

Albemarle County's 2019 Legislative Priorities

General District Court

Priority: Initiate legislation to amend Virginia Code §§ 15.2-1638, 16.1-69.35, and any other sections necessary to enable the County's General District Court to be located outside of the County's "courthouse," which is Court Square, and to be located on land and in a building that would be jointly owned with the City.

Summary of the Current Law: State law requires the General District Court to be located in the County's "courthouse," which is Court Square. State law also requires that the fee simple ownership of the land and buildings for the courts be in the name of the County.

Rationale: For certain options for the Courts project to be possible, State law must be amended to allow the General District Court to be located outside of the County courthouse and in the City. Option 1 (Downtown Levy) proposes to locate the County's General District Court sets, as well as a City General District Court set, to the Levy property. State law also must be amended because the Levy property is jointly owned by the County and the City. The current State law is unclear as to whether jointly owned land and buildings satisfy the requirements of the statute. The "other sections necessary" that would be proposed for amendment would address issues such as the territorial jurisdiction of a county General District Court if it was located in a city.

Mailing a Notice of Zoning Violation

Priority: Initiate legislation to amend Virginia Code § 15.2-2311(A) to allow certified mail to be used instead of registered mail to send notices of violation of the zoning ordinance or written orders of the zoning administrator.

Summary of the Current Law: Virginia Code § 15.2-2311(A) was amended in 2017 to no longer allow the use of certified mail and to require the use of registered mail.

Rationale: Certified mail serves functionally the same purpose for verifying mailing and receipt as registered mail, but costs substantially less.

Carrying Specified Loaded Weapons in Public Areas

Priority: Initiate legislation to amend Virginia Code § 18.2-287.4 to add Albemarle County to the list of localities in which carrying specified loaded weapons in public areas is prohibited.

Summary of the Current Law: The current law makes it unlawful for any person to carry specified semi-automatic weapons and shotguns on any public street, road, alley, sidewalk, public right-of-way, or in any public park or any other place of whatever nature that is open to the public. The law applies in the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Newport News, Norfolk, Richmond, or Virginia Beach or in the Counties of Arlington, Fairfax, Henrico, Loudoun, or Prince William. The specified weapons that are prohibited are semi-automatic center-fire rifles or pistols that are equipped at the time of the offense with a magazine that will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock, and shotguns with magazines that will hold more than seven rounds.

Rationale: The authority, if granted, would improve public safety in public areas where many people may be present.

Monuments and Memorials

Priority: Initiate legislation to amend Virginia Code § 15.2-1812 and any other sections determined to be necessary to grant local authority over the retention, relocation, removal, and contextualization of war memorials and monuments on locality property, and to make the authority to contextualize declaratory of existing law.

Summary of the Current Law: Virginia Code § 15.2-1812 makes it “unlawful for the authorities of the locality, or any other person or persons, to disturb or interfere with any monuments or memorials so erected, or to prevent its citizens from taking proper measures and exercising proper means for the protection, preservation and care of same.” Virginia Code § 15.2-1812.1 imposes civil liability for violating Virginia Code § 15.2-1812. Virginia Code § 18.2-137 “any person [who] unlawfully destroys, defaces, damages or removes without the intent to steal any property, real or personal, not his own, or breaks down, destroys, defaces, damages or removes without the intent to steal, any monument or memorial for war veterans described in [Virginia Code] § 15.2-1812” is guilty of a Class 3 misdemeanor.

Rationale: The authority, if granted, would give localities control over war memorials and monuments on their real property.