

# CODE OF VIRGINIA



## Title 1 General Provisions

# **Title 1 - General Provisions**

## **Chapter 1 - CODE OF VIRGINIA**

### **§ 1-1. Contents and designation of Code.**

The laws embraced in this and the following titles, chapters, articles and sections of this act shall constitute, and be designated and cited as the "Code of Virginia," hereinafter referred to as "the Code" or "this Code."

Code 1919, § 1; R. P. 1948, § 1-1.

### **§ 1-2. Effective date of Code.**

All the provisions of this Code shall be in force on and after February 1, 1950, except as provided in § [1-2.1](#).

Code 1919, § 6567; R. P. 1948, § 1-2.

#### **§ 1-2.1. Effective date of certain provisions.**

The following provisions of this Code shall become effective July 1, 1948, namely:

Chapter 1 of Title 1; Chapters 1, 8, 9, 12, 14, 15, and 16 of Title 2; Chapter 13 of Title 3; Chapter 11 of Title 6; Chapters 2 and 5 of Title 9; all of Title 10; Article 7 of Chapter 1 of Title 14; Article 3 of Chapter 6 of Title 18; Chapter 2 of Title 19; Chapter 3 of Title 24; Chapter 3 of Title 27; Chapters 15 and 19 of Title 32; all of Title 41; Article 4 of Chapter 6 of Title 42; Articles 2 and 12 of Chapter 1 of Title 44 and all of Chapter 2 of Title 44; Chapter 3 of Title 51; Chapter 1 of Title 52; Chapters 1 through 14, inclusive, of Title 53; Chapter 24 of Title 54; Chapters 12 and 13 of Title 59; Chapter 7 of Title 62; all of Title 63 except Chapter 13.

R. P. 1948, § 1-2.1.

### **§ 1-3. Repeal of acts of a general nature.**

All acts and parts of acts of a general nature, in force at the time of the adoption of this Code, shall be repealed from and after February 1, 1950, with such limitations and exceptions as are hereinafter expressed; and all acts and parts of acts of a general nature in force at the time of the adoption of this Code, and in conflict with any of the provisions of this Code which by virtue of § [1-2.1](#) become effective on July 1, 1948, shall be repealed from and after July 1, 1948, with such limitations and exceptions as are hereinafter expressed.

Code 1919, § 6567; R. P. 1948, § 1-3.

### **§ 1-4. Effect of such repeal generally; effect of revision or amendment of state Constitution.**

No such repeal nor any amendment or revision of the Constitution of Virginia shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any right established, accrued, or accruing before the day upon which such repeal, amendment or revision takes effect, or any prosecution, suit, or proceeding pending on that day, except that the proceedings thereafter had shall conform, so far as practicable, to the provisions of this Code; and where any penalty, forfeiture, or

punishment is mitigated by those provisions, such provisions may, with the consent of the party affected, be applied to any judgment to be pronounced after that day; and such repeal, amendment or revision as to any statute of limitations, under which the bar of a right of action or remedy is complete at the time the repeal, amendment or revision takes effect, shall not be deemed a removal of such bar, but the bar shall continue, notwithstanding such repeal, amendment or revision.

Code 1919, § 6569; R. P. 1948, § 1-4; 1971, Ex. Sess., c. 14.

**§ 1-5. Effect of such repeal as to persons in office.**

All persons who, at the time when such repeal takes effect, shall hold any office under any of the acts hereby repealed, shall continue to hold the same according to the tenure thereof, except those offices which may have been abolished, and those as to which a different provision is made by this Code.

Code 1919, § 6571; R. P. 1948, § 1-5.

**§ 1-6. Effect of repeal of validating statutes.**

The repeal by any provisions of this Code of a statute validating previous acts, contracts or transactions shall not affect the validity of such acts, contracts or transactions, but the same shall remain as valid as if there had been no such repeal, but no further.

Code 1919, § 8; R. P. 1948, § 1-6.

**§ 1-7. Acts passed between certain dates not affected.**

The enactment of this Code shall not affect any act passed by the General Assembly, which shall have become a law after January 14, 1948, and before February 1, 1950; but every such act shall have full effect, and so far as the same varies from or conflicts with any provision contained in this Code it shall have effect as a subsequent act, and as repealing any part of this Code inconsistent therewith; provided, however, that any such act which becomes a law between said dates and which amends and reenacts, or reenacts any previously existing provisions of law conferring any power or imposing any duty upon any department, board, commission, agency or officer of the state government whose functions, powers and duties are affected by any of the provisions of this Code becoming effective July 1, 1948, shall be construed as conferring the powers and imposing the duties specified therein upon the department, board, commission, agency or officer of the state government to which or to whom the duties and powers imposed or conferred by such previously existing provisions of law were transferred by the provisions of this Code becoming effective July 1, 1948.

Code 1919, § 6568; R. P. 1948, § 1-7.

**§ 1-8. Notice, recognizance or process given, taken or issued before Code in force.**

Although a notice, recognizance or process shall have been given, taken or issued before the day prescribed for the commencement of this Code, or of any provisions of this Code, it may, nevertheless, be given, taken or returnable to a day after such commencement, or to a court established by this Code or the clerk's office of such court, in like manner as if this Code had commenced before the same was given, taken, or issued.

Code 1919, § 6570; R. P. 1948, § 1-8.

### **§ 1-9. Pending cases; parties; where books, records and papers to remain.**

Nothing in this Code shall operate to discontinue any cause or matter, civil or criminal, which shall be pending and undetermined in any court on the day before this Code, or any provision of this Code, takes effect; but every such cause and matter shall be proceeded in, tried and determined in such court, or in the court which succeeds to or has its jurisdiction, and in the names of the same parties, or in the names of any officers, boards, commission, or other persons or bodies who may have succeeded under the provisions of this Code to the rights or obligations of such parties, or any of them. The papers and records of such causes and matters, and all books, records and papers whatever which on such day may be in the custody of any clerk of a court shall remain in custody of the clerk of the same, or of such court as succeeds to or has its jurisdiction.

Code 1919, § 6570; R. P. 1948, § 1-9.

## **Chapter 2 - COMMON LAW, STATUTES AND RULES OF CONSTRUCTION [Repealed]**

### **§§ 1-10 through 1-17.2. Repealed.**

Repealed by Acts 2005, c. [839](#), cl. 10, effective October 1, 2005.

## **Chapter 2.1 - COMMON LAW AND RULES OF CONSTRUCTION**

### **Article 1 - COMMON LAW AND ACTS OF PARLIAMENT**

#### **§ 1-200. The common law.**

The common law of England, insofar as it is not repugnant to the principles of the Bill of Rights and Constitution of this Commonwealth, shall continue in full force within the same, and be the rule of decision, except as altered by the General Assembly.

Code 1919, § 2, § 1-10; 2005, c. [839](#).

#### **§ 1-201. Acts of Parliament.**

The right and benefit of all writs, remedial and judicial, given by any statute or act of Parliament, made in aid of the common law prior to the fourth year of the reign of James the First, of a general nature, not local to England, shall still be saved, insofar as the same are consistent with the Bill of Rights and Constitution of this Commonwealth and the Acts of Assembly.

Code 1919, § 3, § 1-11; 2005, c. [839](#).

### **Article 2 - RULES OF CONSTRUCTION AND DEFINITIONS**

#### **§ 1-202. General rule of construction.**

The rules and definitions set forth in this chapter shall be used in the construction of this Code and the acts of the General Assembly, unless the construction would be inconsistent with the manifest intention of the General Assembly.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 20; 2005, c. [839](#).

### **§ 1-203. Adult.**

"Adult" means a person 18 years of age or more.

1972, cc. 824, 825, § 1-13.42; 2005, c. [839](#).

### **§ 1-204. Age of majority.**

For the purposes of all laws of the Commonwealth including common law, case law, and the acts of the General Assembly, unless an exception is specifically provided in this Code, a person shall be an adult, shall be of full age, and shall reach the age of majority when he becomes 18 years of age.

1972, cc. 824, 825, § 1-13.42; 2005, c. [839](#).

### **§ 1-205. Bond with surety.**

"Bond with surety" includes the payment in cash of the full amount of the required bond and, in such case, no surety shall be required.

1977, c. 156, § 1-13.1:1; 2005, c. [839](#).

### **§ 1-206. Certified mail equivalent to registered mail; certain subsequent mail or notice may be sent by regular mail.**

A. If any mail or notice is required to be sent by registered mail, it shall constitute compliance with this requirement if such mail or notice is sent by certified mail.

B. Notwithstanding any provision of law to the contrary, whenever a state agency is required to send any mail or notice by certified mail and such mail or notice is sent certified mail, return receipt requested, then any subsequent, identical mail or notice that is sent by such state agency may be sent by regular mail.

C. As used in this section, "state agency" means the same as that term is defined in § [2.2-4347](#).

1956, c. 647, § 1-15.1; 2005, c. [839](#); 2011, c. [566](#).

### **§ 1-207. Child; juvenile; minor; infant.**

"Child," "juvenile," "minor," "infant," or any combination thereof means a person less than 18 years of age.

1972, cc. 824, 825, § 1-13.42; 2005, c. [839](#).

### **§ 1-208. City.**

"City" means an independent incorporated community which became a city as provided by law before noon on July 1, 1971, or which has within defined boundaries a population of 5,000 or more and which has become a city as provided by law.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 21; 1971, Ex. Sess., c. 49, § 1-13.2; 1995, c. [155](#); 2005, c. [839](#).

### **§ 1-208.1. Carbon-free energy; clean energy.**

"Carbon-free energy" or "clean energy" includes electric energy generated from a source that does not emit carbon dioxide into the atmosphere during the process of generating the electric energy,

including electric energy generated by the conversion of sunlight, wind, falling water, wave motion, tides, geothermal or nuclear energy.

2020, c. [811](#).

**§ 1-209. Collegial body.**

"Collegial body" means a governmental entity whose power or authority is vested within its membership.

2004, c. [651](#), § 1-13.4:1; 2005, c. [839](#).

**§ 1-210. Computation of time.**

A. When an act of the General Assembly or rule of court requires that an act be performed a prescribed amount of time before a motion or proceeding, the day of such motion or proceeding shall not be counted against the time allowed, but the day on which such act is performed may be counted as part of the time. When an act of the General Assembly or rule of court requires that an act be performed within a prescribed amount of time after any event or judgment, the day on which the event or judgment occurred shall not be counted against the time allowed.

B. When the last day for performing an act during the course of a judicial proceeding falls on a Saturday, Sunday, legal holiday, or any day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly, the act may be performed on the next day that is not a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly.

C. When an act of the General Assembly specifies a maximum period of time in which a legal action may be brought and the last day of that period falls on a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly, the action may be brought on the next day that is not a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly.

D. Any court or proceeding authorized to be adjourned from day to day shall not be required to meet on a Sunday or legal holiday.

E. When an act of the General Assembly or local governing body, order of the court, or administrative regulation or order requires, either by specification of a date or by a prescribed period of time, that an act be performed or an action be filed on a Saturday, Sunday, or legal holiday or on any day or part of a day on which the state or local government office where the act to be performed or the action to be filed is closed, the act may be performed or the action may be filed on the next business day that is not a Saturday, Sunday, legal holiday, or day on which the state or local government office is closed.

F. For the purposes of this section, any day on which the Governor authorizes the closing of the state government shall be considered a legal holiday.



Code 1919, § 5; 1932, p. 24; Code 1950, § 1-13; 1950, pp. 21, 23, §§ 1-13.3, 1-13.27; 1962, cc. 104, 284, § 1-13.3:1; 1977, c. 93; 1986, c. 166; 1987, c. 92; 2005, c. [839](#); 2008, c. [816](#); 2010, c. [96](#); 2014, c. [596](#).

#### **§ 1-211. Constitutional references.**

Whenever any act of the General Assembly in effect at noon on July 1, 1971, refers to any section, article, or provision of the prior Constitution of Virginia, such reference shall apply to any comparable section, article, or provision of the Constitution of Virginia then in effect unless the construction would be contrary to the legislative intent of the act.

1971, Ex. Sess., c. 49, § 1-13.41; 2005, c. [839](#).

#### **§ 1-211.1. (Effective until July 1, 2024) Courthouse; posting of notices.**

If any notice, summons, order, or other official document of any type is required to be posted on or at the front door of a courthouse or on a public bulletin board at a courthouse, it shall constitute compliance with this requirement if the notice, summons, order, or other official document is posted with other such documents where such notice, summons, order or other official document is posted or at or near the principal public entrance to the courthouse in a location that is conspicuous to the public and approved by the chief judge of the circuit in which the courthouse is situated, or both. The requirement to post any notice, summons, order, or other official document of any type is satisfied if such notice, summons, order, or other official document is posted on the public government website of the locality served by the court or the website of the circuit court clerk.

2007, c. [734](#); 2014, c. [269](#); 2015, c. [631](#); 2022, c. [683](#).

#### **§ 1-211.1. (Effective July 1, 2024, until July 1, 2025) Courthouse; posting of notices.**

If any notice, summons, order, or other official document of any type is required to be posted on or at the front door of a courthouse or on a public bulletin board at a courthouse, it shall constitute compliance with this requirement if the notice, summons, order, or other official document is (i) posted with other such documents where such notice, summons, order or other official document is posted or at or near the principal public entrance to the courthouse in a location that is conspicuous to the public and approved by the chief judge of the circuit in which the courthouse is situated, or both, and (ii) posted on the public government website of the locality served by the court or the website of the circuit court clerk.

2007, c. [734](#); 2014, c. [269](#); 2015, c. [631](#); 2022, c. [683](#).

#### **§ 1-211.1. (Effective July 1, 2025) Courthouse; posting of notices.**

If any notice, summons, order, or other official document of any type is required to be posted by a circuit court clerk pursuant to a provision of the Code on or at the front door of a courthouse or on a public bulletin board at a courthouse, it shall constitute compliance with this requirement if the notice, summons, order, or other official document is posted on the public government website of the locality served by the court or the website of the circuit court clerk. The chief judge of the circuit in which the

courthouse is situated shall also approve a location, at or near the principal public entrance to the courthouse, that is conspicuous to the public for physical posting of such notice.

2007, c. [734](#); 2014, c. [269](#); 2015, c. [631](#); 2022, c. [683](#); 2023, c. [598](#).

#### **§ 1-212. Courts of record.**

"Courts of record" means the Supreme Court of Virginia, the Court of Appeals of Virginia, and the circuit courts.

1971, Ex. Sess., c. 49, § 1-13.5:1; 2005, c. [839](#).

#### **§ 1-213. Delegation of duties assigned to political subdivision.**

The governing body of a political subdivision shall be responsible for any duty or responsibility imposed upon its political subdivision.

1986, c. 239, § 1-17.2; 1987, c. 471; 1988, c. 273; 2005, c. [839](#).

#### **§ 1-214. Effective dates.**

A. All laws enacted at a regular session of the General Assembly, including laws which are enacted by reason of actions taken during the reconvened session following a regular session, but excluding general appropriation acts, decennial reapportionment acts, and emergency acts, shall take effect on the first day of July following the adjournment of the regular session at which they were enacted, unless a subsequent date is specified.

B. All laws enacted at a special session of the General Assembly, including laws which are enacted by reason of actions taken during the reconvened session following a special session, but excluding general appropriations acts, decennial reapportionment acts, and emergency acts, shall take effect on the first day of the fourth month following the month of adjournment of the special session at which they were enacted, unless a subsequent date is specified.

C. A general appropriation act shall take effect from its passage, unless another effective date is specified in the act.

D. An emergency act shall take effect from its passage, or on a subsequent date if specified in the act, provided that the emergency shall be expressed in the body of the act and that the emergency shall be approved by a four-fifths vote of the members voting in each house of the General Assembly. The name of each member voting and how he voted shall be recorded in the journal.

E. A decennial reapportionment act to reapportion the Commonwealth into electoral districts shall take effect immediately.

Code 1919, § 4; 1971, Ex. Sess., c. 49, § 1-12; 1981, c. 329; 2005, c. [839](#).

#### **§ 1-215. Ex officio.**

"Ex officio" means service by virtue of one's office and includes voting privileges for ex officio members unless otherwise provided.

2005, c. [839](#).



### **§ 1-216. Gender.**

A word used in the masculine includes the feminine and neuter.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 21, § 1-13.7; 1997, c. [406](#); 2005, c. [839](#).

### **§ 1-217. Headlines of sections.**

The headlines of the sections printed in black-face type are intended as mere catchwords to indicate the contents of the sections and do not constitute part of the act of the General Assembly.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 21, § 1-13.9; 2005, c. [839](#).

### **§ 1-218. Includes.**

"Includes" means includes, but not limited to.

2005, c. [839](#).

### **§ 1-219. Land; real estate.**

"Land," "lands," or "real estate" includes lands, tenements and hereditaments, and all rights and appurtenances thereto and interests therein, other than a chattel interest.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 22, § 1-13.12; 2005, c. [839](#).

#### **§ 1-219.1. Limitations on eminent domain.**

A. The right to private property being a fundamental right, the General Assembly shall not pass any law whereby private property shall be taken or damaged for public uses without just compensation. The term "public uses" mentioned in Article I, Section 11 of the Constitution of Virginia is hereby defined as to embrace only the acquisition of property where: (i) the property is taken for the possession, ownership, occupation, and enjoyment of property by the public or a public corporation; (ii) the property is taken for construction, maintenance, or operation of public facilities by public corporations or by private entities provided that there is a written agreement with a public corporation providing for use of the facility by the public; (iii) the property is taken for the creation or functioning of any public service corporation, public service company, or railroad; (iv) the property is taken for the provision of any authorized utility service by a government utility corporation; (v) the property is taken for the elimination of blight provided that the property itself is a blighted property; or (vi) the property taken is in a redevelopment or conservation area and is abandoned or the acquisition is needed to clear title where one of the owners agrees to such acquisition or the acquisition is by agreement of all the owners.

B. For purposes of this section:

"Blighted property" means any property that endangers the public health or safety in its condition at the time of the filing of the petition for condemnation and is (i) a public nuisance or (ii) an individual commercial, industrial, or residential structure or improvement that is beyond repair or unfit for human occupancy or use.

"Government utility corporation" means any county or municipality, or entity or agency thereof, which provides or operates one or more of the following authorized utility services: gas, pipeline, electric light, heat, power, water supply, sewer, telephone, or telegraph.

"Public corporation" means the Commonwealth of Virginia or any political subdivision thereof or any incorporated municipality therein or any public agency of the Commonwealth or of any political subdivision thereof or of any municipality therein.

"Public facilities" means (i) airports, landing fields, and air navigation facilities; (ii) educational facilities; (iii) flood control, bank and shore protection, watershed protection, and dams; (iv) hospital facilities; (v) judicial and court facilities; (vi) correctional facilities, including jails and penitentiaries; (vii) library facilities; (viii) military installations; (ix) parks so designated by the Commonwealth or by the locality in its comprehensive plan; (x) properties of historical significance so designated by the Commonwealth; (xi) law enforcement, fire, emergency medical, and rescue facilities; (xii) sanitary sewer, water or stormwater facilities; (xiii) transportation facilities including highways, roads, streets, and bridges, traffic signals, related easements and rights-of-way, mass transit, ports, and any components of federal, state, or local transportation facilities; (xiv) waste management facilities for hazardous, radioactive, or other waste; (xv) office facilities occupied by a public corporation; and (xvi) such other facilities that are necessary to the construction, maintenance, or operation of a public facility as listed in clauses (i) through (xv) and directly related thereto.

C. No more private property may be taken than that which is necessary to achieve the stated public use.

D. Except where property is taken (i) for the creation or functioning of a public service corporation, public service company, or railroad; (ii) for the provision of any authorized utility service by a government utility corporation; or (iii) for sanitary sewer, water or stormwater facilities, or transportation facilities, including highways, roads, streets, and bridges, traffic signals, related easements and rights-of-way, mass transit, ports, and any components of federal, state, or local transportation facilities, by a public corporation, property can only be taken where: (a) the public interest dominates the private gain and (b) the primary purpose is not private financial gain, private benefit, an increase in tax base or tax revenues, an increase in employment, or economic development.

E. During condemnation proceedings, the property owner may challenge whether the taking or damaging is for a public use, the stated public use is a pretext for an unauthorized use, or the taking or damaging of property is a violation of subsection D. Nothing in this section shall be construed as abrogating any defenses or rights otherwise available to the property owner independently of this section.

F. Subject to the provisions of subsection D, the limitations contained in this section shall not abrogate any other provision of law that authorizes a condemnor to dispose of property taken for a public use as surplus property, as otherwise provided by law.

G. If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the condemnor shall offer to acquire the entire property for its fair market value as otherwise provided by law, but the condemnor shall not acquire an uneconomic remnant if the owner objects and desires to maintain ownership of the excess property.

H. The provisions of this section shall control to the extent there are any inconsistencies between this section and any other general or special law; otherwise, nothing herein shall be construed as abrogating the power of eminent domain delegated independently of this section.

I. The provisions of this section shall not apply to the forfeiture of property under Chapters 22.1 (§ [19.2-386.1](#) et seq.) and 22.2 (§ [19.2-386.15](#) et seq.) of Title 19.2.

J. The provisions of this section shall not apply to real property that is subject to a certificate of take or a certificate of deposit recorded prior to July 1, 2007, in the circuit court clerk's office for the circuit where the real property is located or real property that is the subject of a petition for condemnation filed prior to July 1, 2007.

K. For the purposes of any taking of private property in accordance with Article I, Section 11 of the Constitution of Virginia, a government utility corporation shall be considered to be acting as a public service corporation or public service company where the property is taken for the provision of an authorized utility service only; provided, however, that nothing in this subsection shall modify or affect the jurisdiction of the State Corporation Commission.

2007, cc. [882](#), [901](#), [926](#); 2012, cc. [283](#), [626](#), [756](#).

#### **§ 1-220. Local ordinances incorporating state law by reference.**

When counties, cities and towns are empowered to incorporate by reference provisions of the Code, acts of the General Assembly, or state regulations into a local ordinance, any ordinance incorporating by reference provisions of the Code, acts of the General Assembly or state regulations may include future amendments to the provisions of the Code, acts of the General Assembly or state regulations provided such intent is specifically stated in such ordinance.

1993, c. 710, § 1-13.39:2; 2001, c. [771](#); 2005, c. [839](#).

#### **§ 1-221. Locality.**

"Locality" means a county, city, or town as the context may require.

2005, c. [839](#).

#### **§ 1-222. Majority authority.**

Whenever authority is conferred by law to three or more persons, a majority of such persons shall have the power to exercise such authority, unless otherwise provided.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 21, § 1-13.1; 2005, c. [839](#).

#### **§ 1-222.1. Manufacturer.**

"Manufacturer" shall not include any farm or aggregation of farms that owns and operates facilities within the Commonwealth for the generation of electric energy from waste-to-energy technology. As used in this definition, (i) "farm" means any person that obtains at least 51 percent of its annual gross income from agricultural operations and produces the agricultural waste used as feedstock for the waste-to-energy technology, (ii) "agricultural waste" means biomass waste materials capable of decomposition that are produced from the raising of plants and animals during agricultural operations, including animal manures, bedding, plant stalks, hulls, and vegetable matter, and (iii) "waste-to-energy technology" means any technology, including but not limited to a methane digester, that converts agricultural waste into gas, steam, or heat that is used to generate electricity on-site.

2009, c. [746](#).

**§ 1-223. Month; year.**

"Month" means a calendar month and "year" means a calendar year.

Code 1919, § 5; Code 1950, § 1-13; 1950, pp. 22, 24, §§ 1-13.13, 1-13.33; 2005, c. [839](#).

**§ 1-224. Municipality; incorporated communities; municipal corporation.**

"Municipality," "incorporated communities," "municipal corporation," and words or terms of similar import mean cities and towns.

2005, c. [839](#).

**§ 1-225. Nonlegislative citizen member.**

"Nonlegislative citizen member" means any natural person who is not a member of the General Assembly of Virginia.

2004, c. [709](#), § 1-13.13:1; 2005, c. [839](#).

**§ 1-226. Notary.**

"Notary" means notary public.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 22, § 1-13.14; 2005, c. [839](#).

**§ 1-227. Number.**

A word used in the singular includes the plural and a word used in the plural includes the singular.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 22, § 1-13.15; 2005, c. [839](#).

**§ 1-228. Oath.**

"Oath" includes affirmation.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 22, § 1-13.16; 2005, c. [839](#).

**§ 1-229. Optional form of county government; effect of change in form.**

Whenever any county, city, town, political subdivision, or combination thereof is identified in an act of the General Assembly by reference to its proximity to a county that has adopted an optional form of government provided in Title 15.2, and that county changes its form of government, the act shall continue to apply to such county, city, town, political subdivision, or combination thereof and shall cease

to apply only upon the subsequent enactment by the General Assembly of a measure in which such intent clearly is stated.

1990, c. 253, § 1-13.35:1; 2005, c. [839](#).

#### **§ 1-230. Person.**

"Person" includes any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality thereof.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 22, § 1-13.19; 1988, c. 36; 2005, c. [839](#).

#### **§ 1-231. When "person" includes business trust and limited liability company.**

Whenever the term "person" is defined to include both "corporation" and "partnership," such term shall also include "business trust and limited liability company."

2002, c. [621](#), § 1-13.19:1; 2005, c. [839](#).

#### **§ 1-232. Person under disability.**

"Person under disability" includes a person less than 18 years of age.

1972, cc. 824, 825, § 1-13.42; 2005, c. [839](#).

#### **§ 1-233. Personal estate.**

"Personal estate" includes chattels real and such other estate as, upon the death of the owner intestate, would devolve upon his personal representative.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 22, § 1-13.20; 2005, c. [839](#).

#### **§ 1-234. Personal representative.**

"Personal representative" includes the executor of a will or the administrator of the estate of a decedent, the administrator of such estate with the will annexed, the administrator of such estate unadministered by a former representative, whether there is a will or not, any person who is under the order of a circuit court to take into his possession the estate of a decedent for administration, and every other curator of a decedent's estate, for or against whom suits may be brought for causes of action that accrued to or against the decedent.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 22, § 1-13.21; 1971, Ex. Sess., c. 49; 2005, c. [839](#).

#### **§ 1-235. Population; inhabitants.**

"Population" or "inhabitants" means with reference to any county, city, town, political subdivision of the Commonwealth or any combination thereof, the natural persons in such county, city, town, political subdivision or combination as shown by the unadjusted United States decennial census last preceding the time at which any provision dependent upon population is being applied or the time as of which it is being construed. Where two or more political subdivisions are consolidated, the population of the consolidated county or city or other political subdivision shall be the combined population of the consolidating subdivisions, under the last preceding unadjusted United States decennial census.

1942, p. 668; Michie Code 1942, § 5a; Code 1950, § 1-13; 1950, p. 23, § 1-13.22; 1954, c. 295, § 1-13.10:1; 1958, c. 330; 1966, c. 78; 2005, c. [839](#).

#### **§ 1-236. Population classifications.**

Any act of the General Assembly with a population classification applicable to any county, city, town, or subdivision of the Commonwealth or any combination thereof shall continue to apply to any such body notwithstanding any subsequent change in population and shall apply to any county, city, town, or political subdivision of the Commonwealth or any combination thereof subsequently falling within such population classification. The provisions of this section shall not apply to, or limit, the distribution of any state funds, grants-in-aid, or other allocation from the state treasury, to any county, city, town, or other political subdivision of the Commonwealth.

1950, pp. 464, 465, §§ 1-13.35, 1-13.36; 1960, cc. 251, 307; 1962, c. 315; 1964, c. 404; 1966, c. 78; 2005, c. [839](#).

#### **§ 1-237. Process.**

"Process" includes subpoenas, the summons and complaint in a civil action, and process in statutory actions.

1954, c. 543, § 1-13.23:1; 1986, c. 155; 2005, cc. [681](#), [839](#).

#### **§ 1-238. Reenacted.**

"Reenacted," when used in the title or enactment of a bill or act of the General Assembly, means that the changes enacted to a section of the Code of Virginia or an act of the General Assembly are in addition to the existing substantive provisions in that section or act, and are effective prospectively unless the bill expressly provides that such changes are effective retroactively on a specified date.

The provisions of this section are declaratory of existing public policy and law.

2001, c. [720](#), § 1-13.39:3; 2005, c. [839](#).

#### **§ 1-239. Repeal not to affect liabilities; mitigation of punishment.**

No new act of the General Assembly shall be construed to repeal a former law, as to any offense committed against the former law, or as to any act done, any penalty, forfeiture, or punishment incurred, or any right accrued, or claim arising under the former law, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture, or punishment so incurred, or any right accrued, or claim arising before the new act of the General Assembly takes effect; except that the proceedings thereafter held shall conform, so far as practicable, to the laws in force at the time of such proceedings; and if any penalty, forfeiture, or punishment be mitigated by any provision of the new act of the General Assembly, such provision may, with the consent of the party affected, be applied to any judgment pronounced after the new act of the General Assembly takes effect.

Code 1919, § 6, § 1-16; 2005, c. [839](#).

#### **§ 1-240. Repeal not to revive former act.**

When an act of the General Assembly that has repealed another act shall itself be repealed, the previous act shall not be revived without express words to that effect, unless the act repealing it be passed during the same session.

Code 1919, § 7, § 1-17; 2005, c. [839](#).

#### **§ 1-240.1. Rights of parents.**

A parent has a fundamental right to make decisions concerning the upbringing, education, and care of the parent's child.

2013, cc. [668](#), [678](#).

#### **§ 1-241. Seal.**

"Seal," when required to be affixed by any court or public office to any paper, includes an impression or print of such official seal made upon the paper. When the seal of any natural person is required, it shall be sufficient for the person to place a mark intended as a seal.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 23, § 1-13.25; 1975, c. 500; 2005, c. [839](#).

#### **§ 1-242. Senate Committee on Privileges and Elections.**

"Senate Committee on Privileges and Elections," whenever the Committee is referred to as an appointing authority, means the Senate Committee designated under the Rules of the Senate to make Senate appointments to study committees and commissions.

2004, c. [709](#), § 1-13.25:1; 2005, c. [839](#).

#### **§ 1-243. Severability.**

The provisions of acts of the General Assembly or the application thereof to any person or circumstances that are held invalid shall not affect the validity of other acts, provisions, or applications that can be given effect without the invalid provisions or applications. The provisions of all acts, except for the title of the act, are severable unless (i) the act specifically provides that its provisions are not severable; or (ii) it is apparent that two or more acts or provisions must operate in accord with one another.

1986, c. 239, § 1-17.1; 1987, c. 56; 2005, c. [839](#).

#### **§ 1-244. Short title citations.**

Whenever a subtitle, chapter, or article does not have a section or provision establishing or authorizing a short title citation for such subtitle, chapter or article, such subtitle, chapter or article may be cited by its caption. The caption is that word or group of words appearing directly below the numerical designation given the subtitle, chapter or article. Captions are intended as mere catchwords to indicate the contents of the subtitles, chapters, and articles and do not constitute part of the act of the General Assembly.

1993, c. 308, § 1-13.9:1; 2005, c. [839](#).

#### **§ 1-245. State.**



"State," when applied to a part of the United States, includes any of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, and the United States Virgin Islands.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 23, § 1-13.26; 1971, Ex. Sess., c. 49; 2005, c. [839](#).

**§ 1-246. Stricken language or italics.**

Stricken language for deletions and italics for additions or changes may be used in legislative drafts, printed bills, enrolled bills, and printed Acts of Assembly, in an attempt to call attention to amendments to existing acts of the General Assembly. The stricken language and italics shall not be construed as evidence of amendments to acts of the General Assembly.

1950, p. 24, § 1-13.34; 1986, c. 155; 2005, c. [839](#).

**§ 1-247. Summaries of legislation.**

Any legislative summary associated with a bill, joint resolution or resolution, including any summary appearing on the face of such legislation, shall not constitute a part of the legislation considered, agreed to, or enacted, and shall not be used to indicate or infer legislative intent.

1997, c. [375](#), § 30-19.03:2; 2005, c. [839](#).

**§ 1-248. Supremacy of federal and state law.**

The Constitution and laws of the United States and of the Commonwealth shall be supreme. Any ordinance, resolution, bylaw, rule, regulation, or order of any governing body or any corporation, board, or number of persons shall not be inconsistent with the Constitution and laws of the United States or of the Commonwealth.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 22, § 1-13.17; 2005, c. [839](#).

**§ 1-249. Supreme Court.**

"Supreme Court" means the Supreme Court of Virginia.

1975, c. 36, § 1-13.27:2; 2005, c. [839](#).

**§ 1-250. Swear; sworn.**

"Swear" or "sworn" means "affirm" or "affirmed."

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 23, § 1-13.28; 2005, c. [839](#).

**§ 1-251. Systems of state highways.**

"Systems of state highways" means all systems of highways within the Commonwealth over which the Commonwealth Transportation Board exercises jurisdiction and control. In context, such words shall apply to the extent, but only to the extent, that the Commonwealth Transportation Board exercises such jurisdiction and control.

1970, c. 136, § 1-13.40; 2005, c. [839](#).

**§ 1-252. Tier-city.**

"Tier-city" means an incorporated community within a consolidated county that (i) has within defined boundaries a population of 5,000 or more, (ii) has been designated as a tier-city by the General Assembly, and (iii) has both the powers of a town and such additional powers as may be granted tier-cities by the General Assembly. All references in this Code and the acts of the General Assembly to towns shall be deemed references to tier-cities, except to the extent tier-cities may be specifically excluded or where the context requires otherwise.

1984, c. 695, §§ 1-13.28:1, 1-13.28:2; 1989, c. 493; 2005, c. [839](#).

#### **§ 1-253. Time zone.**

The United States Eastern Standard Time shall be in effect in all parts of the Commonwealth except during the period when the United States Eastern Daylight Time shall be in effect as provided by federal law. This section shall not be construed to be in contravention of federal law, or duly authorized orders of the United States Secretary of Transportation with respect to the time zones of the United States and the application of standard time to interstate commerce and other matters within such zones.

In all laws, statutes, orders, decrees, rules and regulations relating to the time of performance of any act by any officer or agency of the Commonwealth, or any political subdivision thereof, or relating to the time in which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the Commonwealth, and in all public schools, institutions of the Commonwealth or its political subdivisions, and contracts or choses in action made or to be performed in the Commonwealth, it shall be understood and intended that the time applicable thereto or referred to or implied therein shall be the United States Eastern Standard Time, or the United States Eastern Daylight Time, when and during such is in effect.

1946, p. 103; Michie Suppl. 1946, § 5b; 1952, c. 637, § 1-15; 1962, c. 617; 1964, c. 646; 1966, c. 581; 1988, c. 177; 2005, c. [839](#).

#### **§ 1-254. Town.**

"Town" means any existing town or an incorporated community within one or more counties which became a town before noon, July 1, 1971, as provided by law or which has within defined boundaries a population of 1,000 or more and which has become a town as provided by law.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 24, § 1-13.29; 1971, Ex. Sess., c. 49; 1995, c. [155](#); 2005, c. [839](#).

#### **§ 1-255. United States.**

"United States" includes the 50 states, the District of Columbia the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands and the United States Virgin Islands.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 24, § 1-13.31; 2005, c. [839](#).

#### **§ 1-256. Weights and measurements; metric equivalents.**

Words or terms relating to the customary system of weights and measurements include their International System (SI) metric equivalents, but shall not require the posting or publishing of the equivalents along with the customary system of weights and measurements.

1980, c. 465. § 1-15.2; 2005, c. [839](#).

**§ 1-257. Written; writing; in writing.**

"Written," "writing," and "in writing" include any representation of words, letters, symbols, numbers, or figures, whether (i) printed or inscribed on a tangible medium or (ii) stored in an electronic or other medium and retrievable in a perceivable form and whether an electronic signature authorized by Chapter 42.1 (§ [59.1-479](#) et seq.) of Title 59.1 is or is not affixed.

Code 1919, § 5; Code 1950, § 1-13; 1950, p. 24, § 1-13.32; 1999, c. [145](#); 2000, c. [995](#); 2005, c. [839](#).

## **Chapter 3 - CITIZENSHIP [Repealed]**

**§§ 1-18 through 1-21. Repealed.**

Repealed by Acts 2005, c. [839](#), cl. 10, effective October 1, 2005.

## **Chapter 3.1 - BOUNDARIES OF THE COMMONWEALTH**

**§ 1-300. Boundaries.**

The territory and boundaries of the Commonwealth shall be and remain the same as they were after the Constitution of Virginia was adopted on June 29, 1776, except for the territory that constitutes West Virginia and its boundaries, and other boundary adjustments as provided in this chapter.

Code 1950, § 7-1; 1966, c. 102, § 7.1-1; 2005, c. [839](#).

**§ 1-301. Extent of territory of the Commonwealth after the Constitution of 1776.**

The authorities in determining the extent of the territory of the Commonwealth after the adoption of the Constitution of 1776 shall consist of:

1. The charter of April 10, 1606, granted by James the First, in the fourth year of his reign, that authorized the first plantation at any place upon the coast of the Commonwealth between the thirty-fourth and forty-first degrees of north latitude; and granted the territory from the seat of the plantation (which under this charter was begun at Jamestown), for 50 miles along the coast towards the west and southwest, as the coast lay, and for 50 miles along the coast, towards the east and northeast, or towards the north, as the coast lay, together with all the islands within 100 miles directly over against the seacoast, and all the territory from the same 50 miles every way on the seacoast, directly into the mainland for the space of 100 miles.
2. The second charter of James, dated May 23, 1609, in the seventh year of his reign, that granted all the territory from the point of land called Cape or Point Comfort, all along the seacoast to the northward 200 miles, and from the point of Cape Comfort all along the seacoast to the southward 200 miles, and all that space and circuit of land lying from the seacoast of the precinct, up into the land,

throughout from sea to sea, west and northwest, and also all the islands lying within 100 miles along the coast of both seas of the precinct aforesaid.

3. The third charter of James, dated March 12, 1611-12, in the ninth year of his reign, that granted all the islands in any part of the seas within 300 leagues of any territory granted in the former patents.

4. The 1763 treaty of peace between Great Britain and France that established a line along the middle of the river Mississippi and became the Commonwealth's western boundary.

5. Section 21 of the Constitution of Virginia adopted June 29, 1776, that ceded, released, and confirmed to the people of Maryland, Pennsylvania, North and South Carolina, such parts of the territory of the Commonwealth as were contained within the charters erecting those colonies, with all the rights in those parts that might have been claimed by the Commonwealth, except the free navigation of the Rivers Potomac and Pocomoke, with the property of the Commonwealth shore or strands bordering on either of the rivers, and all improvements thereon; and that at the same time laid down in the section that the western and northern extent of the Commonwealth should in all other respects stand as fixed by the charter of James the First, granted in 1609, and by the treaty of peace between Great Britain and France in 1763, unless by act of the legislature one or more territories should thereafter be laid off, and governments established, westward of the Alleghany mountains.

Code 1950, § 7-1; 1966, c. 102, § 7.1-1; 2005, c. [839](#).

**§ 1-302. Jurisdiction and ownership of Commonwealth over offshore waters and submerged lands.**

A. The jurisdiction of the Commonwealth shall extend to and over, and be exercisable with respect to:

1. Waters offshore from the coasts of the Commonwealth for a distance of three geographical miles as determined by appropriate metes and bounds surveys approved by the Virginia Institute of Marine Science and the Virginia Marine Resources Commission in consultation with the Bureau of Ocean Energy Management pursuant to a decree of the United States Supreme Court in *U.S. v. Maine*, 423 U.S. 1 (1975), and the Submerged Lands Act, 42 U.S.C. § 1301 et seq.

2. All submerged lands, including the subsurface thereof, lying under the waters listed in subdivision 1.

B. The ownership of the waters and submerged lands enumerated or described in subsection A shall be in the Commonwealth unless it shall be, with respect to any given parcel or area, in any other person or entity by virtue of a valid and effective instrument of conveyance or by operation of law.

C. Nothing contained herein shall be construed to limit or restrict in any way:

1. The jurisdiction of the Commonwealth over any person or with respect to any subject within or without the Commonwealth which jurisdiction is exercisable by reason of citizenship, residence, or for any other reason recognized by law.

2. The jurisdiction or ownership of or over any other waters or submerged lands, within or forming part of the boundaries of the Commonwealth. Nor shall anything in this section be construed to impair the

exercise of legislative jurisdiction by the United States over any area to which such jurisdiction has been validly ceded by the Commonwealth and that remains in the ownership of the United States.

D. Nothing in this section shall alter the geographic area to which any act of the General Assembly applies if the act specifies the area precisely in miles or by some other numerical designation of distance or position. However, nothing in the act or in this section shall be construed as a waiver or relinquishment of jurisdiction or ownership by the Commonwealth over or in any area to which such jurisdiction or ownership extends by virtue of this section or any other provision or rule of law.

Code 1950, § 7-1.1; 1960, c. 518; 1966, c. 102, § 7.1-2; 1972, c. 689; 2005, c. [839](#); 2016, c. [371](#).

### **§ 1-303. Cession of territory northwest of Ohio River.**

A. The territory northwest of the Ohio River ceded by the Commonwealth shall be and remain the same as provided by:

1. An act of the General Assembly passed on January 2, 1781, that resolved that this Commonwealth would on certain conditions yield for the benefit of the United States all her right to the territory northwest of the Ohio River.
2. An act of the General Assembly passed on December 20, 1783, that authorized the transfer to the United States, subject to the terms and conditions contained in the act of the United States Congress passed on September 13, 1783 and the deed of cession that was made accordingly.
3. An act of the General Assembly passed on December 30, 1788, whereby, after referring to an ordinance for the government of the territory, passed by the United States Congress on July 13, 1787, and reciting a particular article declared in the ordinance to be part of the compact between the original states and the people and states in the territory, the article of compact was ratified and confirmed.

B. Such cession shall be deemed and taken according to the true intent and meaning of the acts and deed, and subject to all the terms and conditions therein expressed.

Code 1950, § 7-2; 1966, c. 102, § 7.1-3; 2005, c. [839](#).

### **§ 1-304. Boundary with North Carolina.**

The boundary line between the Commonwealth and North Carolina shall be and remain the same as the line run by Fry and Jefferson, and afterwards extended by Walker and Smith and approved on December 7, 1791, by an act of the General Assembly.

Code 1950, § 7-3; 1966, c. 102, § 7.1-4; 2005, c. [839](#).

### **§ 1-305. Boundary with North Carolina eastward from low-water mark of Atlantic Ocean.**

The boundary line between the Commonwealth and North Carolina eastward from the low-water mark of the Atlantic Ocean shall be and remains the line beginning at the intersection with the low-water mark of the Atlantic Ocean and the existing North Carolina-Virginia boundary line; thence due east to the seaward jurisdictional limit of Virginia; such boundary line to be extended on the true 90 degree bearing as far as a need for further delimitation may arise.

1970, c. 343, § 7.1-4.1; 2005, c. [839](#).

#### **§ 1-306. Boundary with Tennessee.**

The boundary line between the Commonwealth and Tennessee shall be and remain the same as established by the Supreme Court of the United States in the case of *Tennessee v. Virginia*, 190 U.S. 64 (1903), and the compact between the Commonwealth and Tennessee approved on February 9, 1901, by an act of the General Assembly.

Code 1950, § 7-4; 1966, c. 102, § 7.1-5; 2005, c. [839](#).

#### **§ 1-307. Compact and boundary with Kentucky.**

A. Except such part as may constitute the boundary line between West Virginia and the Commonwealth of Kentucky, the boundary between this Commonwealth and the Commonwealth of Kentucky, shall be and remain as the line approved on January 13, 1800, by an act of the General Assembly.

B. The articles set forth in the act of separation of the Commonwealth of Kentucky from this Commonwealth adopted by the General Assembly on December 18, 1789, shall be and remain a solemn compact mutually binding on the Commonwealths of Virginia and Kentucky, and unalterable by either without the consent of the other.

Code 1950, § 7-5; 1966, c. 102, § 7.1-6; 2005, c. [839](#).

#### **§ 1-308. Boundary with Maryland.**

The Black-Jenkins Award, which established the boundary line between the Commonwealth and Maryland and was ratified on March 14, 1878, by an act of the General Assembly shall be and remain obligatory on this Commonwealth and the citizens thereof, and shall be forever observed and kept by the Commonwealth and all of its citizens according to the true intent and meaning of the same, and to that end the faith of the Commonwealth stands pledged.

Code 1950, § 7-6; 1966, c. 102, § 7.1-7; 2005, c. [839](#).

#### **§ 1-309. Boundary with Maryland eastward from Assateague Island.**

The boundary line between the Commonwealth and Maryland eastward from Assateague Island shall be and remain as follows: Beginning at a point on the Maryland-Virginia line located on Assateague Island designated as station "Pope Island Life Saving Station (1907)" defined by latitude 38°01'36.93" and longitude 75 degrees 14'47.105"; thence running N 84°05'43.5" E (true) - 1,100.00 feet to station "Atlantic"; thence due east (true) to the Maryland-Virginia jurisdictional limit.

1970, c. 342, § 7.1-7.1; 2005, c. [839](#).

#### **§ 1-310. Boundary with Maryland in upper reaches of Pocomoke sound and lower reaches of Pocomoke River.**

A. The boundary line between the Commonwealth and Maryland in the previously undescribed portion of the Maryland-Virginia line in the upper reaches of the Pocomoke sound and lower reaches of the Pocomoke River shall be and remain as follows:

Beginning at a point which is corner D defined by latitude 37°56'28.00" and longitude 75°45'43.56"; which is the last point on the Maryland-Virginia line that was defined by the "joint report of engineers on relocating and remarking Maryland-Virginia boundary line across Tangier and Pocomoke sounds December 1916"; thence running N 73°34'31.9" E about 17,125.11 feet to corner H a point defined by latitude 37°57'115.82" and longitude 75°42'18.48"; thence running N 85°39'33.9" E about 3,785.82 feet to corner J a point defined by latitude 37°57'18.65" and longitude 75°41'31.25"; thence running S 74°16'00.8" E about 7,278.41 feet to corner K a point defined by latitude 37°56'59.13" and longitude 75°40'03.89"; thence running S 61°57'55.7" E about 3,664.73 feet to corner L a point defined by latitude 37°56'42.10" and longitude 75°39'23.51"; thence running N 76°15'24.5" E about 2,263.49 feet to corner M a point defined by latitude 37°56'47.65" and longitude 75°38'54.85"; thence running N 00°49'51.5" W about 7,178.56 feet to corner N a point defined by latitude 37°57'58.61" and longitude 75°38'56.15"; thence northeasterly about 3 1/2 miles following the middle thread of the meandering Pocomoke river to corner P a point defined by latitude 37°59'39.37" and longitude 75°37'26.52", which is at or near the point of intersection with the Scarborough and Calvert boundary line of May 28, 1668; corners N and P are connected by a line running N 35°08'33.5" E about 12,465.32 feet; thence N 83°45'59.9" E about 24,156.95 feet to the boundary monument near triangulation station Davis on the Scarborough and Calvert boundary line of May 28, 1668. Geographic positions are based on 1927 datum.

B. No vested right of any individual, partnership or corporation within the area affected by this section shall in any wise be impaired, restricted or affected thereby. This section shall not be retrospective in its operation nor shall it in any way affect the rights of any individual, partnership or corporation in any suit now pending in any of the courts of this Commonwealth or of the United States wherein such cause of action arose over, or is in any way based upon, the area affected. This section shall in no wise preclude the Commonwealth from prosecuting any individual, partnership or corporation for violation of any of the criminal laws of this Commonwealth within such area until this section shall become effective.

1970, c. 315, § 7.1-7.2; 2005, c. [839](#).

#### **§ 1-311. Recession of portion of District of Columbia.**

That portion of the District of Columbia which, by an act of the General Assembly, passed December 3, 1789, was ceded to the United States and receded and forever relinquished to this Commonwealth by an act of Congress approved July 9, 1846, and accepted by the Commonwealth by an act of the General Assembly adopted on February 3, 1846, shall be and remain reannexed to this Commonwealth and constitutes a portion thereof, subject to such reservation and provisions respecting the public property of the United States, as the United States Congress has enacted in its act of recession.

Code 1950, § 7-8; 1966, c. 102, § 7.1-9; 2005, c. [839](#).

#### **§ 1-312. Boundary with District of Columbia.**

The boundary line between the Commonwealth and the District of Columbia shall be and remain as described by the United States Public Law 208, Seventy-Ninth Congress, approved October 31, 1945,



and amended by Chapter 772 of the 1968 Acts of Assembly and Chapter 94 of the 2002 Acts of Assembly.

Code 1950, § 7-9; 1966, c. 102, § 7.1-10; 1968, c. 772; 2002, c. [94](#); 2005, c. [839](#).

**§ 1-313. Boundary line between Loudoun County, Virginia, and Jefferson County, West Virginia.**

A. The boundary line between Loudoun County, Virginia, and Jefferson County, West Virginia shall be the watershed line of the top of the ridge of the Blue Ridge Mountains as established by the survey approved by the Commission on April 29, 1997, and recorded in the land books in the courthouses of Loudoun County, Virginia, and Jefferson County, West Virginia.

B. No vested right of any individual, partnership, or corporation within the territory affected by this act shall in any wise be impaired, restricted, or affected by this act. This act shall not be retrospective in its operation nor shall it in any way affect the rights of any individual, partnership, or corporation in any suit now pending in any of the courts of this Commonwealth or of the United States wherein the cause of action arose over, or is in any way based upon, the territory affected.

1993, c. 141, § 7.1-10.1; 1998, c. [123](#); 2005, c. [839](#).

## **Chapter 4 - JURISDICTION OVER LANDS ACQUIRED BY THE UNITED STATES**

**§ 1-400. Conditional consent given to acquisition of lands by United States; concurrent jurisdiction ceded.**

A. On and after July 1, 1981, the conditional consent of the Commonwealth is hereby given in accordance with clause 17, § 8, Article 1 of the United States Constitution to the acquisition by the United States, or under its authority, by purchase, lease, condemnation, or otherwise, of any lands in the Commonwealth, whether under water or not, required for customhouses, post offices, arsenals, forts, magazines, dockyards, military reserves, or for needful public buildings.

B. The acquisition by condemnation of any property within the Commonwealth, not expressly consented to in subsection A of this section, shall require the prior approval of the General Assembly.

C. Over all lands hereafter acquired by the United States, the Commonwealth hereby cedes to the United States concurrent governmental, judicial, executive and legislative power and jurisdiction.

D. There is hereby expressly reserved in the Commonwealth, over all lands so acquired by the United States the following:

1. Tax on motor vehicle fuels and lubricants. -- The Commonwealth shall have the jurisdiction and power to levy a tax on oil, gasoline and all other motor fuels and lubricants thereon owned by others than the United States and a tax on the sale thereof, on such lands, except sales to the United States for use in the exercise of essentially governmental functions.

2. Service of civil and criminal process. -- The Commonwealth shall have the jurisdiction and power to serve criminal and civil process on such lands.

3. Sale of intoxicating liquors. -- The Commonwealth shall have the jurisdiction and power to license and regulate, or to prohibit, the sale of intoxicating liquors on any such lands.

4. Tax on property and businesses. -- The Commonwealth shall have the jurisdiction and power to tax all property, including buildings erected thereon, not belonging to the United States, and to require licenses and impose license taxes upon any business or businesses conducted thereon.

E. For all purposes of taxation and of the jurisdiction of the courts of the Commonwealth over persons, transactions, matters and property on such lands, the lands shall be deemed to be a part of the county or city in which they are situated.

F. Any such acquisition by or conveyance or lease to the United States, as provided in this section, shall be deemed to have been secured or made upon the express condition that the reservations of power and limitations provided in this section are recognized as valid by the United States and, in the event the United States shall deny the validity of the reservations, as to all or any part of such lands, then and in that event, the title and possession of all or any such part of such lands, conveyed to the United States by the Commonwealth, shall immediately revert to the Commonwealth.

G. Nothing contained in this section shall affect any special act adopted ceding jurisdiction to the United States, nor any deeds executed pursuant to § [1-401](#).

1976, c. 211, § 7.1-18.1; 1981, c. 533; 2005, c. [839](#).

#### **§ 1-401. Ceding additional jurisdiction to United States.**

A. Whenever the head or other authorized officer of any department or independent establishment or agency of the United States shall deem it desirable that additional jurisdiction or powers be ceded over any lands in the Commonwealth acquired or proposed to be acquired by the United States under his immediate jurisdiction, custody or control, and whenever the Governor and Attorney General of the Commonwealth shall agree to the same, the Governor and Attorney General shall execute and acknowledge a deed in the name of and under the lesser seal of the Commonwealth ceding such additional jurisdiction. The deed shall accurately and specifically describe the area and location of the land over which the additional jurisdiction and powers are ceded and shall set out specifically what additional jurisdiction and powers are ceded, and may set out any reservations in the Commonwealth of jurisdiction which may be deemed proper in addition to those referred to in subsection D.

B. No such deed shall become effective or operative until the jurisdiction therein provided for is accepted on behalf of the United States as required by 40 U.S.C. § 255. The head or other authorized officer of a department or independent establishment or agency of the United States shall indicate such acceptance by executing and acknowledging such deed and admitting it to record in the office of the clerk of the court in which deeds conveying the lands affected would properly be recorded.

C. When such deed has been executed and acknowledged on behalf of the Commonwealth and the United States, and admitted to record as provided in subsection B, it shall have the effect of ceding to and vesting in the United States the jurisdiction and powers therein provided for and none other.

D. Every such deed as is provided for in this section shall reserve in the Commonwealth over all lands therein referred to the jurisdiction and power to serve civil and criminal process on such lands and in the event that the lands or any part thereof shall be sold or leased to any person, under the terms of which sale or lease the vendee or lessee shall have the right to conduct thereon any private industry or business, then the jurisdiction ceded to the United States over any such lands so sold or leased shall cease and determine, and thereafter the Commonwealth shall have all jurisdiction and power she would have had if no jurisdiction or power had been ceded to the United States. This provision, however, shall not apply to post exchanges, officers' clubs and similar activities on lands acquired by the United States for purposes of national defense. It is further provided that the reservations provided for in this subsection shall remain effective even though they should be omitted from any deed executed pursuant to this section.

E. Nothing contained in this section shall be construed as repealing any special acts ceding jurisdiction to the United States to acquire any specific tract of land.

Code 1950, § 7-24; 1966, c. 102, § 7.1-21; 1972, c. 597; 1976, c. 211; 2005, c. [839](#).

#### **§ 1-402. Shenandoah National Park.**

The respective jurisdiction and powers of the Commonwealth and the United States over all lands within the Shenandoah National Park, as it is now constituted or may hereafter be extended, shall be as follows:

1. Criminal and police jurisdiction. -- The United States shall have exclusive jurisdiction, legislative, executive and judicial, with respect to the commission of crimes, and the arrest, trial and punishment therefor, and exclusive general police jurisdiction thereover.
2. Sale of alcoholic beverages. -- The United States shall have the power to regulate or prohibit the sale of alcoholic beverages on such lands; provided, that, if the sale of alcoholic beverages is prohibited by general law in the Commonwealth outside of such lands, no such alcoholic beverages shall be sold on the lands contained in the Park area; and provided further, that if the general laws of the Commonwealth permit the sale of alcoholic beverages, then the regulations of the United States relating to such sales on such lands shall conform as nearly as possible to the regulatory provisions in accordance with which such sales are permitted in the Commonwealth outside of such Park lands. Nothing in this subsection shall be construed as reserving in the Commonwealth power to require licenses of persons engaged in the sale of intoxicating beverages on such lands, nor the power to require that any sales be made through official liquor stores.
3. Service of civil and criminal process. -- The Commonwealth shall have jurisdiction to serve civil process within the limits of the Park in any suits properly instituted in any of the courts of the Commonwealth and to serve criminal process within such limits in any suits or prosecutions for or on account of crimes committed in the Commonwealth but outside of the Park.
4. Tax on alcoholic beverages. -- The Commonwealth shall have jurisdiction and power to levy a nondiscriminatory tax on all alcoholic beverages possessed or sold on such lands.

5. Tax on motor vehicle fuels and lubricants. -- The Commonwealth shall have jurisdiction and power to tax the sales of oil and gasoline, and other motor vehicle fuels and lubricants for use in motor vehicles. This subsection shall not be construed as a consent by the United States to the taxation by the Commonwealth of such sales for the exclusive use of the United States.

6. Tax on businesses. -- The Commonwealth shall have jurisdiction and power to levy nondiscriminatory taxes on private individuals, associations and corporations, their franchises and properties, on such lands, and on their businesses conducted thereon.

7. Jurisdiction of courts. -- The courts of the Commonwealth shall have concurrent jurisdiction with the courts of the United States of all civil causes of action arising on such lands to the same extent as if the cause of action had arisen in the county or city in which the land lies outside the Park area, and the state officers shall have jurisdiction to enforce on such lands the judgments of the state courts and the collection of taxes by appropriate process.

8. Voting residence. -- Persons residing in or on any of the lands embraced in the Park shall have the right to establish a voting residence in the Commonwealth by reason thereof, and the consequent right to vote at all elections within the county or city in which the land or lands upon which they reside are located upon like terms and conditions, and to the same extent as they would be entitled to vote in such county or city if the lands on which they reside had not been deeded or conveyed to the United States.

9. Fugitives. -- All fugitives from justice taking refuge in the Park shall be subject to the same laws as refugees from justice found in the Commonwealth.

Code 1950, § 7-22; 1966, c. 102, § 7.1-19; 2005, c. [839](#).

### **§ 1-403. Conveyances of certain waste and unappropriated lands and marshlands to the United States.**

A. The Governor is authorized to execute in the name of the Commonwealth deeds conveying, subject to the jurisdictional and other limitations and reservations contained in §§ [1-400](#) and [1-405](#), to the United States such title as the Commonwealth may have in waste and unappropriated lands entirely surrounded by lands owned by the United States, when the same are certified as being vacant and unappropriated by a duly authorized agent of the United States and are described by metes and bounds descriptions filed with the Secretary of the Commonwealth and with the clerk of the court in the county wherein such unappropriated land is situated.

B. The Governor is authorized to execute, in the name and on behalf of the Commonwealth, a deed or other appropriate instrument conveying to the United States, without any consideration but subject to the jurisdictional limitations and reservations contained in §§ [1-400](#) and [1-405](#), such right, title and interest in or easement over and across the marshes lying along the seaside of the Counties of Accomack and Northampton as may be necessary and proper for the construction, operation and maintenance of a canal or channel for small boats over and through such marshlands.

Code 1950, § 7-23; 1966, c. 102, § 7.1-20; 1976, c. 211; 2005, c. [839](#).

**§ 1-404. Licensing sale of mixed alcoholic beverages on lands ceded to or owned by United States.**

The Virginia Alcoholic Beverage Control Authority may license the sale of mixed alcoholic beverages as defined in Chapter 1 (§ [4.1-100](#) et seq.) of Title 4.1 at places primarily engaged in the sale of meals on lands ceded by the Commonwealth to the United States or owned by the government of the United States or any agency thereof provided that such lands are used as ports of entry or egress to and from the United States, and provided that such lands lie within or partly within the boundaries of any county in this Commonwealth which permits the lawful dispensing of mixed alcoholic beverages. The Board of Directors of the Authority may adopt rules and regulations governing the sale of such spirits, and to fix the fees for such licenses, within the limits fixed by general law.

1968, c. 511, § 7.1-21.1; 1993, c. 866; 2005, c. [839](#); 2015, cc. [38](#), [730](#).

**§ 1-405. Reversion to Commonwealth; recorded title prerequisite to vesting jurisdiction.**

A. As used in this section, unless the context requires otherwise:

"Corrective action" means the response and remediation to environmental contamination to the extent required by any applicable environmental law or regulation applicable to the property.

"Environmental contamination" means any hazardous waste, substance or toxic material, or its discharge or release, that is regulated under any environmental law or regulation applicable to the property, and shall include petroleum (including crude oil), natural gas, liquefied natural gas, ordnance, unexploded munitions, and asbestos.

B. If the United States shall cease to be the owner of any lands, or any part thereof, granted or conveyed to it by the Commonwealth; if the purposes of any such grant or conveyance to the United States shall cease; or if the United States shall for five consecutive years fail to use any such land for the purposes of the grant or conveyance, then, and in that event, the right and title to such land, or such part thereof, shall immediately revert to the Commonwealth unless such land, or part thereof, contains environmental contamination. No land containing environmental contamination shall be transferred or revert to the Commonwealth, unless and until all corrective action necessary to protect human health and the environment with respect to any environmental contamination on the lands, or portion thereof, has been completed to the satisfaction of the Commonwealth and approved by the Governor pursuant to § [2.2-1149](#), and the United States has executed and delivered a transfer instrument including covenants warranting that (i) all corrective action necessary to protect human health and the environment with respect to any environmental contamination on the land or any portion thereof has been taken, and (ii) any corrective action for environmental contamination occurring before the date of transfer found to be necessary after the date of the transfer of the title of the land or any portion thereof shall be conducted by the United States.

In cases where the Defense Base Closure and Realignment Commission (BRAC Commission) established pursuant to P.L. 101-510 (1990), as amended, identifies United States military bases located in the Commonwealth for closure, the Commonwealth shall have, in addition to the foregoing, the right to enter upon such lands so identified for the purpose of inspection for environmental contamination.

Upon completion of such inspection, the Commonwealth shall report its findings to the Governor and the appropriate federal agencies.

C. All deeds, conveyances or title papers for the transfer of title of lands to the United States shall be recorded in the county or city wherein the land or the greater part thereof lies, but no tax shall be required on any such instrument made to the United States by which they acquire lands for public purposes.

D. The jurisdiction ceded by § [1-400](#) shall not vest until the United States shall have acquired the title of record to such lands, or rights or interest therein, by purchase, condemnation, lease or otherwise. So long as the lands, or any rights or interest therein, are held in fee simple by the United States, and no longer, such lands, rights or interest, as the case may be, shall continue exempt and exonerated, from all state and local taxes which may be levied or imposed under the authority of the Commonwealth.

Code 1950, § 7-25; 1966, c. 102, § 7.1-22; 1975, c. 449; 1976, c. 211; 1994, c. [23](#); 2005, c. [839](#).

**§ 1-406. Conveyances to political subdivisions of lands ceded to and no longer used by United States.**

Whenever any land in the Commonwealth has been or is conveyed to the United States with a provision in the deed that upon abandonment or use for any purpose other than that stated in the deed such land shall revert to the Commonwealth, and if any such land is abandoned or is no longer used for the purpose for which conveyed, the Governor is hereby authorized to convey to the political subdivision in which such land is situated, all right, title and interest of the Commonwealth in and to such land. This section shall not affect any lease made under Chapter 321 of the Acts of 1952.

Code 1950, § 7-25.1; 1954, c. 170; 1966, c. 102, § 7.1-23; 2005, c. [839](#).

**§ 1-407. Concurrent jurisdiction of Commonwealth and United States over certain lands leased to political subdivisions.**

Whenever the United States government has exclusive jurisdiction over property located in the Commonwealth of Virginia, and leases the property, or part thereof, to any political subdivision to be used by it for a public purpose, the exclusive jurisdiction shall cease as to the property so leased and the Commonwealth and the United States government shall have concurrent jurisdiction over the property so long as the lease continues. At the termination of the lease the jurisdiction of the Commonwealth shall cease and the United States shall have exclusive jurisdiction thereof.

Code 1950, § 7-25.2; 1964, c. 362; 1966, c. 102, § 7.1-24; 2005, c. [839](#).

**§ 1-408. Relinquishment by United States of jurisdiction over lands in the Commonwealth.**

Whenever a duly authorized official or agent of the United States, acting pursuant to authority conferred by the United States Congress, notifies the Governor that the United States desires or is willing to relinquish to the Commonwealth the jurisdiction, or a portion thereof, held by the United States over lands located in the Commonwealth, as designated in such notice, the Governor may, in his discretion, accept such relinquishment. Such acceptance shall be made by sending a notice of

acceptance to the official or agent designated by the United States to receive such notice of acceptance. The Governor shall send a signed copy of the notice of acceptance, together with the notice of relinquishment received from the United States, to the Secretary of the Commonwealth, who shall maintain a permanent file of said notices.

Upon the sending of the notice of acceptance to the designated official or agent of the United States, the Commonwealth shall immediately have such jurisdiction over the lands designated in the notice of relinquishment as the notice shall specify.

Upon receipt of a copy of the notice of relinquishment and a copy of the notice of acceptance, the Secretary of the Commonwealth shall immediately give written notice of such change in jurisdiction to the Attorney General and the attorney for the Commonwealth of the city or county in which such lands are located. The Secretary of the Commonwealth shall also certify a copy of each of the notices to the clerk of court in which deeds are admitted to record for the city or county in which such lands are located. The clerk shall record the notices in his deed book and index them in the name of the United States and the Commonwealth.

1975, c. 411, § 7.1-25.1; 2005, c. [839](#).

## **Chapter 5 - EMBLEMS**

### **Article 1 - SYMBOLS OF SOVEREIGNTY**

#### **§ 1-500. The great seal.**

The great seal of the Commonwealth shall consist of two metallic discs, two and one-fourth inches in diameter, with an ornamental border one fourth of an inch wide, with such words and figures engraved as follows: On the obverse, Virtus, the genius of the Commonwealth, dressed as an Amazon, resting on a spear in her right hand, point downward, touching the earth; and holding in her left hand, a sheathed sword, or parazonium, pointing upward; her head erect and face upturned; her left foot on the form of Tyranny represented by the prostrate body of a man, with his head to her left, his fallen crown nearby, a broken chain in his left hand, and a scourge in his right. Above the group and within the border conforming therewith, shall be the word "Virginia," and, in the space below, on a curved line, shall be the motto, "Sic Semper Tyrannis." On the reverse, shall be placed a group consisting of Libertas, holding a wand and pileus in her right hand; on her right, Aeternitas, with a globe and phoenix in her right hand; on the left of Libertas, Ceres, with a cornucopia in her left hand, and an ear of wheat in her right; over this device, in a curved line, the word "Perseverando."

Code 1950, § 7-26; 1966, c. 102, § 7.1-26; 2005, c. [839](#).

#### **§ 1-501. The lesser seal.**

The lesser seal of the Commonwealth shall be one and nine sixteenths inches in diameter, and be engraved with the device and inscriptions contained in the obverse of the great seal.

Code 1950, § 7-27; 1966, c. 102, § 7.1-27; 2005, c. [839](#).

#### **§ 1-502. Custody; impressions displayed in The Library of Virginia.**



The seals of the Commonwealth described in §§ [1-500](#) and [1-501](#) shall be kept by the Secretary of the Commonwealth and used as provided by law, and at least three clear impressions of the seals shall be kept and displayed by the Librarian of Virginia in some suitable place in The Library of Virginia, for public inspection.

Code 1950, § 7-28; 1966, c. 102, § 7.1-28; 1994, c. [64](#); 1998, c. [427](#); 2005, c. [839](#).

#### **§ 1-503. Uses and tax on great seal.**

The great seal shall be affixed to documents, signed by the Governor, which are to be used before tribunals, or for purposes outside of the jurisdiction of the Commonwealth; and in every such case, except where the Commonwealth is a party concerned in the use to be made of the document, the tax imposed by § [58.1-1725](#) on the seal of the Commonwealth shall be collected and accounted for by the Secretary of the Commonwealth.

Code 1950, § 7-30; 1966, c. 102, § 7.1-30; 2005, c. [839](#).

#### **§ 1-504. Uses and tax on lesser seal.**

The lesser seal shall be affixed to all grants for lands and writs of election issued by the Governor; to all letters of pardon and reprieve; to all commissions, civil and military, signed by the Governor, and to all other papers, requiring a seal, authorized to be issued by the Governor for the purpose of carrying the laws into effect within the Commonwealth; and also, when deemed necessary by the Secretary of the Commonwealth, may be used by him as an authentication of his official signature. No tax shall be imposed on the use of such lesser seal, except upon commissions appointing notaries, and commissioners in other states for taking acknowledgments, and upon certificates of the Secretary of the Commonwealth, when, at the request of the parties desiring such certificates, the seal is attached. In all such cases the tax shall be the same as upon the great seal, and shall be collected and accounted for in the same manner.

Code 1950, § 7-31; 1966, c. 102, § 7.1-31; 2005, c. [839](#).

#### **§ 1-505. Seals deemed property of Commonwealth; unauthorized use; penalty.**

The seals of the Commonwealth shall be deemed the property of the Commonwealth; and no persons shall exhibit, display, or in any manner utilize the seals or any facsimile or representation of the seals of the Commonwealth for nongovernmental purposes unless such use is specifically authorized by law.

Except for the authorized commercial use of the seal as provided in § [2.2-122](#), any person violating the provisions of this section shall be punished by a fine of not more than \$100, or by imprisonment for not more than 30 days or both.

1966, c. 102, § 7.1-31.1; 1995, c. [295](#); 2005, c. [839](#).

#### **§ 1-506. Flag of the Commonwealth.**

The flag of the Commonwealth shall be a deep blue field, with a circular white centre of the same material. Upon this circle shall be painted or embroidered, to show on both sides alike, the coat of

arms of the Commonwealth, as described in § [1-500](#) for the obverse of the great seal of the Commonwealth; and there may be a white fringe on the outer edge, furthest from the flagstaff. This shall be known and respected as the flag of the Commonwealth.

Code 1950, § 7-32; 1966, c. 102, § 7.1-32; 2005, c. [839](#).

**§ 1-507. Governor to prescribe size of flag.**

The Governor shall regulate the size and dimensions of the flag proper for forts, arsenals and public buildings, for ships-of-war and merchant marine, for troops in the field, respectively, and for any other purpose, according to his discretion by proclamation.

Code 1950, § 7-33; 1966, c. 102, § 7.1-33; 2005, c. [839](#).

**§ 1-508. Director of General Services to have available flags of the Commonwealth for sale.**

The Director of the Department of General Services shall have available at all times flags of the Commonwealth, to be offered for sale to the public in such manner as the Director may determine.

Such flags shall be of good quality, shall conform to the specifications prescribed in § [1-506](#), shall be offered in the various sizes prescribed by the Governor pursuant to § [1-507](#), and shall be purchased in compliance with the provisions of § [2.2-4323.1](#).

The prices to be charged for such flags shall be at cost as determined by the Director.

Code 1950, § 7-33.1; 1958, c. 553; 1960, c. 347; 1966, c. 102, § 7.1-34; 2005, c. [839](#); 2016, cc. [289](#), [297](#).

**§ 1-509. When flag to be suspended over Capitol.**

During the sessions of either house of the General Assembly the flag of the Commonwealth shall be kept raised over the respective chambers of the Capitol, or other place of session, if practicable, as directed by the Director of the Department of General Services and the Chief of the Virginia Capitol Police in consultation with the Clerk of the House of Delegates and the Clerk of the Senate.

Code 1950, § 7-34; 1966, c. 102, § 7.1-35; 1970, c. 561; 2005, c. [839](#).

## **Article 2 - Emblems, Designations, and Honors**

**§ 1-510. Official emblems and designations.**

The following are hereby designated official emblems and designations of the Commonwealth:

Artisan Center – "Virginia Artisans Center," located in the City of Waynesboro.

Bat – Virginia Big-eared bat (*Corynorhinus townsendii virginianus*).

Beverage – Milk.

Bird – Northern Cardinal (*Cardinalis cardinalis*).

Blue Ridge Folklore State Center – Blue Ridge Institute located in the village of Ferrum.

Boat – "Chesapeake Bay Deadrise."

Cabin Capital of Virginia – Page County.

Coal Miners' Memorial – The Richlands Coal Miners' Memorial located in Tazewell County.

Covered Bridge Capital of the Commonwealth – Patrick County.

Covered Bridge Festival – Virginia Covered Bridge Festival held in Patrick County.

Dog – American Foxhound.

Fish (Freshwater) – Brook Trout.

Fish (Saltwater) – Striped Bass.

Flag of Remembrance of September 11, 2001 – Freedom Flag, designed by a Virginian, as the flag of remembrance of September 11, 2001.

Fleet – Replicas of the three ships, Susan Constant, Godspeed, and Discovery, which comprised the Commonwealth's founding fleet that brought the first permanent English settlers to Jamestown in 1607, and which are exhibited at the Jamestown Settlement in Williamsburg.

Flower – American Dogwood (*Cornus florida*).

Folk dance – Square dancing, the American folk dance that traces its ancestry to the English Country Dance and the French Ballroom Dance, and is called, cued, or prompted to the dancers, and includes squares, rounds, clogging, contra, line, the Virginia Reel, and heritage dances.

Fossil – *Chesapecten jeffersonius*.

Gold mining interpretive center – Monroe Park, located in the County of Fauquier.

Insect – Tiger Swallowtail Butterfly (*Papilio glaucus* Linne).

Maple Festival – The Highland County Maple Festival.

Motor sports museum – "Wood Brothers Racing Museum and Virginia Motor Sports Hall of Fame," located in Patrick County.

Opry – The Virginia Opry.

Outdoor drama – "The Trail of the Lonesome Pine Outdoor Drama," adapted for the stage by Clara Lou Kelly and performed in the Town of Big Stone Gap.

Outdoor drama, historical – "The Long Way Home" based on the life of Mary Draper Ingles, adapted for the stage by Earl Hobson Smith, and performed in the City of Radford.

Pony – Chincoteague Pony.

Rock – Nelsonite.

Salamander – Red Salamander (*Pseudotriton ruber*).

Shakespeare festival – The Virginia Shakespeare Festival held in the City of Williamsburg.

Shell – Oyster shell (*Crassostrea virginica*).

Snake – Eastern Garter Snake (*Thamnophis sirtalis sirtalis*).

Song emeritus – "Carry Me Back to Old Virginny," by James A. Bland, as set out in the House Joint Resolution 10, adopted by the General Assembly of Virginia at the Session of 1940.

Song (Popular) – "Sweet Virginia Breeze," by Robbin Thompson and Steve Bassett.

Song (Traditional) – "Our Great Virginia," lyrics by Mike Greenly and arranged by Jim Papoulis with music from the original American folk song "Oh Shenandoah."

Spirit – George Washington's rye whiskey produced at Mount Vernon, Virginia.

Sports hall of fame – "Virginia Sports Hall of Fame," located in the City of Portsmouth.

Television series – "Song of the Mountains."

Tree – American Dogwood (*Cornus florida*).

War memorial museum – "Virginia War Museum," (formerly known as the War Memorial Museum of Virginia), located in the City of Newport News.

Code 1950, §§ 7-35, 7-36, 7-37; 1966, cc. 102, 547, §§ 7.1-37, 7.1-38, 7.1-39; 1974, c. 24, § 7.1-40; 1982, c. 191, § 7.1-40.1; 1986, c. 138, § 7.1-40.2; 1988, c. 317, § 7.1-40.3; 1991, cc. 71, 575, §§ 7.1-40.4, 7.1-40.5; 1993, cc. 251, 509, § 7.1-40.6; 1994, cc. [33](#), [134](#), [220](#), [464](#), §§ 7.1-40.2:1, 7.1-40.8; 1995, cc. [12](#), [180](#), § 7.1-40.2:2; 1996, c. [52](#), § 7.1-40.9; 1997, cc. [66](#), [576](#), § 7.1-40.10; 1999, cc. [69](#), [336](#), § 7.1-40.11; 2001, cc. [97](#), [134](#), § 7.1-40.12; 2001, c. [228](#), § 7.1-40.13; 2005, cc. [557](#), [839](#); 2006, c. [128](#); 2007, cc. [391](#), [685](#); 2008, c. [262](#); 2009, cc. [145](#), [227](#); 2011, c. [671](#); 2013, c. [702](#); 2014, c. [553](#); 2015, cc. [586](#), [587](#); 2016, cc. [278](#), [675](#); 2017, cc. [15](#), [576](#), [577](#); 2018, cc. [284](#), [684](#); 2020, c. [583](#); 2023, cc. [60](#), [61](#).

#### **§ 1-511. English designated the official language of the Commonwealth.**

English shall be designated as the official language of the Commonwealth. Except as provided by law, no state agency or local government shall be required to provide and no state agency or local government shall be prohibited from providing any documents, information, literature or other written materials in any language other than English.

1996, c. [829](#), § 7.1-42; 2005, c. [839](#).

#### **§ 1-512. Poet laureate.**

The honorary position of Poet Laureate of Virginia is hereby created. The Governor may appoint a poet laureate from a list of nominees submitted by the Poetry Society of Virginia. Each poet laureate shall serve a term of two years with no restrictions on reappointment.

1997, c. [299](#), § 7.1-43; 2005, c. [839](#).

## **Chapter 6 - Virginia Coordinate Systems**

### **§ 1-600. Virginia coordinate systems designated.**

The systems of plane coordinates that have been established by the National Ocean Service/National Geodetic Survey or its successors for defining and stating the positions or locations of points on the surface of the earth within the Commonwealth are to be known and designated as the "Virginia Coordinate System of 1927" and the "Virginia Coordinate System of 1983."

1946, p. 166; Michie Suppl. 1946, § 2849(1); Code 1950, § 55-287; 1984, c. 726; 2019, c. [712](#).

#### **§ 1-601. North and South Zones.**

For the purpose of the use of the Virginia Coordinate System of 1927 and the Virginia Coordinate System of 1983, the Commonwealth is divided into a "North Zone" and a "South Zone."

The area now included in the following counties and cities shall constitute the North Zone: Arlington, Augusta, Bath, Caroline, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Greene, Highland, King George, Loudoun, Madison, Orange, Page, Prince William, Rappahannock, Rockingham, Shenandoah, Spotsylvania, Stafford, Warren, and Westmoreland Counties and the Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Harrisonburg, Manassas, Manassas Park, Staunton, Waynesboro, and Winchester.

The area now included in the following counties and cities shall constitute the South Zone: Accomack, Albemarle, Alleghany, Amelia, Amherst, Appomattox, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Campbell, Carroll, Charles City, Charlotte, Chesterfield, Craig, Cumberland, Dickenson, Dinwiddie, Essex, Floyd, Fluvanna, Franklin, Giles, Gloucester, Goochland, Grayson, Greensville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King William, Lancaster, Lee, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Montgomery, Nelson, New Kent, Northampton, Northumberland, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Pulaski, Richmond, Roanoke, Rockbridge, Russell, Scott, Smyth, Southampton, Surry, Sussex, Tazewell, Washington, Wise, Wythe, and York Counties and the Cities of Bristol, Buena Vista, Charlottesville, Chesapeake, Colonial Heights, Covington, Danville, Emporia, Franklin, Galax, Hampton, Hopewell, Lexington, Lynchburg, Martinsville, Newport News, Norfolk, Norton, Petersburg, Poquoson, Portsmouth, Radford, Richmond, Roanoke, Salem, Suffolk, Virginia Beach, and Williamsburg.

Code 1950, § 55-288.1; 1984, c. 726; 2006, c. [861](#); 2016, cc. [164](#), [312](#); 2019, c. [712](#).

#### **§ 1-602. Designation of systems in land description.**

A. As established for use in the North Zone, the Virginia Coordinate System of 1927 or the Virginia Coordinate System of 1983 shall be named, and in any land description in which it is used, it shall be designated the "Virginia Coordinate System of 1927, North Zone" or "Virginia Coordinate System of 1983, North Zone."

B. As established for use in the South Zone, the Virginia Coordinate System of 1927 or the Virginia Coordinate System of 1983 shall be named, and in any land description in which it is used, it shall be designated the "Virginia Coordinate System of 1927, South Zone" or "Virginia Coordinate System of 1983, South Zone."

1946, p. 167; Michie Suppl. 1946, § 2849(2); Code 1950, § 55-289; 1984, c. 726; 2019, c. [712](#).

**§ 1-603. Plane coordinates used in systems.**

The plane coordinates of a point on the earth's surface, to be used in expressing the position or location of such point in the appropriate zone of these systems, shall be expressed in U.S. survey feet and decimals of a foot. One of these distances, to be known as the "x-coordinate," shall give the position in an east-and-west direction; the other, to be known as the "y-coordinate," shall give the position in a north-and-south direction. These coordinates shall be made to depend upon and conform to the coordinate values for the monumented points of the North American Horizontal Geodetic Control Network as published by the National Ocean Service/National Geodetic Survey, or its successors, and whose plane coordinates have been computed on the systems defined in this chapter. Any such station may be used for establishing a survey connection to either Virginia coordinate system.

When converting coordinates in the Virginia Coordinate System of 1983 from meters and decimals of a meter to feet and decimals of a foot, the U.S. survey foot conversion factor (one foot equals 1200/3937 meters) shall be used. This requirement does not preclude the continued use of the International foot conversion factor (one foot equals 0.3048 meters) in those counties and cities where this factor was in use prior to July 1, 1992. The plat or plan shall contain a statement of the conversion factor used and the coordinate values of a minimum of two project points in feet.

1946, p. 167; Michie Suppl. 1946, § 2849(3); Code 1950, § 55-290; 1984, c. 726; 1992, c. 1; 2019, c. [712](#).

**§ 1-604. Tract of land lying in both coordinate zones.**

When any tract of land to be defined by a single description extends from one into the other of the two coordinate zones established in this chapter, the positions of all points on its boundaries may be referred to either of the two zones, with the zone that is used being specifically named in the description.

1946, p. 167; Michie Suppl. 1946, § 2849(4); Code 1950, § 55-291; 2019, c. [712](#).

**§ 1-605. Definition of systems by National Ocean Service/National Geodetic Survey; adopted.**

A. For purposes of more precisely defining the Virginia Coordinate System of 1927, the following definition by the National Ocean Service/National Geodetic Survey is adopted:

The Virginia Coordinate System of 1927, North Zone, is a Lambert conformal projection of the Clarke spheroid of 1896, having standard parallels at north latitudes 38° 02' and 39° 12', along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 78° 30' west of Greenwich with the parallel 37° 40' north latitude, such origin being given the coordinates: x2,000,000", and y0'.

The Virginia Coordinate System of 1927, South Zone, is a Lambert conformal projection of the Clarke spheroid of 1896, having standard parallels at north latitudes 36° 46' and 37° 58', along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 78° 30'

west of Greenwich with the parallel 36° 20' north latitude, such origin being given the coordinates: x2,000,000', and y0'.

B. For purposes of more precisely defining the Virginia Coordinate System of 1983, the following definition by the National Ocean Service/National Geodetic Survey is adopted:

The Virginia Coordinate System of 1983, North Zone, is a Lambert conformal conic projection based on the North American Datum of 1983, having standard parallels at north latitudes 38° 02' and 39° 12', along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 78° 30' west of Greenwich and the parallel 37° 40' north latitude, such origin being given the coordinates: x3,500,000 meters and y2,000,000 meters.

The Virginia Coordinate System of 1983, South Zone, is a Lambert conformal conic projection based on the North American Datum of 1983, having standard parallels at north latitudes 36° 46' and 37° 58', along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian 78° 30' west of Greenwich and the parallel 36° 20' north latitude, such origin being given the coordinates: x3,500,000 meters and y1,000,000 meters.

1946, p. 167; Michie Suppl. 1946, § 2849(5); Code 1950, § 55-292; 1984, c. 726; 2019, c. [712](#).

#### **§ 1-606. Position of systems.**

The position of the Virginia coordinate systems shall be as marked on the ground by triangulation or traverse stations established in conformity with the standards of accuracy and specifications for first-order and second-order geodetic surveying as prepared and published by the Federal Geodetic Control Subcommittee of the Federal Geographic Data Committee of the U.S. Department of Commerce. The geodetic position of stations defining the position of the Virginia Coordinate System of 1927 shall have been rigidly adjusted on the North American Datum of 1927, and the plane coordinates shall have been computed on the Virginia Coordinate System of 1927. The geodetic position of stations defining the position of the Virginia Coordinate System of 1983 shall have been rigidly adjusted on the North American Datum of 1983, and the plane coordinates shall have been computed on the Virginia Coordinate System of 1983. Any such station may be used for establishing a survey connection with the Virginia coordinate systems.

1946, p. 168; Michie Suppl. 1946, § 2849(5); Code 1950, § 55-293; 1984, c. 726; 2019, c. [712](#).

#### **§ 1-607. Limitation on use of systems.**

No coordinates based on the Virginia coordinate systems, purporting to define the position of a point on a land boundary, shall be presented to be recorded in any public land records or deed records unless such point is within two kilometers of a public or private monumented horizontal control station established in conformity with the standards of accuracy and specifications for second-order, class II or better geodetic surveying as prepared and published by the Federal Geodetic Control Subcommittee of the Federal Geographic Data Committee of the U.S. Department of Commerce. Standards and specifications of the Federal Geodetic Control Subcommittee or its successor in force on the date of such survey shall apply. The publishing of the existing control stations, or the acceptance with



intent to publish the new established control stations, by the National Ocean Service/National Geodetic Survey constitutes evidence of adherence to the Federal Geodetic Control Subcommittee specifications. The two kilometers' limitation may be modified by a duly authorized state agency to meet local conditions. Nothing contained in this chapter shall be interpreted as preventing the use of the Virginia coordinate systems in any unrecorded deeds, maps, or computations.

1946, p. 168; Michie Suppl. 1946, § 2849(6); Code 1950, § 55-294; 1984, c. 726; 2019, c. [712](#).

**§ 1-608. Limitation on use of name of systems.**

The use of the terms "Virginia Coordinate System of 1927" or "Virginia Coordinate System of 1983" on any map, report of survey, or other document shall be limited to coordinates based on the Virginia coordinate systems as defined in this chapter.

1946, p. 168; Michie Suppl. 1946, § 2849(7); Code 1950, § 55-295; 1984, c. 726; 2019, c. [712](#).

**§ 1-609. Use of system not compulsory.**

For purposes of describing the location of any survey station or land boundary corner in the Commonwealth, it shall be considered a complete, legal, and satisfactory description of such location to give the position of such survey station or land boundary corner on the system of plane coordinates defined in this chapter. Nothing contained in this chapter shall require any purchaser or mortgagee to rely on a description any part of which depends exclusively upon either Virginia coordinate system.

1946, p. 168; Michie Suppl. 1946, § 2849(8); Code 1950, § 55-296; 1984, c. 726; 2019, c. [712](#).

**§ 1-610. Old Dominion University designated as administrative agency.**

Old Dominion University is designated as the authorized state agency to collect and distribute information, to authorize such modifications as are referred to in § [1-607](#), and generally to advise with and assist appropriate state and federal agencies and individuals interested in the development of the provisions of this chapter.

1946, p. 168; Michie Suppl. 1946, § 2849(10); Code 1950, § 55-297; 1966, c. 55; 1968, c. 223; 1977, c. 114; 2019, c. [712](#).