority of the land affected by the acquisition is located. However, if such public
1720 service corporation is regulated by the State Corporation Commission, an appeal shall be to the State

Corporation Commission.

§ 15.2-4405. Creation of districts of local significance.

A. A participating locality shall have the authority to create agricultural, forestal, or agricultural and forestal districts of local significance by the adoption of a general ordinance establishing a local districts program according to the provisions of this chapter.

B. In participating localities where such an ordinance has been adopted by the local governing body, any owner or owners of land may submit an application pursuant to § 15.2-4403 to the locality for the creation of an agricultural, forestal, or an agricultural and forestal district of local significance within such locality. Each individual district of local significance shall have a core of no less than the minimum acreage specified in the general ordinance, which minimum acreage in no case shall be less than 20 acres in one parcel or contiguous parcels, provided that (i) any noncontiguous parcel that is not part of the core may be included in a district of local significance if the nearest boundary of such noncontiguous parcel is within one-quarter of a mile of the core and (ii) such noncontiguous parcel had previously been included in a district of local significance. No owner of land shall be included in any agricultural, forestal, or agricultural and forestal district of local significance without the owner's written approval. A separate application may be made by any owner or owners of land for additional contiguous qualifying lands, or noncontiguous lands that meet the conditions of clauses (i) and (ii), to be included in an already created district at any time following such creation.

C. Upon receipt of a proposal for a district of local significance, the local governing body shall refer the proposal to the planning commission which shall:

1. Provide notice of the proposal by publishing a notice in a newspaper having general circulation within the proposed district and by posting such notice in three conspicuous places within the jurisdiction in which the proposed district is located. The notice shall state that an application for an agricultural, forestal, or agricultural and forestal district of local significance has been submitted to the local governing body, that a copy of the application is on file open to public inspection in the office of the clerk, that any proposals for modifications of the district shall be filed within 30 days, that any owner included in the proposal may withdraw his land, in whole or in part, at any time until the local governing body makes a final decision as to the constitution of the district pursuant to subsection D, and that hearing dates of the planning commission and local governing body shall be published and posted within 30 days.

2. Refer such proposal and modifications to the advisory committee.

D. Within one year of the date of filing of the application for such original proposal, the proposal shall be reviewed by (i) the advisory committee, which shall report to the local planning commission its recommendations concerning the proposal and proposed modifications; (ii) the planning commission, which, after receiving the report of the advisory committee, shall hold a public hearing as prescribed in subsection E, and shall report its recommendations concerning the proposal and proposed modifications to the local governing body; and (iii) the local governing body, which, after receiving the report of the local planning commission and the advisory committee, shall hold a public hearing as prescribed below, and may create the district or any modification of the district by the adoption of a district ordinance as described in subsection E, or reject the creation of a district as it deems appropriate. All districts shall meet the minimum requirements set forth in the participating locality's general ordinance for the creation of districts of local significance.

E. Public hearings required to be held by the planning commission and local governing body shall be conducted in the following manner:

1. The hearing as prescribed by law shall be held where the local governing body usually meets or at a place otherwise readily accessible to the proposed district;

2. The notice of the public hearing as prescribed by law shall contain a description of the proposed district, any proposed modifications and any recommendations of the local planning commission or the advisory committee; and

3. The notice shall be published *twice* in a newspaper having a general circulation within the proposed district ~~and, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the hearing.~~ Such notice shall be given in writing complete with proposed modifications to those municipalities whose territory encompasses or is part of the proposed district.

F. The general ordinance establishing the program to create agricultural, forestal, or agricultural and forestal districts of local significance shall state the criteria which shall be considered by the advisory committee and the local planning commission in advising the local governing body and by the local governing body in making its decision on whether or not to create a district. These criteria shall be based on and consistent with the following factors:

1. The agricultural and forestal significance within the proposed district and in areas adjacent thereto;

2. The presence of any significant agricultural lands or significant forestal lands within the proposed

1782 district and adjacent thereto that are not now in active farming or production;

1783 3. The nature and extent of land uses other than active farming or forestry within the proposed
1784 district and adjacent thereto;

1785 4. Local developmental patterns and needs including zoning and the comprehensive plan;

1786 5. The scenic and historic features of land uses within the proposed district and adjacent thereto;

1787 6. The environmental benefits of preserving the lands in the district in their existing use; and

1788 7. Any other matter which may be relevant.

1789 In judging significance, any relevant agricultural and forest maps may be considered as well as soil,
1790 climate, topography, quality of tree cover, other natural factors, markets for farm and forest products, the
1791 extent and nature of farm and forest improvements, evidence of commitment to long-term farm and
1792 forest use, anticipated trends in agricultural and forest economic conditions and technology, and such
1793 other factors as may be relevant. Criteria for judging the significance of lands in local agricultural and
1794 forestal districts to be created pursuant to this chapter may differ from those for judging the significance
1795 of lands in statewide districts to be created pursuant to Chapter 43 (§ 15.2-4300 et seq.).

1796 **§ 15.2-5136. Rates and charges.**

1797 A. The authority may fix and revise rates, fees and other charges (which shall include, but not be
1798 limited to, a penalty not to exceed 10 percent on delinquent accounts, and interest on the principal),
1799 subject to the provisions of this section, for the use of and for the services furnished or to be furnished
1800 by any system, or streetlight system in King George County, or refuse collection and disposal system or
1801 facilities incident thereto, owned, operated or maintained by the authority, or facilities incident thereto,
1802 for which the authority has issued revenue bonds as authorized by this chapter. Such rates, fees and
1803 charges shall be so fixed and revised as to provide funds, with other funds available for such purposes,
1804 sufficient at all times (i) to pay the cost of maintaining, repairing and operating the system or systems,
1805 or facilities incident thereto, for which such bonds were issued, including reserves for such purposes and
1806 for replacement and depreciation and necessary extensions, (ii) to pay the principal of and the interest on
1807 the revenue bonds as they become due and reserves therefor, and (iii) to provide a margin of safety for
1808 making such payments. The authority shall charge and collect the rates, fees and charges so fixed or
1809 revised.

1810 B. The rates for water (including fire protection) and sewer service (including disposal) shall be
1811 sufficient to cover the expenses necessary or properly attributable to furnishing the class of services for
1812 which the charges are made. However, the authority may fix rates and charges for the services and
1813 facilities of its water system sufficient to pay all or any part of the cost of operating and maintaining its
1814 sewer system (including disposal) and all or any part of the principal of or the interest on the revenue
1815 bonds issued for such sewer or sewage disposal system, and may pledge any surplus revenues of its
1816 water system, subject to prior pledges thereof, for such purposes.

1817 C. Rates, fees and charges for the services of a sewer or sewage disposal system shall be just and
1818 equitable, and may be based upon:

1819 1. The quantity of water used or the number and size of sewer connections;

1820 2. The number and kind of plumbing fixtures in use in the premises connected with the sewer or
1821 sewage disposal system;

1822 3. The number or average number of persons residing or working in or otherwise connected with
1823 such premises or the type or character of such premises;

1824 4. Any other factor affecting the use of the facilities furnished; or

1825 5. Any combination of the foregoing factors.

1826 However, the authority may fix rates and charges for services of its sewer or sewage disposal system
1827 sufficient to pay all or any part of the cost of operating and maintaining its water system, including
1828 distribution and disposal, and all or any part of the principal of or the interest on the revenue bonds
1829 issued for such water system, and to pledge any surplus revenues of its water system, subject to prior
1830 pledges thereof, for such purposes.

1831 D. Water and sewer rates, fees and charges established by any authority shall be fair and reasonable.
1832 An authority may charge fair and reasonable rates, fees, and charges to create reserves for expansion of
1833 its water and sewer or sewage disposal systems. Such rates, fees, and charges shall be reviewed by the
1834 authority periodically and shall be adjusted, if necessary, to assure that they continue to be fair and
1835 reasonable. However, any authority may charge and collect rates, fees, and charges to create a reserve
1836 fund for reasonable expansion of its water, sewer, or sewage disposal system. Nothing herein shall affect
1837 existing contracts with bondholders which are in conflict with any of the foregoing provisions.

1838 E. Rates, fees and charges for the service of a streetlight system shall be just and equitable, and may
1839 be based upon:

1840 1. The portion of such system used;

1841 2. The number and size of premises benefiting therefrom;

1842 3. The number or average number of persons residing or working in or otherwise connected with
1843 such premises;

4. The type or character of such premises;
5. Any other factor affecting the use of the facilities furnished; or
6. Any combination of the foregoing factors.

However, the authority may fix rates and charges for the service of its streetlight system sufficient to pay all or any part of the cost of operating and maintaining such system.

F. The authority may also fix rates and charges for the services and facilities of a water system or a refuse collection and disposal system sufficient to pay all or any part of the cost of operating and maintaining facilities incident thereto for the generation or transmission of power and all or any part of the principal of or interest upon the revenue bonds issued for any such facilities incident thereto, and to pledge any surplus revenues from any such system, subject to prior pledges thereof, for such purposes. Charges for services to premises, including services to manufacturing and industrial plants, obtaining all or a part of their water supply from sources other than a public water system may be determined by gauging or metering or in any other manner approved by the authority.

G. No rates, fees or charges shall be fixed under subsections A through F of this section or under subdivision 10 of § 15.2-5114 until after a public hearing at which all of the users of the systems or facilities; the owners, tenants or occupants of property served or to be served thereby; and all others interested have had an opportunity to be heard concerning the proposed rates, fees and charges. After the adoption by the authority of a resolution setting forth the preliminary schedule or schedules fixing and classifying such rates, fees and charges, notice of a public hearing, ~~setting forth the proposed schedule or schedules of rates, fees and charges, in accordance with § 15.2-1427~~ shall be published ~~once a week for two successive weeks in a newspaper having a general circulation in the area to be served by such systems or facilities, with the first notice appearing no more than 14 days before the hearing.~~ The hearing may be adjourned from time to time. A copy of the notice shall be mailed to the governing bodies of all localities in which such systems or facilities or any part thereof is located. After the hearing the preliminary schedule or schedules, either as originally adopted or as amended, shall be adopted and put into effect.

H. A copy of the schedule or schedules of the final rates, fees and charges fixed in accordance with subsection G shall be kept on file in the office of the clerk or secretary of the governing body of each locality in which such systems or any part thereof is located, and shall be open to inspection by all interested parties. The rates, fees or charges so fixed for any class of users or property served shall be extended to cover any additional properties thereafter served which fall within the same class, without the necessity of a hearing or notice. Any increase in any rates, fees or charges under this section shall be made in the manner provided in subsection G. Any other change or revision of the rates, fees or charges may be made in the same manner as the rates, fees or charges were originally established as provided in subsection G.

I. No rates, fees or charges established, fixed, changed or revised before January 1, 2013, by any authority pursuant to this section or to subdivision 10 of § 15.2-5114 shall be invalidated because of any defect in or failure to publish or provide any notice required under this section or any predecessor provision.

§ 15.2-5156. Hearing; notice.

A. An ordinance or resolution creating a community development authority shall not be adopted or approved until a public hearing has been held by the governing body on the question of its adoption or approval. Notice of the public hearing shall be published ~~once a week for three successive weeks~~ *three times* in a newspaper of general circulation within the locality, with the first notice appearing no more than ~~24~~ 35 days before *and the third notice appearing no less than seven days before* the hearing. The petitioning landowners shall bear the expense of publishing the notice. ~~The hearing shall not be held sooner than ten days after completion of publication of the notice.~~

B. After the public hearing and before adoption of the ordinance or resolution, the local governing body shall mail a true copy of its proposed ordinance or resolution creating the development authority to the petitioning landowners or their attorney in fact. Unless waived in writing, any petitioning landowner shall have thirty days from mailing of the proposed ordinance or resolution in which to withdraw his signature from the petition in writing prior to the vote of the local governing body on such ordinance or resolution. If any signatures on the petition are so withdrawn, the local governing body may pass the proposed ordinance or resolution only upon certification by the petitioners that the petition continues to meet the requirements of § 15.2-5152. If all petitioning landowners waive the right to withdraw their signatures from the petition, the local governing body may adopt the ordinance or resolution upon compliance with the provisions of subsection A and any other applicable provisions of law.

§ 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 ~~once a week for two successive weeks prior to adoption~~ *twice in a newspaper of general circulation within the governmental unit, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before adoption.* ~~The second publication 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.

§ 15.2-5431.25. Rates and charges.

A. The authority may fix and revise rates, fees and other charges (which shall include, but not be limited to, a penalty not to exceed 10 percent on delinquent accounts, and interest on the principal), subject to the provisions of this section, for the use of a project or any portion thereof and for the services furnished or to be furnished by the authority, or facilities incident thereto, owned, operated or maintained by the authority, or facilities incident thereto, for which the authority has issued revenue bonds as authorized by this chapter or received loan funding from other sources. Such rates, fees and charges shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times (i) to pay the cost of maintaining, repairing and operating the project or systems, or facilities incident thereto, for which such bonds were issued or loans obtained, including reserves for such purposes and for replacement and depreciation and necessary extensions, (ii) to pay the principal of and the interest on the revenue bonds as they become due and reserves therefor, or other loan principal and interest, and (iii) to provide a margin of safety for making such payments. The authority shall charge and collect the rates, fees and charges so fixed or revised. The authority shall maintain records demonstrating compliance with the requirements of this section concerning the fixing and revision of rates, fees, and charges that shall be made available for inspection and copying by the public pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

B. No rates, fees or charges shall be fixed under subsection A until after a public hearing at which all of the users of such facilities; the owners, tenants or occupants of property served or to be served thereby; and all others interested have had an opportunity to be heard concerning the proposed rates, fees and charges. After the adoption by the authority of a resolution setting forth the preliminary schedule or schedules fixing and classifying such rates, fees and charges, notice of a public hearing, setting forth the proposed schedule or schedules of rates, fees and charges, shall be published ~~once a week for two successive weeks~~ *twice* in a newspaper having a general circulation in the area to be served by such systems, with the first notice appearing no more than 44 28 days before *and the second notice appearing no less than seven days before* the hearing. The hearing may be adjourned from time to time. A copy of the notice shall be mailed to the governing bodies of all localities in which such systems or any part thereof is located. After the hearing the preliminary schedule or schedules, either as originally adopted or as amended, shall be adopted and put into effect.

C. A copy of the schedule or schedules of the final rates, fees and charges fixed in accordance with subsection B shall be kept on file in the office of the clerk or secretary of the governing body of the locality, and shall be open to inspection by all interested parties. The rates, fees or charges so fixed for any class of users or property served shall be extended to cover any additional properties thereafter served which fall within the same class, without the necessity of a hearing or notice. Any increase in any rates, fees or charges under this section shall be made in the manner provided in subsection B. Any other change or revision of the rates, fees or charges may be made in the same manner as the rates, fees or charges were originally established as provided in subsection B.

D. Connection fees established by any authority shall be fair and reasonable. Such fees shall be reviewed by the authority periodically and shall be adjusted, if necessary, to assure that they continue to be fair and reasonable. Nothing herein shall affect existing contracts with bondholders which are in conflict with any of the foregoing provisions.

§ 15.2-5704. Powers of authority.

Each authority shall be deemed to be performing essential governmental functions providing for the public health and welfare, and is authorized and empowered:

1. To have existence for such term of years as specified by the participating localities;
2. To adopt bylaws for the regulation of its affairs and the conduct of its business;
3. To adopt an official seal and alter the same at pleasure;

- 1967 4. To maintain an office at such place or places as it may designate;
 1968 5. To sue and be sued;
 1969 6. To acquire, purchase, lease as lessee, construct, reconstruct, improve, extend, operate and maintain
 1970 parks within, or partly within and partly outside, one or more of the participating localities; to acquire
 1971 by gift, purchase or the exercise of the right of eminent domain lands or rights in land or water rights in
 1972 connection therewith; and to sell, lease as lessor, transfer or dispose of any property or interest therein
 1973 acquired by it; however, the power of eminent domain shall not extend beyond the geographical limits
 1974 of the localities composing the authority;
 1975 7. To regulate the uses of all lands and facilities under control of the authority;
 1976 8. To locate and operate a retail fee-based electric vehicle charging station on property under the
 1977 jurisdiction of the authority; to provide that the use of such station is restricted to the employees of the
 1978 locality, authority, and authorized visitors; and to install signage that provides notice of such restriction;
 1979 9. To issue revenue bonds and revenue refunding bonds of the authority, such bonds to be payable
 1980 solely from revenues derived from the use of the facilities or the furnishing of park services;
 1981 10. To accept grants and gifts from the localities forming or thereafter joining the authority, the
 1982 Commonwealth, the federal government or any other governmental bodies or political subdivisions, and
 1983 from any other person;
 1984 11. To enter into contracts with the federal government, the Commonwealth, any political
 1985 subdivision, or any agency or instrumentality thereof, or with any other person providing for or relating
 1986 to the furnishing of park services or facilities;
 1987 12. To contract with any municipality, county, person or any public authority or political subdivision
 1988 of this or any adjoining state, on such terms as the authority shall deem proper, for the construction,
 1989 operation and maintenance of any park which is partly in this Commonwealth and partly in such
 1990 adjoining state;
 1991 13. To exercise the same rights for acquiring property for the construction or improvement,
 1992 maintenance or operation of a park as the locality or localities by which such authority is created may
 1993 exercise. The governing body of any participating locality, notwithstanding any contrary provision of
 1994 law, general or special, is authorized and empowered to transfer jurisdiction over, to lease, lend, grant or
 1995 convey to the authority, upon the request of the authority, upon such terms and conditions as the
 1996 governing body of such locality may agree with the authority as reasonable and fair, real or personal
 1997 property as may be necessary or desirable in connection with the acquisition, construction, improvement,
 1998 operation or maintenance of a park, including public roads and other property already devoted to public
 1999 use. Agreements may be entered into by the authority with the Commonwealth, or any agency acting on
 2000 behalf of the Commonwealth, for the acquisition of any lands or property, owned or controlled by the
 2001 Commonwealth, for the purposes of construction or improvement, maintenance or operation of a park;
 2002 14. In the event of annexation by a municipality not a member of the authority of lands, areas, or
 2003 territory served by the authority, then such authority may continue to do business, exercise its
 2004 jurisdiction over properties and facilities in and upon or over such lands, areas or territory as long as
 2005 any bonds or indebtedness remain outstanding or unpaid, or any contracts or other obligations remain in
 2006 force;
 2007 15. To make and enter into all contracts and agreements necessary or incidental to the performance
 2008 of its duties and the execution of its powers under this chapter, including a trust agreement or trust
 2009 agreements securing any revenue bonds or revenue refunding bonds issued hereunder;
 2010 16. To do all acts and things necessary or convenient to carry out the powers granted by this chapter;
 2011 17. To borrow, at such rates of interest as the law authorizes, from the federal government or any
 2012 agency thereof, individuals, partnerships, or private or municipal corporations, for the purpose of
 2013 acquiring parklands and improvements thereon; to issue its notes, bonds or other obligations; to secure
 2014 such obligations by mortgage or pledge of the property and improvements being acquired and the
 2015 income derived therefrom; and to use any revenues and other income of the authority for payment of
 2016 interest and retirement of principal of such obligations provided that prior approval of the governing
 2017 body of the locality shall be obtained by an authority that was created by a single locality. Any locality
 2018 which has formed or joined an authority may lend money to the authority. The power to borrow set
 2019 forth in this subdivision shall be in addition to the power to issue revenue bonds and revenue refunding
 2020 bonds set forth in subdivision 9 and § 15.2-5712. Notes, bonds or other obligations issued under this
 2021 subdivision shall not be deemed to constitute a debt of the Commonwealth or of any political
 2022 subdivision of the Commonwealth or a pledge of the faith and credit of the Commonwealth or of any
 2023 political subdivision of the Commonwealth; and
 2024 18. To adopt such rules and regulations from time to time, not in conflict with the laws of this
 2025 Commonwealth, concerning the use of properties under its control as will tend to the protection of such
 2026 property and the public thereon. No such rule or regulation shall be adopted until after descriptive notice
 2027 of an intention to propose such rule or regulation for passage has been published in accordance with the

procedures required for the adoption of general county ordinances and emergency county ordinances as set forth in § 15.2-1427, mutatis mutandis. ~~The full text of any proposed rule or regulation shall be available for public inspection and copying during regular office hours of the authority at a place designated in the published notice.~~

§ 15.2-5806. Public hearings; notice; reports.

A. At least sixty days prior to selecting a site for a major league or minor league baseball stadium, the Authority shall hold a public hearing within thirty miles of the site proposed to be acquired for the purpose of soliciting public comment.

B. Except as otherwise provided herein, ~~at least seven days prior to the public hearing required by this section,~~ the Authority shall notify the local governing body in which the major league or minor league baseball stadium is proposed to be located and advertise the notice in a newspaper of general circulation in that locality *no less than seven days before the public hearing*. The notice shall include: (i) a description of the site proposed to be acquired, (ii) the intended use of the site, and (iii) the date, time, and location of the public hearing. After receipt of the notice required by this section, the local governing body in which a major league or minor league baseball stadium is proposed to be located may require that this period be extended for up to sixty additional days or for such other time period as agreed upon by the local governing body and the Authority.

C. At least thirty days before acquiring or entering into a lease involving a major league or minor league baseball stadium and before entering into a construction contract involving a major league or minor league baseball stadium or stadium site, the Authority shall submit a detailed written report and the findings of the Authority that justify the proposed acquisition, lease, or contract to the General Assembly. The report and findings shall include a detailed plan of the method of funding and the economic necessity of the proposed acquisition, lease, or contract.

D. The time periods in subsections A, B, and C of this section may not run concurrently.

E. The Commonwealth shall not enter into any purchase agreement, lease agreement, lease-purchase agreement, master lease agreement or any other contractual arrangement that creates a direct or contingent financial obligation of the Commonwealth unless such agreement or arrangement has first been submitted to the State Treasurer sufficiently prior to the execution of such agreement or arrangement to allow the State Treasurer to undertake a review for the purposes of determining (i) whether the agreement or arrangement may constitute tax-supported debt of the Commonwealth and (ii) the potential impact of the agreement or arrangement on the debt capacity and credit ratings of the Commonwealth. If after such review the State Treasurer determines that the agreement or arrangement may constitute tax-supported debt of the Commonwealth, or may have an adverse impact on the debt capacity or the credit ratings of the Commonwealth, the agreement or arrangement and any associated financing shall be submitted to the Treasury Board for review and approval of terms and structures in a manner consistent with § 2.2-2416.

F. The Commonwealth shall not enter into any purchase agreement, lease agreement, lease-purchase agreement, master lease agreement or any other contractual arrangement that creates a direct or contingent financial obligation of the Commonwealth unless such agreement or arrangement has first been reviewed and approved as required by subsection E and subsequently approved in writing by the Governor.

§ 15.2-7502. Public hearing required prior to creation or designation of a land bank entity.

The governing body of a locality shall not adopt an ordinance creating a land bank entity pursuant to § 15.2-7501 or designating a planning district commission or an existing nonprofit entity pursuant to § 15.2-7512 until notice of intention to do so has been published ~~once a week for two successive weeks~~ *twice* in some newspaper published or having general circulation in the locality, with the first publication appearing no more than ~~44~~ 28 days before *and the second publication appearing no less than seven days before* the hearing. The notice shall specify the time and place of a hearing at which affected or interested persons may appear and present their views. After the public hearing has been conducted pursuant to this section, the governing body shall be empowered to create a land bank entity or designate a planning district commission or an existing nonprofit entity.

§ 21-114. Hearing and notice thereof.

Upon the filing of the petition, the governing body of a county shall fix a day for a hearing on the question of the proposed sanitary district, which hearing shall embrace a finding of fact of whether creation of the proposed district or enlargement of the existing district is necessary, practical, fiscally responsible, and supported by at least 50 percent of persons who own real property in (i) the proposed district or (ii) in cases of enlargement, the area proposed to be included in an existing district. All interested persons who reside in or who own real property in (a) a proposed district or (b) an existing district in cases of enlargement shall have the right to appear and show cause why the property under consideration should or should not be included in the proposed district or enlargement of same at such hearing. Such hearing shall be subject to minimum standards regarding timeliness; notice of such hearing shall be given by publication ~~once a week for three consecutive weeks~~ *three times* in some

newspaper of general circulation within the county to be designated by the governing body, with the first publication appearing no more than ~~24~~ 35 days before *and the third publication appearing no less than seven days before* the hearing. No such district shall be created until the notice has been given and the hearing had.

§ 21-117.1. Abolishing sanitary districts.

Any sanitary district heretofore or hereafter created in any county under the provisions of the preceding sections of this article may be abolished by ordinance adopted by the governing body of such county, upon the petition of no less than 50 qualified voters residing within the boundaries of the district desired to be abolished or, if the district contains less than 100 qualified voters, upon petition of 50 percent of the qualified voters residing within the boundaries of such district.

Upon filing of the petition, the governing body of the county shall fix a day for a hearing on the question of abolishing the sanitary district, which hearing shall embrace a consideration of whether the property in the sanitary district will or will not be benefited by the abolition thereof, and the governing body of the county shall be fully informed as to the obligations and functions of the sanitary district. Notice of such hearing shall be given by publication ~~once a week for three consecutive weeks~~ *three times* in some newspaper of general circulation within the county to be designated by the governing body of the county, with the first publication appearing no more than ~~24~~ 35 days before *and the third publication appearing no less than seven days before* the hearing. No such district shall be abolished until the notice has been given and the hearing had.

Any interested parties may appear and be heard on any matters pertaining to the subject of the hearing.

Upon the hearing, such ordinance shall be adopted as to the governing body of the county may seem equitable and proper, concerning the abolition of the district and as to the funds on hand to the credit of the district, provided, however, that no such ordinance shall be adopted abolishing the sanitary district unless any bonds of the sanitary district that have theretofore been issued have been redeemed and the purposes for which the sanitary district was created have been completed, or unless all obligations and functions of the sanitary district have been taken over by the county as a whole, or unless the purposes for which the sanitary district was created are impractical or impossible of accomplishment and no obligations have been incurred by said sanitary district.

§ 21-146. Notice of hearing on petition for creation.

Upon the presentation of a petition complying with the requirements of this article, praying for the creation of a sanitation district, fixing the boundaries thereof and naming the counties, cities and towns which in whole or in part are to be embraced therein, the circuit court of any such county, or of any county in which any such town is situated, or the corporation court of any such city shall make an order filing such petition and fixing a day for a hearing by such court on such petition and the question of the creation of the proposed sanitation district. Such order shall direct notice of such hearing to be given by publication ~~once a week for at least three consecutive weeks~~ *three times* in some newspaper or newspapers having general circulation in the proposed sanitation district, with the first publication appearing no more than ~~24~~ 35 days before *and the third publication appearing no less than seven days before* the hearing. Such notice shall set forth the petition as filed, but need not set forth the signatures or exhibits thereto, and shall state the time and place of hearing and that at such hearing all persons desiring to controvert the allegations of such petition or question the conformity thereof to this article will be heard and all objections to the creation of the proposed sanitation district considered.

§ 21-229. Notice of hearing on petition for creation.

Upon the presentation of a petition complying with the requirements of this article, praying for the creation of a sanitation district, fixing the boundaries thereof and naming the counties, cities and towns which in whole or in part are to be embraced therein, the circuit court of any such county, or of any county in which any such town is situated, or the corporation court of any such city shall make an order filing such petition and fixing a day for a hearing by such court on such petition and the question of the creation of the proposed sanitation district. Such order shall direct notice of such hearing to be given by publication ~~once a week for at least three consecutive weeks~~ *three times* in some newspaper or newspapers having general circulation in the proposed sanitation district, with the first publication appearing no more than ~~24~~ 35 days before *and the third publication appearing no less than seven days before* the hearing. Such notice shall set forth the petition as filed, but need not set forth the signatures or exhibits thereto, and shall state the time and place of hearing and that at such hearing all persons desiring to controvert the allegations of such petition or question the conformity thereof to this article will be heard and all objections to the creation of the proposed sanitation district considered.

§ 21-393. Notice of issuance of bonds.

The board of viewers of the county in which the petition was filed shall give notice by publication ~~once a week for three successive weeks~~ *three times* in some newspaper published in the county in which the project, or some part thereof, is situated, if there be any such newspaper, with the first publication

2151 appearing no more than 24 35 days before *and the third publication appearing no less than seven days*
2152 *before* the hearing, and also by posting a written or printed notice at the door of the courthouse and at
2153 five conspicuous places in the project, reciting that they propose to issue drainage bonds for the total
2154 cost of the improvement, giving the amount of the bonds to be issued, the rate of interest that they are
2155 to bear, and the time when payable.

2156 **§ 21-420. How additional assessments made.**

2157 If additional or new assessments are so levied, such assessments shall be made on the same basis as
2158 the original assessments, and shall be levied only after all persons interested shall have been given full
2159 hearing by the board of viewers on the question of benefits and any other question on which they shall
2160 desire to be heard. Notice of such hearing shall be given by publication ~~once a week for two~~
2161 ~~consecutive weeks~~ *twice* in a newspaper of general circulation published in a county in which such
2162 project is located in whole or in part, with the first publication appearing no more than 14 28 days
2163 before *and the second publication appearing no less than seven days before* the hearing. The
2164 determination of the board of viewers shall be final.

2165 **§ 22.1-37. Notice by commission of meeting for appointment.**

2166 Before any appointment is made by the school board selection commission, it shall give notice, by
2167 publication ~~once a week for three successive weeks~~ *three times* in a newspaper having general
2168 circulation in such county, with the first publication appearing no more than 24 35 days before *and the*
2169 *third publication appearing no less than seven days before* the hearing, of the time and place of any
2170 meeting for the purpose of appointing the members of the county school board. Such notice shall be
2171 given whether the appointment is of a member or members of the county school board for the full term
2172 of office as provided by law or of a member to fill a vacancy occurring in the membership of the
2173 county school board or of a member from a new school district.

2174 **§ 30-140. Certain political subdivisions to file report of audit; period in which report kept as**
2175 **public record; when audit not required; sworn statement of exempted entities; publication of**
2176 **summary of financial condition; repeal of conflicting provisions.**

2177 A. Each authority, commission, district, or other political subdivision the members of whose
2178 governing body are not elected by popular vote shall annually, within five months after the end of its
2179 fiscal year, have an audit performed covering its financial transactions for such fiscal year according to
2180 the specifications of the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy
2181 of the report, unless exempted in accordance with subsection B.

2182 Each authority, commission, district, or other political subdivision the members of whose governing
2183 body are not elected by popular vote and which is reported in the Commonwealth's Comprehensive
2184 Annual Financial Report as determined by the State Comptroller and the Auditor of Public Accounts
2185 shall annually, within three months after the end of its fiscal year, have an audit performed covering its
2186 financial transactions for such fiscal year according to the specifications of the Auditor of Public
2187 Accounts and file with the Auditor of Public Accounts a copy of the report, unless exempted in
2188 accordance with subsection B.

2189 The Auditor of Public Accounts shall receive such reports required by this subsection and keep the
2190 same as public records for a period of 10 years from their receipt.

2191 B. No audit, however, shall be required for any fiscal year during which such entity's financial
2192 transactions did not exceed the sum of \$25,000.

2193 As used in this section, "financial transactions" shall not include financial transactions involving
2194 notes, bonds, or other evidences of indebtedness of such entity the proceeds of which are held or
2195 advanced by a corporate trustee or other financial institution and not received or disbursed directly by
2196 such entity.

2197 In the event an audit is not required, the entity shall file a statement under oath certifying that the
2198 transactions did not exceed such sum and, as to all transactions involving notes, bonds, or other
2199 evidences of indebtedness that are exempted, the statement shall be accompanied by an affidavit from
2200 the trustee or financial institution certifying that it has performed the duties required under the
2201 agreement governing such transactions. Notwithstanding the foregoing, the Auditor of Public Accounts
2202 may require an audit if he deems it to be necessary to determine the propriety of the entity's financial
2203 transactions.

2204 In the case of a water and sewer authority required by a governing body to have an audit conducted
2205 as specified in § 15.2-5145, the authority shall file the certified audit with the Auditor of Public
2206 Accounts.

2207 At the time the report required by this section is filed with the Auditor of Public Accounts every
2208 such authority, commission, district, or other political subdivision, except those exempted from the audit
2209 report requirement, shall publish, in a newspaper of general circulation in the county, city, or town
2210 wherein the authority, commission, district, or other political subdivision is located, a ~~summary~~
2211 ~~statement reflecting the financial condition of the authority, commission, district, or other political~~
2212 ~~subdivision, which shall include~~ a reference to where *a detailed statement reflecting the financial*

condition of the authority, commission, district, or other political subdivision may be found.

Any provision of law, general or special, which by its terms requires an audit that is not required by this section shall be repealed to the extent of any conflict.

§ 33.2-331. Annual meeting with county officers; six-year plan for secondary state highways; certain reimbursements required.

For purposes of this section, "cancellation" means complete elimination of a highway construction or improvement project from the six-year plan.

The governing body of each county in the secondary state highway system may, jointly with the representatives of the Department as designated by the Commissioner of Highways, prepare a six-year plan for the improvements to the secondary state highway system in that county. Each such six-year plan shall be based upon the best estimate of funds to be available to the county for expenditure in the six-year period on the secondary state highway system. Each such plan shall list the proposed improvements, together with an estimated cost of each project so listed. Following the preparation of the plan in any year in which a proposed new funding allocation is greater than \$100,000, the board of supervisors or other local governing body shall conduct a public hearing after publishing notice *twice* in a newspaper published in or having general circulation in the county ~~once a week for two successive weeks~~, with the first publication appearing no more than 14 28 days before *and the second publication appearing no less than seven days before* the hearing, and posting notice of the proposed hearing at the front door of the courthouse of such county 10 days before the meeting. At the public hearings, which shall be conducted jointly by the board of supervisors and the representative of the Department, the entire six-year plan shall be discussed with the citizens of the county and their views considered. Following the discussion, the local governing body, together with the representative of the Department, shall finalize and officially adopt the six-year plan, which shall then be considered the official plan of the county.

At least once in each calendar year in which a proposed new funding allocation is greater than \$100,000, representatives of the Department in charge of the secondary state highway system in each county, or some representative of the Department designated by the Commissioner of Highways, shall meet with the governing body of each county in a regular or special meeting of the local governing body for the purpose of preparing a budget for the expenditure of improvement funds for the next fiscal year. The representative of the Department shall furnish the local governing body with an updated estimate of funds, and the board and the representative of the Department shall jointly prepare the list of projects to be carried out in that fiscal year taken from the six-year plan by order of priority and following generally the policies of the Board in regard to the statewide improvements to the secondary state highway system. In any year in which a proposed new funding allocation is greater than \$100,000, such list of priorities shall then be presented at a public hearing duly advertised in accordance with the procedure outlined in this section, and comments of citizens shall be obtained and considered. Following this public hearing, the board, with the concurrence of the representative of the Department, shall adopt, as official, a priority program for the ensuing year, and the Department shall include such listed projects in its secondary highways budget for the county for that year.

At least once every two years following the adoption of the original six-year plan, the governing body of each county, together with the representative of the Department, may update the six-year plan of the county by adding to it and extending it as necessary so as to maintain it as a plan encompassing six years. Whenever additional funds for secondary highway purposes become available, the local governing body may request a revision in its six-year plan in order that such plan be amended to provide for the expenditure of the additional funds. Such additions and extensions to each six-year plan shall be prepared in the same manner and following the same procedures as outlined herein for its initial preparation. Where the local governing body and the representative of the Department fail to agree upon a priority program, the local governing body may appeal to the Commissioner of Highways. The Commissioner of Highways shall consider all proposed priorities and render a decision establishing a priority program based upon a consideration by the Commissioner of Highways of the welfare and safety of county citizens. Such decision shall be binding.

Nothing in this section shall preclude a local governing body, with the concurrence of the representative of the Department, from combining the public hearing that may be required pursuant to this section for revision of a six-year plan with the public hearing that may be required pursuant to this section for review of the list of priorities, provided that notice of such combined hearing is published in accordance with procedures provided in this section.

All such six-year plans shall consider all existing highways in the secondary state highway system, including those in the towns located in the county that are maintained as a part of the secondary state highway system, and shall be made a public document.

If any county cancels any highway construction or improvement project included in its six-year plan after the location and design for the project has been approved, such county shall reimburse the

2274 Department the net amount of all funds expended by the Department for planning, engineering,
2275 right-of-way acquisition, demolition, relocation, and construction between the date on which project
2276 development was initiated and the date of cancellation. To the extent that funds from secondary highway
2277 allocations have been expended to pay for a highway construction or improvement project, all revenues
2278 generated from a reimbursement by the county shall be deposited into that same county's secondary
2279 highway allocation. The Commissioner of Highways may waive all or any portion of such
2280 reimbursement at his discretion.

2281 The provisions of this section shall not apply in instances where less than 100 percent of the
2282 right-of-way is available for donation for unpaved highway improvements.

2283 **§ 33.2-723. Assumption of district highway indebtedness by counties.**

2284 A. Any county may assume the payment of and pay any outstanding indebtedness of any magisterial
2285 district or districts thereof incurred for the purpose of constructing public highways that were
2286 subsequently taken over by the Commonwealth, provided the assumption thereof is approved by a
2287 majority of the qualified voters of the county voting on the question at an election to be held as
2288 provided in this section.

2289 B. The governing body of the county may, by a resolution entered of record in its minute book,
2290 require the judges of election to open a poll at the next regular election and take the sense of the
2291 qualified voters of the county upon the question whether or not the county shall assume the highway
2292 indebtedness of _____ district, or _____ districts. The local governing body shall cause
2293 notice of such election to be given by the posting of written notice thereof at the front door of the
2294 county courthouse at least 30 days prior to the date the same is to be held and by publication thereof
2295 ~~once a week for two successive weeks~~ *twice* in a newspaper published or having general circulation in
2296 the county, with the first publication appearing no more than 14 28 days before ~~and the second~~
2297 *publication appearing no less than seven days before* the election. Such notice shall set forth the date of
2298 such election and the question to be voted on.

2299 C. The ballots for use in voting upon the question so submitted shall be prepared, printed,
2300 distributed, voted, and counted and the returns made and canvassed in accordance with the provisions of
2301 § 24.2-684. The results shall be certified by the commissioners of election to the county clerk, who shall
2302 certify the same to the governing body of the county, and such returns shall be entered of record in the
2303 minute book of the local governing body.

2304 D. If a majority of the voters voting on the question vote in favor of the assumption by the county
2305 of the highway indebtedness of any district of the county, such indebtedness shall become and be an
2306 obligation of the county and as binding thereon as if the same had been originally contracted by the
2307 county. In such event the governing body of the county is authorized to levy and collect taxes
2308 throughout the county for the payment of the district indebtedness so assumed, both as to principal and
2309 interest.

2310 E. Nothing contained in this section shall affect the validity of such district highway obligations in
2311 the event that the result of such election is against the assumption thereof by the county, but they shall
2312 continue to be as valid and binding in all respects as they were in their inception.

2313 **§ 33.2-909. Abandonment of highway, landing, or railroad crossing; procedure.**

2314 A. The governing body of any county on its own motion or upon petition of any interested
2315 landowner may cause any section of the secondary state highway system, or any crossing by the
2316 highway of the lines of a railroad company or crossing by the lines of a railroad company of the
2317 highway, deemed by it to be no longer necessary for the uses of the secondary state highway system to
2318 be abandoned altogether as a public highway, a public landing, or a public railroad crossing by
2319 complying substantially with the procedure provided in this section.

2320 B. The governing body of the county shall give notice of its intention to abandon any such highway,
2321 landing, or railroad crossing (i) by posting a notice of such intention at least three days before the first
2322 day of a regular term of the circuit court at the front door of the courthouse of the county in which the
2323 section of the highway, landing, or railroad crossing sought to be abandoned as a public highway, public
2324 landing, or public railroad crossing is located or (ii) by posting notice in at least three places on and
2325 along the highway, landing, or railroad crossing sought to be abandoned for at least 30 days and in
2326 either case by publishing notice of its intention in two or more issues of a newspaper having general
2327 circulation in the county. In addition, the governing body of the county shall give notice of its intention
2328 to abandon such highway, landing, or railroad crossing to the Board or the Commissioner of Highways.
2329 In any case in which the highway, landing, or railroad crossing proposed to be abandoned lies in two or
2330 more counties, the governing bodies of such counties shall not abandon such highway, landing, or
2331 railroad crossing unless and until all affected governing bodies agree. The procedure in such cases shall
2332 conform mutatis mutandis to the procedure prescribed for the abandonment of a highway, landing, or
2333 railroad crossing located entirely within a county.

2334 When the governing body of a county gives notice of intention to abandon a public landing, the
2335 governing body shall also give such notice to the Department of Wildlife Resources.

C. If one or more landowners in the county whose property abuts the highway, landing, or railroad crossing proposed to be abandoned, or if only a section of a highway, landing, or railroad crossing is proposed to be abandoned, whose property abuts such section, or the Board or the Department of Wildlife Resources, in the case of a public landing, files a petition with the governing body of the county within 30 days after notice is posted and published as provided in this section, the governing body of the county shall hold a public hearing on the proposed abandonment and shall give notice of the time and place of the hearing by publishing such information ~~once a week for two successive weeks~~ *twice* in a newspaper having general circulation in the county, with the first publication appearing no more than ~~44~~ 28 days before *and the second publication appearing no less than seven days before* the hearing. The governing body shall also give notice to the Board or, if a public landing is sought to be abandoned, to the Department of Wildlife Resources.

D. If a petition for a public hearing is not filed as provided in this section, or if after a public hearing is held the governing body of the county is satisfied that no public necessity exists for the continuance of the section of the secondary highway as a public highway or the railroad crossing as a public railroad crossing or the landing as a public landing or that the safety and welfare of the public would be served best by abandoning the section of highway, the landing, or the railroad crossing as a public highway, public landing, or public railroad crossing, the governing body of the county shall (i) within four months of the 30-day period during which notice was posted where no petition for a public hearing was filed or (ii) within four months after the public hearing adopt an ordinance or resolution abandoning the section of highway as a public highway, or the landing as a public landing, or the railroad crossing as a public railroad crossing, and with that ordinance or resolution the section of highway shall cease to be a public highway, a public landing, or a public railroad crossing. If the governing body is not so satisfied, it shall dismiss the application within the applicable four months provided in this subsection.

E. A finding by the governing body of a county that a section of the secondary state highway system is no longer necessary for the uses of the secondary state highway system may be made if the following conditions exist:

1. The highway is located within a residence district as defined in § 46.2-100;
2. The residence district is located within a county having a density of population exceeding 1,000 per square mile;
3. Continued operation of the section of highway in question constitutes a threat to the public safety and welfare; and
4. Alternate routes for use after abandonment of the highway are readily available.

F. In considering the abandonment of any section of highway under the provisions of this section, due consideration shall be given to the historic value, if any, of such highway.

G. Any ordinance or resolution of abandonment issued in compliance with this section shall give rise in subsequent proceedings, if any, to a presumption of adequate justification for the abandonment.

H. No public landing shall be abandoned unless the Board of Wildlife Resources shall by resolution concur in such abandonment.

§ 33.2-2001. Creation of district.

A. A district may be created in a single locality or in two or more contiguous localities. If created in a single locality, a district shall be created by a resolution of the local governing body. If created in two or more contiguous localities, a district shall be created by the resolutions of each of the local governing bodies. Any such resolution shall be considered only upon the petition, to each local governing body of the locality in which the proposed district is to be located, of the owners of at least 51 percent of either the land area or the assessed value of land in each locality that (i) is within the boundaries of the proposed district and (ii) has been zoned for commercial or industrial use or is used for such purposes. Any proposed district within a county or counties may include any land within a town or towns within the boundaries of such county or counties.

B. The petition to the local governing body or bodies shall:

1. Set forth the name and describe the boundaries of the proposed district;
2. Describe the transportation improvements proposed within the district;
3. Propose a plan for providing such transportation improvements within the district and describe specific terms and conditions with respect to all commercial and industrial zoning classifications and uses, densities, and criteria related thereto which the petitioners request for the proposed district;
4. Describe the benefits that can be expected from the provision of such transportation improvements within the district; and
5. Request the local governing body or bodies to establish the proposed district for the purposes set forth in the petition.

C. Upon the filing of such a petition, each local governing body shall fix a day for a hearing on the question of whether the proposed district shall be created. The hearing shall consider whether the

2397 residents and owners of real property within the proposed district would benefit from the establishment
2398 of the proposed district. All interested persons who either reside in or own taxable real property within
2399 the proposed district shall have the right to appear and show cause why any property or properties
2400 should not be included in the proposed district. If real property within a town is included in the
2401 proposed district, the governing body shall deliver a copy of the petition and notice of the public
2402 hearing to the town council at least 30 days prior to the public hearing, and the town council may by
2403 resolution determine if it wishes such property located within the town to be included within the
2404 proposed district and shall deliver a copy of any such resolution to the local governing body at the
2405 public hearing required by this section. Such resolution shall be binding upon the local governing body
2406 with respect to the inclusion or exclusion of such properties within the proposed district. The petition
2407 shall comply with the provisions of this section with respect to minimum acreage or assessed valuation.
2408 Notice of the hearing shall be given by publication ~~once a week for three consecutive weeks~~ *three times*
2409 in a newspaper of general circulation within the locality, with the first publication appearing no more
2410 than ~~24~~ 35 days before *and the third publication appearing no less than seven days before* the hearing.

2411 D. If each local governing body finds the creation of the proposed district would be in furtherance of
2412 the locality's comprehensive plan for the development of the area, in the best interests of the residents
2413 and owners of real property within the proposed district, and in furtherance of the public health, safety,
2414 and welfare, then each local governing body may pass a resolution, which shall be reasonably consistent
2415 with the petition, creating the district and providing for the appointment of an advisory board in
2416 accordance with this chapter. The resolution shall provide a description with specific terms and
2417 conditions of all commercial and industrial zoning classifications that shall be in force in the district
2418 upon its creation, together with any related criteria and a term of years, not to exceed 20 years, as to
2419 which each zoning classification and each related criterion set forth therein shall remain in force within
2420 the district without elimination, reduction, or restriction, except (i) upon the written request or approval
2421 of the owner of any property affected by a change or (ii) as specifically required to comply with state or
2422 federal law.

2423 Each resolution creating a district shall also provide (a) that the district shall expire 35 years from
2424 the date upon which the resolution is passed or (b) that the district shall expire when the district is
2425 abolished in accordance with § 33.2-2014. After the public hearing, each local governing body shall
2426 deliver a certified copy of its proposed resolution creating the district to the petitioning landowners or
2427 their attorneys-in-fact. Any petitioning landowner may then withdraw his signature on the petition, in
2428 writing, at any time prior to the vote of the local governing body. In the case where any signatures on
2429 the petition are withdrawn, the local governing body may pass the proposed resolution only upon
2430 certification that the petition continues to meet the provisions of this section. After all local governing
2431 bodies have adopted resolutions creating the district, the district shall be established and the name of the
2432 district shall be "The _____ Transportation Improvement District."

2433 **§ 33.2-2101. Creation of district.**

2434 A. A district may be created in a county by a resolution of the governing body. Any such resolution
2435 shall be considered only upon the petition, to the governing body, of the owners of at least 51 percent
2436 of either the land area or the assessed value of real property that (i) is within the boundaries of the
2437 proposed district, (ii) has been zoned for commercial or industrial use or is used for such purposes, and
2438 (iii) would be subject to the annual special improvement tax authorized by § 33.2-2105 if the proposed
2439 district is created. Any proposed district within a county may include any real property within a town or
2440 towns within the boundaries of such county.

2441 B. The petition to the governing body shall:

2442 1. Set forth the name and describe the boundaries of the proposed district;

2443 2. Describe the transportation improvements proposed within the district;

2444 3. Propose a plan for providing such transportation improvements within the district and describe
2445 specific terms and conditions with respect to all commercial and industrial zoning classifications and
2446 uses, densities, and criteria related thereto that the petitioners request for the proposed district;

2447 4. Describe the benefits that can be expected from the provision of such transportation improvements
2448 within the district; and

2449 5. Request the governing body to establish the proposed district for the purposes set forth in the
2450 petition.

2451 C. Upon the filing of such a petition, the governing body shall fix a day for a hearing on the
2452 question of whether the proposed district shall be created. The hearing shall consider whether the
2453 residents and owners of real property within the proposed district would benefit from the establishment
2454 of the proposed district. All interested persons who either reside in or own taxable real property within
2455 the proposed district shall have the right to appear and show cause why any property or properties
2456 should not be included in the proposed district. If real property within a town is included in the
2457 proposed district, a copy of the petition and notice of the public hearing shall be delivered to the town
2458 council at least 30 days prior to the public hearing, and the town council may by resolution determine if

the town council wishes any property located within the town to be included within the proposed district and any such resolution shall be delivered to the governing body prior to the public hearing required by this section. Such resolution shall be binding upon the governing body with respect to the inclusion or exclusion of such properties within the proposed district. If that resolution permits any commercial or industrial property located within a town to be included in the proposed district, then if requested to do so by the petition the town council of any town that has adopted a zoning ordinance also shall pass a resolution, to be effective upon creation of the proposed district, that is consistent with the requirements of subsection E with respect to commercial and industrial zoning classifications that shall be in force in that portion of the town included in the district. The petition shall comply with the provisions of this section with respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by publication ~~once a week for three consecutive weeks~~ *three times* in a newspaper of general circulation within the locality, with the first publication appearing no more than ~~24~~ 35 days before *and the third publication appearing no less than seven days before* the hearing. Such public hearing may be adjourned from time to time.

D. If the governing body finds the creation of the proposed district would be in furtherance of the county's comprehensive plan for the development of the area, in the best interests of the residents and owners of real property within the proposed district, and in furtherance of the public health, safety, and welfare, the governing body may pass a resolution that is reasonably consistent with the petition, that creates the district upon final adoption, and that provides for the appointment of an advisory board in accordance with this chapter upon final adoption. Any such resolution shall be conclusively presumed to be reasonably consistent with the petition if, following the public hearing, as provided in the following provisions of this section, the petition continues to comply with the provisions of this section with respect to the criteria relating to minimum acreage or assessed valuation.

E. The resolution shall provide a description with specific terms and conditions of all commercial and industrial zoning classifications that apply within the district, but not within any town within the district that has adopted a zoning ordinance, that shall be in force in the district upon its creation, together with any related criteria and a term of years, not to exceed 20 years, as to which each such zoning classification and each related criterion set forth therein shall remain in force within the district without elimination, reduction, or restriction, except (i) upon the written request or approval of the owner of any property affected by a change, (ii) as required to comply with the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) or the regulations adopted pursuant thereto, (iii) as required to comply with the provisions of the federal Clean Water Act regarding municipal and industrial stormwater discharges (33 U.S.C. § 1342(p)) and regulations promulgated thereunder by the federal Environmental Protection Agency, or (iv) as specifically required to comply with any other state or federal law.

F. A resolution creating a district shall also provide (i) that the district shall expire 50 years from the date upon which the resolution is passed or (ii) that the district shall expire when the district is abolished in accordance with § 33.2-2115. After the public hearing, the governing body may adopt a proposed resolution creating the district. No later than two business days following the adoption of the proposed resolution, copies of the proposed resolution shall be available in the office of the clerk of the governing body for inspection and copying by the petitioning landowners and their representatives, by members of the public, and by representatives of the news media. No later than seven business days following the adoption of the proposed resolution, any petitioning landowner may notify the clerk of the governing body in writing that the petitioning landowner is withdrawing his signature from the petition. Within the same seven-day period, the owner of any property in the proposed district that will be subject to the annual special improvements tax authorized by § 33.2-2105, if the proposed district is created, or the attorney-in-fact of any such owner may notify the clerk of the governing body in writing that he is adding his signature to the petition. The governing body may then proceed to final adoption of the proposed resolution following that seven-day period. If any petitioner has withdrawn his signature from the petition during that seven-day period, then the governing body may readopt the proposed resolution only if the petition, including any landowners who have added their signatures after adoption of the proposed resolution, continues to meet the provisions of this section. After the governing body has readopted the resolution creating the district, the district shall be established and the name of the district shall be "The _____ Transportation Improvement District."

§ 33.2-2701. Creation of district.

A. A district may be created in the City of Charlottesville and the County of Albemarle by resolutions of such localities' governing bodies. Such resolutions shall be considered upon the petition to each governing body of a locality in which the proposed district by the owners of at least 51 percent of either the land area or the assessed value of land, in each locality that (i) is within the boundaries of the proposed district and (ii) has been zoned for commercial or industrial use or is used for such purposes.

B. The petition to the local governing bodies shall:

2520 1. Set forth the name and describe the boundaries of the proposed district;
 2521 2. Describe the transportation improvements proposed within the district;
 2522 3. Propose a plan for providing such transportation improvements within the district and describe
 2523 specific terms and conditions with respect to all commercial and industrial zoning classifications and
 2524 uses, densities, and criteria related thereto that the petitioners request for the proposed district;
 2525 4. Describe the benefits that can be expected from the provision of such transportation improvements
 2526 within the district; and
 2527 5. Request the local governing bodies to establish the proposed district for the purposes set forth in
 2528 the petition.
 2529 C. Upon the filing of such a petition, each local governing body shall fix a day for a hearing on the
 2530 question of whether the proposed district shall be created. The hearing shall consider whether the
 2531 residents and owners of real property within the proposed district would benefit from the establishment
 2532 of the proposed district. All interested persons who either reside in or own taxable real property within
 2533 the proposed district shall have the right to appear and show cause why any property or properties
 2534 should not be included in the proposed district. Such resolution shall be binding upon the local
 2535 governing body with respect to the inclusion or exclusion of such properties within the proposed district.
 2536 The petition shall comply with the provisions of this section with respect to minimum acreage or
 2537 assessed valuation. Notice of the hearing shall be given by publication ~~once a week for three~~
 2538 ~~consecutive weeks~~ *three times* in a newspaper of general circulation within the locality, with the first
 2539 publication appearing no more than ~~24~~ 35 days before *and the third publication appearing no less than*
 2540 *seven days before* the hearing.
 2541 D. If both local governing bodies find the creation of the proposed district would be in furtherance
 2542 of their comprehensive plans for the development of the area, in the best interests of the residents and
 2543 owners of real property within the proposed district, and in furtherance of the public health, safety, and
 2544 welfare, both local governing bodies may pass resolutions that are reasonably consistent with the
 2545 petition, creating the district and providing for the appointment of an advisory board in accordance with
 2546 this chapter. The resolutions shall provide a description with specific terms and conditions of all
 2547 commercial and industrial zoning classifications that shall be in force in the district upon its creation,
 2548 together with all related criteria and a term of years, not to exceed 20 years, as to which each such
 2549 zoning classification and each related criterion set forth therein shall remain in force within the district
 2550 without elimination, reduction, or restriction, except (i) upon the written request or approval of the
 2551 owner of any property affected by a change or (ii) as specifically required to comply with federal or
 2552 state law.
 2553 Each resolution creating the district shall also provide (a) that the district shall expire 35 years from
 2554 the date upon which the resolution is passed or (b) that the district shall expire when the district is
 2555 abolished in accordance with § 33.2-2714. After the public hearing, each local governing body shall
 2556 deliver a certified copy of its proposed resolution creating the district to the petitioning landowners or
 2557 their attorneys-in-fact. Any petitioning landowner may then withdraw his signature on the petition, in
 2558 writing, at any time prior to the vote of the local governing body. In the case where any signature on
 2559 the petition is withdrawn, the local governing body may pass the proposed resolution only upon
 2560 certification that the petition continues to meet the provisions of this section. After both local governing
 2561 bodies have adopted resolutions creating the district, the district shall be established and the name of the
 2562 district shall be "The Charlottesville-Albemarle Transportation Improvement District."
 2563 **§ 58.1-3245.2. Tax increment financing.**
 2564 A. The governing body of any county, city or town may adopt tax increment financing by passing an
 2565 ordinance designating a development project area and providing that real estate taxes in the development
 2566 project area shall be assessed, collected and allocated in the following manner for so long as any
 2567 obligations or development project cost commitments secured by the Tax Increment Financing Fund,
 2568 hereinafter authorized, are outstanding and unpaid.
 2569 1. The local assessing officer shall record in the land book both the base assessed value and the
 2570 current assessed value of the real estate in the development project area.
 2571 2. Real estate taxes attributable to the lower of the current assessed value or base assessed value of
 2572 real estate located in a development project area shall be allocated by the treasurer or director of finance
 2573 pursuant to the provisions of this chapter.
 2574 3. Real estate taxes attributable to the increased value between the current assessed value of any
 2575 parcel of real estate and the base assessed value of such real estate shall be allocated by the treasurer or
 2576 director of finance and paid into a special fund entitled the "Tax Increment Financing Fund" to pay the
 2577 principal and interest on obligations issued or development project cost commitments entered into to
 2578 finance the development project costs.
 2579 B. The governing body shall hold a public hearing on the need for tax increment financing in the
 2580 county, city or town prior to adopting a tax increment financing ordinance. Notice of the public hearing
 2581 shall be published ~~once each week for three consecutive weeks~~ *immediately preceding the public hearing*

three times in each newspaper of general circulation in such county, city or town, with the first publication appearing no more than 24 35 days before *and the third publication appearing no less than seven days before* the hearing. The notice shall include the time, place and purpose of the public hearing, define tax increment financing, indicate the proposed boundaries of the development project area, and propose obligations to be issued to finance the development project area costs.

§ 58.1-3245.8. Adoption of local enterprise zone development taxation program.

A. The governing body of any county, city, or town may adopt a local enterprise zone development taxation program by passing an ordinance designating an enterprise zone located within its boundaries as a local enterprise zone; however, an ordinance may designate an area as a local enterprise zone contingent upon the designation of the area as an enterprise zone pursuant to Chapter 49 (§ 59.1-538 et seq.) of Title 59.1. If the county, city, or town contains more than one enterprise zone, such ordinance may designate one or more as a local enterprise zone. If an enterprise zone is located in more than one county, city, or town, the governing body may designate the portion of the enterprise zone located within its boundaries as a local enterprise zone. An ordinance designating a local enterprise zone shall provide that all or a specified percentage of the real estate taxes, machinery and tools taxes, or both, in the local enterprise zone shall be assessed, collected and allocated in the following manner:

1. The local assessing officer shall record in the appropriate books both the base assessed value and the current assessed value of the real estate or machinery and tools, or both, in the local enterprise zone.

2. Real estate taxes or machinery and tools taxes attributable to the lower of the current assessed value or base assessed value of real estate or machinery and tools located in a local enterprise zone shall be allocated by the treasurer or director of finance as they would be in the absence of such ordinance.

3. All or the specified percentage of the increase in real estate taxes or machinery and tools taxes, or both, attributable to the difference between (i) the current assessed value of such property and (ii) the base assessed value of such property shall be allocated by the treasurer or director of finance and paid into a special fund entitled the "Local Enterprise Zone Development Fund" to be used as provided in § 58.1-3245.10. Such amounts paid into the fund shall not include any additional revenues resulting from an increase in the tax rate on real estate or machinery and tools after the adoption of a local enterprise zone development taxation ordinance, nor shall it include any additional revenues merely resulting from an increase in the assessed value of real estate or machinery and tools which were located in the zone prior to the adoption of a local enterprise zone development taxation ordinance unless such property is improved or enhanced.

B. The governing body shall hold a public hearing on the need for a local enterprise zone development taxation program in the county, city, or town prior to adopting a local enterprise zone development taxation ordinance. Notice of the public hearing shall be published ~~once each week for three consecutive weeks immediately preceding the public hearing~~ *three times* in each newspaper of general circulation in such county, city, or town, with the first publication appearing no more than 24 35 days before *and the third publication appearing no less than seven days before* the hearing. The notice shall include the time, place and purpose of the public hearing; define local enterprise zone development taxation; indicate the proposed boundaries of the local enterprise zone; state whether all or a specified percentage of real property or machinery or tools, or both, will be subject to local enterprise zone development taxation; and describe the purposes for which funds in the Local Enterprise Zone Development Fund are authorized to be used.

§ 58.1-3321. Effect on rate when assessment results in tax increase; public hearings; referendum.

A. When any annual assessment, biennial assessment, or general reassessment of real property by a county, city, or town would result in an increase of one percent or more in the total real property tax levied, such county, city, or town shall reduce its rate of levy for the forthcoming tax year so as to cause such rate of levy to produce no more than 101 percent of the previous year's real property tax levies, unless subsection B is complied with, which rate shall be determined by multiplying the previous year's total real property tax levies by 101 percent and dividing the product by the forthcoming tax year's total real property assessed value. An additional assessment or reassessment due to the construction of new or other improvements, including those improvements and changes set forth in § 58.1-3285, to the property shall not be an annual assessment or general reassessment within the meaning of this section, nor shall the assessed value of such improvements be included in calculating the new tax levy for purposes of this section. Special levies shall not be included in any calculations provided for under this section.

B. The governing body of a county, city, or town may, after conducting a public hearing, which shall not be held at the same time as the annual budget hearing, increase the rate above the reduced rate required in subsection A if any such increase is deemed to be necessary by such governing body.

C. Notice of any public hearing held pursuant to this section shall be given at least seven days before the date of such hearing by the publication of a notice in (i) at least one newspaper of general

circulation in such county or city and (ii) a prominent public location at which notices are regularly posted in the building where the governing body of the county, city, or town regularly conducts its business; ~~except that such notice shall be given at least 14 days before the date of such hearing in any year in which neither a general appropriation act nor amendments to a general appropriation act providing appropriations for the immediately following fiscal year have been enacted by April 30 of such year.~~ Additionally, in a county, city, or town that conducts its reassessment more than once every four years, the notice for any public hearing held pursuant to this section shall be published on a different day and in a different notice from any notice published for the annual budget hearing. Any such notice shall be at least the size of one-eighth page of a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18-point. The notice described in clause (i) shall not be placed in that portion, if any, of the newspaper reserved for legal notices and classified advertisements. The notice described in clauses (i) and (ii) shall be in the following form and contain the following information, in addition to such other information as the local governing body may elect to include:

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The (name of the county, city or town) proposes to increase property tax levies.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by ___ percent.

2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be ___ \$ per \$100 of assessed value. This rate will be known as the "lowered tax rate."

3. Effective Rate Increase: The (name of the county, city or town) proposes to adopt a tax rate of ___ \$ per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be ___ \$ per \$100, or ___ (name of the county, city or town) \$ \$ percent . This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of (name of the county, city or town) will exceed last year's by ___ (name of the county, city or town) percent.

A public hearing on the increase will be held on (date and time) at (meeting place).

D. All hearings shall be open to the public. The governing body shall permit persons desiring to be heard an opportunity to present oral testimony within such reasonable time limits as shall be determined by the governing body.

E. The provisions of this section shall not be applicable to the assessment of public service corporation property by the State Corporation Commission.

F. Notwithstanding other provisions of general or special law, the tax rate for taxes due on or before June 30 of each year may be fixed on or before May 15 of that tax year.

§ 62.1-44.15:33. (Effective until July 1, 2024) Authorization for more stringent ordinances.

A. Localities that are VSMP authorities are authorized to adopt more stringent stormwater management ordinances than those necessary to ensure compliance with the Board's minimum regulations, provided that the more stringent ordinances are based upon factual findings of local or regional comprehensive watershed management studies or findings developed through the implementation of a MS4 permit or a locally adopted watershed management study and are determined by the locality to be necessary to prevent any further degradation to water resources, to address TMDL requirements, to protect exceptional state waters, or to address specific existing water pollution including nutrient and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive localized flooding within the watershed and that prior to adopting more stringent ordinances a public hearing is held. Notice of such hearing shall be given by publication ~~once a week for two consecutive weeks~~ *twice* in a newspaper of general circulation in the locality seeking to adopt the ordinance, with the first publication appearing no more than ~~44~~ 28 days before *and the second publication appearing no less than seven days before* the hearing.

B. Localities that are VSMP authorities shall submit a letter report to the Department when more stringent stormwater management ordinances or more stringent requirements authorized by such ordinances, such as may be set forth in design manuals, policies, or guidance documents developed by the localities, are determined to be necessary pursuant to this section within 30 days after adoption thereof. Any such letter report shall include a summary explanation as to why the more stringent ordinance or requirement has been determined to be necessary pursuant to this section. Upon the request of an affected landowner or his agent submitted to the Department with a copy to be sent to the locality, within 90 days after adoption of any such ordinance or derivative requirement, localities shall submit the

ordinance or requirement and all other supporting materials to the Department for a determination of whether the requirements of this section have been met and whether any determination made by the locality pursuant to this section is supported by the evidence. The Department shall issue a written determination setting forth its rationale within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

C. Localities shall not prohibit or otherwise limit the use of any best management practice (BMP) approved for use by the Director or the Board except as follows:

1. When the Director or the Board approves the use of any BMP in accordance with its stated conditions, the locality serving as a VSMP authority shall have authority to preclude the onsite use of the approved BMP, or to require more stringent conditions upon its use, for a specific land-disturbing project based on a review of the stormwater management plan and project site conditions. Such limitations shall be based on site-specific concerns. Any project or site-specific determination purportedly authorized pursuant to this subsection may be appealed to the Department and the Department shall issue a written determination regarding compliance with this section to the requesting party within 90 days of submission. Any such determination, or a failure by the Department to make any such determination within the 90-day period, may be appealed to the Board.

2. When a locality is seeking to uniformly preclude jurisdiction-wide or otherwise limit geographically the use of a BMP approved by the Director or Board, or to apply more stringent conditions to the use of a BMP approved by the Director or Board, upon the request of an affected landowner or his agent submitted to the Department, with a copy submitted to the locality, within 90 days after adoption, such authorizing ordinances, design manuals, policies, or guidance documents developed by the locality that set forth the BMP use policy shall be provided to the Department in such manner as may be prescribed by the Department that includes a written justification and explanation as to why such more stringent limitation or conditions are determined to be necessary. The Department shall review all supporting materials provided by the locality to determine whether the requirements of this section have been met and that any determination made by the locality pursuant to this section is reasonable under the circumstances. The Department shall issue its determination to the locality in writing within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

D. Based on a determination made in accordance with subsection B or C, any ordinance or other requirement enacted or established by a locality that is found to not comply with this section shall be null and void, replaced with state minimum standards, and remanded to the locality for revision to ensure compliance with this section. Any such ordinance or other requirement that has been proposed but neither enacted nor established shall be remanded to the locality for revision to ensure compliance with this section.

E. Any provisions of a local stormwater management program in existence before January 1, 2013, that contains more stringent provisions than this article shall be exempt from the requirements of this section. However, such provisions shall be reported to the Board at the time of the locality's VSMP approval package.

§ 62.1-44.15:33. (Effective July 1, 2024) Authorization for more stringent ordinances.

A. Localities that are serving as VESMP authorities are authorized to adopt more stringent soil erosion control or stormwater management ordinances than those necessary to ensure compliance with the Board's minimum regulations, provided that the more stringent ordinances are based upon factual findings of local or regional comprehensive watershed management studies or findings developed through the implementation of an MS4 permit or a locally adopted watershed management study and are determined by the locality to be necessary to prevent any further degradation to water resources, to address total maximum daily load requirements, to protect exceptional state waters, or to address specific existing water pollution including nutrient and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive localized flooding within the watershed and that prior to adopting more stringent ordinances a public hearing is held. Notice of such hearing shall be given by publication ~~once a week for two consecutive weeks~~ *twice* in a newspaper of general circulation in the locality seeking to adopt the ordinance, with the first publication appearing no more than 14 28 days before *and the second publication appearing no less than seven days before* the hearing. This process shall not be required when a VESMP authority chooses to reduce the threshold for regulating land-disturbing activities to a smaller area of disturbed land pursuant to § 62.1-44.15:34. However, this section shall not be construed to authorize a VESMP authority to impose a more stringent timeframe for land-disturbance review and approval than those provided in this article.

B. Localities that are serving as VESMP authorities shall submit a letter report to the Department when more stringent stormwater management ordinances or more stringent requirements authorized by such stormwater management ordinances, such as may be set forth in design manuals, policies, or

guidance documents developed by the localities, are determined to be necessary pursuant to this section within 30 days after adoption thereof. Any such letter report shall include a summary explanation as to why the more stringent ordinance or requirement has been determined to be necessary pursuant to this section. Upon the request of an affected landowner or his agent submitted to the Department with a copy to be sent to the locality, within 90 days after adoption of any such ordinance or derivative requirement, localities shall submit the ordinance or requirement and all other supporting materials to the Department for a determination of whether the requirements of this section have been met and whether any determination made by the locality pursuant to this section is supported by the evidence. The Department shall issue a written determination setting forth its rationale within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

C. Localities shall not prohibit or otherwise limit the use of any best management practice (BMP) approved for use by the Director or the Board except as follows:

1. When the Director or the Board approves the use of any BMP in accordance with its stated conditions, the locality serving as a VESMP authority shall have authority to preclude the onsite use of the approved BMP, or to require more stringent conditions upon its use, for a specific land-disturbing project based on a review of the stormwater management plan and project site conditions. Such limitations shall be based on site-specific concerns. Any project or site-specific determination purportedly authorized pursuant to this subsection may be appealed to the Department and the Department shall issue a written determination regarding compliance with this section to the requesting party within 90 days of submission. Any such determination, or a failure by the Department to make any such determination within the 90-day period, may be appealed to the Board.

2. When a locality is seeking to uniformly preclude jurisdiction-wide or otherwise limit geographically the use of a BMP approved by the Director or Board, or to apply more stringent conditions to the use of a BMP approved by the Director or Board, upon the request of an affected landowner or his agent submitted to the Department, with a copy submitted to the locality, within 90 days after adoption, such authorizing ordinances, design manuals, policies, or guidance documents developed by the locality that set forth the BMP use policy shall be provided to the Department in such manner as may be prescribed by the Department that includes a written justification and explanation as to why such more stringent limitation or conditions are determined to be necessary. The Department shall review all supporting materials provided by the locality to determine whether the requirements of this section have been met and that any determination made by the locality pursuant to this section is reasonable under the circumstances. The Department shall issue its determination to the locality in writing within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

D. Based on a determination made in accordance with subsection B or C, any ordinance or other requirement enacted or established by a locality that is found to not comply with this section shall be null and void, replaced with state minimum standards, and remanded to the locality for revision to ensure compliance with this section. Any such ordinance or other requirement that has been proposed but neither enacted nor established shall be remanded to the locality for revision to ensure compliance with this section.

E. Any provisions of a local erosion and sediment control or stormwater management program in existence before January 1, 2016, that contains more stringent provisions than this article shall be exempt from the requirements of this section if the locality chooses to retain such provisions when it becomes a VESMP authority. However, such provisions shall be reported to the Board at the time of submission of the locality's VESMP approval package.

2. That any community development authority created by ordinance or resolution, or whose creating ordinance or resolution was amended, between July 1, 2023, and June 30, 2024, in accordance with § 15.2-5155 of the Code of Virginia, shall be declared to be validly created, and any such ordinance or resolution shall be declared to be validly adopted, notwithstanding any failure to strictly comply with the public hearing notice requirements of subsection A of § 15.2-5156 of the Code of Virginia, as amended by this act, in the creation and adoption thereof.