Relocation of courthouse to land contiguous with its present location does not constitute removal requiring voter approval. Lack of language indicating extended meaning of "contiguous" requires question of removal of county courthouse to site separated by several lots from present courthouse site to be submitted by referendum for approval by qualified county voters.

Mr. Fletcher W. Harkrader III

County Attorney for Louisa County

April 3, 1996

You ask whether a referendum must be held to relocate the county courthouse to a parcel of land separated by several lots from the present courthouse site.

Section 15.1559(A) of the Code of Virginia requires the question of "the removal of the courthouse" to be submitted to the voters at a referendum. Section 15.1-561 provides that "[t]he relocation of a courthouse to land contiguous with its present location is not such a removal as to require authorization by the electorate."

The General Assembly has provided no definition of the word "contiguous" for purposes of the removal of a courthouse. The word must, therefore, be given its usual and ordinary meaning. "Contiguous" is defined both as "touching" and as "nearby." The definition depends on the context in which the word is used.

It is my opinion that, for purposes of § 15.1559, "land contiguous with [the] present location" of the courthouse means land that touches as opposed to land that is nearby. Section 15.1559 evidences a clear legislative intent to submit the question of the removal of the courthouse to the voters. The ballot is to identify not only the proposed site for the new courthouse, but also the amount to be appropriated by the board of supervisors for purchase of the land and construction of the buildings. The sole exception to § 15.1559 is the "relocation" of the courthouse to land "contiguous with" the present location.

Moreover, when the General Assembly has intended that the word "contiguous" have a meaning beyond physically touching or sharing the same boundary, it has expressly so provided. Thus, former § 24.146(1b) provided that, for purposes of permitting local registrars to register voters in contiguous localities, any city surrounded by a single county is to be deemed "contiguous" to the localities to which the county is contiguous. Additionally, for purposes of determining whether a parcel of land contains sufficient acreage to qualify for special land use taxation, § 58.13233(2) expressly provides that "properties separated only by a public right-of-way are considered contiguous."
Section 15.1561 contains no language indicating an extended meaning of "contiguous" or suggesting that the General Assembly intended that the word be broadly construed. It is my opinion that, under the facts you present, the question of the removal of the county courthouse should be submitted to the voters.


2The following sources define the meaning of "contiguous": THE AMERICAN HERITAGE DICTIONARY 316 (2d c. ed. 1985) ("Sharing an edge or boundary; touching." "Nearby; neighboring"); BLACK'S LAW DICTIONARY 320 (6th ed. 1990) ("In close proximity; neighboring; … touching at a point or along a boundary"); see also First Virginia Bank v. Commonwealth, 212 Va. 654, 655, 187 S.E.2d 186, 187 (1972) (in geographic sense, "[c]ontiguous' usually means either physically touching or in close physical proximity").

3See Op. Va. Att'y Gen.: 1984-1985 at 128 (localities separated by body of water may be considered "contiguous" for voter registration purposes); 1970-1971 at 61 ("contiguous" should be construed broadly for purposes of city police department enforcing state and local laws at educational institution located within city).

4Section 15.1561. Circumstances could exist under which the physical characteristics of specific land would support a conclusion that the land need not physically touch to be deemed contiguous within § 15.1561. I confine this opinion, however, to the facts you present in which the proposed site for relocation of the courthouse clearly is separated from its present site.

5See § 15.1567.

6See § 15.1561.


9In fact, § 15.1559 contains no exceptions to the referendum requirement for the "removal" of the courthouse, and § 15.1561 merely qualifies the meaning of "removal" by providing that the "relocation" of the courthouse to a contiguous site does not constitute "removal." This language further supports a narrow view of the word "contiguous," suggesting that the General Assembly intended to exclude the voters from decisions on moving the courthouse only when the courthouse will remain at the same general location.