



FLUVANNA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING AGENDA

Circuit Courtroom, Fluvanna Courts Building

November 18, 2015, at 7:00 pm

TAB	AGENDA ITEMS
1	– CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE
2	– ADOPTION OF AGENDA
3	– COUNTY ADMINISTRATOR’S REPORT
4	– BOARD OF SUPERVISORS’ UPDATES
5	– PUBLIC COMMENTS #1 (5 minutes each)
6	– PUBLIC HEARING
G	SUP 15:09 – Roundtop Limited Partnership, Joyce Parr—Steve Tugwell, Senior Planner
H	ZMP 15-05: Robin M. Travis—Steve Tugwell, Senior Planner
I	Amendment and Reenactment of the Fluvanna County Code Chapters 1-18 And 20-21 to Conform to Current Enabling Legislation—Steven M. Nichols, County Administrator
7	– ACTION MATTERS
K	FCPS FY15 to FY16 Carryover Request—Gena Keller, FCPS Superintendent
L	FY16 Farm Heritage Museum Funding Request—Jason Smith , Director of Parks and Recreation
M	Parks and Recreation Kayak Rental Fee Structure—Jason Smith, Director of Parks and Recreation
Mc	Appointment/Reappointment to Economic Development Authority—Steven M. Nichols, County Administrator
8	– PRESENTATIONS (normally not to exceed 10 minutes each)
N	JAUNT Annual Report—Brad Sheffield, JAUNT Executive Director
9	– CONSENT AGENDA
O	Minutes of November 4, 2015—Kelly Belanger Harris, Clerk to the Board
P	AP Report October 2015—Eric Dahl, Finance Director
Q	FY16 Hydrogeologic Study Appropriation—Mary Anna Twisdale
R	FY16 Schools Supplemental Appropriation Request for Central Elementary School Parent Teacher Organization Grant Funds—Ed Breslauer, Schools Director of Finance
S	FY16 Schools Supplemental Appropriation Request for Families Learning Together (FLT) Grant Funds—Ed Breslauer, Schools Director of Finance
T	FY16 Schools Immigrant Youth Budget Supplemental Appropriation—Ed Breslauer, Schools Director of Finance
U	Schools Security Equipment Grant Appropriation- Carysbrook—Ed Breslauer, Schools Director of Finance
V	Schools Security Equipment Grant Appropriation- West Central—Ed Breslauer, Schools Director of

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Finance

10 – UNFINISHED BUSINESS

TBD

11 – NEW BUSINESS

TBD

12 – PUBLIC COMMENTS #2 (5 minutes each)

13 – CLOSED MEETING

TBD

14 – ADJOURN



Steven M. Nichols
2015.11.13 14:58:30
-05'00'

County Administrator Review

PLEDGE OF ALLEGIANCE

I pledge allegiance to the flag
of the United States of America
and to the Republic for which it stands,
one nation, under God, indivisible,
with liberty and justice for all.

Fluvanna County...The heart of central Virginia and your gateway to the future!

*For the Hearing-Impaired – Listening device available in the Board of Supervisors Room upon request. TTY access number is 711 to make arrangements.
For Persons with Disabilities – If you have special needs, please contact the County Administrator's Office at 591-1910.*

ORDER

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Board wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Board to discuss the matter.
3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman and/or the County Administrator shall be the judge of such breaches, however, the Board may vote to overrule both.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

PUBLIC HEARING RULES OF PROCEDURE

1. PURPOSE
 - The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action.
 - A hearing is not a dialogue or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. SPEAKERS
 - Speakers should approach the lectern so they may be visible and audible to the Board.
 - Each speaker should clearly state his/her name and address.
 - All comments should be directed to the Board.
 - All questions should be directed to the Chairman. Members of the Board are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion.
 - Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
 - Speakers with questions are encouraged to call County staff prior to the public hearing.
 - Speakers should be brief and avoid repetition of previously presented comments.
3. ACTION
 - At the conclusion of the public hearing on each item, the Chairman will close the public hearing.
 - The Board will proceed with its deliberation and will act on or formally postpone action on such item prior to proceeding to other agenda items.
 - Further public comment after the public hearing has been closed generally will not be permitted.

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For Persons with Disabilities – If you have special needs, please contact the County Administrator's Office at 591-1910.*

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 18, 2015

AGENDA TITLE:	SUP 15:09 – Roundtop Limited Partnership, Joyce Parr				
MOTION(s):	I move that the Board of Supervisors [approve/deny/defer] SUP 15:09, a request to amend Special Use Permit SUP 14:04 to allow for an expansion of the educational facility to 75 occupants in 6 Centre Ct., and 49 occupants in 7 Centre Ct. with respect to 6.343 acres of a portion of Tax Map 18A, Section 4, Parcel 13A [if approved], with respect to a portion of 6.34 acres of Tax Map 18A, Section 4, Parcel 13A, with the three (3) conditions as described in the staff report.				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
	X				
STAFF CONTACT(S):	Steve Tugwell, Senior Planner				
PRESENTER(S):	Steve Tugwell, Senior Planner				
RECOMMENDATION:	At its meeting on October 28, 2015, the Planning Commission recommended approval (4-0); Mrs. Eager moved to approve; Mr. Gaines seconded; Ayes: Bibb, Eager, Gaines, and Johnson.				
TIMING:	Immediate decision requested at current meeting.				
DISCUSSION:	Request for a special use permit to allow for an expansion of the educational facility to 75 occupants in 6 Centre Ct., and 49 occupants in 7 Centre Ct. with respect to 6.343 acres of a portion of Tax Map 18A, Section 4, Parcel 13A.				
FISCAL IMPACT:	-				
POLICY IMPACT:	<p>The Board of Supervisors may:</p> <ul style="list-style-type: none"> • Approve this request, allowing the expansion of the educational facility; OR • Deny this request, preventing the expansion of the educational facility; OR • Defer this request and make a final decision at a later date. 				
LEGISLATIVE HISTORY:	<p>Review of a proposed expansion of the educational facility in accordance with Chapter 22, Article 9 of the Fluvanna County Code (Zoning Ordinance: Uses permitted by special use permit only).</p> <p>Application was received on September 1, 2015.</p> <p>Planning Commission reviewed the request on October 28, 2015.</p>				

ENCLOSURES:	Staff Report (with accompanying attachments)				
REVIEWS	Legal	Finance	Purchasing	HR	Other
					X



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

STAFF REPORT

To: Fluvanna County Board of Supervisors

Case Number: SUP 15:09

Tax Map: Tax Map 18A, Section 4, Parcel 13A

From: Steve Tugwell

District: Palmyra

Date: November 18, 2015

General Information: This request is to be heard by the Board of Supervisors on Wednesday, November 18, 2015 at 7:00 pm in the Circuit Court Room in the Courts Building.

Owner/Applicant: Roundtop Limited Partnership

Representative: Joyce Parr

Requested Action: Request to amend Special Use Permit SUP 14:04 to allow for an expansion of the educational facility to 75 occupants in 6 Centre Ct., and 49 occupants in 7 Centre Ct. with respect to 6.343 acres of a portion of Tax Map 18A, Section 4, Parcel 13A. (Attachment A)

Location: The affected property is located within the Lake Centre Shopping Center at Center Court, Palmyra on the northwest side of the intersection of Slice Road and South Boston Road (route 600), approximately 500 feet from that intersection. (Attachment B)

Existing Zoning: B-1, Business, General (Attachment C)

Planning Area: Rivanna Community Planning Area

Existing Land Use: The parcel is approximately 6.343 acres within the Lake Centre Shopping Center at Center Court, Palmyra.

Adjacent Land Use: The surrounding area is zoned R-4, Residential, Limited.

Zoning History: The parcel was rezoned from A-1 to B-1 in 1991. Two site development plans were approved for a daycare center and retail, respectively, in 1991. A special use permit was issued in 2003 for the siting of a cellular communications tower. A special use permit was issued for an educational facility in 2014 (SUP 14:04).

Comprehensive Plan:

VISION 2029

The vision for Fluvanna County is based on key goals such as “preserving the rural character, promote economic development and protect individual property rights”.

ECONOMIC DEVELOPMENT

Goal 3: *To protect rural areas through economic development.*

Implementation Strategy 3. Support the development of local economies, locally owned businesses, and entrepreneurial opportunities, particularly those that are of rural character and will require little provision of infrastructure.

Analysis:

Due to a positive response from the community leading to an increase in enrollment, The Light Academy is requesting to amend their existing special use permit (SUP 14:04) to allow for additional students. The Light Academy has acquired the adjoining tenant space (7 Centre Court), and therefore would like to amend their SUP to allow an increase in the number of students, which will align to the building, fire, and occupancy codes. This translates into 75 occupants for their existing space (6 Centre Court), and 49 occupants for the proposed adjoining space (7 Centre Court). This will bring the total number of occupants to 124. Pursuant to the increased occupancy, the applicant is requesting to increase the maximum number of students enrolled during the academic school year from 50 to 116.

According to their application, acquisition of the adjoining tenant space will enable The Light Academy to continue to grow and to accommodate class parties, recitals, speakers, and special classes. The Light Academy is working closely with the other neighboring businesses to provide them food for lunches, vision screening for students from a local optometrist, as well as other special classes and athletic dance classes. (Attachment D)

When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance.

First, the proposed use should not tend to change the character and established pattern of the area or community.

The educational facility is located on a 6.34 acre parcel, within an existing shopping center. The surrounding area features a mix of residential, business, and agricultural uses. Based on reports from the applicant regarding the academy’s first-year progress, it appears they have been working harmoniously with neighbors and businesses, and become a good fit in Lake Monticello community. Therefore, the established pattern of the community has not been altered or changed since they have been located there.

Second, the proposed use should be compatible with the uses permitted by-right in that zoning district and shall not adversely affect the use/or value of neighboring property.

The educational facility is located in an existing shopping center in B-1 zoning. Neighboring properties include a dance studio, a restaurant, and a pre-school. There are other commercial uses nearby, and the residential uses do not appear to have been adversely affected by the operation of the educational facility, in fact by all accounts they have been enhanced.

Neighborhood Meeting:

There were five (5) attendees at the September 9th, 2015 neighborhood meeting.

Technical Review Committee:

At the September 10th, 2015 Technical Review Committee meeting:

1. Aqua Virginia stated that the site is served by public water and sewer, and at this time there is sufficient capacity for this use;
2. VDOT stated that The Light Academy is currently approved for 50 students and they are requesting an increase to a maximum occupancy of 124 students. The proposed expansion will involve utilizing the existing commercial space formerly used by Angel's School of Dance (7 Centre Ct.). The Light Academy's application indicates that their hours of operation vary with the peak times for the Dogwood Restaurant and they have an organized car line for pickup of students. In addition, there is an existing traffic signal with left and right turn lanes at the intersection of Rte. 600 and Slice Road. VDOT does not object to expanding the size of the school.
3. Central VA Electric Cooperative stated that they have no concerns with the project;
4. The Fire Chief said that if pull Station installed, request that there should be a minimum of three Key Holders established to respond to Alarm Activations to give the FD access to building. Key Holders should not have more than 20 min. response time to facility.

The full list of Technical Review Committee comments is attached to this staff report. (Attachment E)

Planning Commission:

The Planning Commission discussed this SUP request at their October 28, 2015 meeting, and voted unanimously 4-0 to recommend approval.

Conclusion:

The Board of Supervisors should consider any potential adverse impacts, such as traffic entering and exiting the property, noise, or potential visual impacts to adjacent properties.

Recommended Conditions

If approved, Staff recommends the following conditions:

1. The maximum number of students enrolled at this facility during the academic school year shall be 116.
2. The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.
3. Under Sec. 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.

Suggested Motion:

I move that the Board of Supervisors [**approve/deny/defer**] SUP 15:09, a request to amend Special Use Permit SUP 14:04 to allow for an expansion of the educational facility to 75 occupants in 6 Centre Ct., and 49 occupants in 7 Centre Ct. with respect to 6.343 acres of a portion of Tax Map 18A, Section 4, Parcel 13A [if approved], with respect to a portion of 6.34 acres of Tax Map 18A, Section 4, Parcel 13A, with the three (3) conditions as described in the staff report.

Attachments:

- A – Application, APO Letter, and property owner’s permission letter
- B – Zoning map
- C – Aerial Vicinity Map
- D – Applicant’s sketch
- E – TRC Comment Letter, Health Dept. memo, and applicant’s response letter

Cc: Rountop Limited Partnership, 2246 Ivy Road, Suite 5, Charlottesville, VA 22903
Ms. Joyce Parr, 13 Woodlawn Drive, Palmyra, VA 22963
File



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA

Application for Special Use Permit (SUP) 1 2015

Attachment A

Received

Planning Dept.

Owner of Record: Rountop Limited Partnership
E911 Address: 2246 Ivy Rd., Suite 5, Charlottesville, VA 22903
Phone: 434-976-0568 Fax: 434-979-4421
Email: jeepnewman@aol.com

Applicant of Record: Joyce Parr
E911 Address: 13 Woodlawn Dr., Palmyra, VA 22963
Phone: 434-906-6769 Fax:
Email: thelightacademyva@gmail.com

Representative: General Partner - James W. Newman Jr.
E911 Address: same as above
Phone: same as above Fax: same as above
Email: same as above

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Is property in Agricultural Forestal District? No Yes
If Yes, what district:

Tax Map and Parcel(s): 18A 4 13A **Deed Book Reference:** 371-856 383-188

Acreage: 6.34 **Zoning:** B1 **Deed Restrictions?** No Yes (Attach copy)

Request for a SUP in order to: operate a school **Proposed use of Property:** educational facility

*Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

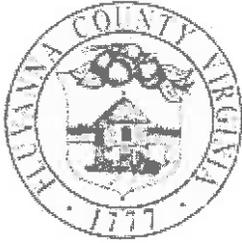
Date: 9/01/15 Signature of Owner/Applicant: Joyce Parr
Subscribed and sworn to before me this 1st day of September, 2015
Notary Public: [Signature] Register # 7188390
My commission expires: 09/30/2016



Certification: Date: _____
Zoning Administrator: _____

All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

OFFICE USE ONLY	
Date Received: 9-01-15 Pre-Application Meeting:	PH Sign Deposit Received: Application #: SUP 15 : 009
\$800.00 fee plus mailing costs paid:	Mailing Costs: \$20.00 Adjacent Property Owner(APO) after 1st 15, Certified Mail
Amendment of Condition: \$400.00 fee plus mailing costs paid:	V# 1212
Telecommunications Tower \$1,500.00 fee plus mailing costs paid:	\$5,500 w/Consultant Review paid:
Election District: Palmyra	Planning Area: R1000 CPA
Public Hearings	
Planning Commission	Board of Supervisors
Advertisement Dates: Oct 5th (16th & 23rd)	Advertisement Dates: Oct 5th Oct 26th (Nov 5th & 12th)
APO Notification: Oct 12th	APO Notification: Nov 2nd
Date of Hearing: Oct 29th	Date of Hearing: Nov 19th
Decision:	Decision:



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Received

SEP 01 2015

Planning Dept.

Name: Joyce Parr

Address: 13 Woodlawn Dr.

City: Palmyra

State: VA Zip Code: 22963

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.

Joyce Parr 9/01/15
Applicant Signature Date

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY	
Application #: BZA _____ : CPA _____ : SUP <u>15</u> : <u>009</u> ZMP _____ : ZTA _____ :	
\$90 deposit paid per sign*: <u>✓ #1213</u>	Approximate date to be returned: <u>Nov 19th 2015</u>

Received

SEP 01 2015

Planning Dept.

Describe briefly the **improvements** proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

We have acquired the commercial space next to us, 7 Centre Ct. (formerly Angell's School of Dance) nearly doubling our space. Therefore, we are seeking an amendment to our Special Use Permit that is in alignment to the building and fire occupancy and codes which is 75 occupants in 6 Centre Ct. (with an installed fire alarm system) and 49 occupants in 7 Centre Ct.

NECESSITY OF USE: Describe the reason for the requested change.

The community has responded enthusiastically to The Light Academy approach. Our enrollment has doubled for our second school year, and we currently have 45 students who attend daily. As noted above, we have added 7 Centre Ct. to accommodate this growth and allow room to grow further. We would like to be able to hold assemblies (class parties, recitals, special speakers, special classes, etc.) to invite parents, home school families, and visitors to our school. We are seeking to have our Special Use Permit in alignment with the building and fire occupancy and codes.

PROTECTION OF ADJOINING PROPERTY: Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

We have worked with our neighbors to create a vibrant community. Our hours of operation vary from the Dogwood Restaurant's busy times. Our parents drop off students in an organized car line and are gone before Weiss Optometrists open. In the afternoons, parents pick up in an organized car line which is done in 5-7 minutes. (Attachment A)

We work cooperatively with our neighbors – the Dogwood Restaurant has additional business from our school because they provide our hot lunches. Weiss Optometrists are planning to do a vision screening for our students. Beautiful Gate/Starting Gate does joint projects with us from time to time, and Angell's School of Dance provides a weekly afternoon athletic dance class for our students and homeschoolers.

ENHANCEMENT OF COUNTY: Why does the applicant believe that this requested change would be advantageous to the County of Fluvanna? (Please substantiate with facts.)

We believe that this requested change will further expand the availability of private education to Fluvanna residents. We believe we have contributed to the economy of the local business community at Centre Ct. by bringing in more foot traffic.

PLAN: Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed building and complete plans are desirable and may be required with the application. Remarks:

Received

MAY 01 2014

Planning Dept.

Rountop Limited Partnership L L P
2246 Ivy Road Suite 5
Charlottesville, VA 22903
Telephone 434-979-0568 Facsimile 434-979-4421 Cell 434-825-2429

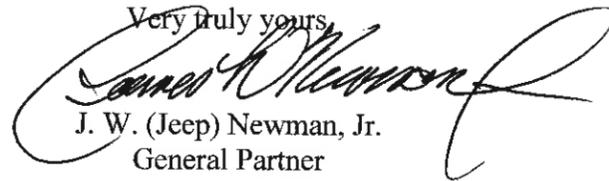
April 30, 2014

To whom it may concern:

As General Partner of Rountop Limited Partnership LLP, owner of Lake Centre Shopping Center located at Centre Court, Palmyra, Virginia;

I hereby authorize Joyce Parr as agent for all matters concerning her application for a Special Use Permit (SUP) for suites 6 & 6B which are located in my shopping center (please refer to attached map).

Very truly yours,



J. W. (Jeep) Newman, Jr.
General Partner

Memorandum

DATE: November 3rd, 2015
RE: Board of Supervisors APO Letter
TO: Jason Stewart
FROM: Deidre Creasy

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the November 18, 2015 Board of Supervisors Meeting.



COUNTY OF FLUVANNA

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Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

NOTICE OF PUBLIC HEARING

November 2, 2015

«Owner»
«Address»
«City_State» «Zip_Code»
TMP# «TMP»

Re: Public Hearing on ZMP 15:05

Dear «Owner»:

This letter is to notify you that the Fluvanna County Board of Supervisors will hold a public hearing on the above referenced item as noted below:

Purpose:	Board of Supervisor’s Public Hearing
Day/Date:	Wednesday, November 18, 2015
Time:	7:00 PM
Location:	Fluvanna County Circuit Court Room, Palmyra, VA

The applicant or applicant’s representative will be present at the Board of Supervisors meeting for the rezoning request that is described as follows:

ZMP 15:05 – Robin M. Travis - An ordinance to amend the Fluvanna County Zoning Map with respect to 4.688 acres of Tax Map 5, Section A, Parcel 45 to rezone the same from A-1, Agricultural, General to B-1, Business, General. The affected property is located on the north side of Richmond Road (Route 250), approximately .40 miles northwest of its intersection with James Madison Highway (Route 15). The property is located in the Columbia Election District and is within the Zion Crossroads Community Planning Area.

You are welcome to attend the Public hearing and you will have an opportunity to comment, if desired. The tentative agenda and staff report for this action is available for public review on the County website at: <http://fluvannacounty.org/government/bos/agendasactionsminutes>. You can also view the report in the Fluvanna County Planning and Zoning Department during working hours (8:00 am – 5:00 pm, Monday through Friday).

If you have any questions regarding this rezoning application or the Public Hearing, please contact me at 434-591-1910.

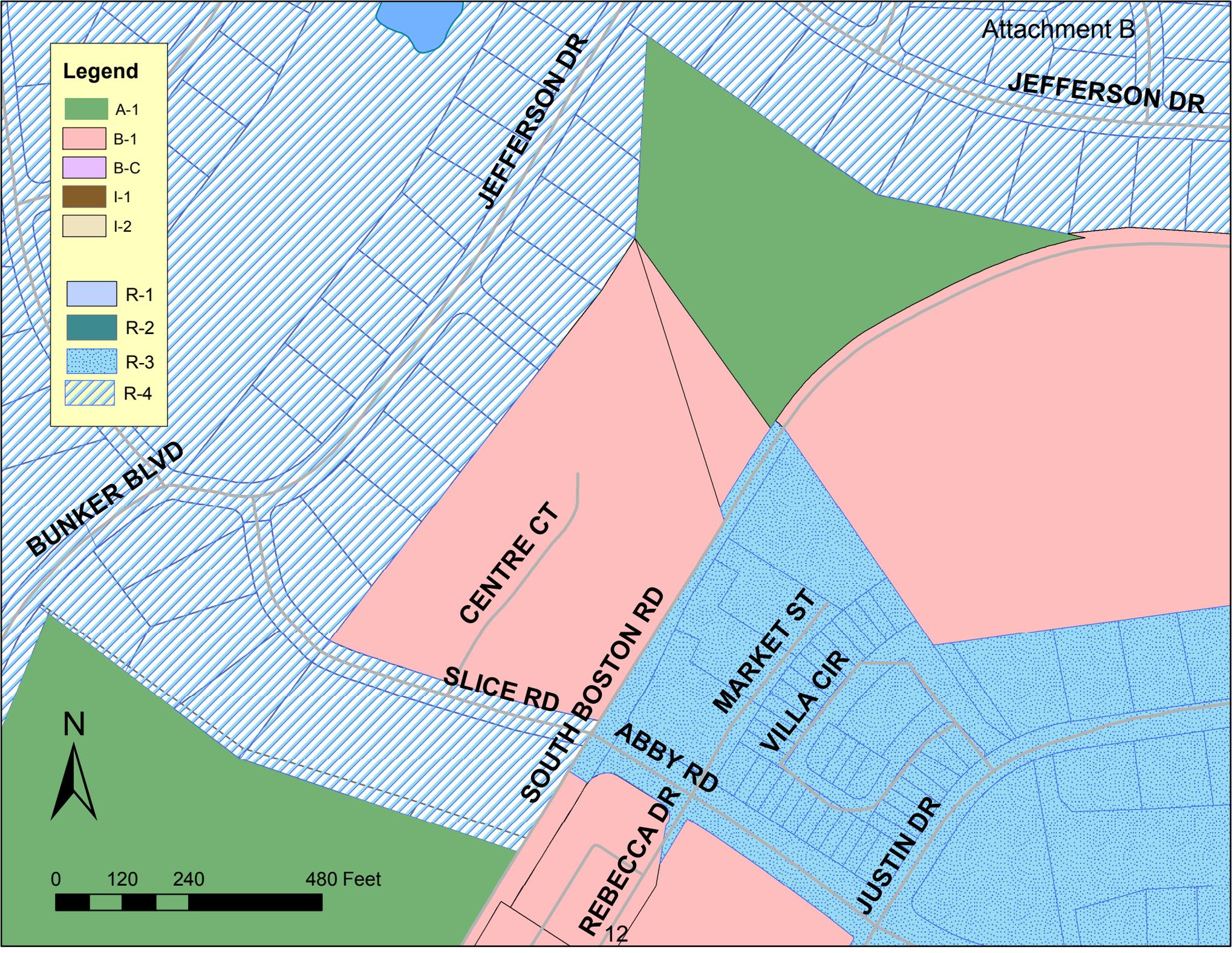
Sincerely,

Jason Stewart
Planning and Zoning Administrator

ZMP 15:005 Robin Travis					
TMP		Name	Address	City, State	Zip
5 17	1	Covenant Church of God Albemarle	1025 Rio Rd	Charlottesville, Va	22901
5 7	10	R.S. Glass	10144 Three Notched Rd	Troy, Va	22974
5 A	45	Robin Travis Et. AL	905 Royer Dr	Charlottesville, Va	22902
5 A	47	Harvey Guy Hall	249 Zion Rd	Gordonsville, Va	22942
5 7	9A	Zions Cross Roads LLC	1950 Fox Hunt Dr	Troy, Va	22974
5 7	9B	School Lane& Asso LLC	2153 Richmond Rd Ste 1	Charlottesville, Va	22911
5 A	44	Ballif Investments LLC	170 South Pantops Dr.	Charlottesville, Va	22911

Legend

- A-1
- B-1
- B-C
- I-1
- I-2
- R-1
- R-2
- R-3
- R-4



JEFFERSON DR

JEFFERSON DR

BUNKER BLVD

CENTRE CT

SLICE RD

SOUTH BOSTON RD

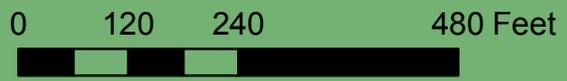
ABBY RD

MARKET ST

VILLA CIR

JUSTIN DR

REBECCA DR





JEFFERSON DR

CENTRE CT

SOUTH BOSTON RD

SLICE RD

MARKET ST

VILLA CIR

ABBY RD

0 60 120 240 Feet

Received

SEP 01 2015

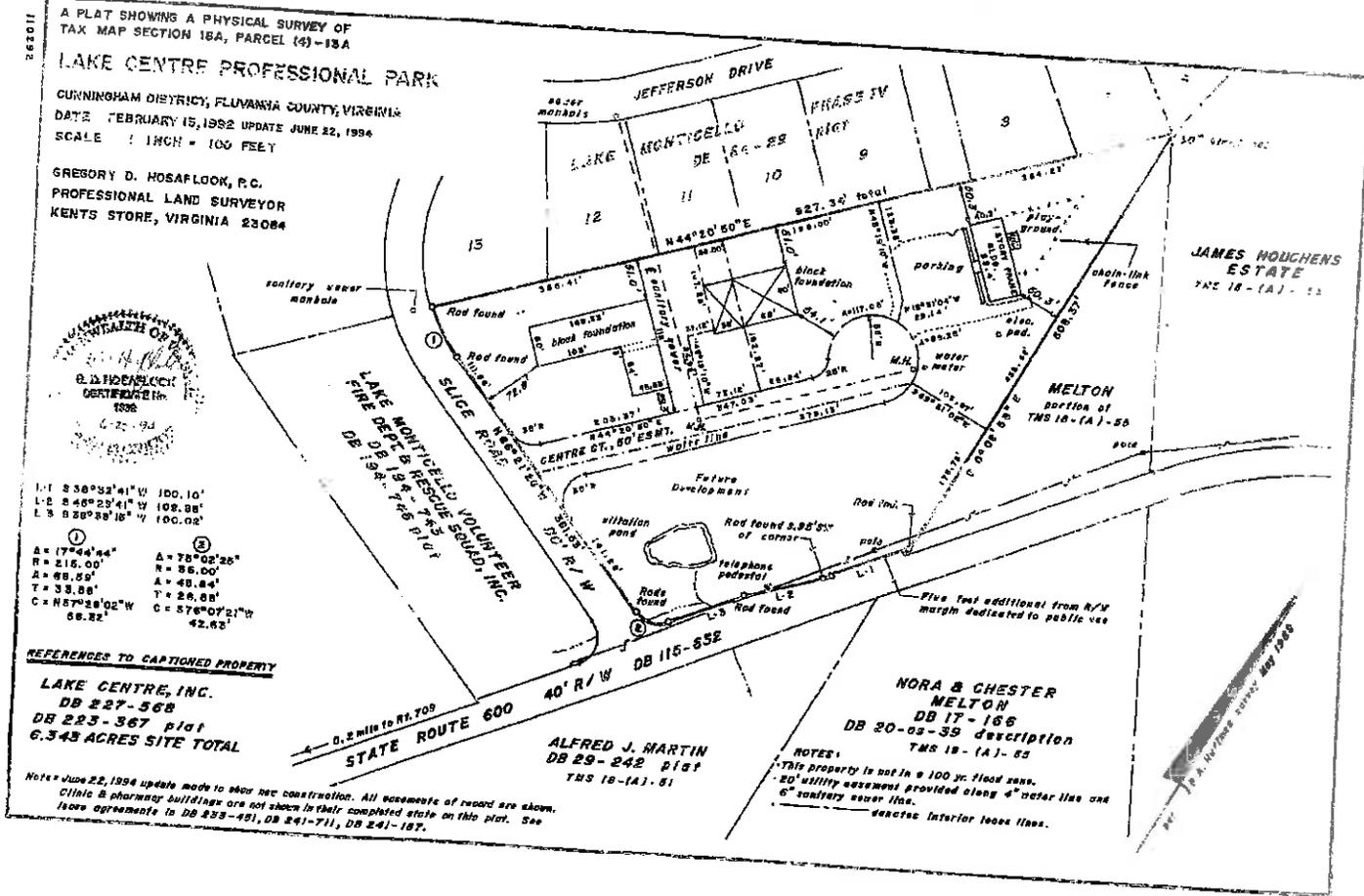
Planning Dept.



Received

SEP 01 2015

Planning Dept.





COUNTY OF FLUVANNA

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P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

September 15, 2015

Joyce Parr
13 Woodlawn Drive
Palmyra, VA 22963

Delivered via email

Re: SUP 15:09 The Light Academy special use permit amendment request
Tax Map: 18A, Section 4, Parcel 13A

Dear Ms. Parr:

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, September 10, 2015.

1. Aqua Virginia stated that the site is served by public water and sewer, and at this time there is sufficient capacity for this use;
2. VDOT stated that The Light Academy is currently approved for 50 students and they are requesting an increase to a maximum occupancy of 124 students. The proposed expansion will involve utilizing the existing commercial space formerly used by Angel's School of Dance (7 Centre Ct.). The Light Academy's application indicates that their hours of operation vary with the peak times for the Dogwood Restaurant and they have an organized car line for pickup of students. In addition, there is an existing traffic signal with left and right turn lanes at the intersection of Rte. 600 and Slice Road. VDOT does not object to expanding the size of the school.
3. Central VA Electric Cooperative stated that they have no concerns with the project;
4. The Fire Chief said that if pull Station installed, request that there should be a minimum of three Key Holders established to respond to Alarm Activations to give the FD access to building. Key Holders should not have more than 20 min. response time to facility.

The Planning Commission will have a meeting to discuss this item at their Wednesday, October 28, 2015 meeting. Your attendance is required at this meeting.

If you have any questions or need additional information, please contact me at 434-591-1910.

Sincerely,



Steve Tugwell

Senior Planner

Dept. of Planning & Community Development

Cc: Rountop Limited Partnership, 2246 Ivy Road, Suite 5, Charlottesville, VA 22903, Ms. Joyce Parr, 13
Woodlawn Drive, Palmyra, VA 22963

File

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 18, 2015

AGENDA TITLE:	ZMP 15:05 – Robin M. Travis				
MOTION(s):	I move that the Board of Supervisors approve/deny/defer ZMP 15:05 of the attached ordinance for ZMP 15:05, a request to amend the Fluvanna County Zoning Map with respect to approximately 4.688 acres of Tax Map 5, Section A, Parcel 45, to rezone the same from A-1, Agricultural, General, to B-1, Business, General.				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
	x				
STAFF CONTACT(S):	Steve Tugwell, Senior Planner				
PRESENTER(S):	Steve Tugwell, Senior Planner				
RECOMMENDATION:	At its meeting on September 23, 2015, the Planning Commission recommended approval of ZMP 15:05 (5-0); Mr. Gaines moved to recommend approval, Mr. Zimmer seconded; Ayes: Bibb, Eager, Gaines, Johnson, and Zimmer.				
TIMING:	Immediate decision requested at current meeting.				
DISCUSSION:	Request to amend the Fluvanna County Zoning Map with respect to 4.688 acres of Tax Map 5, Section A, Parcel 45 to rezone the same from A-1, Agricultural, General, to B-1, Business, General.				
FISCAL IMPACT:	-				
POLICY IMPACT:	<p>Regarding ZMP 15:05, The Board of Supervisors may:</p> <ul style="list-style-type: none"> • Approve this request, allowing the Fluvanna County Zoning Map to be amended; OR • Deny this request, preventing the Fluvanna County Zoning Map to be amended; OR • Defer this request and make a final decision at a later date. 				
LEGISLATIVE HISTORY:	<p>Review of a proposed rezoning request in accordance with Chapter 22, Article 20 of the Fluvanna County Code (Zoning Ordinance: Amendments & Rezoning)</p> <p>Application was received on July 14, 2015;</p> <p>Planning Commission reviewed the request on September 23, 2015.</p>				
ENCLOSURES:	Staff Report (with accompanying attachments)				



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

STAFF REPORT

To: Fluvanna County Board of Supervisors
Case Number: ZMP 15:05
Tax Map: Tax Map 5, Section A, Parcel 45

From: Steve Tugwell
District: Columbia
Date: November 18, 2015

General Information: This request is to be heard by the Board of Supervisors on Wednesday, November 18, 2015 at 7:00 p.m. in the Circuit Courtroom in the Courts Building.

Owner/Applicant: Robin M. Travis

Representative: Robin M. Travis

Requested Action: To amend the Fluvanna County Zoning Map with respect to approximately 4.688 acres of Tax Map 5, Section A, Parcel 45, to rezone the same from A-1, Agricultural, General, to B-1, Business, General. (Attachment A)

Location: The affected property is located on the north side of Richmond Road (Route 250), approximately .40 miles northwest of its intersection with James Madison Highway (Route 15). (Attachment B)

Existing Zoning: A-1, Agricultural, General

Proposed Zoning: B-1, Business, General

Existing Land Use: Vacant land

Planning Area: Zion Crossroads Community Planning Area

Adjacent Land Use: Adjacent properties are zoned A-1 and B-1

Zoning History: None

Neighborhood Meeting:

There were no attendees present at the August 12, 2015 Neighborhood meeting.

Technical Review Committee:

The Technical Review Committee meeting for this item was held on Thursday, August 13, 2015.

(Attachment C)

Planning Commission: September 23, 2015

The Planning Commission considered this request at their September 23, 2015 meeting, and voted to recommend approval 5-0. AYES: Bibb, Eager, Gaines, Johnson, and Zimmer.

Statement of Intent:

The Statement of Intent indicates the purpose of the zoning district and describes the characteristics of uses generally found within the district.

The Statement of Intent for the B-1, Business, General Zoning District is as follows:

“Generally this district covers those areas of the county as defined by the Comprehensive Plan that are intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles.”

Current Request:

Ms. Travis intends on rezoning this property for an eventual sell to facilitate commercial uses. Some uses that are permitted by-right in the B-1 zoning district include automobile repair service establishments, automobile sales, car washes, daycare centers, and hotels.

If the rezoning is successful, then a site development plan must be reviewed and approved administratively by planning staff prior to commencement of site construction.

(Attachment D)

Comprehensive Plan Analysis:

Land Use:

This property is located in the Zion Crossroads Community Planning Area, and according to the 2009 Comprehensive Plan, this area is the *“county’s primary regional economic development area and is targeted as a regional employment center and for primarily mixed-use, mixed-income development that will also help develop the infrastructure needed for such development, as well*

as diversifying the county's tax base". This Planning Area is conducive to industry due to the transportation networks that connect west to Charlottesville and east to Richmond.

Economic Development:

The 2009 Comprehensive Plan states that the Zion Crossroads area *"is the primary commercial node, with primarily retail and office uses, but also light industrial and mixed-use, mixed-income residential development"* base and is an area of concentration of major employers. The Comprehensive Plan considers this an area that is very conducive to further development due to its location and proximity to major transportation networks. This area is one that should be zoned for industrial and/or commercial uses and the county should promote economic development in this area at, along, and near Route 250 and Route 15.

Conclusion:

This rezoning request appears to meet the intent of the Comprehensive Plan in that, *"this area is the county's primary regional development area and is targeted as a regional employment center and for primarily mixed-use, mixed-income development that will also help develop the infrastructure needed for such development, as well as diversifying the county's tax base."*

When reviewing this rezoning request, the Board of Supervisors should take into consideration how this request accomplishes (or does not accomplish) the goals and intent of the Comprehensive Plan.

Suggested Motion:

I move that the Board of Supervisors **approve/deny/defer** ZMP 15:05 of the attached ordinance for ZMP 15:05, a request to amend the Fluvanna County Zoning Map with respect to approximately 4.688 acres of Tax Map 5, Section A, Parcel 45, to rezone the same from A-1, Agricultural, General, to B-1, Business, General.

Attachments:

- A – Application and APO letter
- B – Aerial Vicinity Map
- C – TRC comment letter
- D – Sketch plan
- E – Proposed Ordinance

Copy: File

Received

JUL 14 2015

Planning Dept.



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for Rezoning

Owner of Record: Robin M. Travis Applicant of Record: _____

E911 Address: _____ E911 Address: _____

Phone: 434-296-4930 Fax: cell 434-989-8950 Phone: _____ Fax: _____

Email: RMTravis112@gmail.com Email: _____

Representative: Self

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

E911 Address: _____

Phone: _____ Fax: _____

Email: _____

Is property in Agricultural Forestal District? No Yes
 If Yes, what district: _____

Tax Map and Parcel(s): 5-A-45 Deed Book Reference: _____

Acreage: 4.688 Zoning: Agricultural Deed Restrictions? No Yes (Attach copy)

Location of Parcel: Rt 250 East

Requested Zoning: B1 Proposed use of Property: eventually sell for business.

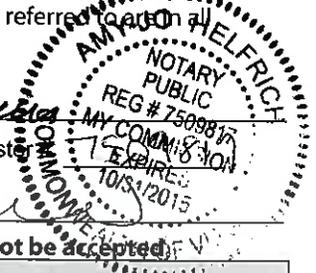
Affidavit to Accompany Petition for Rezoning

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the Board of Supervisors during the normal discharge of their duties in regard to this request. I/We, being duly sworn, depose and say that we are Owner/Contract Owner of the property involved in this application and that we have familiarized ourselves with the rules and regulations of the Zoning Ordinance with respect to preparing and filing this application, and that the foregoing statements and answers herein contained and the information on the attached map to the best of our ability present the argument on behalf of the application herewith requested and that the statements and information above referred to are true and correct to the best of our knowledge.

Date: 7/14/15 Signature of Owner/Applicant: Robin M. Travis

Subscribed and sworn to before me this 14 day of July, 20 15 Registered

My commission expires: 10/31/2015 Notary Public: _____



All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

OFFICE USE ONLY			
Date Received: <u>7/14/15</u>	Pre-Application Meeting:	PH Sign Deposit Received: <input checked="" type="checkbox"/>	Application #: <u>ZMP 15: 005</u>
\$1,000 plus \$50 for per acre plus mailing costs fee paid: Mailing Costs: \$20.00 Adjacent Property Owner(APO) after 1st 15, Certified			
Proffer or Master Plan Amendment: \$750.00 plus mailing costs			
Election District: <u>Columbia</u>	Planning Area: <u>Columbia CPA</u>		
Public Hearings			
Planning Commission		Board of Supervisors	
Advertisement Dates: <u>Aug 31st (Sept 10th 11th)</u>	Advertisement Dates: <u>Sept 21st (Oct 8th 15th)</u>		
APO Notification: <u>Aug 7th</u>	APO Notification: <u>Oct 5th</u>		
Date of Hearing: <u>Sept. 23rd</u>	Date of Hearing: <u>Oct 21st</u>		
Decision:	Decision:		

Received

JUL 14 2015



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Planning Dept.

Name: Robin M. Travis
Address: 905 Royer Dr
City: Chville,
State: VA Zip Code: 22902

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.

Robin M. Travis 7/14/15
Applicant Signature Date

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY	
Application #: BZA _____ : CPA _____ : SUP _____ : ZMP <u>15:005</u> ZTA _____ :	
\$90 deposit paid per sign*: <u>✓ #4938</u>	Approximate date to be returned: <u>10/22/15</u>

Memorandum

DATE: November 3rd, 2015
RE: Board of Supervisors APO Letter
TO: Jason Stewart
FROM: Deidre Creasy

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the November 18, 2015 Board of Supervisors Meeting.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

Attachment A
132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

NOTICE OF PUBLIC HEARING

November 2, 2015

«Owner»
«Address»
«City_State» «Zip_Code»
TMP# «TMP»

Re: Public Hearing on ZMP 15:05

Dear «Owner»:

This letter is to notify you that the Fluvanna County Board of Supervisors will hold a public hearing on the above referenced item as noted below:

Purpose: Board of Supervisor's Public Hearing
Day/Date: Wednesday, November 18, 2015
Time: 7:00 PM
Location: Fluvanna County Circuit Court Room, Palmyra, VA

The applicant or applicant's representative will be present at the Board of Supervisors meeting for the rezoning request that is described as follows:

ZMP 15:05 – Robin M. Travis - An ordinance to amend the Fluvanna County Zoning Map with respect to 4.688 acres of Tax Map 5, Section A, Parcel 45 to rezone the same from A-1, Agricultural, General to B-1, Business, General. The affected property is located on the north side of Richmond Road (Route 250), approximately .40 miles northwest of its intersection with James Madison Highway (Route 15). The property is located in the Columbia Election District and is within the Zion Crossroads Community Planning Area.

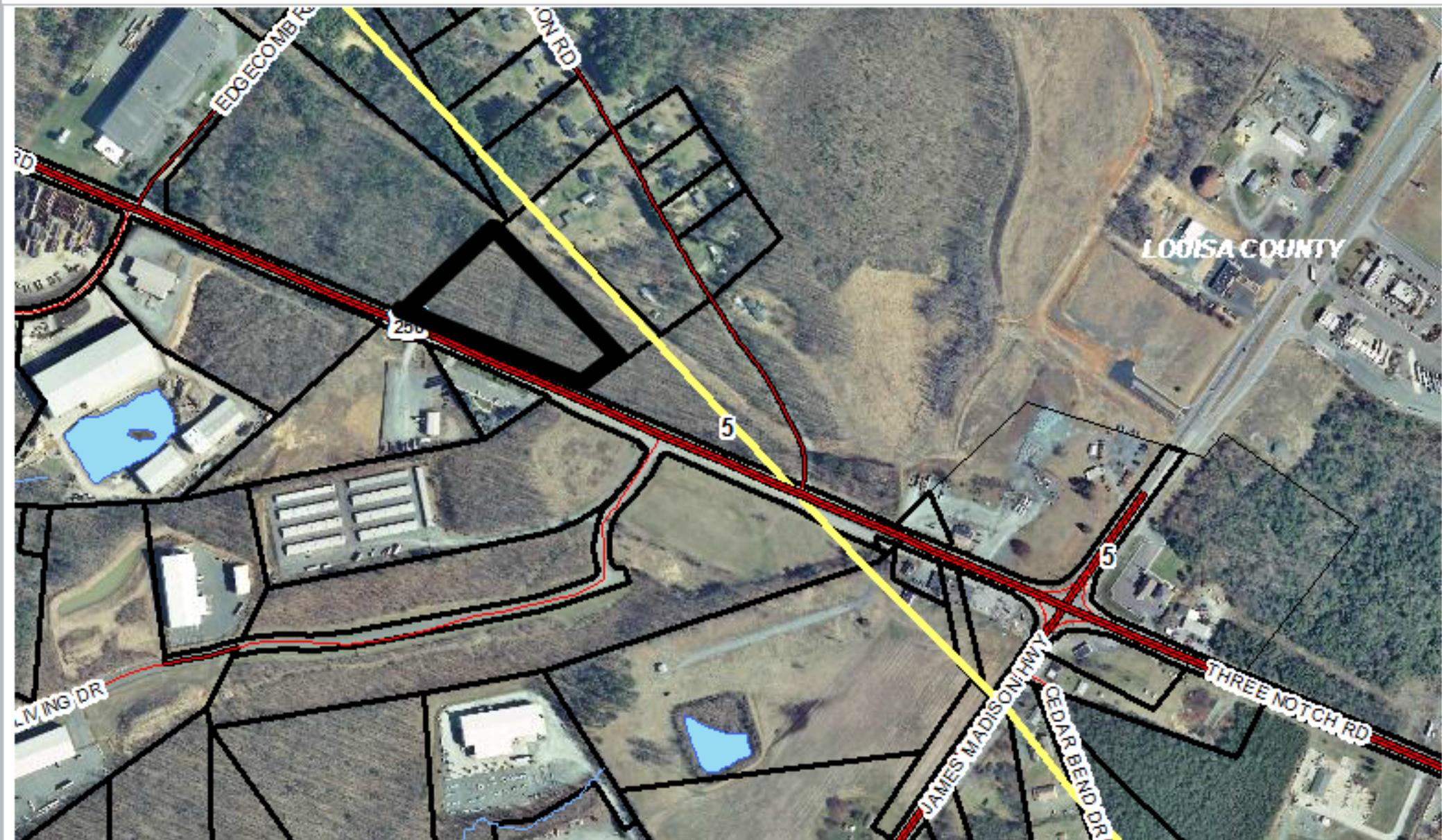
You are welcome to attend the Public hearing and you will have an opportunity to comment, if desired. The tentative agenda and staff report for this action is available for public review on the County website at: <http://fluvannacounty.org/government/bos/agendasactionsminutes>. You can also view the report in the Fluvanna County Planning and Zoning Department during working hours (8:00 am – 5:00 pm, Monday through Friday).

If you have any questions regarding this rezoning application or the Public Hearing, please contact me at 434-591-1910.

Sincerely,

Jason Stewart
Planning and Zoning Administrator

ZMP 15:005 Robin Travis					
TMP		Name	Address	City, State	Zip
5 17	1	Covenant Church of God Albemarle	1025 Rio Rd	Charlottesville, Va	22901
5 7	10	R.S. Glass	10144 Three Notched Rd	Troy, Va	22974
5 A	45	Robin Travis Et. AL	905 Royer Dr	Charlottesville, Va	22902
5 A	47	Harvey Guy Hall	249 Zion Rd	Gordonsville, Va	22942
5 7	9A	Zions Cross Roads LLC	1950 Fox Hunt Dr	Troy, Va	22974
5 7	9B	School Lane& Asso LLC	2153 Richmond Rd Ste 1	Charlottesville, Va	22911
5 A	44	Ballif Investments LLC	170 South Pantops Dr.	Charlottesville, Va	22911



Scale: 1:9027.977411

Date: 09/15/2015

Printed By:

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

August 14, 2015

Robin M. Travis
905 Royer Road
Charlottesville, VA 22902

Delivered via email

**Re: ZMP 15:05 Robin M. Travis rezoning from A-1 to B-1, Business, General
Tax Map: 5, Section A, Parcel 45**

Dear Ms. Travis:

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, August 13, 2015.

1. VDOT:

- Rte. 250 has a posted speed limit of 55 mph which requires a minimum of 610 ft. of Intersection Sight Distance for a standard commercial entrance. It appears that the 610 ft. of Intersection Sight Distance can be obtained at this location as the parcel is on a straight section of road with long sight lines;
- Rte. 250 is a Rural Major Collector with a posted speed limit of 55 mph, given these conditions, VDOT's Access Management Regulations require 445 ft. of spacing between commercial entrances. There are four (4) commercial entrances on the south side of Rte. 250 in close proximity to this parcel. In order to meet VDOT's entrance spacing requirements as closely as possible, the future commercial entrance that will serve this property will have to be lined up directly across from the eastern entrance to TMP 5-A-44A (entrance to Crossroads Community Church). This entrance location will provide 450 ft. of entrance spacing to Better Living Drive to the east and 300 ft. of spacing to the western entrance of TMP 5-A-44A (this parcel has two commercial entrances). An entrance spacing exception will be required from VDOT since there is only 300 ft. of spacing between the entrances that serve TMP 5-A-44A. It is anticipated that VDOT's Area Land Use Engineer will support the approval of the entrance spacing exception for this parcel;
- Until a site plan is available for review, VDOT cannot make any specific comments concerning what type of entrance improvements that might be required. If the traffic generated by the future development of this site requires that turn lanes be constructed on

Rte. 250, the landowner should be required to dedicate an equivalent strip of Right of Way along Rte. 250 to compensate for the loss of VDOT's existing Right of Way as it may be needed if Rte. 250 is widened in the future.

2. Central Virginia Electric Cooperation stated they have no issues with the proposed rezoning, that there is an overhead powerline running through the middle of the property that will need to remain in place, if at some point in the future the owner requests that the line be relocated it may be possible if new easements can be obtained, all costs associated with any relocation would be the responsibility of the owners;

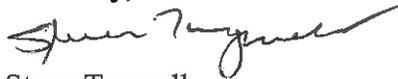
3. The Health Dept. stated they have no comments;

4. Planning staff- an approved site development plan meeting all ordinance requirements shall prior to any on-site improvements.

The Planning Commission will have a meeting to discuss this item at their Wednesday, September 23, 2015 meeting. Your attendance is required at this meeting.

If you have any questions or need additional information, please contact me at 434-591-1910.

Sincerely,



Steve Tugwell
Senior Planner
Dept. of Planning & Community Development

cc: File

Steven Tugwell

From: Wood, Mark, P.E., L.S (VDOT) <James.Wood@VDOT.virginia.gov>
Sent: Wednesday, August 12, 2015 5:46 PM
To: Steven Tugwell
Cc: Reed, James M. (VDOT); Wolfrey, Sharon A. (VDOT); Jason Stewart; Tim Stanley
Subject: August 13, 2015 Technical Review Committee Meeting (VDOT Comments)

Importance: High

Steve,

I apologize I will be unable to attend the TRC Meeting tomorrow morning because I have a conflict with another meeting. In my absence, I am providing you with VDOT's preliminary comments :

ZMP 15:05 – Robin M. Travis, Tax Map 5, Section A, Parcel 45, Fluvanna County (Rte. 250, Richmond Road)

- Rte. 250 has a posted speed limit of 55 mph which requires a minimum of 610 ft. of Intersection Sight Distance for a standard commercial entrance. It appears that the 610 ft. of Intersection Sight Distance can be obtained at this location as the parcel is on a straight section of road with long sight lines.
- Rte. 250 is a Rural Major Collector with a posted speed limit of 55 mph, given these conditions, VDOT's Access Management Regulations require 445 ft. of spacing between commercial entrances. There are four (4) commercial entrances on the south side of Rte. 250 in close proximity to this parcel. In order to meet VDOT's entrance spacing requirements as closely as possible, the future commercial entrance that will serve this property will have to be lined up directly across from the eastern entrance to TMP 5-A-44A (entrance to Crossroads Community Church). This entrance location will provide 450 ft. of entrance spacing to Better Living Drive to the east and 300 ft. of spacing to the western entrance of TMP 5-A-44A (this parcel has two commercial entrances). An entrance spacing exception will be required from VDOT since there is only 300 ft. of spacing between the entrances that serve TMP 5-A-44A. It is anticipated that VDOT's Area Land Use Engineer will support the approval of the entrance spacing exception for this parcel.
- Until a site plan is available for review, VDOT cannot make any specific comments concerning what type of entrance improvements that might be required. If the traffic generated by the future development of this site requires that turn lanes be constructed on Rte. 250, the landowner should be required to dedicate an equivalent strip of Right of Way along Rte. 250 to compensate for the loss of VDOT's existing Right of Way as it may be needed if Rte. 250 is widened in the future.

J. Mark Wood, P.E., L.S.
 Area Land Use Engineer
 Virginia Department of Transportation
 Land Development – South
 P.O. Box 2194
 Louisa, VA 23093
 Phone: (540) 967-3708
 Cell: (540) 223-5240
 Email: Mark.Wood@VDOT.Virginia.gov

Steven Tugwell

From: Steve Olson <solson@MyCVEC.com>
Sent: Tuesday, August 11, 2015 12:18 PM
To: Steven Tugwell; Alyson Sappington; Andrea Gaines; Andy Wills; Barry Bibb; Brad Sheffield; charles.miller@vdh.virginia.gov; chuck.wright@dof.virginia.gov; Deidre Creasy; Donald Gaines; Ed Zimmer; gary.rice@vdh.virginia.gov; Jason Stewart; Jay Lindsey; Lewis Johnson; Lucas Lyons; Mark Wood; Mike Brent; Patricia Eager; Robert Popowicz; Roger Black; Tony O'Brien; Wayne Stephens
Cc: Travis Farrar
Subject: RE: August 13, 2015 TRC agenda

Steve,

CVEC has no issue with rezoning the property. There is an overhead power-line running through the middle of the property that will need to remain in place. If at some point in the future the owner requests that the line be relocated it maybe be possible if new easements can be obtained. All costs associated with any relocation would be the owners responsibility.

Steven C. Olson
 Field Engineering Supervisor
 Reliability & System Engineering
 P. O. Box 247
 Lovingston, VA 22949
 800.367.2832, Ext. 1450
 Direct: 434.263.7631
www.mycvec.com



From: Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]
Sent: Thursday, August 06, 2015 4:20 PM
To: Alyson Sappington; Andrea Gaines; Andy Wills; Barry Bibb; Brad Sheffield; charles.miller@vdh.virginia.gov; chuck.wright@dof.virginia.gov; Deidre Creasy; Donald Gaines; Ed Zimmer; gary.rice@vdh.virginia.gov; Jason Stewart; Jay Lindsey; Lewis Johnson; Lucas Lyons; Mark Wood; Mike Brent; Patricia Eager; Robert Popowicz; Roger Black; Steve Olson; Tony O'Brien; Wayne Stephens
Subject: August 13, 2015 TRC agenda

FYI.

Steve Tugwell

Steven Tugwell

From: Miller, Charles (VDH) <Charles.Miller@vdh.virginia.gov>
Sent: Friday, August 07, 2015 10:00 AM
To: Steven Tugwell
Subject: RE: August 13, 2015 TRC agenda

Steve,

This office has no comments regarding the ZMP 15:05 – Robin M. Travis item on the Aug. 13, 2015 TRC agenda.

Charles

From: Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]
Sent: Thursday, August 06, 2015 4:20 PM
To: Alyson Sappington; Andrea Gaines; Andy Wills; Barry Bibb; Brad Sheffield; Miller, Charles (VDH); Wright, Chuck (DOF); Deidre Creasy; Donald Gaines; Ed Zimmer; gary.rice@vdh.virginia.gov; Jason Stewart; Jay Lindsey; Lewis Johnson; Lucas Lyons; Wood, Mark, P.E., L.S (VDOT); Brent, Mike; Patricia Eager; Robert Popowicz; Roger Black; solson@forcvec.com; Tony O'Brien; Wayne Stephens
Subject: August 13, 2015 TRC agenda

FYI.

Steve Tugwell
Senior Planner
Dept. of Planning & Community Development
Fluvanna County, VA
434-591-1910
stugwell@fluvannacounty.org

 please conserve, do not print this e-mail unless necessary

Steven Tugwell

From: Wayne Stephens
Sent: Tuesday, August 11, 2015 2:56 PM
To: Steven Tugwell
Cc: Jason Stewart; Steve Nichols
Subject: Re: August 13, 2015 TRC agenda

I have no comments on this application, apart from my usual, general, recommendation that the county develop, adopt and implement policies and procedures related to permitting the use of private/on-site water and sewer utilities in PDAs which currently lack water and/or sewer systems.

Wayne

J. Wayne Stephens, PE
Director of Public Works

On Aug 6, 2015, at 4:19 PM, Steven Tugwell <stugwell@fluvannacounty.org> wrote:

FYI.

Steve Tugwell
Senior Planner
Dept. of Planning & Community Development
Fluvanna County, VA
434-591-1910
stugwell@fluvannacounty.org

 please conserve. do not print this e-mail unless necessary

<August 13, 2015 TRC agenda.pdf>

Steven Tugwell

From: Wright, Chuck (DOF) <chuck.wright@dof.virginia.gov>
Sent: Wednesday, August 12, 2015 10:41 AM
To: Steven Tugwell
Subject: RE: August 13, 2015 TRC agenda

Steve

I have no comments concerning this matter.

Chuck Wright
Forester
Jefferson Work Area
430 West Main Street
P.O. Box 218
Louisa, VA 23093
Office: 540-967-3701
Cell: 804-912-0248
Email: chuck.wright@dof.virginia.gov
Web: www.dof.virginia.gov

From: Steven Tugwell [<mailto:stugwell@fluvannacounty.org>]
Sent: Thursday, August 06, 2015 4:20 PM
To: Alyson Sappington; Andrea Gaines; Andy Wills; Barry Bibb; Brad Sheffield; Miller, Charles (VDH); Wright, Chuck (DOF); Deidre Creasy; Donald Gaines; Ed Zimmer; gary.rice@vdh.virginia.gov; Jason Stewart; Jay Lindsey; Lewis Johnson; Lucas Lyons; Wood, Mark, P.E., L.S (VDOT); Brent, Mike; Patricia Eager; Robert Popowicz; Roger Black; solson@forcvec.com; Tony O'Brien; Wayne Stephens
Subject: August 13, 2015 TRC agenda

FYI.

Steve Tugwell
Senior Planner
Dept. of Planning & Community Development
Fluvanna County, VA
434-591-1910
stugwell@fluvannacounty.org

 please conserve, do not print this e-mail unless necessary

NOTES:

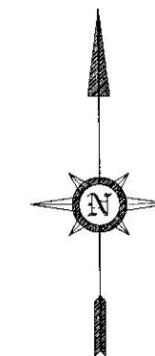
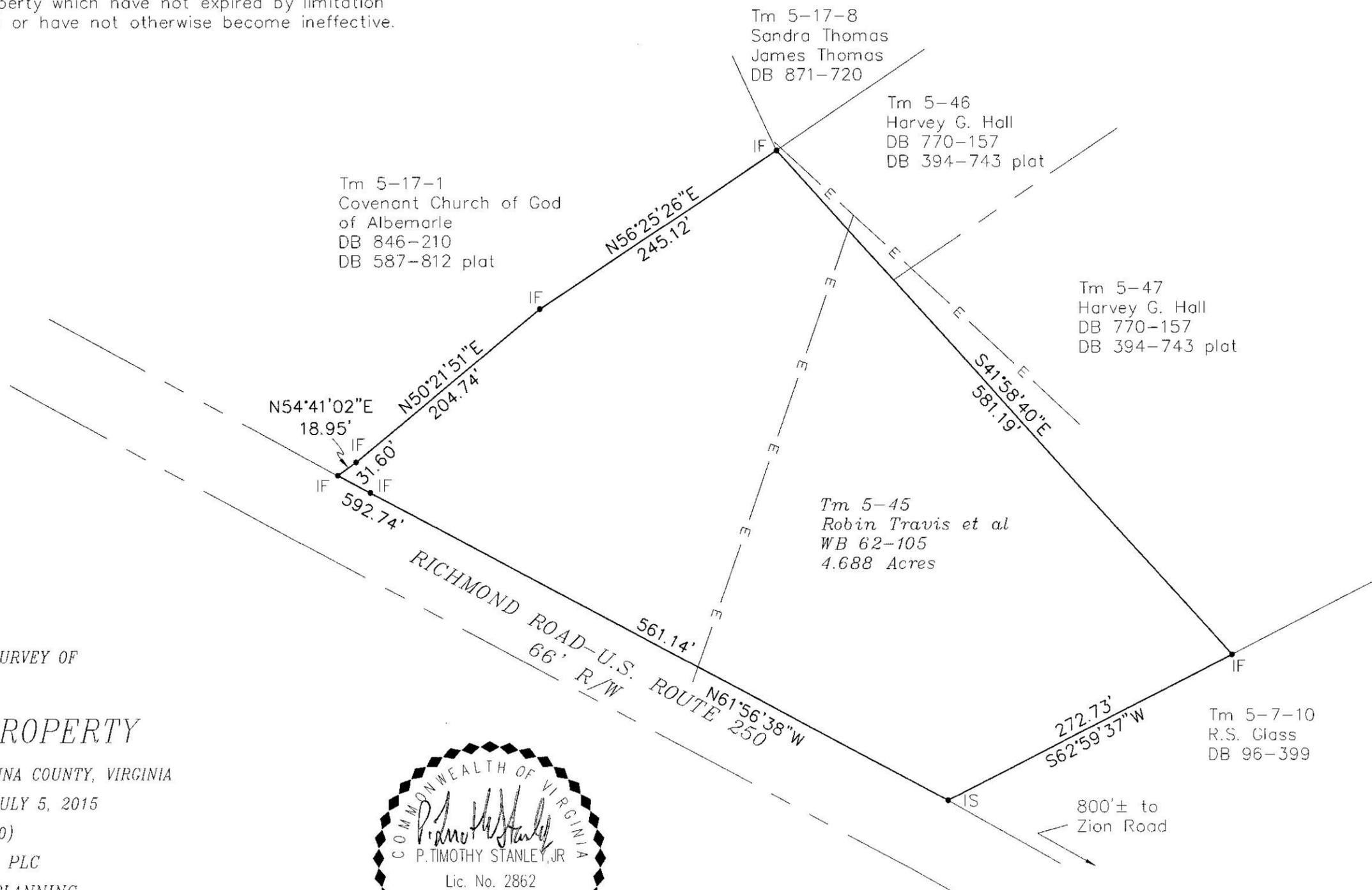
The boundary survey shown is based on a current field survey.

This Plat has been prepared without benefit of a current title report and does not therefore necessarily indicate all encumbrances on the property. It is therefore subject to easements, restrictions, conditions and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to this property which have not expired by limitation of time contained therein or have not otherwise become ineffective.

Approved for Recordation _____ Date _____

LEGEND

- IS Iron Rod Set
- IF Iron Rod Found
- E- Overhead Electric



Magnetic North based on Plat recorded in DB 587-812

PLAT SHOWING BOUNDARY SURVEY OF
TAX MAP 5 PARCEL 45

THE TRAVIS PROPERTY

PALMYRA DISTRICT, FLUVANNA COUNTY, VIRGINIA

SCALE: 1" = 100' DATE: JULY 5, 2015

0500045.dwg Folder Tm 5(10)

STANLEY LAND SURVEYS, PLC

LAND SURVEYING-LAND PLANNING

106 CROFTON PLAZA SUITE 8

PALMYRA, VA. 22963-0154

PHONE: (434) 589-8395



An Ordinance To Amend The Fluvanna County Zoning Map, With Respect To 4.688 acres of Tax Map 5, Section A, Parcel 45 to rezone the same from A-1, Agricultural, General to B-1, Business, General (ZMP 15:05)

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS, pursuant to Virginia Code Section 15.2-2285, that the Fluvanna County Zoning Map be, and it is hereby, amended, as follows:

That 4.688 acres of Tax Map 5, Section A, Parcel 45, be and is hereby, rezoned from A-1, Agricultural, General to B-1, Business, General.

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: Nov 18, 2015

AGENDA TITLE:	Proposed Fluvanna County Code Updates—Steven M. Nichols, County Administrator				
MOTION(s):	<p>I move the Board of Supervisors approve the resolution, “AN ORDINANCE TO AMEND AND REENACT CHAPTER 1; CHAPTER 2, ARTICLES 1, 4, 5, AND 6; CHAPTER 3.1; CHAPTER 4, ARTICLES 1 AND 2; CHAPTER 6, ARTICLES 1 AND 2; CHAPTER 7, ARTICLES 1, 2, AND 3; CHAPTER 8; CHAPTER 9, ARTICLES 1 AND 2; CHAPTER 10, ARTICLES 1 AND 2; CHAPTER 13, ARTICLES 1 AND 2; CHAPTER 14; CHAPTER 15.1; CHAPTER 16; CHAPTER 17; CHAPTER 18; CHAPTER 20, ARTICLES 1, 2, 3, 3.1, 4, 5, 6, 8.1, AND 9; CHAPTER 21, ARTICLES 1, 2, 3, AND 4 OF THE FLUVANNA COUNTY CODE BY CERTAIN AMENDMENTS TO SECTIONS AND SUBSECTIONS 1-1, 1-2, 1-3, 1-4, 1-6, 1-9, 1-9.1, 1-10, 1-12, 2-1-2, 2-1-3, 2-1-4, 2-4-2, 2-5-1, 2-5-2, 2-5-3, 2-6-1, 3.1-1, 3.1-2, 3.1-5, 3.1-6, 3.1-7, 3.1-9, 3.1-10, 3.1-13, 4-1-2, 4-2-1, 4-2-2, 4-2-3, 4-2-4, 6-1-1.1, 6-1-2, 6-1-3, 6-1-6, 6-1-7, 6-1-8, 6-1-11, 6-2-4, 6-2-5, 6-2-7, 7-1-1, 7-1-3.1, 7-1-5, 7-3-3.1, 8-1, 8-3, 8-5, 9-1-2, 9-2-6, 10-1-3.2, 10-1-4, 10-2-2, 13-1-1, 13-1-2, 13-1-2.1, 13-1-2.2, 13-1-2.4, 13-1-3, 13-1-4, 13-1-5, 13-1-5.1, 13-1-7, 14-3, 14-4, 15.1-6, 16-2, 17-2, 18-2, 20-1-3, 20-1-6, 20-2-2, 20-3-1, 20-3-2, 20-3-3, 20-3-3.1, 20-3-4, 20-3-4.1, 20-3-6, 20-3.1-1, 20-4-2, 20-4-3, 20-4-4, 20-4-6, 20-4-7, 20-4-8, 20-4-9, 20-5-1, 20-5-2, 20-5-6, 20-5-6.1, 20-5-6.2, 20-5-9, 20-5-10, 20-8.1-1, 20-8.1-2, 20-8.1-3, 20-8.1-4, 20-8.1-5, 20-9-1, 20-9-4, 209-4.1, 20-9-9, 21-1-5, 21-1-6, 21-2-1, 21-2-2, 21-2-6, 21-3-1, 21-3-2, 21-3-3, 21-3-3.1, 21-3-5, 21-4-1, 21-4-9, 21-4-22, AND 21-4-28. THEREOF, AMENDING AND REENACTING THE FLUVANNA COUNTY CODE TO CONFORM TO THE CURRENT ENABLING LEGISLATION, AS AMENDED.”</p>				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
	XX				
STAFF CONTACT(S):	Kelly Belanger Harris, Clerk to the Board				
PRESENTER(S):	Steven M. Nichols, County Administrator				
RECOMMENDATION:	Approve				
TIMING:	Normal				
DISCUSSION:	<p>The proposed changes are lengthy, but not complicated. There is very little in the way of discretionary changes. The proposed amendments are provided in the attached Resolution and generally fall into one of three categories:</p> <ol style="list-style-type: none"> 1. Clerical Updates - updating citations to the Virginia Code, fixing grammatical errors, adding references to Virginia Code, where appropriate. These changes are 				

	<p>not substantive and require intensive review; they're just necessary housekeeping.</p> <p>2. Mandatory Substantive Updates - including mandatory changes where, for example, enabling legislation has changed and the Fluvanna Code must be amended to be consistent with the Virginia Code or federal law. Again, this is necessary housekeeping.</p> <p>3. Discretionary Substantive Updates - including amendments for which the County has the option to adopt and exercise additional authority, assert new limitations, or update its fees.</p>				
FISCAL IMPACT:	Minimal.				
POLICY IMPACT:	As described in the above-referenced and attached resolution.				
LEGISLATIVE HISTORY:	Board of Supervisors authorized advertisement for public hearing on this resolution on October 21, 2015.				
ENCLOSURES:	<ol style="list-style-type: none"> 1. Above-referenced resolution. 2. Chart explaining each amendment provided in the resolution. 				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
	XX				

The Fluvanna County Board of Supervisors resolves to propose an amendment and reenactment of the Fluvanna County Code entitled “AN ORDINANCE TO AMEND AND REENACT CHAPTER 1; CHAPTER 2, ARTICLES 1, 4, 5, AND 6; CHAPTER 3.1; CHAPTER 4, ARTICLES 1 AND 2; CHAPTER 6, ARTICLES 1 AND 2; CHAPTER 7, ARTICLES 1, 2, AND 3; CHAPTER 8; CHAPTER 9, ARTICLES 1 AND 2; CHAPTER 10, ARTICLES 1 AND 2; CHAPTER 13, ARTICLES 1 AND 2; CHAPTER 14; CHAPTER 15.1; CHAPTER 16; CHAPTER 17; CHAPTER 18; CHAPTER 20, ARTICLES 1, 2, 3, 3.1, 4, 5, 6, 8.1, AND 9; AND CHAPTER 21, ARTICLES 1, 2, 3, AND 4 OF THE FLUVANNA COUNTY CODE BY CERTAIN AMENDMENTS TO SECTIONS AND SUBSECTIONS 1-1, 1-2, 1-3, 1-4, 1-6, 1-9, 1-9.1, 1-10, 1-12, 2-1-2, 2-1-3, 2-1-4, 2-4-2, 2-5-1, 2-5-2, 2-5-3, 2-6-1, 3.1-1, 3.1-2, 3.1-5, 3.1-6, 3.1-7, 3.1-9, 3.1-10, 3.1-13, 4-1-2, 4-2-1, 4-2-2, 4-2-3, 4-2-4, 6-1-1.1, 6-1-2, 6-1-3, 6-1-6, 6-1-7, 6-1-8, 6-1-11, 6-2-4, 6-2-5, 6-2-7, 7-1-1, 7-1-3.1, 7-1-5, 7-3-3.1, 8-1, 8-3, 8-5, 9-1-2, 9-2-6, 10-1-3.2, 10-1-4, 10-2-2, 13-1-1, 13-1-2, 13-1-2.1, 13-1-2.2, 13-1-2.4, 13-1-3, 13-1-4, 13-1-5, 13-1-5.1, 13-1-7, 14-3, 14-4, 15.1-6, 16.2, 17-2, 18-2, 20-1-3, 20-1-6, 20-2-2, 20-3-1, 20-3-2, 20-3-3, 20-3-3.1, 20-3-4, 20-3-4.1, 20-3-6, 20-3.1-1, 20-4-2, 20-4-3, 20-4-4, 20-4-6, 20-4-7, 20-4-8, 20-4-9, 20-5-1, 20-5-2, 20-5-6, 20-5-6.1, 20-5-6.2, 20-5-9, 20-5-10, 20-8.1-1, 20-8.1-2, 20-8.1-3, 20-8.1-4, 20-8.1-5, 20-9-1, 20-9-4, 20-9-4.1, 20-9-9, 21-1-5, 21-1-6, 21-2-1, 21-2-2, 21-2-6, 21-3-1, 21-3-2, 21-3-3, 21-3-3.1, 21-3-5, 21-4-1, 21-4-9, 21-4-22, AND 21-4-28. THEREOF, AMENDING AND REENACTING THE FLUVANNA COUNTY CODE TO CONFORM TO THE CURRENT ENABLING LEGISLATION, AS AMENDED.”

The public purpose for such amendment is to conform the Fluvanna County Code to the current enabling legislation, as amended.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FLUVANNA COUNTY, VIRGINIA, that the Fluvanna County Code be, and it is hereby, amended and reenacted as follows:

Chapter 1
GENERAL PROVISIONS.

Sec. 1-1. How Code designated and cited.¹

The ordinances embraced in this and the following chapters and sections shall constitute and be designated The Code of the County of Fluvanna, Virginia, and may be so cited. These ordinances may also be cited as The Fluvanna County Code. (Comp. 1974, §1 - 1)

Sec. 1-2. Definitions and rules of construction.

¹ For state law as to authority of board of supervisors to codify its ordinances and admissibility of Code in evidence, see Code of Va., ~~§45.1-37.3~~. 15.2-1433.

In the interpretation and construction of this Code and of all ordinances of the county, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the board of supervisors or the context clearly requires otherwise:

Board of supervisors; board. Whenever the term "board of supervisors" or "board" is used, it shall be construed to mean the board of supervisors of the County of Fluvanna.²

Code of Virginia. The words "Code of Virginia" shall mean the Code of Virginia of 1950, as amended.

Commonwealth; state. The words "the commonwealth," "this commonwealth," "the state" or "this state" shall mean the Commonwealth of Virginia.

*Computation of time.*³ The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded.

County. The words "the county" or "this county" shall mean the County of Fluvanna in the Commonwealth of Virginia.

County administrator. The term "county administrator" shall mean the county administrator of Fluvanna County.

*Following.*⁴—The word "following," when used by way of reference to any section or sections in this Code, shall be construed to mean next following that in which such reference is made.

*Gender.*⁵ A word importing the masculine gender only may extend and be applied to females and to corporations as well as to males.

Governing body. Whenever the term "governing body" is used, it shall be construed to mean the board of supervisors of the County of Fluvanna.

*Month.*⁶ Unless otherwise expressed, the word "month" shall be construed to mean a calendar month.

² For similar state law, see Code of Va., §§ 15.2-10, 15.2-604.

³ For state law as to computation of time within the meaning of state statutes, see Code of Va., §§ 1-13.3, 1-13.3:1. § 1-210.

—⁴ For similar state law, see Code of Va., § 1-13.6.

⁵ For similar state law, see Code of Va., § 1-13.7. § 1-216.

⁶ For similar state law, see Code of Va., § 1-13.13. § 1-223.

*Number.*⁷ A word importing the singular number only may extend and be applied to several persons or things, as well as to one person or thing; and a word importing the plural number only may extend and be applied to one person or thing, as well as to several persons or things.

*Oath.*⁸ The word "oath" shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath.

Occupant. The word "occupant," applied to a building or land, shall mean any person who holds a written or oral lease of or actually occupies the whole or a part of such building or land, either alone or with others.

*Official time standard.*⁹ Whenever particular hours are specified in this Code relating to the time within any such act shall or shall not be performed by any person, the time applicable shall be official standard time or daylight saving time, whichever may be in current use in the county.

Or; and. "Or" may be read as "and," and "and" may be read as "or," if the sense so requires.

Owner. The word "owner," applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such property.

*Person.*¹⁰ The word "person" shall include any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.

*Preceding.*¹¹ The word "preceding," when used by way of reference to any section or sections in this Code, shall be construed to mean next preceding that in which such reference is made.

Property. The word "property," shall mean real, personal or mixed property.

⁷ For similar state law, see Code of Va., ~~§ 1-13.15.~~ § 1-227.

⁸ For similar state law, see Code of Va., ~~§ 1-13.16.~~ § 1-228.

⁹ For similar state law, see Code of Va., § 1-253.

¹⁰ For state law as to definition of "person" as used in statutes, see Code of Va., ~~§ 1-13.19.~~ §§ 1-230, 1-231.

¹¹ For similar state law, see Code of Va., ~~§ 1-13.23.~~

Public grounds. The words "public grounds" shall mean the parks and all public lands owned by the county, and those parts of public places which do not form travelled parts of streets as defined in this section.

Road; highway. The words "road" and "highway" shall have the same meaning as the word "street" as such word is defined in this section.

Shall; may. The word "shall" shall be mandatory; the word "may" is permissive.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line, or the lateral lines of a roadway where there is no curb, and the adjacent property line intended for the use of pedestrians.

State. See "commonwealth" defined above in this section.

Street. The word "street" shall include avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto, and all other public thoroughfares in the county, and shall mean the entire width thereof between abutting property lines.

*Swear; sworn.*¹² The word "swear" or "sworn" shall be equivalent to the words "affirm" or "affirmed" in all cases in which by law an affirmation may be substituted for an oath.

Tense. Words used in the past or present tense include the future as well as the past and present.

*Written; in writing.*¹³ The words "written" and "in writing" shall include typewriting, printing on paper and any other mode of representing words, letters and figures.

*Year.*¹⁴ The word "year" shall mean a calendar year.

All words, terms, etc., not defined in this section or elsewhere in this Code shall be construed as provided in the Code of Virginia.¹⁵ (Comp. 1974, § 1-3)

Sec. 1-3. Catchlines of sections.¹⁶

¹² For similar state law, see Code of Va., ~~§ 1-13.28.~~ § 1-250.

¹³ For similar state law, see Code of Va., § 1-257.

¹⁴ For similar state law, see Code of Va., § 1-223.

¹⁵ For rules of construction of state statutes, see Code of Va., ~~§ 1-13 et seq.~~ § 1-220 et seq.

¹⁶ For similar state law as to sections of the Code of Va., see Code of Va., ~~§ 1-13.9.~~ § 1-217.

The catchlines of the sections of this Code are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of any section, nor, unless expressly so provided, shall they be so deemed when any section, including its catchline, is amended or reenacted. (Comp. 1974, § 1-3)

Sec. 1-4. Severability of parts of Code.¹⁷

If any part, section, subsection, sentence, clause or phrase of this Code or its application to any persons or circumstances is for any reason held to be unconstitutional or invalid by the final judgement or decree of a court of competent jurisdiction, such decision shall not affect the constitutionality or validity of the remainder of this Code or other applications thereof. (Comp. 1974, § 1-4)

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Sec. 1-6. Common law as to misdemeanors.¹⁸

The common law of England with respect to misdemeanors insofar as it is not repugnant to the principles of the Bill of Rights, the constitution and laws of the commonwealth and the ordinances of the county, shall continue in full force within the county, and be the rule of decision, except as altered by the general assembly of the commonwealth or by the board of supervisors. (Comp. 1974, § 1-6)

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Sec. 1-9. Repeal not to revive former ordinances.¹⁹

When an ordinance which has repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect. (Comp. 1974, § 1-9)

Sec. 1-9.1. Repeal not to affect liabilities; mitigation of punishment.²⁰

No new act of the Board shall be construed to repeal a former ordinance, as to any offense committed against the former ordinance, or as to any act done, any penalty, forfeiture, or punishment incurred, or any right accrued, or claim arising under the former ordinance, 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 Board takes effect; except that the proceedings thereafter held shall conform, so far as practicable, to the ordinances 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 Board, such

¹⁷ For state law as to severability of statutes, see Code of Va., ~~§ 1-17.1.~~ § 1-243.

¹⁸ For state law as to continuation of common law of England within the commonwealth, see Code of Va., ~~§ 1-10.~~ §§ 1-200, 201.

¹⁹ For similar state law applicable to statutes, see Code of Va., ~~§ 1-17.~~ § 1-240.

²⁰ For similar state law, see Code of Va., § 1-239.

provision may, with the consent of the party affected, be applied to any judgment pronounced after the new act of the Board takes effect.

Sec. 1-10. General penalty; continuing violations.²¹

(A) Wherever in this Code or in any ordinance or resolution of the county, or in any rule, regulation, notice or order promulgated by any officer or agency of the county under authority duly vested in him or it, any act is prohibited or is declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure, neglect or refusal to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code or any such ordinance, resolution, rule, regulation, notice or order shall be punished as if such violation were a class 1 misdemeanor, provided, that the penalty for such violation shall not exceed the penalty prescribed by the Code of Virginia for like offenses.

(B) Each day any violation of this Code or any ordinance, resolution, rule, regulation, notice or order shall continue shall constitute a separate offense except as otherwise provided.

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Sec. 1-12. Supplementation of Code.²²

(A) By contract or by county personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the board of supervisors. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete. The new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of adoption of the latest ordinance included in the supplement. Where replacement pages are prepared, a distinguishing mark or notation shall be placed on each replacement page to distinguish it from original pages and pages of other supplements.

(B) In the preparation of a supplement to this Code, all portions of the Code which have been replaced shall be excluded from the Code by the omission thereof from reprinted pages.

(C) When preparing a supplement to this Code, the codifier, meaning the person, agency, or organization authorized to prepare the supplement, may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is

²¹ For state law as to authority of board of supervisors to prescribe fines and imprisonment for violations of ordinances, see Code of Va., ~~§ 15.1-505~~ § 15.2-1429; as to punishment for conviction of misdemeanors, see Code of Va., § 18.2-11.

²² For general law as to supplementation of codification of ordinances, see Code of ~~Virginia,~~ section ~~15.1-37.3.~~ Va., § 15.2-1433.

necessary to do so to embody them into a unified Code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____," inserting section numbers to indicate sections of the Code which embody the substantive sections of the ordinance incorporated into the Code; and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

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Chapter 2
ADMINISTRATION.

*Article 1. In General.*²³

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Sec. 2-1-2. Office of tie breaker abolished.

Pursuant to section ~~15.1-535~~ *15.2-1421* of the Code of Virginia the office of tie breaker is hereby abolished. (Comp. 1974, ch. 2)

Sec. 2-1-3. Assessment for construction, maintenance, etc., of courthouse and related facilities.

Pursuant to section ~~14.1-133.2~~ *17.1-281* of the Code of Virginia, there is hereby assessed, as part of the fees taxed as costs in each civil, criminal or traffic case in the district and circuit courts of the county, the sum of two dollars.

Such assessment shall be collected by the clerk of the court in which the action is filed,

²³ For Virginia Freedom of Information Act, see Code of Va., § ~~2.1-340~~ *2.2-3700* et seq; as to counties, cities and towns, see Code of Va., Title ~~15.1~~ *15.2*; as to counties generally, see Code of Va., § ~~15.1-503.4:10~~ *15.2-300* et seq.

and remitted to the treasurer of the county and held by such treasurer subject to disbursements by the board of supervisors for the construction, renovation or maintenance of the courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity and ordinary maintenance.

The assessment provided for in this section shall be in addition to any other fees prescribed by law.

Sec. 2-1-4. Assessment of costs in civil cases for law library.

Pursuant to section 42.1-70 of the Code of Virginia, there is hereby imposed and levied an assessment of ~~two~~ *four* dollars for each civil case filed in the courts of the county. Such assessment shall be paid as part of the costs incident to each such civil action.

The assessment levied by this section shall be collected by the respective clerks of the courts in which such actions are filed and shall be remitted to the treasurer of the county for the purposes set forth in section 42.1-70 of the Code of Virginia, subject to disbursement, from time to time, as the board of supervisors may direct in accordance with the aforesaid statute.

The assessment levied by this section shall be in addition to all other costs prescribed by law, but shall not apply to any action in which the commonwealth or any political subdivision thereof or the federal government is a party and in which the costs are assessed against the commonwealth, political subdivision thereof, or federal government. (Code 1996; Ord. 6-21-00)

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Article 4. Planning Commission.²⁴
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Sec. 2-4-2. Power and duties.²⁵

The county planning commission shall have all the functions, powers and duties which are prescribed by law. (Min. Bk. 5, pp. 500 - 501; Comp. 1974, ch. 2)

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Article 5. Finance.

Sec. 2-5-1. Signatures on warrants for payment of money.²⁶

All warrants issued by the board of supervisors, or by its authority, for the payment of money, shall be signed by the chairman of the board and county administrator and by the county

²⁴ For state law as to local planning commissions, see Code of Va., § 15.2-2210 et seq.

²⁵ For state law reference, see Code of Va., § 15.2-2210 et seq.

²⁶ For state law as to payment of warrants and signatures required thereon generally, see Code of Va., §§ ~~15.1-121, 15.1-529, 15.1-532, 15.1-547~~. 15.2-1203, 15.2-1243, 15.2-1410 and 15.2-1539.

treasurer, each in his official capacity. (Comp. 1974, ch. 7)

Sec. 2-5-2. Authority of county treasurer to invest idle funds at higher interest than on ordinary deposits.²⁷

The county treasurer, upon determining that county funds in any given amount would otherwise lie idle and draw a lesser rate of interest for a period of time not less than sixty days, may place such funds in such amount upon time deposit in any one or more of the duly designated county depositories at such rate of interest and upon such conditions of withdrawal as he may determine, or he may invest such funds in such amount as provided in section 2.2-4501 2.1-328 of the Code of Virginia. (Comp. 1974, ch. 7)

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Sec. 2-5-3. Fee for returned checks.²⁸

Any person uttering, publishing or passing any check or draft to the county for payment of taxes or any other sums due, which check or draft is subsequently returned for (1) insufficient funds, (2) because there is no account, or (3) because the account has been closed, shall be liable to the county for a fee in the sum of ~~twenty~~ fifty (\$50) dollars to cover the county's administrative costs in processing or collecting such check or draft. (Comp. 1974, ch. 7; Ord. 6-4-84)

Article 6. Free Public Library.

Sec. 2-6-1. Continuation of free public library.²⁹

The Fluvanna County Public Library, heretofore established as a free public library by resolution of the board of supervisors adopted May 20, 1998, effective July 1, 1998, is hereby continued.

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Chapter 3.1
AGRICULTURAL AND FORESTAL DISTRICTS.

Sec. 3.1-1. Definitions.

As used in this chapter, unless the context requires a different meaning:

²⁷ For state law as to interest on a fund belonging to the fund, ~~see Code of Va., § 58.13142;~~ as and to investment of funds pursuant to state treasurer's guidelines, see Code of Va., § 58.1-3156. 2.2-4500 et seq.

²⁸ For state law reference, see Code of Va., § 15.2-106.

²⁹ For state law as to authority of county to establish a free public library, see ~~Chapter 2, Title 42., Code of Va.~~ Code of Va., § 42.1-33 et seq.

Advisory committee means the agricultural and forestal districts advisory committee.

Agricultural products means crops, livestock and livestock products, including but not limited to: field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.

Agricultural production means the production for commercial purposes of crops, livestock and livestock products, and includes the processing or retail sales by the producer of crops, livestock or livestock products which are produced on the parcel or in the district.

Agriculturally and forestally significant land means land that has recently or historically produced agricultural and forestal products, is suitable for agricultural or forestal production or is considered appropriate to be retained for agricultural and forestal production as determined by such factors as soil quality, topography, climate, markets, farm structures, and other relevant factors.

Application means the set of items a landowner or landowners must submit to the governing body when applying for the creation of a district or an addition to an existing district.

District means an agricultural, forestal, or agricultural and forestal district.

Forestal production means the production for commercial purposes of forestal products and includes the processing or retail sales, by the producer, of forestal products which are produced on the parcel or in the district. "Forestal products" includes, but is not limited to, saw timber, pulpwood, posts, firewood, Christmas trees and other tree and wood products for sale or for farm use.

Landowner or owner of land means any person holding a fee simple interest in property but does not mean the holder of an easement.

Program Administrator means the governing body or official appointed by the governing body to administer the agricultural and forestal districts program.
(Ord. 11-4-98)

Sec. 3.1-2. Enactment of ordinances; application form and fees; maps.

(A) The governing body may, by ordinance, create one or more agricultural and forestal districts within the County in accordance with Title 15.2, Chapter 43 of the Virginia Code. The zoning administrator shall, subject to the approval of the governing body, promulgate forms in substantially the form prescribed in ~~Virginia Code Sec.~~ *section 15.2-4303 of the Code of Virginia*. Each application submitted pursuant to this chapter shall be accompanied by a fee of \$500 or the costs of processing and reviewing an application, whichever is less.

(B) Each application shall include but need not be limited to the following information:

- (1) The general location of the district;
- (2) The total acreage in the district or acreage to be added to an existing district;
- (3) The name, address, and signature of each landowner applying for creation of a district or an addition to an existing district and the acreage each owner owns within the district or addition;
- (4) The conditions proposed by the applicant pursuant to ~~§~~ *section 15.2-4309 of the Code of Virginia*;
- (5) The period before first review proposed by the applicant pursuant to ~~§~~ *section 15.2-4309 of the Code of Virginia*; and
- (6) The date of application, date of final action by the governing body and whether approved, modified or rejected.

(C) The application form shall be accompanied by ~~a United States Geological Survey 7.5 minute topographic map maps or aerial photographs, or both,~~ that clearly shows the boundaries of the *proposed* district and each addition and boundaries of properties owned by each applicant. ~~A Department of Transportation general highway map for the locality that shows the general location of the proposed district shall also accompany each application form.~~

(D) *For each notice required by this chapter to be sent to a landowner; notice shall be sent by first-class mail to the last known address of such owner as shown on the application hereunder or on the current real estate tax assessment books or maps. A representative of the planning commission or governing body shall make affidavit that such mailing has been made and file such affidavit with the papers in the case.*

(Ord. 11-4-98; Ord. 5-19-10)

.....
Sec. 3.1-5. Criteria for evaluating application.³⁰

Land being considered for inclusion in a district may be evaluated by the advisory committee and the planning commission through the Virginia Land Evaluation and Site Assessment (LESA) System. The following factors shall be considered by the planning commission and the advisory committee, and at any public hearing at which an application that has been filed pursuant to this chapter is being considered:

- (1) The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;
- (2) The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or

³⁰ *For state law reference, see Code of Va., § 15.2-4303.*

- forestal production;
- (3) The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;
 - (4) Local developmental patterns and needs;
 - (5) The comprehensive plan and applicable provisions of the zoning ordinance;
 - (6) The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and
 - (7) Any other matter which may be relevant.

In judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant. (Ord. 11-4-98)

Sec. 3.1-6. ~~Planning commission review~~ Review of application; notice; hearing.³¹

Upon the receipt of an application for a district or for an addition to an existing district, the ~~governing body program administrator~~ shall refer such application to the ~~planning commission advisory committee, which shall:~~ *The advisory committee shall review and make recommendations concerning the application or modification thereof to the planning commission, which shall:*

- (1) ~~Provide notice of the application by publishing a notice in a newspaper having general circulation within the district and by providing for the posting of such notice in five conspicuous places within the district. The planning commission shall notify,~~ *Notify* by first-class mail, adjacent property owners as shown on the maps of the County used for tax assessment purposes, *and where applicable, any political subdivision whose territory encompasses or is part of the district, of the application.* The notice shall contain: (i) a statement that an application for a district has been filed with the ~~governing body and referred to the planning commission~~ *program administrator* pursuant to this chapter; (ii) a statement that the application will be on file open to public inspection in the office of the County Administrator; (iii) a statement that any owner of additional qualifying land may join the application within thirty days from the date *of the notice is first published* or, with the consent of the governing body, at any time before the public hearing the governing body must hold on the application; (iv) a statement that any owner who joined in the application may withdraw his land, in whole or in part, by written notice filed with the governing body, at any time before the governing body acts pursuant to Sec. 3.1-8; (v) a statement that additional qualifying lands may be added to an already created district at any time upon separate application pursuant to this chapter; ~~(vi) a statement that the application and~~

³¹ *For state law reference, see Code of Va., §§ 15.2-4307, 15.2-4309.*

~~proposed modifications will be submitted to the advisory committee; and (vii) a statement that, upon receipt of the report of the advisory committee, a public hearing will be held by the planning commission on the application and any proposed modifications;~~

~~(2) Refer such application and proposed modifications to the advisory committee; Hold a public hearing as prescribed by law; and~~

~~(3) Report its recommendations to the governing body including but not limited to the potential effect of the district and proposed modifications upon the County's planning policies and objectives; .~~

~~(4) Hold a public hearing as prescribed by law; and~~

~~(5) Publish in a newspaper having general circulation within the district a notice describing the district or addition, any proposed modifications and any recommendations of the planning commission and the advisory committee and send the notice by first class mail to adjacent property owners of the district or addition. (Ord. 11-4-98)~~

Sec. 3.1-7. Advisory committee review of application. ~~Repealed.~~

~~The advisory committee shall review and make recommendations concerning the application and modifications to the planning commission. (Ord. 11-4-98)~~

.....
Sec. 3.1-9. Additions to a district.³²

Additional parcels of land may be added to an existing district *at any time* by following the process *and application deadlines* prescribed for the creation of a new district. ~~Such additions shall be reviewed at the time previously established for review of the district to which they are added. (Ord. 11-4-98)~~

Sec. 3.1-10. Review of districts.³³

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

³² For state law reference, see Code of Va., § 15.2-4310.

³³ For state law reference, see Code of Va., § 15.2-4311.

of the review a public meeting with the owners of land within the district, and shall send by first-class mail a written notice of the meeting and review to all such owners. The notice shall state the time and place for the meeting; that the district is being reviewed by the governing body; that the governing body may continue, modify, or terminate the district; and that land may be withdrawn from the district at the owner's discretion by filing a written notice with the governing body at any time before it acts to continue, modify or terminate the district. The governing body shall hold a public hearing as provided by law. The governing body may stipulate conditions to continuation of the district and may establish a period before the next review of the district, which may be different from the conditions or period established when the district was created. Any such different conditions or period shall be described in a notice sent by first-class mail to all owners of land within the district and published in a newspaper having a general circulation within the district at least two weeks prior to adoption of the ordinance continuing the district. Unless the district is modified or terminated by the governing body, the district shall continue as originally constituted, with the same conditions and period before the next review as that established when the district was created.

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

(Ord. 11-4-98)

.....

Sec. 3.1-13. Withdrawal of land from a district; termination of a district.

(A) At any time after the creation of a district within the County, any owner of land lying in such district may file with the County a written request to withdraw all or part of his land from the district for good and reasonable cause. ~~The governing body program administrator shall refer the request to the advisory committee for its recommendation. The advisory committee shall make recommendations concerning the request to withdraw to the local planning commission, which shall hold a public hearing and make recommendations to the governing body. The planning commission and the advisory committee for their recommendations and shall hold a public hearing.~~ Land proposed to be withdrawn may be reevaluated through the Virginia Land Evaluation and Site Assessment (LESA) System. The landowner seeking to withdraw land from a district, if denied favorable action by the governing body, shall have an immediate right of appeal de novo to the circuit court serving the territory wherein the district is located. This Sec. shall in no way affect the ability of an owner to withdraw an application for a proposed district or withdraw from a district pursuant to clause (iv) of subdivision 1 of Sec. 3.1-6 ~~3.1-7~~ or Sec. 3.1-10 of this chapter.

(B) Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this chapter, land that is no longer part of a district shall be subject to roll-back taxes as are provided in *section §-58.1-3237 of the Code of Virginia*.

(C) Upon termination of a district or upon withdrawal or removal of any land from a district, land that is no longer part of a district shall be subject to those local laws and ordinances prohibited by the provisions of subSec. B of Sec. 3.1-11 of this chapter.

(D) Upon the death of a property owner, any heir at law, devisee, surviving cotenant

or personal representative of a sole owner of any fee simple interest in land lying within a district shall, as a matter of right, be entitled to withdraw such land from such district upon the inheritance or descent of such land provided that such heir at law, devisee, surviving cotenant or personal representative files written notice of withdrawal with the governing body and the commissioner of the revenue within two years of the date of death of the owner.

(E) Upon termination or modification of a district, or upon withdrawal or removal of any parcel of land from a district, the governing body shall submit a copy of the ordinance or notice of withdrawal to the local commissioner of revenue, the State Forester and the State Commissioner of Agriculture and Consumer Services for information purposes. The commissioner of revenue shall delete the identification of such parcel from the land book and the tax map, and the governing body shall delete the identification of such parcel from the zoning map, where applicable.

(F) The withdrawal or removal of any parcel of land from a lawfully constituted district shall not in itself serve to terminate the existence of the district. The district shall continue in effect and be subject to review as to whether it should be terminated, modified or continued pursuant to Sec. 3.1-10 of this chapter.
(Ord. 11-4-98)

.....
Chapter 4
ANIMALS AND FOWL.

*Article 1. In General.*³⁴

.....
Sec. 4-1-2. Burial or cremation of animals or fowls which have died.³⁵

When the owner of any animal or grown fowl which has died knows of such death, such owner shall forthwith have its body cremated or buried, ~~and, if he or request such service from an officer or other person designated for the purpose. If the owner fails to do so, any judge of the general district court, after notice to the owner if he can be ascertained, shall cause any such dead animal or fowl to be cremated or buried by an officer or other person designated for the purpose. Except as otherwise expressly designated by the court, the County's animal control officer shall be the officer so designated. Such officer or other person shall be entitled to recover of the owner of every such animal or fowl that is so cremated or buried the actual cost of the cremation or burial, not to exceed seventy five dollars, and of the owner of every such fowl so cremated or buried the actual cost of the cremation or burial, not to exceed five dollars, and a~~

³⁴ For state law as to cruelty to animals, see Code of Va., § ~~3.1-796.122~~ 3.2-6570 et seq.; as to penalties for violation of offenses involving animals, see Code of Va., §§ ~~3.1-796.128, 18.2-403.1~~ 3.2-6587 and 18.2-403.1 et seq.

³⁵ For state law as to authority of county to regulate disposal of bodies of animals or fowl, see Code of Va., § 18.2-510.

reasonable fee to be recovered in the same manner as officers' fees are recovered, free from all exemptions in favor of such owner. As to any such cremation or burial performed by or at the direction of the animal control officer, the cost of such cremation or burial shall be recovered by the County. Any person violating the provisions of this section shall be punished as for a Class 4 misdemeanor.

Nothing in this section shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl which is to be used for food or in any commercial manner.
(Ord. 2-20-02)

*Article 2. Dogs.*³⁶

Sec. 4-2-1. License -- Required; term; where license tax payable; amount of tax.³⁷

It shall be unlawful for any person to own, keep, hold or harbor any dog over four months of age within the county unless such dog is licensed, as required by the provisions of this article. Dog licenses shall run by the calendar year, namely, from January 1 to December 31, inclusive. The license tax, which shall be the only license tax on dogs in this county, shall be payable at the office of the treasurer and shall be as follows:

For a male dog, eight dollars;

For an unsexed (successfully spayed or neutered) male or female dog, four dollars;

For a female dog, eight dollars;

For a kennel of not more than twenty dogs, forty dollars;

For a kennel of not more than fifty dogs, fifty dollars.

(Min. Bk. 2, p. 420; Min. Bk. 5, pp. 395, 425; Min. Bk. 6, pp. 187, 446; Comp. 1974, ch. 4; Ord. 8-4-99; Ord. 2-16-00)

.....
Sec. 4-2-2. Running at large in Lake Monticello subdivision.³⁸

The running at large of all dogs at any time is hereby prohibited within the confines of Lake Monticello subdivision, in the Cunningham magisterial district of the county. For the purposes of this section a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control; provided, however, that no dog shall be deemed to be running at large in violation hereof if it shall be engaged in lawful hunting outside of such subdivision under the direction of its owner or custodian and shall thereafter stray into such subdivision; provided, that

³⁶ For state law as to authority of local governing bodies and licensing of dogs, see Code of Va., § ~~3-1-796.84~~ 3.2-6537 et seq.

³⁷ For state law as to authority for licensing taxes and for Sections 4-2-1.1, 4-2-1.2, 4-2-1.3, see Code of Va., § 3.2-6528.

³⁸ For state law as to authority of county to prohibit dogs running at large, see Code of Va., § ~~3-1-796.93~~ 3.2-6538.

such owner or custodian shall place such dog under his immediate control within a reasonable time.

Any person who permits his dog to run at large shall be subject to a fine of not more than one hundred dollars. (Comp. 1974, ch. 4; Ord. 8-4-86)

Sec. 4-2-3. Control of dangerous or vicious dogs.

(A) As used in this Section:

Dangerous dog means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal, or killed a companion animal that is a dog or cat; however, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite or (ii) both animals are owned by the same person, (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian, or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. *No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, that the dog is not dangerous or a threat to the community.*

Serious injury means an injury having a reasonable potential to cause death or any injury other than a sprain or strain including serious disfigurement, serious impairment of health, or serious impairment of bodily function and requiring significant medical attention.

Vicious dog means a canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person, ~~including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function;~~ or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, an animal control officer as authorized by local ordinance that it is a dangerous dog, provided that its owner has been given notice of that finding.

(B) Any law enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The animal control officer shall confine the animal *he has reason to believe is dangerous or vicious* until such time as evidence shall be heard and a verdict rendered. *With respect to allegedly dangerous animals only, if* ~~If~~ the animal control officer determines that the owner or custodian can confine the animal *the officer has reason to believe is dangerous* in a manner that protects the public safety,

~~he~~ *the officer* may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this Section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of ~~§ 3.1-796.119~~ *section 3.2-6562* of the Code of Virginia. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (Sec. 19.2-260, et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

(C) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog or a vicious dog.

(D) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this Section.

(E) The owner of any animal found to be a dangerous dog shall, within ~~ten (10)~~ *forty-five (45)* days of such finding, obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee of ~~fifty (50) \$150 dollars~~ in addition to other fees that may be authorized by law. The local animal control officer or treasurer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. *By January 31 of each year, until such time as the dangerous dog is deceased all* ~~All~~ certificates obtained pursuant to this subdivision shall be *updated and* renewed annually for ~~the same~~ *a fee of eighty-five dollars (\$85)* and in the same manner as the initial certificate was obtained. The animal control officer shall *post registration information on the Virginia Dangerous Dog Registry* ~~provide a copy of the dangerous dog registration certificate and verification of compliance to the State Veterinarian.~~

(F) All dangerous dog certificates or renewals thereof required to be obtained under this Section shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, (ii) that the animal has been spayed or neutered, and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and

confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this Section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of ~~a tattoo on the inside thigh or by~~ electronic implantation. All certificates or renewals thereof required to be obtained under this Section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000, that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance to the value of at least \$100,000.

(G) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

~~(H) The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under Virginia Code Sec. 3.1-796.93:3, within 45 days of such a finding by a court of competent jurisdiction.~~

The owner shall ~~also~~ cause the local animal control officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints of incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) ~~tattoo or~~ chip identification information ~~or both~~; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

(I) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.

(J) Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:

(1) Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this Section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person;

(2) Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this Section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury.

The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

(K) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this Section shall be guilty of a Class 1 misdemeanor. *Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal control officer shall confine the dangerous dog until such time as evidence shall be heard and a verdict rendered.*

(L) All fees collected pursuant to this Section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this Section *and fees due to the State Veterinarian for maintenance of the Virginia Dangerous Dog Registry*, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under ~~§-section 3.2-65563.1-796.104:1~~ of the Code of Virginia. (Ord. 2-5-97; Ord. 10-15-03; Ord. 1-17-07)

Sec. 4-2-4. Rabies inoculation of dogs and domesticated cats; availability of certificate; penalty for violation.³⁹

The owner or custodian of all dogs and domesticated cats four months of age and older shall have them currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises. The supervising veterinarian on the premises shall provide the owner of the dog or the custodian of the domesticated cat with a certificate of vaccination. The owner of the dog or the custodian of the domesticated cat shall furnish within a reasonable period of time, upon the request of an animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the United States Department of Agriculture for use in that species.

Every such owner or custodian who shall fail to have such animals currently vaccinated as provided hereinabove shall be deemed to be in violation of this section and shall be punished by a fine of not more than \$500 for each such violation. (Ord. 2-16-00)

³⁹ For authority to adopt ordinances regarding regulation of animals and prevention of rabies, see *Code of Va.*, §§ 3.2-6537, 3.2-6543, 3.2-6544, 3.2-6545 and 3.2-6525 ~~Virginia Code Sections 3.1-796.84, 3.1-796.94 and 3.1-796.100~~; for penalty for class 3 misdemeanor, see *Code of Va.*, § ~~Virginia Code Section~~ 18.2-11.

.....

Chapter 6
EROSION AND SEDIMENTATION CONTROL.⁴⁰

Article 1. In General.

.....

Sec. 6-1-1.1. Authority.

The County of Fluvanna has authority to establish the erosion and sedimentation controls described herein pursuant to ~~Section section 62.1-44.15:54 10.1-562~~ of the Code of Virginia. (Ord. 7-16-03; Ord. 6-20-07)

Sec. 6-1-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Administrator. The official designated by the governing body to serve as its agent to administer this chapter, or his designee. The county administrator for the County is hereby designated as administrator of this chapter.

.....

Certified plan reviewer. A County employee or agent who has been designated as such by the administrator. A certified plan reviewer shall (i) hold a certificate of competence from the Virginia Soil and Water Conservation Board in the area of plan review, (ii) be enrolled in the Virginia Soil and Water Conservation Board's training program for plan review and successfully complete such program within one year after enrollment, or (iii) be licensed as a professional engineer, architect, ~~certified~~ landscape architect, ~~or~~ land surveyor pursuant to article 1 (Sec 54.1-400 et seq.) of chapter 4 of title 54.1 of the Code of Virginia, as ~~it may be~~ amended, ~~or professional soil scientist as defined in section 54.1-2200 of the Code of Virginia~~ ~~from time to time~~.

.....

~~Conservation plan, erosion~~ *Erosion and sedimentation control plan or plan.* A document containing material for the conservation of soil and water resources of a unit or a group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

.....

Land-disturbing activity. Any ~~land~~ man-made change to the land surface which may result in soil erosion from water or wind and the movement of sediments into waters or onto

⁴⁰ For state law as to erosion and sediment control, see Code of Va., § 62.1-44.15:51 10.1-560 et seq.

Editor's note. - - The Ordinance adopted 6-20-07 amended and reenacted this Chapter 6, Erosion and Sedimentation Control.

lands including, but not limited to, clearing, grading, excavating, transporting, *and filling of the land* or any combination thereof. The following activities shall not be construed as “land disturbing activities” under this ordinance:

- (a) Such minor land disturbing activities as home gardens and individual home landscaping, repairs and maintenance work.
- (b) Individual service connections.
- (c) Installation, maintenance or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk; provided, that such land-disturbing activity is confined to the area of the road, street or sidewalk *that* is hard surfaced.
- (d) Septic tank lines or drainage fields, unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system.
- (e) ~~Surface or deep mining.~~ *Intentionally omitted.*
- (f) ~~Exploration or drilling for oil and gas, including the well site, roads, feeder lines, and off-site disposal areas.~~ *Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1;*
- (g) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.
- (h) Disturbed land areas for commercial or noncommercial uses of less than 10,000 square feet in size.
- (i) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles.
- (j) Emergency work to protect life, limb and property, and emergency repairs; provided, that if the land disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, the land area disturbed shall be shaped and stabilized in accordance with the requirement of the *VESCP local plan* ~~local plan~~ approving authority.
- (k) Tilling, planting, or harvesting of agricultural, horticultural, ~~or~~ forest crops, ~~or~~ livestock feedlot operations, *or as additionally set forth by the Virginia Soil and Water Conservation Board in regulation*, including engineering and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, ~~Article 2~~ (Virginia Code section 10.1-604 et. seq.) ~~of Chapter 6~~, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing; land drainage; land irrigation; however this

exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of ~~Chapter 44~~ (Virginia Code ~~section~~ ~~Sec. 10.1-110~~ *10.1-1100* et seq.) of ~~Title 10.1~~ or is converted to bona fide agriculture or improved pasture use as described in subsection B of Virginia Code Sec. 10.1-1163.

Land-disturbing permit. A permit issued by the County for clearing, filling, excavating, grading or transporting, or any combination thereof.

Owner. The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Permittee. The person to whom the *local* permit authorizing land disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

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Transporting. Any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover, either by tracking or buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Virginia Erosion and Sediment Control authority (VESCP authority). An authority approved by the Virginia Soil and Water Conservation Board to operate a VESCP. In Fluvanna County this is the county administrator or “administrator.”

Virginia Erosion and Sediment Control Program (VESCP). A program approved by the Virginia Soil and Water Conservation Board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement where authorized in this section, and evaluation consistent with the requirements of this section and its associated regulations.

(Comp. 1974, ch. 21; Ord. 10-21-92; Ord. 7-16-03; Ord. 6-20-07)

Sec. 6-1-3. Erosion and sedimentation control plan required; applicability of chapter.

(A) Pursuant to section ~~62.1-44.15:54~~ ~~40.1-562~~ of the Code of Virginia, Fluvanna County hereby adopts the references, guidelines, standards and specifications promulgated by the Virginia Soil and Water Conservation Board for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications are included in but not limited to the “Virginia Erosion and Sediment Control

Regulations,” the “Virginia Erosion and Sediment Control Handbook” and “Virginia Stormwater Management Handbook” as amended.

(B) Except as otherwise provided in this chapter, no person may engage in any land disturbing activity until such person has submitted to the administrator an erosion and *sediment sedimentation* control plan for such land-disturbing activity and until that plan for such land-disturbing activity has been reviewed and approved by the administrator. *Upon the development of an online reporting system by the Virginia Department of Environmental Quality, the administrator shall obtain evidence of Virginia Stormwater Management Program permit coverage where it is required prior to providing approval to being land disturbance.*⁴¹

(C) The provisions of this chapter shall apply to all incorporated towns within the boundaries of the County, unless the governing body of any such town has, by appropriate action, adopted an Erosion and Sedimentation Control program specific to its jurisdiction.

(D) Electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sedimentation control specifications annually with the Virginia Soil and Water Conservation Board for review and written comments.

(E) The provisions of this chapter shall not apply to state agency projects, except as provided for in *section 62.1-44.15:56 of the Code of Virginia.*~~VESCL 10.1-564.~~

(F) A plan for which land-disturbing activities involving lands under the jurisdiction of the County and one or more other localities may, at the option of the applicant, be submitted to the state division of soil and water conservation for the review and approval, rather than submission to each jurisdiction concerned. However, if the applicant chooses to submit his plans to the state division of soil and water conservation rather than the local jurisdiction he shall notify, by certified mail, the administrator of his intention at the same time of submittal.

(G) *The requirements of this chapter shall be integrated and implemented in conjunction with any project requiring compliance prior to any land disturbing activity, including subdivisions, site plans, and any other plans of development; those projects within the flood hazard overlay district established in the Zoning Ordinance, Chapter 22 of this Code; and any dam break inundation zone that has been mapped as provided in section 10.1-606.3 of the Code of Virginia.*⁴²

(Ord. 6-20-07)

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Sec. 6-1-6. Plan approval generally; changes in approved plans.

(A) The administrator shall, within forty-five (45) days of receipt of the plan, ~~approve~~ give written notice of approval to any erosion and sediment control plan submitted to the

⁴¹ For state law reference, see Code of Va., § 62.1-44.15:55.

⁴² For state law reference, see Code of Va., § 62.1-44.15:51.D.

administrator if it is determined that the plan meets the requirements of *this chapter and the regulations of the Virginia Soil and Water Conservation Board* ~~the local control program~~, and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will comply with the provisions of this chapter. In addition, as a prerequisite to engaging in the land-disturbing activities described in the approved plan, the person responsible for carrying out the plan shall provide the name of a Responsible Land Disturber, who will be in charge of and responsible for carrying out the land-disturbing activity in accordance with the approved plan. Failure to provide the name of an individual holding a certificate of competence shall be a violation of this chapter. Under the provisions of this ordinance, the owner of the property in question is ultimately responsible for the preparation, submission and approval of the erosion and sediment control plan.

(B) When a plan is determined to be inadequate, the administrator shall, within forty-five (45) days from receipt, give written notice of disapproval stating the specific reasons for disapproval. The administrator shall specify such modifications terms and conditions as will permit approval of the plan and shall communicate these requirements to the applicant. If no action is taken by the administrator within the time specified above, the plan shall be deemed approved and the person shall be authorized to proceed with the proposed activity. *The administrator shall act on any erosion and sediment control plan that has been previously disapproved within forty-five (45) days after the plan has been revised, resubmitted for approval, and deemed adequate.*

(C) ~~An approved plan may be changed by the administrator~~ *The administrator may require changes to any approved plan* in the following cases:

(1) Where inspection has revealed the inadequacy of the plan to accomplish the objectives of this chapter *and to satisfy applicable regulations*; ~~plan changes can be required without approval of the person responsible for carrying out the plan~~; or

(2) Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this chapter *and associated regulations*, are agreed to by the administrator and the person responsible for carrying out the plan.

(D) All requests for variances must be made in writing and approved in writing by the administrator, *and must be made* in accordance with 9VAC25-840-40. ~~VESCR 4VAC50-30-50.~~ (Comp. 1974, ch. 21; Ord. 10-21-92; Ord. 7-16-03; Ord. 6-20-07)

Sec. 6-1-7. Approved plan required for issuance of building permit or other development permits; certification; bonding of performance.⁴³

⁴³ For state law reference, see Code of Va., § 62.1-44.15:57.

(A) The building official, or any agent of the County, shall not issue any building or other permits for activities which involve land-disturbing activities, *as defined by this chapter*, unless the applicant submits with his application an approved erosion and sediment control plan or certification of such approved plan from the administrator, certification that such plan will be followed, *evidence of Virginia Stormwater Management Program permit coverage, where required*, and written permission for the administrator (or his agent) to conduct on-site inspections of the land-disturbing activity and of the conservation practices set forth in the plan.

(B) The administrator, prior to approval of any erosion and sedimentation control plan, shall require of the applicant a reasonable performance bond with surety, cash escrow, letter of credit, or combination thereof, or such other legal arrangement as is acceptable to the administrator to insure that measures could be taken by the County at the expense of the person conducting the land-disturbing activity should he fail, after proper notice, within the time specified to initiate or maintain appropriate conservation action which may be required of him in order to be in compliance with this chapter. *The amount of the bond or other security shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in Fluvanna and a reasonable allowance for estimated administrative costs and inflation, not to exceed 25% of the estimated cost of the conservation action.*

(C) If the County takes such measures upon such failure by the person conducting the land-disturbing activity and the costs of required corrective action exceed the security held, the administrator may collect from such person the difference between the cost of the corrective action required and amount of the security held.

(D) Within sixty days of the stabilization of the land-disturbing activity, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the owner or his agent or terminated, as the case may be. (Comp. 1974, ch. 21; Ord. 10-21-92; Ord. 7-16-03; Ord. 6-20-07)

Sec. 6-1-8. Inspection and enforcement generally.⁴⁴

(A) Inspection and degree of enforcement of this chapter shall rest with the administrator.

(B) The administrator shall periodically inspect the land-disturbing activity, in accordance with ~~9VAC25-840-60~~ ~~VESCR 4VAC 50-30-60B~~, to ~~ensure~~ insure compliance with the approved plan and to determine whether the measures required in that plan are effective in controlling erosion and sediment resulting from the land-disturbing activity. The administrator may require monitoring and reports from the person responsible for carrying out the plan. Furthermore, the County may inspect, monitor, and make reports for the administrator, upon request. The right of entry to conduct such inspection shall be expressly reserved in the permit. The person responsible for carrying out the plan, or his duly designated representative, shall be given notice of the inspection and afforded the opportunity to accompany the inspectors.

⁴⁴ For state law reference, see Code of Va., § 62.1-44.15:58.

(C) If the administrator determines that the person responsible for carrying out the plan has failed to do so, the administrator shall immediately serve such person with a notice to comply by registered or certified mail to the address specified in his permit application or by delivery at the site of the land-disturbing activity to the owner, agent or employee supervising such activities. Such notice shall set forth specifically the measures needed in order for the site to come into compliance with such plan and shall specify the time within which such measures shall be completed. If such person fails to comply within the time specified, the permit may be revoked and the permittee or the person responsible for carrying out the plan shall be deemed to be in violation of this chapter and upon conviction shall be subject to the penalties provided for herein.

(D) Upon *issuance of an inspection reporting denoting receipt of a sworn complaint* of a substantial violation of this chapter ~~from the designated enforcement officer~~, the administrator may, in conjunction with or subsequent to a notice to comply as specified above, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken *or, if land-disturbing activities have commenced without an approved erosion and sediment control plan, requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.* Where alleged noncompliance causes or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, such an order may be issued whether or not the alleged violator has been issued a notice to comply as specified in subsection ~~(e)~~ (A) of this section. Otherwise, such an order may be issued only after the alleged violator has failed to comply with a notice to comply. The order shall be served in the same manner as a notice to comply, and shall remain in effect for seven days from the date of service pending application by the enforcing authority or alleged violator for appropriate relief to the circuit court of the jurisdiction wherein the violation was alleged to have occurred. Upon completion of corrective action, the order shall be lifted immediately. The remedies provided for in this section are cumulative and shall not be construed to prevent the administrator from taking any other action allowed by law.

(Comp. 1974, ch. 21; Ord. 10-21-92; Ord. 7-16-03; Ord. 6-20-07)

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Sec. 6-1-11. Violations and penalties.⁴⁵

(A) A violation of this chapter shall be deemed a Class 1 misdemeanor.

(B) The administrator may apply to the circuit court of the County for injunctive relief to enjoin a violation or a threatened violation of this chapter, without the necessity of showing the nonexistence of an adequate remedy at law.

(C) In addition to any and all other remedies provided under this chapter, any person who violates any provision herein shall be liable to the County in a civil action for damages.

(D) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or order of the state soil and water conservation board or the administrator,

⁴⁵ For state law reference, see Code of Va., § 62.1-44.15:63.

such board or administrator may provide an order against such person for the payment of civil charges for violations in specific sums not to exceed \$2000 for each violation. The administrator shall establish a schedule enumerating the violations and the associated civil charges.

(E) The Commonwealth's attorney ~~or the County Attorney, as the case may be,~~ shall, upon request of the administrator, take legal action to enforce the provisions of this chapter.

(F) Compliance with the provisions of this chapter shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion or sedimentation that all requirements of law have been met and the complaining party must show negligence in order to recover any damages.

(G) Nothing herein shall prevent the administrator from or be a prerequisite to the administrator taking any other action allowed by law or equity to remedy noncompliance with this chapter. (Comp. 1974, ch. 21; Ord. 10-21-92; Ord. 7-16-03; Ord. 6-20-07)

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***Article 2. Procedures for Plan Submission and Review, On-site Inspection
and Chapter Enforcement.***

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Sec. 6-2-4. Plan review and approval procedures generally.

(A) The county administrator has been designated as the plan-approving authority.

(B) In reviewing plans, the administrator may seek or receive recommendations or comments from the state department of transportation, health department and such other agencies deemed to have some responsibility in this area.

(C) (1) The preparation and submission of an erosion and sediment control plan to the administrator shall be the responsibility of the owner, lessee, or duly authorized agent of either the owner or lessee.

(2) In determining the adequacy of the plan, the administrator shall be guided by the recommendations contained in the Virginia Erosion and Sediment Control Handbook.

(3) The plan shall be approved, *in writing*, within forty-five (45) days from the receipt thereof, if such plan meets the requirements of this chapter *and the regulations of the Virginia Soil and Water Conservation Board*, and if the person responsible for carrying out the plan certifies that he will properly perform the control measures included in the plan as required by this chapter.

(4) If the plan is disapproved, within forty-five (45) days from the receipt thereof, the administrator shall specify in writing such modification, terms and conditions as will permit approval of the plan and communicate these requirements to the applicant. *The administrator shall act on any erosion and sediment control plan that has been*

previously disapproved within forty-five (45) days after the plan has been revised, resubmitted for approval, and deemed adequate.

(5) If no action is taken by the administrator within forty-five days of receipt of the plan, the plan shall be deemed approved. Certification of this fact shall be provided by the administrator to the permit issuing authority issuing building or other permits for the activities involving land-disturbing activities so that such permits may be issued.

(6) *The administrator may require changes to an ~~An~~ approved plan ~~may be changed~~:*

a) Where inspection has revealed the inadequacy of the plan to accomplish the erosion and sediment control objective of this chapter *and applicable regulations*, plan changes may be required without approval of the person responsible for carrying out the plan in order to comply with the minimum standards promulgated by the Virginia Soil and Water Conservation Board and set forth in the Virginia Erosion and Sediment Control Handbook, which are assumed to be an integral part of every plan; or

b) Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and the proposed amendments to the plan, consistent with the requirements of this chapter *and applicable regulations*, are agreed to by the administrator and the person responsible for carrying out the plan.

(Comp. 1974, ch. 21; Ord. 10-21-92; Ord. 7-16-03; Ord. 6-20-07)

Sec. 6-2-5. Issuance of grading, building or other permits.

(A) The building official or any other agency authorized under any other provision of this Code or other law to issue building or other permits for land-disturbing activities shall not issue such permits unless:

(1) The applicant submits with his application the approved erosion and sediment control plan *and certification that the plan will be followed, and evidence of Virginia Stormwater Management Program permit coverage, where it is required*; or

(2) *The applicant provides* ~~There is~~ certification by the administrator of such approved plan from the administrator or certification *by the administrator* that a plan was submitted and no action was taken within forty-five (45) days; or

(3) *The applicant provides* ~~There is~~ certification from the state division of soil and water conservation, when applicable as specified herein, that the *erosion and sediment control* plan has been approved, *and the applicant provides certification that the plan will be followed, and evidence of Virginia Stormwater Management Program permit coverage, where it is required.*

(B) When the administrator does not have in hand a certification that the person responsible for carrying out the plan has certified that he will properly perform the control measures included in the plan, the administrator shall obtain the certification or performance prior to issuance of the permit.
(Comp. 1974, ch. 21; Ord. 10-21-92; Ord. 7-16-03; Ord. 6-20-07)

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Sec. 6-2-7. Erosion and sediment control agreement providing for right-of-entry, etc.⁴⁶

A legal instrument shall be executed by each applicant for an approved erosion and sediment control plan to provide right-of-entry by the appropriate persons for the purpose of inspection, monitoring, and installation, or maintenance of erosion and sediment control measures in the event the applicant fails to install or maintain such measures after notice in writing. (Comp. 1974, ch. 21; Ord. 10-21-92; Ord. 7-16-03; Ord. 6-20-07)

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Chapter 7
FESTIVALS, DANCE HALLS AND CARNIVALS, ETC.

Article 1. Festivals.

Sec. 7-1-1. Authority; purpose.

This article is enacted pursuant to section ~~15.2-1200~~~~15.1-510~~ of the Code of Virginia for the purpose of providing necessary regulations for the conducting of musical or entertainment festivals conducted in open spaces not within an enclosed structure and of any gathering or groups of individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces not within an enclosed structure in the interest of the public health, safety and welfare of the citizens and inhabitants of the county. (Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6)

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Sec. 7-1-3.1. Same - - Application - - Generally.

Applications for special entertainment permits required by this article shall be in writing on forms provided for the purpose and filed in duplicate with the clerk of the board at least ~~twenty-one~~ *forty-five (45)* days before the date of such festival *and shall be accompanied with a \$200 application fee, which shall not be returned.* Such applications shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this article. A copy of such applications shall be sent by certified mail by the clerk to each member of the board the day such applications are filed. *The board shall respond to the application within thirty (30) days of receipt of the complete application and fee* (Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6).

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⁴⁶ For state law reference, see Code of Va., § 62.1-44.15:60.

Sec. 7-1-5. Minors to be accompanied by parent or guardian.⁴⁷

No person under the age of eighteen years of age shall be admitted to any festival unless accompanied by a parent or guardian, the parent or guardian to remain with such person at all times. (Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6)

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*Article 2. Dance Halls.*⁴⁸

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*Article 3. Carnivals, Circuses, Side Shows, Etc.*⁴⁹

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Sec. 7-3-3.1. Certain organizations exempt from license tax; proviso.

Any show, exhibition or performance by Fluvanna resident mechanics or artists exhibiting their own work, resident persons performing for charity or other benevolent purposes, volunteer fire companies, and bona fide local associations or corporations organized for the principal purpose of holding legitimate agricultural or industrial arts exhibitions shall be exempt from licensing fees.

However, any show, exhibition, or performance by any company, association or persons, or a corporation, in the business of giving such exhibitions for compensation, even if a portion of the proceeds are for charitable or benevolent purposes or by or for the groups exempted above, shall pay the license tax imposed.

~~which is sponsored, promoted, operated or exhibited by any religious, educational, charitable, fraternal or civic organization of this county shall not be required to pay the license tax imposed by this article; provided, that such organization shall receive not less than forty percent of all admission charges to the grounds, shows, rides, exhibits and the like, which proceeds shall be used by such organizations for religious, educational, charitable, fraternal or civic purposes.~~

~~All Such~~ organizations however, are required to register ~~not exempted from registering~~ with the sheriff's office and obtaining the permit required by this article. (Min. Bk. 4, p. 392; Min. Bk. 6, p. 118; Comp. 1974, ch. 6)

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Chapter 8

⁴⁷ For state law as to authority of county to regulate minors in public places of amusement, see Code of Va., § 15.2-926(B). ~~18.2-432.~~

⁴⁸ For state law as to regulation of dance halls by counties, see Code of Va., § 15.2-912.3 ~~18.2-433.~~

⁴⁹ For state law as to authority of county to license carnivals, etc., see Code of Va., § 58.1-3728.

FIRE PROTECTION AND PUBLIC SAFETY.⁵⁰

Sec. 8-1. Fire companies.

All fire companies organized and operating within the county shall be subject to the approval of the board of supervisors in accordance with Title 27, chapter 2, article 1 of the Code of Virginia. Any approval heretofore granted for a fire company shall remain in effect; provided, however, that no such approval shall be deemed to relieve any such company of the continuing duty of compliance with the provisions of Title 27, chapter 2, article 1 (§ 27-6.01 *et seq.*) of the Code of Virginia.

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Sec. 8-3. Official safety program.⁵¹

Pursuant to the authority contained in sections 27-6.1, 27-8.1 ~~2-1-133.5 et seq.~~ of the Code of Virginia the following official safety program of the county is hereby established.

The official safety program of this county shall be carried into effect by the following organizations or departments whose membership shall be deemed to be an integral part of the safety program of this county:

(A) The sheriff's department, together with all its law enforcement personnel.

(B) The Fluvanna County Volunteer Fire Department, Inc., at present consisting of Fork Union Volunteer Fire Company, Kents Store Volunteer Fire Company, Palmyra Volunteer Fire Company; and the Lake Monticello Fire Department;

(C) The Fluvanna Rescue Squad, Inc., at present consisting of Kents Store Rescue Squad, Fork Union Rescue Squad and Palmyra Rescue Squad; and the Lake Monticello Rescue Squad;

(D) All other law enforcement personnel of the county not included in (A) above. (Min. Bk. 7, p. 169; Comp. 1974, ch. 8; Ord. 2-3-75; Ord. 5-2-83)

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Sec. 8-5. Disposal of unclaimed personal property in the possession of the Sheriff.⁵²

Any unclaimed personal property which has been in the possession of the Sheriff and unclaimed for a period of more than sixty days may be (i) sold at public sale in accordance with

⁵⁰ For state law as to forest wardens and fires generally, see Code of Va., § 10.1-1135 *et seq.*; as to smoke detectors in certain buildings, see Code of Va., § 15.2-922 ~~15.1-29.9~~; as to Line of Duty Act, see Code of Va., § 9.1-400 ~~2-1-133.5~~ *et seq.*; as to arson and related crimes, see Code of Va., § 18.2-77 *et seq.*; as to fire protection generally, see Code of Va., § 27-1 ~~27.1-1~~ *et seq.*

⁵¹ For state law as to the Line of Duty Act, see Code of Va., § 9.1-400 ~~2-1-133.5~~ *et seq.*

⁵² For state law as to local disposition of unclaimed property, see Code of Va., § 15.2-1719.

the provisions of this section or (ii) retained for use by the Sheriff. As used herein, "unclaimed personal property" shall be any personal property belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.). Unclaimed bicycles and mopeds may also be disposed of in accordance with Virginia Code § 15.2-1720, and unclaimed firearms ~~may also~~ shall only be disposed of in accordance with Virginia Code Sec. 15.2-1721 *after having been in the possession of the Sheriff and unclaimed for a period of more than 120 days.*

Prior to the sale or retention for use by the Sheriff of any unclaimed item, the Sheriff or his duly authorized agents shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for the Commonwealth in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the County once a week for two successive weeks, notice that there will be a public display and sale of unclaimed personal property. Such property, including property selected for retention by the Sheriff, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The Sheriff or his duly authorized agents shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the Sheriff shall become the property of the County and shall be retained only if, in the opinion of the Sheriff, there is a legitimate use for the property by the Sheriff and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

If no claim has been made by the owner for the property or proceeds of such sale within sixty days of the sale, the remaining funds shall be deposited in the general fund of the County and the retained property may be placed into use by the Sheriff. Any such owner shall be entitled to apply to the County within three years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the County shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three years from the date of the sale.
(Ord. 11-18-09)

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Chapter 9
FORK UNION SANITARY DISTRICT

*Article 1. In General.*⁵³

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⁵³ For state law as to sanitary districts generally, see Code of Va., § 21-112.22 et seq.

Sec. 9-1-2. Connection policy.⁵⁴

The owners of all houses, building or properties used for human occupancy, employment, recreation or other purposes, constructed subsequent to August 17, 1977 and situated within the district at a distance not greater than four hundred feet from any street, alley or right-of-way in which there is located any sanitary toilet or other disposal liquid waste facilities shall connect such facilities directly with the public sewer, and shall connect sources of water use to the public water main, when the district provides the necessary water lines to the property line. Any existing buildings or properties described above, presently being served by a well, shall hereafter be prohibited from connecting to a different well for needed water.

Any person failing to comply with the provisions of this section shall be guilty of a misdemeanor and shall be subject to a fine not to exceed fifty dollars for each offense. Each day of such failure shall constitute a separate offense. (Min. Bk. 6, pp 321, 445; Min. Bk. 7, p. 92; Comp. 1974, ch. 10)

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Article 2. Water Division.

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Sec. 9-2-6. Grace period, late charge and interest; when service disconnected.⁵⁵

The grace period for payment of all bills shall be thirty calendar days. A late charge of ten percent of the amount due or ten dollars, whichever is greater, shall be imposed on all outstanding bills more than thirty calendar days old. In addition, all outstanding bills more than thirty calendar days old shall accrue interest at the rate of ten percent per year. Water service shall be disconnected if bills are due over sixty days for residential users and thirty days for commercial users. (Min. Bk. 6, pp. 321, 445; Min. Bk. 7, p. 92; Comp. 1974, ch. 10; Ord. 2-4-98)

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Chapter 10
GARBAGE, REFUSE AND WASTE.⁵⁶

Article 1. Trash, Garbage, Etc., on Private Property.⁵⁷

⁵⁴ As to county powers and duties regarding sanitary districts, see Code of Va., §§ 21-118, 21-118.4.

⁵⁵ As to county authority to collect unpaid fees and charges and to disconnect water and sewer services, see Code of Va., § 21-118.4.

⁵⁶ For state law as to Virginia Waste Management Act, see Code of Va., § 10.1-1400 et seq. As to authority of county with regard to solid and hazardous waste management, see Code of Va., § 15.2-1800-15.1-282.

⁵⁷ For state law as to authority of county to provide for removal of trash, garbage, etc., from

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Sec. 10-1-3.2. Same - - Constitutes lien against property.⁵⁸

Every charge authorized by this article with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.

Sec. 10-1-4. Penalty for violation of article.⁵⁹

In addition to the foregoing provisions of this article, the owner of any property which shall be determined by the board to be unlawful as provided hereinabove who shall fail to correct the condition within such reasonable time as may be required by the board as provided by this article, shall be deemed to be in violation hereof and shall be liable to a fine ~~not to exceed one hundred dollars.~~ *of \$50 for the first violation, or violations arising from the same set of operative facts. The fine for subsequent violations not arising from the same set of operative facts within twelve (12) months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. Violations arising from the same operative facts shall not result in penalties exceeding \$3,000 in a twelve (12) month period.*

First Violation - \$50

*Subsequent Violations (or business days of noncompliance) - \$200/per
\$3,000 maximum per twelve (12) month period*

Article 2. Disposal, Storage, Etc., of Solid Waste and Tires.

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Sec. 10-2-2. Same - - Stockpiling tires; maximum number of tires permitted.⁶⁰

No person shall stockpile tires in the county except in accordance with the provisions of the Virginia Waste Management Act. In addition to the foregoing, no person shall stockpile more than five hundred tires at any time, regardless of purpose or origin.

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Chapter 13

ITINERANT DEALERS AND SALESMEN.

Article 1. Dealers in Precious Metals and Gems.⁶¹

private property, see Code of Va., § 15.2-901~~45.1-11~~.

⁵⁸ *As to manner in which liens may be enforced, see Code of Va., §§ 58.1-3965 et seq., 58.1-3940 et seq.*

⁵⁹ *As to county authority to assess a fine for violations, see Code of Va., § 15.2-901.*

⁶⁰ *As to state law regarding stockpiling tires, see Code of Va., §§ 10.1-1418.2—1418.5.*

Sec. 13-1-1. "Itinerant dealer" defined.

"Itinerant dealer" within the meaning of this article is a person, *firm, partnership, or corporation* who shall engage in any temporary or transient business in the county for the purchase of gold, silver, platinum, *or any precious or semi-precious metals*, gems or semi-precious stones. (Comp. 1974, ch. 15; Ord. 12-3-80)

Sec. 13-1-2. ~~Permit License~~ - - Required.

No itinerant dealer may purchase gold, silver, platinum, *or any precious or semi-precious metals*, gems or semi-precious stones without a ~~permit license~~ as provided by this article. (Comp. 1974, ch. 15; Ord. 12-3-80)

Sec. 13-1-2.1. Same - - Issuance; contents; fee generally.⁶²

~~Licenses~~ *Permits* required by this article shall be issued by the *sheriff or his designee* ~~commissioner of revenue~~ to any person *who has not been convicted of a felony or crime of moral turpitude within the past seven years, who meets all other requirements of this chapter, including payment of the \$200 application fee, and who has not had a permit denied or revoked under any ordinance or law similar in substance to provisions of this chapter. The permit which license* shall designate the premises on which the ~~permittee~~*licensee* shall conduct his business and specify the dates upon which the business may be conducted. ~~A fee of twenty-five dollars per day shall be charged.~~ (Comp. 1974, ch. 15; Ord. 12-3-80)

Sec. 13-1-2.2. Same - - Nontransferable; fee not to be prorated; posting of ~~permit license~~.⁶³

A ~~permit license~~ issued under this article shall be a personal privilege and shall not be transferable. *This permit shall be valid for one year from the date issued and may be renewed in the same manner the permit was initially obtained with an annual permit fee of \$200.* ~~nor shall there~~ *There shall not be any abatement of the fee for such permit license* by reason of the fact that the ~~permittee~~*licensee* shall have exercised the privilege for any period of less than that for which it was granted. The ~~permit license~~ shall be placed or posted so as to be visible to the public at the principal entrance of the place of business. (Comp. 1974, ch. 15; Ord. 12-3-80)

If the application for a permit is denied by the sheriff's department, upon request, the sheriff's department shall provide a written statement of the facts and reasons for the denial.

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⁶¹ For state law *regulating dealers in precious metals and gems* ~~as to precious metals dealers~~, see Code of Va., § 54.1-4100 et seq.

⁶² For state law reference, see Code of Va., § 54.1-4108.

⁶³ For state law reference, see Code of Va., §§ 54.1-4108, 54.1-4111.

Sec. 13-1-2.4. Same – Application for Permit; Requirement of a bond or letter of credit.⁶⁴

To obtain a permit, the dealer shall file with the sheriff's department an application form which includes:

- (A) The dealer's full name and any aliases;*
- (B) The dealer's residence and phone numbers;*
- (C) The dealer's age and date of birth;*
- (D) The dealer's sex and fingerprints;*
- (E) The name, address and telephone number of the dealer's employer, if any; and*
- (F) The location of the dealer's place of business.*

The dealer must have all weighing devices used in his business inspected and approved by local or state weights and measures officials and present written evidence of such approval with the application.

The dealer shall submit a \$200 fee along with the completed application.

The sheriff may waive the permit fee for retail merchants not required to be licensed as pawnbrokers under Code of Virginia section 54.1-400 et seq., provided that the retail merchant has a permanent place of business and purchases of precious metals and gems do not exceed five percent of the retail merchant's annual business.

Upon receipt of such permit, every dealer shall enter into a recognize to the County, in accordance with the requirements of the Code of Virginia section 54.1-4106, secured by a corporate surety authorized to do business in the Commonwealth, in the penal sum of \$10,000.00, conditioned upon due observance of the terms of this chapter. In lieu of a bond, a dealer may cause to be issued by a bank authorized to do business in the Commonwealth a letter of credit in favor of the County for \$10,000.00.

Sec. 13-1-3. Seller's identification to be ascertained; records required.

The permittee ~~licensee~~ shall ascertain the name, address and age of the sellers by requiring an identification ~~identifier~~ issued by a governmental agency with a photograph of the seller thereon and at least ~~picture of the subject and~~ one other corroborating means of identification. The permittee shall further obtain a statement of ownership from the seller as provided in this chapter. ~~The licensee shall record a description of the items purchased, the price paid, and the seller's identity. Such records shall be kept on a daily basis and delivered to the sheriff of the county on the day of purchase.~~ (Comp. 1974, ch. 15; Ord. 12-3-80)

⁶⁴ For state law reference, see Code of Va., § 54.1-4108.

Sec. 13-1-4. Hours of operation; inspection by authorized officials; melting, defacing, etc., precious metals; certain local businesses exempt from article.⁶⁵

No purchase of such items or articles of precious metals shall be made by any person except between the hours of 9 A.M. and 5 P.M. and such business shall be open at all times to inspection by any revenue or police officer of the federal, state or county governments. *The dealer or his employee shall permit the officer to examine all records required by this chapter and any article listed in a record which is believed by the officer to be missing or stolen and search for and take into possession any article known to him to be missing, or known or believed by him to have been stolen.*

If the business of the dealer is not operated without interruption, with Saturdays, Sundays, and recognized holidays excepted, the dealer shall notify the sheriff's department of all closings and reopenings of such business. The business of a dealer shall be conducted only from the fixed and permanent location specified in his application for a permit.

No articles consisting of such precious metals or gems shall be melted down, defaced or changed in composition until a minimum of fifteen calendar days from the date on which a copy of the bill of sale is received by the sheriff's office. ~~five days after purchase or until the same has been inspected by the county sheriff's department and written consent obtained therefrom.~~ *Until the expiration of this period, the dealer shall not sell, alter, or dispose of a purchased item in whole or in part, or remove it from the county in which the purchase was made.*

If the dealer performs the service of removing precious metals or gems, he shall retain the metals or gems removed and the article from which the removal was made for a period of fifteen calendar days after receiving such article and precious metals or gems.

~~Banking institutions, jewelry stores, antique shops, or auctions located or held in the county are excluded from the operation of this article.~~ *engaged in the buying and selling of gold and silver bullion and the sale and purchase of coins are excluded from the operation of this chapter.*

The sheriff's office may also waive, by written notice, implementation of this chapter, with the exception of Section 13-1-6 of this Code, for numismatic, gem, or antique exhibitions or craft shows sponsored by the nonprofit organizations, provided that the purpose of the exhibitions is nonprofit in nature, notwithstanding the fact that there may be casual purchases and trades made at such exhibitions.

(Comp. 1974, ch. 15; Ord. 12-3-80)

Sec. 13-1-5. Information required on bills of sale; disposition of copies thereof.⁶⁶

⁶⁵ For state law reference, see Code of Va., §§ 54.1-4101, 54.1-4101.1, 54.1-4104, and 54.1-4108.

⁶⁶ For state law reference, see Code of Va., § 54.1-4101.

Every person ~~permitted licensed~~ under this article shall maintain adequate records to reflect the following information. ~~to appear on bills of sale, one copy of which is to be retained by the person so licensed, one copy to be delivered daily to the sheriff's department before 6 P.M., and one copy to be delivered to the seller of such precious metals and articles made thereof.~~ The required information to be furnished is as follows:

- (1) The name, address, sex and phone number of the *permittee licensee* and his employer;
- (2) A complete description of the articles or precious metal purchased by the *permittee licensee* to include *all names, initials, serial numbers, or other identifying marks or monograms on each item purchased* ~~the name and initials thereon~~;
- (3) The make, model number and license number of the motor vehicles owned or used by the *permittee licensee* and his employer; ~~and~~
- (4) The ~~tray~~ *true* weight or carat of such items made of precious metals *or gems*, the unit, as well as the total price paid, and the basis of such price paid the seller;
- (5) *The date, time, and place of receiving the items purchased;*
- (6) *The full name, residence address, workplace, home and work telephone numbers, date of birth, sex, race, height, weight, hair and eye color, and other identifying marks of the person selling the precious metals or gems;*
- (7) *Verification of the identification of the seller by the exhibition of a government-issued identification card bearing a photograph of the person selling the precious metals or gems, such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;*
- (8) *A statement of ownership from the seller; and*
- (9) *A digital image of the form of identification used by the person involved in the transaction.*

Each dealer shall keep at his place of business an accurate and legible record of each purchase of precious metals or gems, as described above. This record shall be retained for at least twenty-four (24) months.

The dealer shall have three copies of the bill of sale: one copy of which is to be retained by the dealer, one copy to be mailed or delivered daily to the sheriff's department before 6 p.m. on the date of purchase, and one copy to be delivered to the seller of such precious metals or gems and articles made thereof.

(Comp. 1974, ch. 15; Ord. 12-3-80)

Sec. 13-1-5.1. Record of Disposition.

Each dealer shall maintain for at least twenty-four (24) months an accurate and legible record of the name and address of the person, firm, or corporation to which he sells any precious metal or gem in its original form after the waiting period required by Section 13-1-4 of this Code. This record shall also show the name and address of the seller from whom the dealer purchased the item.

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Sec. 13-1-7. Penalties; first and subsequent violations.

(A) *Any person convicted of violating any of the provisions of this chapter shall be guilty of a Class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense he shall be guilty of a Class 1 misdemeanor.*

(B) *Upon the first conviction of a dealer for violation of any provision of this chapter, the sheriff's department may revoke the dealer's permit for one full year from the date the conviction becomes final. Such revocation shall be mandatory for two full years from the date the conviction becomes final upon a second conviction.*

Article 2. Book, Magazine, Etc., Sales People.⁶⁷

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Chapter 14
MISCELLANEOUS OFFENSES.

Sec. 14-3. Disposal of trash, etc., on public property and certain private property prohibited.⁶⁸

Any person shall be guilty of a misdemeanor who dumps or otherwise disposes of trash, garbage, refuse, litter, or other unsightly matter, on public property, including a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent.

When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle or transported to the

⁶⁷ For state law authorizing the county to regulate solicitors and peddlers generally, see Code of Va., § 15.2-913. For state law authorizing the county to regulate charitable and civic organizations soliciting within the county, see Code of Va., § 57-63. ~~as to solicitation generally in connection with child labor laws, see Code of Va., § 40.1-112.~~

⁶⁸ For state law as to authority of county to prohibit disposal of trash, etc., on public and certain private property, see Code of Va. § 33.2-802 ~~33.1-346.~~

disposal site in a motor vehicle, the arresting officer may comply with the provisions of *section § 46.2-936 of the Code of Virginia* in making such arrest.

When a violation of the provisions of this section has been observed by any person, and the matter illegally dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting or disposing of such matter. However, such presumption shall be rebuttable by competent evidence.

Any person convicted of such violation shall be punished in accordance with Section 1-10 of this Code.

The provisions of this section shall not apply to the lawful disposal of such matter in landfills.
(Ord. 7-19-00)

Sec. 14-4. Sale, distribution, consumption and possession of alcoholic beverages prohibited on County property; exceptions.⁶⁹

(A) No person shall sell, give away or otherwise distribute; consume, or possess an open or previously opened container containing, any alcoholic beverage; or be under the influence of an alcoholic beverage, while on any County property.

(B) Any person violating the provisions of this section shall, in addition, to any other penalty, be deemed to be a trespasser on the property on which such violation shall have taken place.

(C) Notwithstanding subsection (A), the sale, distribution, possession and consumption of alcohol, by persons of legal age, at certain public parks and recreation facilities may be permitted under certain conditions as more particularly set forth hereinafter.

(1) Beer and/or wine may be sold or otherwise distributed, consumed and possessed by persons otherwise permitted by law to possess the same and in accordance with the regulations of the Virginia Alcoholic Beverage Control Board (“ABC”) for the following special events:

a) Private events where alcohol is provided at no charge to guests, such as wedding receptions, retirement parties, etc., (commonly referred to as “banquets”) which are hosted by private individuals;

b) Special events hosted by duly organized, nonprofit corporations and associations raising money for athletic, charitable, educational, political, or religious purposes;

⁶⁹ For state law authorizing limiting the sale, distribution, consumption and possession of alcoholic beverages on county property, see *Code of Va.*, § 4.1-128.B. For similar state law provisions, see *Code of Va.*, § 4.1-308.

c) Events (commonly referred to as “tastings”) involving the sale or giving of samples for the purpose of educating the consuming public about alcoholic beverages being tasted.

(2) Each event shall be subject to a Facility Rental Agreement approved by the director of Parks and Recreation in a form approved by the county attorney. Each such agreement shall be accompanied by a copy of a current ABC license of a type appropriate to the event as well as proof of liability insurance, with the County as additional insured, in a form reasonably satisfactory to the county attorney. In addition to other provisions, each such agreement shall require the provision of security controls reasonably satisfactory to the director of Parks and Recreation. Approval of any such agreement shall be conditioned upon the payment to the County of a fee reasonably calculated to defray the expense of administration of this section not to exceed \$1000.

(3) Events permitted under this subsection may be located at one or more of the following locations and no others, which location shall be specified in the Facility Rental Agreement:

- a) Pleasant Grove (Manor House, Wedding Grounds, Pole Barn, Heritage Trail Shelter, Farmer’s Market Grounds);
- b) Carysbrook Performing Arts Center (but not including the auditorium);
- c) Bremo picnic shelter; *and*
- d) Fluvanna County Community Center (Fork Union).

(4) Permits for events shall be subject to revocation for material violations of this section or of the Facility Rental Agreement or any associated ABC license.

(Ord. 7-20-11)

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Chapter 15.1
NOISE CONTROL.⁷⁰

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Sec. 15.1-6 Prohibited acts enumerated.

The following acts are declared to be unreasonably loud, disturbing, raucous or unnecessary noise prohibited by ~~section~~ *Section 15.1-5 of this Code*, but this enumeration shall not be deemed to be exclusive:

⁷⁰ For state law as to general powers of counties, see Code of Va., § 15.2-1200.

(A) *Motor vehicle or motorcycle operation.* The operation, or permitting the operation, of any motor vehicle or motorcycle so as to create an unreasonably loud sound resulting from: (i) the removal, alteration or failure to properly maintain its muffler-exhaust or other noise-control equipment; (ii) jackrabbit starts, spinning tires, racing engines, or other operations; or (iii) a refrigeration unit mounted on a motor vehicle.⁷¹

(B) *Radios, tape players, televisions, musical instruments, sound amplification equipment, and electronic and similar devices.* The operation, or permitting the operation, of any radio, tape player, television, musical instrument, sound amplification equipment, electronic or other similar device in such a manner: (i) as to annoy or disturb the quiet, comfort or repose of any person in a dwelling, hotel or other type of residence, when such device is not operated in or on a motor vehicle; (ii) as to annoy or disturb the quiet, comfort or repose of any person across any real property boundary when such device is operated in or on a motor vehicle which is parked; or (iii) as to be audible by someone of normal hearing, from outside a motor vehicle at a distance of 100 feet or more, when such device is located within a motor vehicle which is parked or is being operated on a road.

(C) *Places of public entertainment.* The operation, or permitting the operation, of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces or amplifies sound in any place of public entertainment in such a manner as to annoy or disturb the quiet, comfort or repose of any person not within the place of public entertainment.

(D) *Noise near institutions.* The creation of any excessive noise on any street adjacent to any school, institution of learning or court, while such institution is in session, or adjacent to any hospital, which unreasonably interferes with the workings of such institution or disturbs or unduly annoys patients in the hospital; provided that conspicuous signs are visible in such streets indicating that such street is a school, hospital or court street.

(E) *Sound level exceeding ambient sound level by 15 decibels.* The creation of sound which causes a fifteen (15) dBA increase in the sound level above the ambient sound level, as measured in accordance with Section 15.1-9.

(Ord. 9-19-01)

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Chapter 16
OBSCENITY.⁷²

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Sec. 16-2. Obscene items enumerated.⁷³

⁷¹ For state law authorizing counties to regulate the noise of motor vehicles or motorcycles, see Code of Va., § 15.2-919.

⁷² For state law as to obscenity and related offenses, see Code of Va., § 18.2-372 et seq.

⁷³ For similar state law provision, see Code of Va., § 18.2-373.

For the purposes of this chapter, obscene items shall include:

- (1) Any obscene book; ~~or~~
 - (2) Any obscene leaflet, pamphlet, magazine, booklet, picture, painting, *bumper sticker*, drawing, photograph, film, negative, video tape or disc, slide, motion picture, *video recording*; ~~or~~
 - (3) Any obscene figure, object, article, instrument, novelty, device or recording or transcription used or intended to be used in disseminating any obscene song, ballad, words or sounds; *or*
 - (4) *Any obscene writing, picture or similar visual representation, or sound recording, stored in an electronic or other medium retrievable in perceivable form.*
- (Comp. 1974, ch. 17; Ord. 4-1-85)

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Chapter 17
PERSONNEL.

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Sec. 17-2. Grievance procedure; personnel system.

The county shall have a grievance procedure and a personnel system, including a classification plan for service and uniform pay plan for all employees excluding employees and deputies of division superintendents of schools. Except as otherwise provided by law, employees of the department of social services and the social services board shall be excluded from such personnel system. The grievance procedure, classification plan for service and uniform pay plan shall be approved, and may be amended, from time to time, by resolution of the board of supervisors and shall comply with the provisions of sections *15.2-1506* ~~15.1-7.1~~ and *15.2-1507* ~~15.1-7.2~~ of the Code of Virginia. Nothing contained in this section shall be construed to effect the repeal~~er~~ or revision of the grievance procedure, classification plan for service and uniform pay plan in effect on the effective date hereof, and the same shall remain in effect except to the extent that the same may be modified as provided herein.

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Chapter 18
ROADS AND HIGHWAYS.⁷⁴

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Sec. 18-2. Naming of streets, roads and alleys.

⁷⁴ For state law as to highways generally, see Code of Va., Tit. 33.2; ~~33.1.~~ ~~As~~ ~~as~~ to local authority over highways, see Code of Va., § 33.2-700 ~~33.1-224~~ et seq.

(A) The board of supervisors may, from time to time, by resolution, name streets, roads and alleys within the County. Such names shall take precedence over any other designation except those primary highways conforming to ~~Virginia Code § section 33.2-213 of the Code of Virginia~~~~33.1-12~~, and shall be employed in references to property abutting thereon.

(B) The name of each street shown on a subdivision plat approved pursuant to Chapter 19 of this Code and subsequently recorded in the office of the clerk of the circuit court shall be deemed to have been approved pursuant to this section.

(C) The board of supervisors may, in its discretion, rename any street previously known by another name. Renaming streets, roads and alleys on site plans or subdivision plats previously recorded and filed in office of the clerk of the circuit court shall not cause vacation of such site plans or subdivision plats. The board of supervisors shall forward a certified copy of the action effecting such name change to the clerk of the circuit court in which the site plan or subdivision plat is recorded or filed. Upon receipt, the clerk shall (i) file the certified copy and note the name change on the site plan or subdivision plat affected or (ii) record the certified copy.

(D) A complete and up-to-date list of the streets, roads and alleys shall be maintained in the office of the commissioner of revenue. It shall be the duty of the county administrator to ensure that an accurate list of streets, roads and alleys named by the board of supervisors pursuant to this section, whether by resolution or by approval of a subdivision plat, be provided to the commissioner of revenue promptly upon the action of the board.

(Ord. 3-15-00)

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Chapter 20
TAXATION.

*Article 1. In General.*⁷⁵

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Sec. 20-1-3. Fees assessed against persons chargeable with delinquent taxes or other delinquent charges.⁷⁶

There shall be assessed against every person chargeable with delinquent taxes or other delinquent charges fees to cover the administrative costs and reasonable attorney's or collection agency's fees actually contracted for. The attorney's or collection agency's fees shall be in an amount equal to twenty percent of the taxes or other charges so collected. The administrative costs shall be in addition to all penalties and interest, and shall not exceed ~~twenty~~ *thirty* dollars for taxes or other charges collected subsequent to the filing of a warrant or other appropriate

⁷⁵ For state law as to taxation generally, see Code of Va., Tit. 58.1.

⁷⁶ For state law as to authority of county to impose a fee on delinquent taxpayers to cover administrative costs, etc., see Code of Va. § 58.1-3958.

legal document but prior to judgment, and ~~twenty-five~~ *thirty-five* dollars for taxes or other charges collected subsequent to judgment. If the collection activity is to collect on a nuisance abatement lien, the fee for administrative costs shall be \$150 or twenty-five percent of the cost, whichever is less; however, in no event shall the fee be less than twenty-five dollars.

No tax assessment or tax bill shall be deemed delinquent and subject to the collection procedures prescribed herein during the pendency of any administrative appeal under ~~section Virginia Code § 58.1-3980 of the Code of Virginia~~, so long as the appeal is filed within ninety days of the date of the assessment, and for thirty days after the date of the final determination of the appeal, provided that nothing in this paragraph shall be construed to preclude the assessment or refund, following the final determination of such appeal, of such interest as otherwise may be provided by general law as to that portion of a tax bill which has remained unpaid or was overpaid during the pendency of such appeal and is determined in such appeal to be properly due and owing.⁷⁷

(Comp. 1974, ch. 7; Ord. 6-3-85; Ord. 7-19-00)

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Sec. 20-1-6. Service charge levied on real property owned by the Commonwealth.⁷⁸

(A) Notwithstanding the provisions of ~~section Virginia Code § 58.1-3400 of the Code of Virginia~~, a service charge is hereby levied on real property owned by the Commonwealth within the County. For purposes of this section "real property owned by the Commonwealth" shall not include hospitals, educational institutions or public roadways or property held for the future construction of public highways. *In accordance with section 58.1-3403.A of the Code of Virginia, before this service charge is levied, the commissioner of revenue must publish and list all exempt real estate in the land books of the county in the same manner as taxable real estate is published and listed.*

(B) The service charge shall be based on the assessed value of the state-owned tax exempt real estate and the amount which the County expended, in the year preceding the year in which such charge is assessed, for the purpose of furnishing police and fire protection and for collection and disposal of refuse. Any amount received from federal or state grants specifically designated for the above-mentioned purposes and assistance provided to localities pursuant to ~~section 9.1-166 of the Code of Virginia Article 10 (§ 14.1-84.1 et seq.) of Chapter 1 of Title 14.1~~ shall not be considered in determining the cost of providing such services for the real estate. The expenditures for services not provided for certain real estate shall not be considered in the calculation of the service charge for such real estate, nor shall such expenditures be considered when a service is currently funded by another service charge.

(C) The service charge rate for state-owned property shall be determined by

⁷⁷ The July 19, 2000 amendments to Section 20-1-3 became effective as of their adoption on July 19, 2000.

⁷⁸ For County's authority to levy service charge on real property owned by the Commonwealth, see Virginia Code Section 58.1-3403.

dividing the expenditures determined pursuant to subsection B of this section by the assessed fair market value, expressed in hundred dollars, of all real estate located within the County, including nontaxable property. The resulting rate shall then be applied to the assessed value of the tax exempt property owned by the Commonwealth. Real estate owned by the United States government or any of its instrumentalities, shall not be included in the assessed value of all property within the county, city or town. For purposes of this section, artistic and historical significance shall not be taken into account in the valuation of exempt real estate.

(D) In no event shall the service charge rate exceed the real estate tax rate of the county, city or town imposing the service charge.

(E) The commissioner of revenue shall annually calculate the service charge imposed hereby and shall certify such calculations to the treasurer on or before May 1 in each year. The treasurer shall bill the Commonwealth for, and shall collect, such service charge on the same due dates and in the same manner as are applicable to real estate taxes.

~~(2)~~ (F) That the county administrator be, and he is hereby, directed to notify in writing the Governor and each state agency affected by the enactment hereof at least twelve months prior to the effective date of this ordinance.

~~(3)~~ (G) That this ordinance shall be effective January 1, 1999 such that such levy shall have effect for the tax year 1999. (Ord. 11-19-97)

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*Article 2. Sales Tax.*⁷⁹

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Sec. 20-2-2. Administration and collection.

Pursuant to section 58.1-605 of the Code of Virginia, the local general retail sales tax levied pursuant to this article shall be administered and collected by the state tax commissioner in the same manner and subject to the same penalties as provided for the state sales tax, with the adjustments required by ~~section 58.1-628~~ of the Code of Virginia. (Min. Bk. 6, p. 207; Comp. 1974, ch. 23)

*Article 3. Real Estate Tax Exemptions for Certain Elderly and Disabled Persons.*⁸⁰

⁷⁹For state law as to the Virginia Retail Sales and Use Tax Act, see Code of Va., § 58.1-600 et seq.

⁸⁰The amendment and reenactment of this article adopted 12-19-07 has an effective date of January 1, 2008. The amendment and reenactment of this article adopted December 15th, 2004 had an effective date of January 1, 2005. For state law as to authority of county to provide for the exemption or deferral of taxes on property of certain elderly and handicapped persons, see Code of Va., § 58.1-3210 et seq.

Sec. 20-3-1. Purpose of article.

It is hereby declared to be the purpose of this article to provide real estate tax exemptions for qualified property owners who are *at least* ~~not less than~~ sixty-five years of age or *who are* permanently and totally disabled and who are otherwise eligible according to the terms of this article. Pursuant to the authority of section 58.1-3210 et seq. of the Code of Virginia, the board of supervisors finds and declares that persons qualifying for exemption hereunder are bearing an extraordinary real estate tax burden in relation to their income and financial worth. (Comp. 1974, ch. 23; Ord. 4-15-81; Ord. 11-2-92; Min. Bk. 11, p. 28; Ord. 6-20-01; Ord. 12-15-04; Ord 12-19-07)

Sec. 20-3-2. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section unless another meaning shall clearly appear from the context:

Affidavit shall mean the real estate tax exemption affidavit.

Commissioner of revenue shall mean the commissioner of revenue of the county or any of his duly authorized deputies or agents.

Dwelling shall mean the sole residence of the person claiming exemption.

Exemption shall mean the percentage exemption from the real property tax imposed by the county allowable under the provisions of this article.

Permanently and totally disabled shall mean unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to last for the duration of such person's life.⁸¹

Property shall mean real property.

Relative shall mean any relation by blood or marriage to the person claiming exemption.

Taxable year shall mean the calendar year, from January 1 through December 31, for which such real property tax is imposed or exemption claimed. (Comp. 1974, ch. 23; Ord. 4-15-81; Ord. 11-2-92; Min. Bk. 11, p. 28; Ord. 6-20-01; Ord. 12-15-04; Ord 12-19-07)

Sec. 20-3-3. Requirements for exemption.⁸²

⁸¹ For state law defining permanently and totally disabled, Code of Va., § 58.1-3217.

Exemption pursuant to this article shall be granted to persons and for property complying with the following provisions:

(A) The title to the property for which exemption is claimed is held, or partially held, by the person claiming such exemption, as of January 1 of the taxable year for which the exemption is claimed.

(B) The dwelling for which the exemption is claimed is occupied as the sole dwelling of such claimant.

(C) The head of household claiming such exemption (1) is sixty-five years of age, or older as of December 31 of the year immediately preceding the taxable year for which the exemption is claimed, or (2) is determined to be permanently and totally disabled as of December 31 of the year immediately preceding the taxable year.

(D) The gross combined income from all sources of such claimant owner of such dwelling living therein, *except as provided in section 58.1-3212(ii) of the Code of Virginia, the income of those relatives, if any, living in the dwelling and providing bona fide caregiving services to the owner whether such relatives are compensated or not shall not be calculated as part of the gross combined income*, and of their relatives living in such dwelling, for the immediately preceding calendar year does not exceed a sum of fifty thousand dollars; provided, however, that the first twelve thousand five hundred dollars of income for each relative other than spouse, or such claimant owners, who is living in such dwelling shall not be included in such total.

(E) The net combined financial worth of the claimant owners *and of the spouse of any owner and of their relatives living in such dwelling* as of December 31 of the year immediately preceding the taxable year for which the exemption is claimed does not exceed one hundred sixty thousand dollars. Net combined financial worth shall include the value of all assets, including equitable interests, but exclusive of the fair market value of the dwelling for which the exemption is claimed, the household furnishings therein, and of the land, not exceeding five acres, upon which the dwelling is situated.

(Comp. 1974, ch. 23; Ord. 4-15-81; Ord. 11-2-92; Min. Bk. 11, p. 28; Ord. 5-21-97; Ord. 6-20-01; Ord. 12-15-04; Ord 12-19-07)

Sec. 20-3-3.1. Absence from residence.⁸³

The fact that persons who are otherwise qualified for tax exemption or deferral by an ordinance promulgated pursuant to this chapter are residing in hospitals, nursing homes,

⁸² For state law authorizing the county to provide this exemption, see Code of Va., § 58.1-3210 et seq.

⁸³ For state law reference, see Code of Va., § 58.1-3214.

convalescent homes or other facilities for physical or mental health care for extended periods of time shall not be construed to mean that the real estate for which the tax exemption or deferral is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

Sec. 20-3-4. Procedure for claiming and granting exemption.⁸⁴

(A) Annually, and *before April 1* ~~not later than March 15~~ of the taxable year, the person claiming an exemption shall file a real estate tax exemption affidavit with the county commissioner of revenue.

(B) The affidavit shall set forth, in a manner prescribed on a form furnished by the commissioner of revenue:–

- (1) the name of the owner and the names of all related persons occupying the dwelling for which such exemption is claimed,
- (2) *the ~~their~~ gross combined income of the claimant owner and of their relatives living in such dwelling, other than relatives living in the dwelling that provide bona fide care giving services to the claimant owner, whether compensated or not, and*
- (3) *the ~~their~~ total combined net worth of the claimant owners and of the spouse of any owner.*

(C) If such person claiming the exemption is under sixty-five years of age, such affidavit shall have attached thereto a certification by the social security administration, the veteran's administration, or the railroad retirement board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors licensed to practice medicine in this state *or two medical doctors who are military officers on active duty who practice medicine with the United States Armed Forces*, to the effect that such person is permanently and totally disabled, as defined in section 20-3-2 of this chapter. The affidavit of at least one of such doctors shall be based upon a physical examination of such person. The affidavit of one of such doctors may be based upon medical information contained in the records of the civil service commission which is relevant to the standards for determining permanent and total disability as defined in section 20-3-2.

However, a certification pursuant to 42 U.S.C. § 423(d) by the social security administration shall be deemed to satisfy the requirement for a certification that the claimant is permanently and totally disabled, as defined in Section 20-3-2 of this chapter, so long as the person remains eligible for such social security benefits.

(D) If, after audit and investigation, the commissioner of revenue determines that the person is qualified for exemption, he shall so certify to the treasurer of the county who shall

⁸⁴ For state law as to the application for exemption, see Code of Va., § 58.1-3213.

deduct the amount of the exemption from the claimant's real estate tax liability for the taxable year in question. (Comp. 1974, ch. 23; Ord. 4-15-81; Ord. 11-2-92; Min. Bk. 11, p. 28; Ord. 6-20-01; Ord. 12-15-04; Ord 12-19-07)

Sec. 20-3-4.1. Notice of Real Estate Tax Exemptions for Certain Elderly and Disabled Persons.⁸⁵

The county treasurer shall enclose written notice in each real estate tax bill of the terms and conditions of this article and shall make other reasonable efforts as necessary to notify residents of the county of the real estate exemption in this article.

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Sec. 20-3-6. Effect of change of status.⁸⁶

Changes with respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit provided for by this article is filed and having the effect of exceeding or violating the limitations and the conditions provided in this article shall nullify any relief of real estate tax liability for the then current taxable year and the taxable year immediately following. (Comp. 1974, ch. 23; Ord. 4-15-81; Ord. 11-2-92; Min. Bk. 11, p. 28; Ord. 6-20-01; Ord. 12-15-04; Ord 12-19-07)

Article 3.1 Real Estate Tax Exemptions for Certain Surviving Spouses of Members of Armed Forces Killed in Action.

Sec. 20-3.1-1. Real Estate Tax Exemptions for Certain Surviving Spouses of Members of Armed Forces Killed in Action.

Pursuant to section 58.1-3219.9 of the Code of Virginia, as amended, surviving spouses of a member of the armed forces of the United States killed in action are exempt from real estate taxation on the dwelling of the surviving spouse's principal residence. If the value of the dwelling of the principal residence is in excess of the average assessed value of dwelling in the county situated on property zoned as single family residential, then the portion of the value in excess of such average assessed value shall be subject to taxation.

.....
Article 4. Special Assessments for Agricultural, Horticultural, Forest and Open Space Real Estate.⁸⁷

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⁸⁵ For state law reference, see Code of Va., § 58.1-3213.

⁸⁶ For state law as to the effect of change of status, see Code of Va., § 58.1-3215.

⁸⁷ For state law as to special assessments for land preservation, see Code of Va., §58.1-3230 et seq.

Sec. 20-4-2. Special classifications established and defined.⁸⁸

For the purposes of this article, the following special classifications of real estate are established and defined:

(A) *Real estate devoted to agricultural use* shall mean real estate devoted to the bona fide production for sale of plants and animals useful to man under uniform standards prescribed by the commissioner of agriculture and consumer services or devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. Real estate upon which recreational activities are conducted for a profit or otherwise, shall be considered real estate devoted to agricultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the commissioner. In order to qualify under the provisions of this article, a tract shall consist of a minimum of five acres, excluding any dwelling site and the two acres surrounding the dwelling.

(B) *Real estate devoted to horticultural use* shall mean real estate devoted to the bona fide production for sale of fruits of all kinds, including grapes, nuts and berries; vegetables; nursery and floral products under uniform standards prescribed by the commissioner of agriculture and consumer services; or devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. Real estate upon which recreational activities are conducted for a profit or otherwise, shall be considered real estate devoted to horticultural use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it does not meet the uniform standards prescribed by the commissioner. In order to qualify under the provisions of this article, a tract shall consist of a minimum of five acres, excluding any dwelling site and the two acres surrounding the dwelling.

(C) *Real estate devoted to forest use* shall mean land, devoted to tree growth in such quantity and so spaced and maintained as to constitute a forest area under standards prescribed by the state forester pursuant to the authority set out in section 58.1-3240 of the Code of Virginia. Real estate upon which recreational activities are conducted for a profit or otherwise, shall be considered real estate devoted to forest use as long as the recreational activities conducted on such real estate do not change the character of the real estate so that it no longer constitutes a forest area under standards prescribed by the state forester pursuant to the authority set out in section 58.1-3240 of the Code of Virginia. In order to qualify under the provisions of this article, a tract shall consist of a minimum of twenty acres, excluding any dwelling site and the two acres surrounding the dwelling.

(D) *Real estate devoted to open-space use* shall mean real estate so used as to be provided or preserved for park or recreational purposes, conservation of land or other natural resources, floodways, historic or scenic purposes, or assist in the shaping of the character, direction, and timing of community development or for the public interest and *consistent*

⁸⁸ For state law reference, see Code of Va., § 58.1-3230.

~~consistent~~ with the local land use plan, under uniform standards prescribed by the director of the department of conservation and recreation pursuant to the authority set out in section 58.1-3240 of the Code of Virginia, and in this article. In order to qualify under the provisions of this article, a tract shall consist of a minimum of ten acres, excluding any dwelling site and the two acres surrounding the dwelling.

(E) The minimum acreage requirements for special classifications of real estate shall be determined by adding together the total area of contiguous real estate excluding recorded subdivision lots recorded after July 1, 1983, titled in the same ownership. For purposes of this section, properties separated only by a public right-of-way are considered contiguous.⁸⁹

(F) *For the purpose of determining whether real estate qualifies as a special classification as defined hereinabove, prior, discontinued use of property shall not be considered in determining its current use.*

(G) *Real property that has been designated as devoted to a special classification use, as defined hereinabove, shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to a special classification use. In determining whether real property is devoted to a special classification use, zoning designations and special use permits for the property shall not be the sole considerations.*
(Comp. 1974, ch. 23; Ord. eff. 1-1-78)

Sec. 20-4-3. Applications generally; fee.⁹⁰

(A) The owner of any real estate meeting the criteria of one or more of the special classifications of real estate, as defined in section 20-4-2 of this chapter, may, on or before November 1 of each year, apply to the commissioner of revenue of the county for the classification, assessment and taxation of such property for the next succeeding tax year on the basis of its use, under the procedures set forth in section 58.1-3236 of the Code of Virginia. In any year in which a general reassessment is being made, such application may be submitted until thirty days have elapsed after notice of increase in assessment is mailed in accordance with section 58.1-3330 of the Code of Virginia. Such application shall be on forms provided by the state department of taxation and supplied by the commissioner of revenue of the county and shall include such additional schedules, photographs, and drawings as may be required by the

⁸⁹ For state law reference, see Code of Va., § 58.1-3233.

⁹⁰ For state law reference, see Code of Va., § 58.1-3234.

commissioner of revenue. An application fee of **ten dollars plus ten cents**⁹¹ per acre for each acre included in the tract at issue shall accompany the application; however, no application fee may be required when a change in acreage occurs solely as a result of a conveyance necessitated by governmental action or condemnation of a portion of any land previously approved for taxation on the basis of use assessment.

(B) A separate application shall be filed for each parcel on the land book; provided, that when applications are submitted by one owner for contiguous parcels, only one application fee shall be required.

(C) Applications required by subsection (A) hereof may be filed within no more than sixty days after the filing deadline specified herein, **upon the payment of a late filing fee of \$10**, and upon a showing that the failure to file the application with the time provided in subsection (A) was occasioned by reasons beyond the control of the applicant. (Comp. 1974, ch. 23; Ord. eff. 1-1-78; Ord.12-15-04).

Sec. 20-4-4. Determination of eligibility and value of property.

Promptly upon receipt of any application under this article, the commissioner of revenue shall determine whether the subject property meets the criteria for taxation under this article in accordance with sections 58.1-3233 and 58.1-3236 of the Code of Virginia. If the commissioner of revenue determines that the subject property does meet such criteria, he shall determine the value of such property for its qualifying use as well as its fair market value. In determining whether the subject property meets the criteria set forth in ~~section~~ *Section 20-4-2*, the commissioner of revenue may request an opinion, *as provided by section 58.1-3233.1 of the Code of Virginia*, from the director of the department of conservation and recreation, the state forester or the commissioner of agriculture and consumer services. (Comp. 1974, ch. 23; Ord. eff. 1-1-78)

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Sec. 20-4-6. Material misstatements of fact; delinquent taxes at time of application.⁹²

In the event of a material misstatement of facts in the application filed pursuant to this article or a material change in such facts prior to the date of assessment, such application for taxation based on use assessment granted thereunder shall be void and the tax for such year extended on the basis of fair market value as applied to other real estate in the taxing jurisdiction. No application for assessment based on use shall be accepted or approved if, at the time the application is filed, the tax on the land affected is delinquent. Upon the payment of all delinquent taxes, including penalties and interest, the application shall be treated in accordance with the provisions of this article. (Comp. 1974, ch. 23; Ord. eff. 1-1-78)

Sec. 20-4-7. Removal of parcels from program if taxes delinquent; notice to owner.⁹³

⁹¹ **Update late filing fee. Albemarle charges \$125 and Henrico \$40 + \$.20/acre + \$20 and \$.10/acre for late filing.**

⁹² For state law reference, see Code of Va., § 58.1-3234.

If on April 1 of any year the taxes for any prior year on any parcel of real property which has a special assessment as provided for in this article are delinquent, the treasurer shall forthwith send notice of that fact and the general provisions of this section to the property owner by first-class mail. If, after the notice has been sent, such delinquent taxes remain unpaid on June 1, the treasurer shall notify the commissioner of the revenue who shall remove such parcel from the land use program. (Comp. 1974, ch. 23; Ord. eff. 1-1-78)

Sec. 20-4-8. Roll-back taxes generally.⁹⁴

(A) When real estate qualifies for assessment and taxation on basis of use under this article, and the use by which it qualified changes, to a nonqualifying use, it shall be subject to additional taxes, hereinafter referred to as roll-back taxes. Such additional taxes shall only be assessed against that portion of such real estate which no longer qualifies for assessment and taxation on the basis of use or zoning. Liability for roll-back taxes shall attach and be paid to the treasurer only if the amount of tax due exceeds ~~two~~ ten (10) dollars.

(B) The roll-back tax shall be equal to the sum of the deferred tax for each of the five most recent complete tax years including simple interest on such roll-back taxes at a rate equal to that applicable to delinquent taxes for each of the tax years. The deferred tax for each year shall be equal to the difference between the tax levied and the tax that would have been levied based on the fair market value assessment of the real estate for that year. In addition the taxes for the current year shall be extended on the basis of fair market value which may be accomplished by means of a supplemental assessment based upon the difference between the use value and the fair market value.

(C) Liability to the roll-back taxes shall attach when a change in use occurs but not when a change in ownership of the title takes place if the new owner continues the real estate in the use for which it is classified under the conditions prescribed in this article. The owner of any real estate rezoned as provided in subsection (D) of this section, or liable for roll-back taxes shall, within sixty days following such change in use or zoning, report such change to the commissioner of revenue on such forms as may be prescribed. The commissioner shall forthwith determine and assess the roll-back tax, which shall be assessed against and paid by the owner of the property at the time the change in use which no longer qualifies occurs and shall be paid to the treasurer within thirty days of the assessment. If the amount due is not paid by the due date, the treasurer shall impose a penalty and interest on the amount of the roll-back tax, including interest for prior years. Such penalty and interest shall be imposed in accordance with sections 58.1-3915 and 58.1-3916 of the Code of Virginia.

(D) Real property rezoned to a more intensive use, at the request of the owner or his agent, shall be subject to the roll-back tax at the time the zoning is changed. Real property rezoned to a more intensive use before July 1, 1988, at the request of the owner or his agent,

⁹³ For state law reference, see Code of Va., § 58.1-3235.

⁹⁴ For state law reference, see Code of Va., § 58.1-3237.

shall be subject to the roll-back tax at the time the qualifying use is changed to a nonqualifying use. No real property rezoned to a more intensive use at the request of the owner or his agent shall be eligible for taxation and assessment under this article; provided, that these provisions shall not be applicable to any rezoning which is required for the establishment, continuation, or expansion of a qualifying use. If the property is subsequently rezoned to agricultural, horticultural or open space, it shall be eligible for consideration for assessment and taxation under this article only after three years have passed since the rezoning was effective. (Comp. 1974, ch. 23; Ord. eff. 1-1-78)

Sec. 20-4-9. Failure to report change in use; misstatements in applications.⁹⁵

(A) Any person failing to report properly any change in use of property for which an application for use value taxation had been filed shall be liable for all such taxes, in such amounts and at such times as if he had complied herewith and assessments had been properly made, and he shall be liable for an additional penalty equal to ten percent of the amount of the roll-back tax and interest, which penalty shall be collected as part of the tax. In addition to such penalty, there shall hereby be imposed interest of one-half per centum of the amount of the roll-back tax, interest and penalty for each month, or fraction thereof, during which failure continues.

(B) Any person making a material misstatement of fact in any application filed pursuant to this article shall be liable for all taxes in such amounts and at such times as if such property had been assessed on the basis of fair market value as applied to other real estate in the county, together with interest and penalties thereon. If such material misstatement was made with the intent to defraud the locality, he shall further be assessed with an additional penalty of one hundred per centum of such unpaid taxes.

For purposes of this ~~section~~ *Section* and ~~section~~ *Section* 20-4-6, incorrect information on the following subjects will be considered material misstatements of fact:

- (1) The number and identities of the known owners of the property at the time of application;
- (2) The actual use of the property.

The intentional misrepresentation of the number of acres in the parcel or the number of acres to be taxed according to use shall also be considered a material misrepresentation of fact for the ~~proposes~~ *purposes* of this ~~section~~ *Section* and of ~~section~~ *Section* 20-4-6. (Comp. 1974, ch. 23; Ord. eff. 1-1-78)

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Article 5. Consumer Utility Taxes.⁹⁶

⁹⁵ For state law reference, see Code of Va., § 58.1-3238.

⁹⁶For state law as to county consumer utility taxes generally, see Code of Va., § 58.1-3814 ~~58.1-3812~~ et seq.

Sec. 20-5-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

Affiliated group shall have the same meaning ascribed to it in ~~Virginia Code~~ section 58.1-3703(C)(10) of the Code of Virginia, except, for purposes of this article, the word "entity" shall be substituted for the word "corporation" whenever it is used in that section.

Bad debts means any portion of a debt related to a sale of local telecommunication services, the gross charges for which are not otherwise deductible or excludable, that has become worthless or uncollectible, as determined under applicable federal income tax standards. If the portion of the debt deemed to be bad is subsequently paid, the service provider shall report and pay the tax on that portion during the reporting period in which the payment is made.

Consumer means a person who, individually or through agents, employees, officers, representatives, or permittees, makes a taxable purchase of local ~~telecommunication or other~~ services taxable pursuant to this article.

Electric supplier means any corporation, cooperative, partnership or other business entity providing electric service.

~~*Enhanced services* means services that employ computer processing applications to act on the format, code, or protocol or similar aspects of the information transmitted; provide additional, different, or restructured information; or involve interaction with stored information.~~

Gas utility means a public utility authorized to furnish natural gas service in Virginia.

~~*Gross charges* means, subject to the exclusions of this section, the amount charged or paid for the taxable purchase of local telecommunication services. However, gross charges shall not include the following:~~

- ~~(a) Charges or amounts paid that vary based on the distance and/or elapsed transmission time of the communication that are separately stated on the consumer's bill or invoice.~~
- ~~(b) Charges or amounts paid for customer equipment, including such equipment that is leased or rented by the customer from any source, if such charges or amounts paid are separately identifiable from other amounts charged or paid for the provision of local telecommunication services on the service provider's books and records.~~
- ~~(c) Charges or amounts paid for administrative services, including, without limitation, service connection and reconnection, late payments, and roamer daily surcharges.~~

- ~~(d) Charges or amounts paid for special features that are not subject to taxation under Section 4251 of the Internal Revenue Code of 1986, as amended.~~
- ~~(e) Charges or amounts paid that are (i) the tax imposed by Section 4251 of the Internal Revenue Code of 1986, as amended or (ii) any other tax or surcharge imposed by statute, ordinance or regulatory authority.~~
- ~~(f) Bad debts.~~

Kilowatt hours delivered shall mean in the case of eligible customer-generators, as defined in ~~Virginia Code Section~~ *section 56-594 (1950) of the Code of Virginia*, as amended, those kilowatt hours supplied from the electric grid to such customer-generators, minus the kilowatt hours generated and fed back to the electric grid by such customer-generators.

~~*Local telecommunication service*, subject to the exclusions stated in this section, includes, without limitation, the two-way local transmission of messages through use of switched local telephone services; telegraph services; teletypewriter; or local mobile telecommunications service.~~

Local telephone service, subject to the exclusions stated in this section, includes any service subject to federal taxation as local telephone service as that term is defined in Section 4252 of the Internal Revenue Code of 1986, as amended, or any successor statute.

~~*Mobile service consumer* means a person having a telephone number for local mobile telecommunications service who has made a taxable purchase of such service or on whose behalf another person has made a taxable purchase of such service.~~

~~*Mobile telecommunications service* means commercial mobile radio service, as defined in Section 20.3, Title 47 of the Code of Federal Regulations, as in effect on June 1, 1999.~~

~~*Place of primary use* means the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer and within the licensed service area of the home service provider.~~

Provider means service provider and/or billing service provider, as appropriate to the context.

*Provider of billing services*⁹⁷ means the person who bills a consumer for electric services rendered. If both the service provider and another person separately and directly bill a consumer for electricity service, then the service provider shall be considered the "provider of billing services."

⁹⁷ *Editor's note:* The ordinance as adopted 10-19-05 contained a duplication of the definition of "provider of billing services". This clerical error has been corrected by deleting the second occurrence of the definition.

~~Residential consumer shall not include any consumer of mobile local telecommunication service.~~

~~Service address means the location of the telecommunication equipment from which the telecommunication is originated or at which the telecommunication or other taxable service is received by a consumer. However, if the service address is not a defined location, as in the case of maritime systems, air to ground systems and the like, service address shall mean the location of the subscriber's primary use of the telecommunication equipment within the licensed service area. In the case of mobile telecommunications service, service address shall mean the customer's place of primary use.~~

~~Service provider means, as appropriate to the context, every person engaged in the business of selling local telecommunication services, every person who delivers electricity to the consumer; and/or every gas utility.~~

~~Taxable purchase means the acquisition of telecommunication services or other services taxable pursuant to this article for consumption or use; however, taxable purchase does not include (i) the provision of telecommunications among members of an affiliated group of entities by a member of the group for their own exclusive use and consumption and (ii) the purchase of telecommunications for resale in the subsequent provision of telecommunications, including, without limitation, carrier access charges, right of access charges, and charges for use of intercompany facilities; however, the acquisition of telecommunications by a provider of enhanced services is not the purchase of telecommunications for resale, even when the cost of the telecommunications is separately stated to the purchaser of the enhanced services, as long as the primary object of the purchase of the telecommunications by the provider is for the provision of enhanced services and not telecommunications. A person may make tax-free purchases of telecommunications for resale if the person provides to the service provider a sworn affidavit indicating that the person's purchases are nontaxable sales for resale.~~

~~(Ord. 7-19-95; Ord. 10-18-00; Ord. 10-19-05)~~

Sec. 20-5-2. Tax levied.

- (A) Subject to the ~~limitation limitations~~ contained in ~~Section Sections 20-5-9 and 20-5-6.1~~, there is hereby imposed and levied on a ~~taxable purchase by a consumer of local telecommunication service if the consumer's service address is located in the county and on~~ the consumers of the utility service or services provided within the county by any gas utility or electric supplier a tax calculated as set forth hereinafter. The taxes levied under this section shall be deemed to be local consumer utility taxes adopted pursuant to the Code of Virginia and shall be in addition to any taxes imposed directly by the Code of Virginia.
- (B) The tax levied pursuant to this section shall be calculated on a monthly basis according to the following rates:

(i) ~~Repealed. Local telecommunication service—20% of monthly gross charge to consumer, up to a maximum tax of \$3.00; notwithstanding the foregoing, the tax shall be limited to 10% of monthly gross charge to a consumer of local mobile telecommunications service, up to a maximum tax of \$3.00 for each mobile telecommunications service number billed to a mobile service consumer;~~

(ii) Electricity provided by electric suppliers

(a) For residential customers -- a minimum tax of \$1.40, plus \$0.017138 per kilowatt hour delivered monthly, up to a maximum tax of \$3.00;

(b) For non-residential customers -- a minimum tax of \$2.00, plus \$0.018088 per kilowatt hour delivered monthly, up to a maximum tax of \$3.00;

(iii) Natural gas provided by gas utilities

(a) For residential customers—a minimum tax of \$2.45, plus \$0.18670 per hundred cubic feet monthly service, up to a maximum tax of \$3.00;

(b) For non-residential customers--a minimum tax of \$3.00, plus \$0.015566 per hundred cubic feet monthly service.

(Ord. 7-19-95; Ord. 10-18-00; Ord. 10-19-05)

.....

~~Sec. 20-5-6. Repealed. Duty of provider to report and remit; service provider of local telecommunication services.~~

~~A service provider of local telecommunication services shall collect the tax from the consumer by adding the tax to the monthly gross charge for such services and shall remit monthly to the county the amount of tax billed during the preceding month to consumers with a service address in the county. The tax shall, when collected, be stated as a distinct item separate and apart from the monthly gross charge. Until the consumer pays the tax to the service provider, the tax shall constitute a debt of the consumer to the county. If any consumer refuses to pay the tax, the service provider shall notify the county. After the consumer pays the tax to the service provider, the taxes collected shall be deemed to be held in trust by the service provider until remitted to the county. Any consumer shall be entitled to a refund from the county imposing the tax equal to the amount of any tax the consumer paid to a jurisdiction outside of the Commonwealth if such tax was legally imposed in such other jurisdiction; however, the amount of credit or refund shall not exceed the tax paid to the county on such purchase. (Ord. 7-19-95; Ord. 10-18-00; 10-19-05)~~

~~Sec. 20-5-6.1. Repealed. Sourcing of Mobile Telecommunications Services.~~

~~(a) The federal Mobile Telecommunications Sourcing Act (4 U.S.C. Section 116, et seq., as amended) created a uniform methodology for sourcing of mobile telecommunications services subject to state and local taxes, fees, and charges. It is the intent of the county that local taxes,~~

~~fees, and charges on mobile telecommunications service be imposed in accordance with federal law.~~

~~(b) Mobile telecommunications service provided to a customer and billed by or for the customer's home service provider shall be deemed to be provided by the home service provider at the customer's place of primary use. Subject to the exclusions in the federal Mobile Telecommunications Sourcing Act, 4, U.S.C. Section 116(e), as amended, local mobile telecommunications service taxable under Section 20-5-2 shall be taxable in the jurisdiction whose territorial limits encompass the customer's place of primary use, regardless of where the mobile telecommunications services originate, terminate, or pass through. No mobile telecommunications service shall be taxable in the county if the customer's place of primary use is outside this Commonwealth.~~

~~(c) When otherwise taxable and non-taxable charges for mobile telecommunications service are aggregated, the charges for nontaxable mobile telecommunications service shall be subject to taxation, unless the home service provider can reasonably identify charges not subject to taxation from its books and records that are kept in the regular course of business.~~

~~(d) The Tax Commissioner may provide a home service provider with an electronic database that meets the requirements of 4 U.S.C. section 119, as amended. If such database is provided, a home service provider shall be held harmless from any tax, charge, or fee liability for errors of omissions due solely to the reliance on such database, subject to 4 U.S.C. sections 119 and 121, as amended. If no electronic database is provided by the Tax Commissioner, a home service provider may use an enhanced zip code to assign each street address to a specific taxing jurisdiction, and the home service provider shall be held harmless from any tax, charge, or fee liability that otherwise would be due solely as a result of an assignment of a street address to an incorrect taxing jurisdiction, subject to 4 U.S.C. sections 120 and 121, as amended.~~

~~(e) The Tax Commissioner shall require a home service provider to obtain and maintain a customer's place of primary use and the local assessing officer shall allow the home service provider to rely on this address as provided under 4 U.S.C. section 122, as amended. The Tax Commissioner may correct the place of primary use, or correct the assignment of a taxing jurisdiction by a home service provider, in accordance with 4 U.S.C. section 121, as amended.~~

~~(f) Nothing in this Section modifies, impairs, or supersedes any law allowing a taxing jurisdiction to collect a tax, charge, or fee from a customer that has failed to provide its place of primary use.~~

~~(g) If a customer believes that an amount of tax, charge, or fee or an assignment of place of primary use or taxing jurisdiction included on a billing is erroneous, the customer shall notify the home service provider in writing. The customer shall include in this written notification the street address for the customer's place of primary use, the account name and number for which the customer seeks a correction, a description of the error asserted by the customer, and any other information that the home service provider reasonably requires to process the request. Within 60 days of receiving a notice under this section, the home service provider shall review its records to determine the customer's taxing jurisdiction. If this review shows that the amount of tax,~~

~~charge, or fee or assignment of place of primary use or taxing jurisdiction is in error, the home service provider shall correct the error and refund or credit the amount of tax, charge, or fee erroneously collected from the customer for a period of up to two years. If this review shows that the amount of tax, charge, or fee or assignment of place of primary use or taxing jurisdiction is correct, the home service provider shall provide a written explanation to the customer. The procedures in this section shall be the first course of remedy available to customers seeking correction of assignment of place of primary use or taxing jurisdiction, or a refund of or other compensation for taxes, charges, and/or fees erroneously collected by the home service provider, and no cause of action based upon a dispute arising from such taxes, charges, or fees shall accrue until a customer has reasonably exercised the rights and procedures set forth in this subsection.~~

~~(h) For the purposes of this Section, the terms "customer," "enhanced zip code," "home service provider," "licensed service area," "serving carrier," and "taxing jurisdiction" shall have the meaning attributed to them by the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. section 124, as amended.~~

~~(i) For the purposes of this Section, the term "Tax Commissioner" shall mean the chief executive officer of the Virginia Department of Taxation or his delegate. (Ord. 10-19-05)~~

Sec. 20-5-6.2. *Repealed. Bundled Transaction of Services.*

~~(a) For purposes of this article, a bundled transaction of services includes local telecommunication service taxed under this article and consists of distinct and identifiable properties, services, or both, sold for one nonitemized charge for which the tax treatment of the distinct properties and services is different.~~

~~(b) In the case of a bundled transaction described in subsection (a), if the charge is attributable to services that are taxable and services that are nontaxable, the portion of the charge attributable to the nontaxable services shall be subject to tax unless the provider can reasonably identify such nontaxable portion from its books and records kept in the regular course of business.~~

~~(c) In the case of a bundled transaction described in subsection (a), if the charge for such services is attributable to services that are subject to tax at different rates, the total charge shall be treated as attributable to the services subject to tax at the highest rate unless the provider can reasonably identify the portion of the charge attributable to the services subject to tax at a lower rate from its books and records kept in the regular course of business for other purposes. (Ord. 10-19-05)~~

~~.....~~

Sec. 20-5-9. Tax not applicable within limits of certain towns.

~~As to the tax imposed and levied on consumer purchases of local telecommunication service, the tax imposed and levied by this article shall not apply within the limits of any incorporated town located within the county when such town constitutes a separate school district and such town imposes a town tax authorized by Virginia Code section 58.1-3812. Such tax shall not apply within the limits of any incorporated town located within the county when~~

~~such town has enacted an ordinance on or before January 1, 2000, to impose a tax under Virginia Code section 58.1-3812 and such ordinance remains in effect.~~

As to the tax imposed and levied on consumers of services provided by electric suppliers, and gas utilities, the tax imposed and levied by this article shall not apply within the limits of any incorporated town located within the county which town imposes a town tax authorized by ~~Virginia Code~~ section 58.1-3814 *of the Code of Virginia*, as amended, provided that such town (i) provides police or fire protection, and water or sewer services, provided, that any such town served by a sanitary district or service authority providing water or sewer services or served by the county in which the town is located when such service or services are provided pursuant to an agreement between the town and county shall be deemed to be providing such water and sewer services itself, or (ii) constitutes a special school district and is operated as a special school district under a town school board of three members appointed by the town council. (Ord. 7-19-95; Ord. 10-18-00; 10-19-05)

Sec. 20-5-10. Effective date of tax.

~~As to the tax imposed and levied by this article on consumer purchases of local telecommunication service, the tax imposed and levied by this article, or any change in such tax or structure already in existence, shall be effective 120 days subsequent to written notice by certified mail from the county being received by the registered agent of the service provider that is required to collect the tax.~~

As to the tax imposed and levied by this article on consumers of services provided by electric suppliers and gas utilities, the tax imposed and levied by this article, or any change in such tax or structure already in existence, shall be effective sixty days subsequent to written notice by certified mail from the county to the registered agent of the service provider and the provider of billing services that is required to collect the tax. (Ord. 7-19-95; Ord. 10-18-00; 10-19-05)

*Article 6. Probate Tax.*⁹⁸

.....
ARTICLE 8.1 Repealed. LOCAL TAX FOR ENHANCED 911 SERVICE

Sec. 20-8.1-1. Repealed. Definitions

~~As used in this Article, unless context requires a different meaning:~~

~~"Automatic location identification" or "ALI" means a telephone network capability that enables the automatic display of information defining the geographical location of the telephone used to place a wireline 9-1-1 call.~~

⁹⁸ For state law as to county tax on wills and administrations, see Code of Va., § 58.1-3805 et seq.; *for state law as to authority of county to impose probate tax, see Code of Va., § 58.1-1718.*

~~"Automatic number identification" or "ANI" means a telephone network capability that enables the automatic display of the telephone number used to place a wireline 9-1-1 call.~~

~~"Board" means the Wireless E-911 Services Board established pursuant to Virginia Code § 56-484.13.~~

~~"Enhanced 9-1-1 service" or "E-911" means a service consisting of telephone network features and PSAPs provided for users of telephone systems enabling such users to reach a PSAP by dialing the digits "9-1-1." Such service automatically directs 9-1-1 emergency telephone calls to the appropriate PSAPs by selective routing based on the geographical location from which the emergency call originated and provides the capability for ANI and ALI features.~~

~~"Local exchange carrier" means any public service company or county, city or town granted a certificate to provide local exchange telephone service pursuant to Chapter 10.1 (§ 56-265.1 et seq.) of Title 56 of the Code of Virginia.~~

~~"Public safety answering point" or "PSAP" means a communications facility equipped and staffed on a twenty-four-hour basis to receive and process 911 calls. (Ord. 4-16-03)~~

~~Sec. 20-8.1-2. Repealed. Finding that enhanced 911 service has been installed; imposition of local tax.~~

~~The governing body finds that an enhanced 911 service, as defined in Section 20-8.1-1, has been installed in the County and that the telephone company has central office equipment which permits such system to be established. Pursuant to Virginia Code Sec. 58.1-3813.1, there is hereby imposed a special tax on the consumers of the telephone service or services provided by any corporation subject to the provisions of Chapter 26 (§ 58.1-2600 et seq.) of Title 58.1 of the Code of Virginia. The amount of such tax shall be \$1.50 per month for each access line from the date of the adoption of this section through June 30, 2003. The amount of such tax shall be \$2.25 per month for each access line for all such service provided on and after July 1, 2003. However, no such tax shall be imposed on federal, state and local government agencies or on consumers of CMRS, as such term is defined in Virginia Code § 56-484.12. Such tax shall be subject to the notification and jurisdictional provisions of Virginia Code § 58.1-3812. (Ord. 4-16-03)~~

~~Sec. 20-8.1-3. Repealed. Deduction for accounting for and remitting tax.~~

~~For the purpose of compensating the telephone utility for accounting for and remitting the tax levied by this section, such telephone utility shall be allowed three percent of the amount of tax due and accounted for in the form of a deduction in submitting the return and paying the amount due by it. (Ord. 4-16-03)~~

~~Sec. 20-8.1-4. Repealed. Taxes imposed by this Article separately accounted for.~~

~~Any such taxes imposed by this Article shall be accounted for in a separate special revenue fund or accounted for using a cost center and revenue accounting system acceptable to the Auditor of Public Accounts. The County shall report revenues, expenditures, and balances of the E-911 special revenue fund or cost center in accordance with the specifications set forth in Virginia Code § 15.2-2510. Amounts collected from the tax shall be used solely to pay for reasonable, direct recurring and nonrecurring capital costs, and operating expenses incurred by a public safety answering point in designing, upgrading, leasing, purchasing, programming, installing, testing, administering, delivering, or maintaining all necessary data, hardware and software required to receive and process emergency telephone calls through an E-911 system, including salaries and fringe benefits of dispatchers and direct call takers of an E-911 system and costs incurred in training dispatchers and direct call takers in receiving and dispatching emergency telephone calls, and the salary and fringe benefits of the public safety answering point director or coordinator so long as such person has no other duties other than the responsibility for the public safety answering point. (Ord. 4-16-03)~~

~~Sec. 20-8.1-5. Repealed. Special audit procedures applicable.~~

~~The County shall ensure that the audit contract with its independent certified public accountant includes audit procedures, in accordance with the specifications set forth in Virginia Code § 15.2-2511, of the separate special revenue fund or cost center required to be established for receiving and accounting for amounts collected under the tax authorized by this section. The specifications shall require an annual audit, beginning July 1, 2003, of such fund or cost center so as to ensure that the amounts collected from such tax are expended solely to pay wireline PSAP cost as defined in this Article. The independent certified public accountants shall report any findings to the Auditor of Public Accounts by November 30 following the fiscal year end. (Ord. 4-16-03)~~

*Article 9. Solar Energy Equipment, Facilities and Devices.*⁹⁹

Sec. 20-9-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certified solar energy equipment, facilities or devices means any property, including real or personal property, equipment, facilities or devices, *excluding any such property that is exempt under section 58.1-3660 of the Code of Virginia*, certified by the Building Official to be designed and used primarily for the purpose of *collecting, generating, transferring, or storing thermal or electric energy*. ~~providing for the collection and use of incident solar energy for water heating, space heating or cooling or other application which would otherwise require a conventional source of energy such as petroleum products, natural gas or electricity.~~
(Ord. 10-20-04)

⁹⁹ For state law as to authority of county to exempt solar energy equipment, facilities or devices from certain taxes, see Code of Va., § 58.1-3661.

.....

Sec. 20-9-4. Requirements.

The exemption provided by this division shall be granted to applicants meeting the following requirements:

- (A) The title to the property for which exemption is claimed is held by the person claiming the exemption.
- (B) The Building Official has determined, after such solar energy equipment, facilities or devices have been installed and upon inspection thereof, that the subject property performs at least one of the functions set forth in Article 20-9-1 and that it has been installed in conformity with the Virginia Uniform Statewide Building Code and conforms to the requirements set by the regulations of the state board of housing and community development.

(Ord. 10-20-04)

Sec. 20-9-4.1. ~~20-9-4.~~ Application generally.

- (A) The person claiming an exemption under this article for solar energy equipment, facilities or devices shall file an application with the Building Official on forms provided for that purpose.
- (B) The application shall be accompanied by a complete set of plans and specifications of the solar energy equipment, facilities or devices for which exemption is claimed. The application shall also be accompanied by sworn statements of contractors or suppliers attesting to the cost of the purchase and installation of the solar energy equipment, facilities or devices for which exemption is sought.

(Ord. 10-20-04)

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Sec. 20-9-9. Effective date and duration of exemption.

The exemption determined by the Commissioner of Revenue as provided in this article shall be effective beginning the first day of the tax year next succeeding the certification by the Building Official and shall remain in effect for such tax year and the following ~~four (4)~~ *five (5)* tax years, *in accordance with section 58.1-3661 of the Code of Virginia.* (Ord. 10-20-04)

.....

Chapter 21
WATER AND SEWAGE DISPOSAL.

Article 1. In General.¹⁰⁰

¹⁰⁰For ~~state law~~ *power of localities* as to public utilities generally, see Code of Va., § 15.2-2109 ~~15.1-292~~ et seq.—As; as to environmental health services generally, see Code of Va., § 32.1-163

.....
Sec. 21-1-5. Permit required for onsite sewage disposal system.¹⁰¹

(A) In addition to any permit required by the Virginia Department of Health for the installation of any onsite sewage disposal system pursuant to ~~Virginia Code Section~~ *section 32.1-164 of the Code of Virginia*, the owner of each property in the County shall obtain a County permit from Fluvanna County prior to the construction, installation, modification or operation of a sewerage system *or an alternative discharging on-site sewerage system* for which a permit is required pursuant to the said ~~Section~~ *section 32.1-164*. Such County permit issued by Fluvanna County shall be issued jointly with, and upon the same terms as, the permit issued by the Commonwealth.

(B) The applicant for a County permit hereunder shall pay to Fluvanna County a fee of SEVENTY-FIVE DOLLARS (\$75.00).

(C) Any applicant who shall be exempt from the payment of fees for the issuance of a permit for such system by the Virginia Department of Health shall likewise be exempt from the payment of any fee hereunder. Any applicant denied a construction permit based upon the regulations of the Virginia Department of Health governing such construction and eligible for refund of the state application fee shall be eligible for refund of the County application fee upon the same terms.

(Ord. 1-21-98)

Sec. 21-1-6. Permit required for private water wells.¹⁰²

(A) In addition to any permit required by the Virginia Department of Health for the construction of any private water well pursuant to Virginia Code Section 32.1-176.4, the owner of each property in the County shall obtain a County permit from Fluvanna County prior to the construction of any private water well for which a permit is required pursuant to the said Section 32.1-176.4. Such County permit issued by Fluvanna County shall be issued jointly with, and upon the same terms as, the permit issued by the Commonwealth.

(B) The applicant for a County permit hereunder shall pay to Fluvanna County a fee of ~~FORTY DOLLARS (\$40.00)~~ TWENTY-FIVE DOLLARS (\$25.00).

(C) Any applicant who shall be exempt from the payment of fees for the issuance of

et seq.

¹⁰¹For County's authority to regulate septic systems, see *Code of Va., § 15.2-2157*. ~~Virginia Code Section 15.1-520~~.

¹⁰²For County's authority to adopt regulations to prevent pollution of water, see *Code of Va., §15.2-1200*. ~~Virginia Code Section 15.1-510~~. For County's authority to charge reasonable fees for issuance of permits, see *Code of Va., § 32.1-164*. ~~Virginia Code Section 15.1-510.1~~.

a permit for such system by the Virginia Department of Health shall likewise be exempt from the payment of any fee hereunder. Any applicant denied a construction permit based upon the regulations of the Virginia Department of Health governing such construction and eligible for refund of the state application fee shall be eligible for refund of the County application fee upon the same terms.
(Ord. 1-21-98)

Article 2. Cross-connections and Backflow Prevention.

Sec. 21-2-1. State regulations adopted.

The board of supervisors hereby adopts by reference *the regulations of the Virginia Department of Health, 12VAC5-590-10 et seq., regarding waterworks. Section 6.00, Cross-Connection and Backflow Prevention Control in Waterworks, Commonwealth of Virginia Waterworks Regulations.* (Comp. 1974, ch. 12)

Sec. 21-2-2. Definitions.

For the purposes of this article, the following words and terms shall have the meanings respectively ascribed to them by this section:

Air gap separation. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying pure water to a tank, plumbing fixture or other device and the rim of the receptacle.

Auxiliary water system. Any water system on or available to the premises other than the waterworks. These auxiliary waters may include water from another purveyor's waterworks; or water from a source such as wells, lakes, or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable, or constitute a water source or system over which the water purveyor does not have control.

Backflow. The flow of contaminants, pollutants, process fluids, used water, untreated waters, chemicals, gases, nonpotable waters into any part of a waterworks.

Backflow prevention device. Any approved device, method or type of construction intended to prevent backflow into a waterworks.

Consumer. Any person who drinks water from a waterworks. ~~The owner or person in control of any premises supplied by or in any manner connected to a waterworks.~~

.....
~~*Pure water. or potable water.* Water fit for human consumption that is and use which is sanitary and normally free of minerals, organic substances and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in quantity and quality supply for the minimum health requirement of the persons served.¹⁰³~~

¹⁰³ For state law reference, see Code of Va., § 32.1-167.

Reduced pressure principle backflow prevention device. A device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit shall include tightly closing shut-off valves located at each end of the device, and each device shall be fitted with properly located test cocks. These devices shall be of the approved type.

Service connection. ~~The point of delivery of water to a customer's building service line as follows: The terminal end of a service line from the waterworks.~~

- (1) If a meter is installed, ~~the service connection is the downstream side of the meter; at the end of the service, then the service connection means the downstream end of the meter.~~
- (2) *If a meter is not installed, the service connection is the point of connection to the waterworks;*
- (3) *When the water purveyor is also the building owner, the service connection is the entry point to the building.*

System hazard. A condition posing an actual, or threat of, damage to the physical properties of the waterworks or a consumer's water system.

Used water. Any water supplied by a water purveyor from *the* waterworks to a consumer's water system after it has passed through the service connection.

Water purveyor. An individual, group of individuals, partnership, firm, association, institution, corporation, municipal corporation, county, or authority which supplies water to any person in this county from or by means of any waterworks.

Waterworks. ~~A system that serves piped water for human consumption to at least fifteen (15) service connections or twenty-five (25) or more individuals for at least sixty (60) days out of the year. All structures, equipment and appurtenances used in connection with the collection, storage, purification, and treatment and distribution of pure of water, except the piping and fixtures inside the building where such water is delivered. for drinking or domestic use and the distribution thereof to the public or residential consumers as set forth in section 32.1-167 of the Code of Virginia.~~

(Comp. 1974, ch. 12)

.....

Sec. 21-2-6. Protection of ~~potable~~ pure water; unsafe outlets to be labeled.

The ~~potable~~ pure water made available on the properties served by the waterworks shall be protected from possible contamination or pollution by enforcement of this article and the county plumbing code. Any water outlet which could be used for ~~potable~~ or domestic purposes and is not supplied by the ~~potable~~ pure water system shall be labeled as "Water Unsafe for Drinking" in a conspicuous manner.
(Comp. 1974, ch. 12)

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Article 3. Land Application of Biosolids.¹⁰⁴

Sec. 21-3-1. Definitions.

The board of supervisors hereby adopts by reference section 25-32-10 ~~5-585-10~~, Definitions, of Volume 9 ~~12~~ of the Virginia Administrative Code.

Each and every reference herein to any statute or regulation shall be deemed to refer to the same, or to any successor statute or regulation which addresses substantially the same subject matter, as the same may be amended from time to time.
(Ord. 03-15-06)

Sec. 21-3-2. General requirements for land application of biosolids.¹⁰⁵

(A) It shall be unlawful to dispose of sewage sludge on land located in the County except in accordance with federal and state law, and this Article 21-3.

(B) Biosolids may be land applied only to lands of the County that have met all the applicable federal and state permits for the land application of biosolids, including Virginia State Water Control Board permits required for such land applications.

(C) Biosolids may be land applied only to lands zoned A-1.

(D) Biosolids may be land applied only to lands during weather conditions that permit the same to be applied and incorporated without substantial risk of adverse consequences to adjacent and downstream properties.
(Ord. 03-15-06)

Sec. 21-3-3. Notice requirements.

(A) Any applicant to the Virginia State Water Control Board for an operational permit to land apply biosolids to any lands of the County shall notify the Planning Director of his intent to obtain such permit no more than three (3) days after application to the Virginia State Water

¹⁰⁴ For state law authorizing county regulation of land application of biosolids, see Code of Va., § 62.1-44.16, et seq.

¹⁰⁵ For similar state law provisions, see Code of Va., § 62.1-44:15.

Control Board for such permit and at least *one hundred (100)* ~~fourteen (14)~~ days before the time of the proposed land application. Such notification shall be in writing and hand delivered or faxed (with the original mailed on the same day) to the Planning Director.

(B) The notice required by (A) shall include:

(1) A field map of the lands to which biosolids will be applied, such maps to include the applicable County tax map number;

(2) A written statement of when the land application will begin, how long the process is estimated to continue, and when the land application of biosolids will terminate. If circumstances cause commencement of the land application of biosolids activity to take place more than five (5) days after the date indicated, the Planning Director shall be so notified promptly in writing;

(3) The date biosolids will be incorporated (if applicable);

(4) The proposed plant schedule, or designation as a pasture;

(5) The name, telephone number and address of the hauler, if different from the contractor;

(6) The telephone number and pager number (if available) of field technicians who will be land applying the biosolids;

(7) The source of the biosolids to be land applied, including name, address, and telephone number of the contact person;

(8) The name, address, and telephone number of the owner and/or lessee of the land to which the biosolids will be applied; and

(9) Any other information required by ~~42 9 Virginia Administrative Code 25-32-60 and 25-37-70.5-585-620 and 5-585-630.~~

(C) Any person who obtains from the Virginia State Water Control Board an operational permit to land apply biosolids to any lands of the County shall notify the Planning Director of the issuance of such permit no more than three (3) days after issuance and at least fourteen (14) days before the time of the proposed land application. Such notification shall be in writing and hand delivered or faxed (with the original mailed on the same day) to the Planning Director.

(D) The notice required by (C) shall include any amendments, variances, or other changes from the information submitted under (A).

(E) Fourteen (14) days before beginning the land application of biosolids to County land in accordance with a properly issued operational permit and with the requirements of this

article, the permit holder shall deliver notice to all abutting properties, at the addresses listed therefore on the tax records of the County, and shall post signs at all field entrances which front public roads or, if no field entrances front public roads, on the owner's public road frontage nearest to the land applications site. The required notice and signs shall contain the following information *only*:

(1) A heading that reads "Biosolids Land Application in Progress";

~~(2) The name of the permit holder; A statement that the permit holder (listed by name) is land applying biosolids to lands in the County that has been approved by the Virginia State Water Control Board;~~

~~_____ 3. The tax map number for the land to which biosolids are being applied;~~

~~_____ 4. The name, telephone number and address of the hauler of the biosolids;~~

~~_____ 5. The source of the biosolids to be applied;~~

~~_____ 6. The telephone number of the field technicians who will be land applying the biosolids;~~

~~_____ 7. The name, telephone number, and address of the field technicians who will be land applying the biosolids;~~

~~_____ 8. The name, telephone number, and address of the owner and/or lessee of the land to which biosolids are being applied; and~~

~~9. The telephone number for the Fluvanna County Department of Planning and Development, the Thomas Jefferson Soil and Water Conservation District and the Virginia State Water Control Board.~~

(3) The telephone number of an individual designated by the permit holder to respond to complaints and inquiries; and

(4) Contact information for the Virginia State Water Control Board, including a telephone number for complaints and inquiries.

(F) Signs posted under (E) shall comply with the Fluvanna County Zoning Ordinance. Specifically, the signs shall be temporary nonilluminated signs, not less than four square feet and no more than six square feet in area, providing notice of biosolid waste products onto lands in Fluvanna County.

(G) Any holder of an operational permit to land apply biosolids to County lands shall notify the Planning Director of any modifications to the operational permit not more than three (3) days after such modification.

(H) Any holder of an operational permit to land apply biosolids to County lands shall provide to the Planning Director, at his request, the results of any tests conducted pursuant to the operational plan.

(I) Upon posting the signs at a land application site prior to commencing land application, the permittee shall deliver or cause to be delivered written notification to the Planning Director, unless advised in writing that notification is not required, of the posting of the signs. The permit holder shall make a good faith effort to replace or repair any sign that has been removed from a land application site or that has been damaged so as to render any of its required information illegible prior to five business days after completion of land application.

(J) The permit holder shall not remove the signs until at least thirty (30) days after land application has been completed at the site.

(K) No more than twenty-four (24) hours prior to commencing land application activities, including delivery of biosolids to a permitted site, the permittee shall notify in writing the Planning Director unless the Planning Director requests in writing not to receive the notice. This notification shall include identification of the biosolids source and shall include only sites where land application activities will commence within twenty-four (24) hours or where biosolids will be staged within twenty-four (24) hours.

(Ord. 03-15-06)

Sec. 21-3-3.1. Board certification for storage of sewage sludge.

Pursuant to Virginia Code Section 62.1-44.19:3, the board of supervisors shall review any application for a permit or variance to authorize the storage of sewage sludge and confirm or deny that the storage site is consistent with all applicable ordinances within thirty days of receiving the request for certification.

If the board fails to respond to the request for certification within thirty days of receipt of the request, the site shall be deemed consistent.

Where there may be site-specific conditions, including soil type, identified during the permit application process, which may require special conditions to protect the environment or health, safety or welfare of persons residing in the vicinity of a proposed land application site, the board may from time to time provide written requests or recommendations to the Department of Environmental Quality in its certification.

.....
Sec. 21-3-5. Enforcement.¹⁰⁶

(A) If the Planning Director has reason to believe that biosolids are being or have been land applied to County lands not in compliance with a valid operational permit, state laws and regulations or the requirements of this article, he shall notify the Department of Environmental Quality and the permit holder. He shall further have the authority to order the abatement of any

¹⁰⁶ For state regulations, see 9VAC25-31-475 and 9VAC25-32-515.

violation. Such abatement order shall identify the activity constituting the violation, specify the Code provision or regulation violated by the activity, and order the activity cease immediately, as authorized by Virginia Code Sections 62.1-44.19:3 and 62.1-44.19:3.2. he may require the person land applying such biosolids or the owner of the land to which biosolids are or have been land applied to demonstrate compliance. If such person or owner is unable to demonstrate compliance to the satisfaction of the Planning Director, the Planning Director may suspend any further land application of biosolids on such lands until compliance can be demonstrated.

(B) If the Planning Director has reason to believe that biosolids are being or have been land applied to County lands not in compliance with a valid operational permit or state laws and regulations, he shall so notify the Virginia State Water Control Board.

(C) Failure to comply with provisions 21-3-3(A), (C), (E), (G), ~~or (H)~~, (I), (J) or (K) shall be punishable in accordance with Section 1-10 of this Code. In addition, the Planning Director shall have the authority to take action to abate any violation of this Article as authorized by ~~Virginia Code Sections~~ sections 62.1-44.16:1, 62.1-44.19:3.2. ~~32.1-164.7~~ of the Code of Virginia.

(D) *If the Planning Director receives a complaint concerning land application of biosolids, he shall notify the State Water Control Board and the permit holder within twenty-four (24) hours of receiving the complaint.*

(E) *The Planning Director shall promptly notify the State Water Control Board of all results from the testing and monitoring of the land application of biosolids performed by persons employed by Fluvanna County and any violation of Virginia Code Sections 62.1-44.19:3, 62.1-44.19:3.1, and 62.1-44.19:3.3.*
(Ord. 03-15-06)

Article 4. Public Sewer.

SUBARTICLE I. GENERAL PROVISIONS.

Sec. 21-4-1. Purpose.¹⁰⁷

The purpose of this Article is to provide for the maximum possible beneficial public use of the Fluvanna County treatment works through regulation of sewer construction, sewer use, and wastewater discharges; to provide for equitable distribution of the costs of the treatment works; and to provide procedures for complying with the requirements contained herein. (Ord. 6-20-07)

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SUBARTICLE II. DEFINITIONS

¹⁰⁷ *As to the county's authority regarding public sewer, see Code of Va., § 15.2-2122. As to state law regarding public sewer, see Code of Va., § 62.1-44.2 et seq.*

Sec. 21-4-9. Specific terms.¹⁰⁸

In the interpretation and construction of this Article, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the board of supervisors or the context clearly requires otherwise:

Act shall mean the Federal Clean Water Act, 33 U.S.C. 1251 et seq., ~~et seq.~~, as the same shall be amended from time to time.

Approval Authority means the ~~Executive Director or~~ Director of the Department of Environmental Quality (“*DEQ*”).

.....
Discharge when used without qualification, means the discharge of a pollutant.

Discharge of a pollutant means:

- (1) Any addition of any pollutant or combination of pollutants to surface waters from any point source; or
- (2) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

This definition includes additions of pollutants into surface waters from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. His term does not include an addition of pollutants by any indirect discharger.

Discharger shall mean person or persons, firm, company, industry or other similar sources of wastewater who introduce such into the POTW.

Easement shall mean an acquired legal right for the specific use of land owned by others.

EPA shall mean the United States Environmental Protection Agency.

Establishment shall mean any industrial establishment, mill, factory, tannery, paper or pulp mill, mine, coal mine, colliery, breaker or coal processing operations, quarry, oil refinery, boat, vessel, and each and every other industry or plant or works the operation of which produces industrial wastes or other wastes or which may otherwise alter the physical, chemical or biological properties of any state waters.

¹⁰⁸ For state regulations, see 9VAC25-31-10.

~~Existing Source shall mean any source which is not a new source or a new discharger. of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.~~

.....

Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, or any other body of surface or groundwater.

New Discharger means any building, structure, facility, or installation:

- (1) *From which there is or may be a discharge of pollutants;*
- (2) *That did not commence the discharge of pollutants at a particular site prior to August 13, 1979;*
- (3) *Which is not a new source; and*
- (4) *Which has never received a finally effective VPDES permit for discharges at that site.*

This definition includes an indirect discharger which commences discharging into surface waters after August 13, 1979.

New Source shall have the same meaning as provided in 40 CFR Part 403.3(k) (1990).

VPDES shall mean Virginia Pollutant Discharge Elimination System permit program, as administered by the Commonwealth of Virginia.

Owner shall mean the Commonwealth or any of its political subdivisions, including, but not limited to, sanitation district commissions and authorities, and public or private institutions, corporations, associations, firms or companies organized or existing under the laws of this or any other state or country, or any person or group of persons acting individually or as a group *that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of section 62.1-44.5 of the Code of Virginia.*

.....

User Permit shall mean a document issued by the POTW to the User that permits the connection and/or introduction of wastes into the treatment works under the provisions of this Article.

Virginia Pollutant Discharge Elimination System permit or VPDES permit means a document issued by the board pursuant to this chapter authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface

waters and the use of biosolids or disposal of sewage sludge. Under the approved state program, a VPDES permit is equivalent to an NPDES permit.

VPDES application or application means the standard form or forms, including any additions, revisions or modifications to the forms, approved by the administrator and the board for applying for a VPDES permit.

Wastewater shall mean a combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any groundwater, surface water, or storm water that may be present.

WPCF shall mean the Water Pollution Control Federation.
(Ord. 6-20-07)

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Sec. 21-4-22. Conformance to Applicable Codes.

(A) The connection of a building sewer into a treatment works shall conform to the requirements of the building and plumbing code or other applicable requirements of the County, or the procedures set forth in appropriate specifications of the Commonwealth of Virginia *State Water Control Board regulations* ~~Sewerage Regulations~~, Uniform Building Code of Virginia, and American Society of Testing Materials. The connections shall be made gas-tight and water-tight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Manager before installation. (Ord. 6-20-07)

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Sec. 21-4-28. Restricted Discharges.¹⁰⁹

(A) No person shall discharge or cause to be discharged to any of the County's treatment works any substances, materials, waters, or wastes in such quantities or concentrations which do or are likely to:

- (1) Create a fire or explosion hazard including, but not limited to, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; waste stream with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using test methods specified in 40 CFR 261.21;
- (2) Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, but in no case discharges with the following properties:
 - (i) having a pH lower than 5.0 or greater than 11.0.
- (3) Cause obstruction to the flow in sewers, or other interference with the operation of treatment facilities due to accumulation of solid or viscous materials;

¹⁰⁹ For state regulations, see 9VAC25-31-780.

- (4) Constitute a rate of discharge or substantial deviation from normal rates of discharge, ("slug discharge"), sufficient to cause interference in the operation and performance of the treatment facilities;
- (5) Contain heat in amounts which are likely to accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the treatment works or inhibit biological activity in the treatment facilities, but in no case shall the discharge of heat cause the temperature in the County wastewater sewer to exceed 65 degrees C (150 degrees F) or the temperature of the influent to the treatment facilities to exceed 40 degrees C (104 degrees F) unless the facilities can accommodate such heat and the County has obtained prior approval from the approval authority;
- (6) Contain more than 100 milligrams per liter of nonbiodegradable oils of mineral or petroleum origin;
- (7) Contain floatable oils, fat, or grease;
- (8) Contain noxious gases, vapors or fumes, malodorous gas or substance in quantities that may cause a public nuisance or cause acute human or safety problems;
- (9) Contain radioactive wastes in harmful quantities as defined by applicable State and federal law;
- (10) Contain any garbage that has not been properly shredded;
- (11) Contain any odor or color producing substances exceeding concentration limits which may be established by the Manager for purposes of meeting the County's VPDES permit, as the same may be amended from time to time.
- (12) Petroleum oil, nonbiodegradeable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through.
- (13) Any trucked or hauled pollutants except at designated discharge points.

(B) If, in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to the Article, the Manager establishes concentration limits to be met by a user, the Manager in lieu of concentration limits, may establish mass limits of comparable stringency for an individual user at the request of such user. Upon approval by the State, such limits should become pretreatment standards.

(Ord. 6-20-07)

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		Purpose: <i>The public purpose for such amendment is to conform the Fluvanna County Code to the current enabling legislation, as amended.</i>
		<u>Chapter 1</u> <u>General Provisions</u>
Fluvanna Code §§	Virginia Code §§	Amendment
Sec. 1-1.		Update Code reference in FN 1: <i>see Code of Va., § 15.2-1433.</i>
Sec. 1-2.		<p>Add FN to Board of supervisors: “Code of Va., §§ 15.2-102, 15.2-604” for consistency. Add definition of Governing body: <i>Governing body. Whenever the term “governing body” is used, it shall be construed to mean the board of supervisors of the County of Fluvanna.</i></p> <p>Update Code reference in FN 2: <i>see Code of Va., § 1-210.</i> Omit FN 3, repealed and no current Va. Code § applicable. Update Code reference in FN 4: <i>see Code of Va., § 1-216.</i> Update Code reference in FN 5: <i>see Code of Va., § 1-223.</i> Update Code reference in FN 6: <i>see Code of Va., § 1-227.</i> Update Code reference in FN 7: <i>see Code of Va., § 1-228.</i> Add FN to Official time standard: “Code of Va., § 1-253.” for consistency. Update Code reference in FN 8: <i>see Code of Va., §§ 1-230, 1-231.</i> Omit FN 9, repealed and no current Va. Code § applicable. Update Code reference in FN 10: <i>see Code of Va., § 1-250.</i> Add FN to Written; in writing: “Code of Va., § 1-257.” for consistency. Add FN to Year: “Code of Va., § 1-223.” for consistency. Update Code reference in FN 11: <i>see Code of Va., § 1-200 et seq.</i></p>
Sec. 1-3.		Update Code reference in FN 12: <i>see Code of Va., § 1-217.</i>
Sec. 1-4.		Update Code reference in FN 13: <i>see Code of Va., § 1-243.</i>
Sec. 1-6.		Update Code reference in FN 14: <i>see Code of Va., § 1-201.</i>
Sec. 1-9.		Update Code reference in FN 15: <i>see Code of Va., § 1-240.</i>
Sec. 1-9.1.		<p>DISCRETIONARY Amendment: Add Sec. to reflect Va. Code § 1-239: Sec. 1-9.1. Repeal not to affect liabilities; mitigation of punishment. <i>No new act of the Board shall be construed to repeal a former ordinance, as to any offense committed against the former ordinance, or as to any act done, any penalty, forfeiture, or punishment incurred, or any right accrued, or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or done, or any penalty, forfeiture, or</i></p>

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		<i>punishment so incurred, or any right accrued, or claim arising before the new act of the Board takes effect; except that the proceedings thereafter held shall conform, so far as practicable, to the ordinances 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 Board, such provision may, with the consent of the party affected, be applied to any judgment pronounced after the new act of the Board takes effect.</i>
Sec. 1-10.		Update Code reference in FN 16: <i>see Code of Va., § 15.2-1429.</i> (Note, reference to § 18.2-11 remains correct).
Sec. 1-12.		Update Code reference in FN 17: <i>see Code of Va., § 15.2-1433.</i>
		<u>Chapter 2</u> <u>Administration</u>
Fluvanna Code §§	Virginia Code §§	Amendment
Chpt 2, Art. 1		Update Code in FN 1: § 2.1-340 et seq → § 2.2-3700 et seq.; Title 15.1 → Title 15.2; § 15.1-503.4:10 et seq → 15.2-300 et seq.
Sec. 2-1-2.		Update Code reference to 15.2-1421.
Sec. 2-1-3.		Update Code reference to 17.1-281.
Sec. 2-1-4.		DISCRETIONARY Amendment: Updates to Va Code § 42.1-70 permit assessment of \$4, an increase over \$2 currently charged.
Sec. 2-4-2.		Add FN: <i>for state law reference, see Code of Va., § 15.2-2210, et seq.</i>
Sec. 2-5-1.		Update Code references in FN 13: § 15.1-121 → § 15.2-1203; § 15.1-529 → § 15.2-1410; § 15.1-532 → § 15.2-1539; § 15.1-547 → § 15.2-1243
Sec. 2-5-2.		Update Code reference to section 2.2-4501 of the Code of Virginia.
Sec. 2-5-3.		DISCRETIONARY Amendment: Add Code reference, Section 15.2-106, which permits fee of \$50. Update fee of \$20 for returned check to \$50 permitted by statute.
Sec. 2-6-1.		Update Code reference in FN 15 to " <i>Code of Va., § 42.1-33, et seq.</i> "
		<u>Chapter 3.1</u> <u>Agricultural and Forestal Districts</u>
Fluvanna Code §§	Virginia Code §§	Amendment
Secs. 3.1-1—4, -6, -7, -9, and -13	§ 15.2-4302, et seq.	§ 15.2-4302 underwent significant revisions in 2011, changing procedure for review: 3.1-1.: Add definition: <i>"Program administrator" means the governing body or official appointed by the governing body to administer the agricultural and forestal districts program.</i>

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3.1-2.	§ 15.2-4303	<p>amend subsection C to reflect more permissive requirements for evidence of boundary lines:</p> <p>(C) The application form shall be accompanied by a United States Geological Survey 7.5 minute topographic map that maps or aerial photographs, or both, that clearly shows the boundaries of the <i>proposed</i> district and each addition and boundaries of properties owned by each applicant. A Department of Transportation general highway map for the locality that shows the general location of the proposed district shall also accompany each application form.</p> <p>Add subsection D. <i>“For each notice required by this chapter to be sent to a landowner, notice shall be sent by first-class mail to the last known address of such owner as shown on the application hereunder or on the current real estate tax assessment books or maps. A representative of the planning commission or governing body shall make affidavit that such mailing has been made and file such affidavit with the papers in the case.”</i></p>
3.1-5.		<p>Add FN: <i>for state law reference, see Code of Va., § 15.2-4303.</i></p>
3.1-6.	§ 15.2-4307	<p>Retitle Sec. 3.1-6: Sec. 3.1-6 Planning commission review <i>Review of application; notice; hearing.</i></p> <p>Update to reflect 2011 amendments:</p> <p>Upon the receipt of an application for a district or for an addition to an existing district, the governing body program administrator shall refer such application to the planning commission which shall: <i>advisory committee. The advisory committee shall review and make recommendations concerning the application or modification thereof to the planning commission, which shall:</i></p> <p>(1) Provide notice of the application by publishing a notice in a newspaper having general circulation within the district and by providing for the posting of such notice in five conspicuous places within the district. The planning commission shall <i>Notify, by first-class mail, adjacent property owners as shown on the maps of the County used for tax assessment purposes, and where applicable, any political subdivision whose territory encompasses or is part of the district, of the application. The notice shall contain: (i) a statement that an application for a district has been filed with the governing body and referred to the planning commission program administrator pursuant to this chapter; (ii) a statement that the application will be on file open to public inspection in the office of the County Administrator; (iii) a statement that any owner of additional qualifying land may join the application within thirty days from the date the notice is first published or, with the consent of the governing body, at any time before the public hearing the governing body must hold on the application; (iv) a statement that any owner who joined in the application may withdraw his land, in whole or in part, by written notice filed with the governing body, at any time before the governing body acts pursuant to Sec. 3.1-8; (v) a statement that additional qualifying lands may be added to an already created district at any time upon separate application pursuant to this chapter; (vi) a statement that the application and proposed modifications will be submitted to the advisory committee; and (vii) a statement that, upon receipt of the report of the advisory committee, a public hearing will be held by the planning commission on the application and any proposed modifications;</i></p> <p>2. Refer such application and proposed modifications to the advisory committee; <i>Hold a public hearing as prescribed</i></p>

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		<p><i>by law; and</i></p> <p>3. Report its recommendations to the governing body including but not limited to the potential effect of the district and proposed modifications upon the County's planning policies and objectives;</p> <p>4. Hold a public hearing as prescribed by law; and</p> <p>5. Publish in a newspaper having general circulation within the district a notice describing the district or addition, any proposed modifications and any recommendations of the planning commission and the advisory committee and send the notice by first class mail to adjacent property owners of the district or addition. (Ord. 11-4-98)</p>
Sec. 3.1-7.	§ 15.2-4308	Now redundant with new language in Sec. 3.1-6. Repeal Sec. 3.1-7.
Sec. 3.1-9.	§ 15.2-4310	<p>Amend to reflect 2011 updates:</p> <p>Additional parcels of land may be added to an existing district <i>at any time</i> by following the process <i>and application deadlines</i> prescribed for the creation of a new district. Such additions shall be reviewed at the time previously established for review of the district to which they are added.</p> <p>Add FN: <i>for state law reference, see Code of Va., § 15.2-4310.</i></p>
Sec. 3.1-10.		Add FN: <i>for state law reference, see Code of Va., § 15.2-4311.</i>
Sec. 3.1-13.	§ 15.2-4314	<p>Amend subsection A to reflect 2011 amendments:</p> <p>(A) At any time after the creation of a district within the County, any owner of land lying in such district may file with the County program administrator a written request to withdraw all or part of his land from the district for good and reasonable cause. The governing body program administrator shall refer the request to the local planning commission and the advisory committee for their recommendations and shall hold a public hearing <i>advisory committee for its recommendation. The advisory committee shall make recommendations concerning the request to withdraw to the local planning commission, which shall hold a public hearing and make recommendations to the governing body. ... or withdraw from a district pursuant to clause (iv) of subdivision 1 of Sec. 3.1-7-3.1-6* or Sec. 3.1-10.</i></p>
		<p><u>Chapter 4</u></p> <p><u>Animals and Fowl</u></p>
Fluvanna Code §§	Virginia Code §§	Amendment
Sec. 4-1-1.		Update FN 1: § 3.1-796.122 et seq. → § 3.2-6570 et seq.; §§ 3.1-796.128, 18.2-403.1 et seq. → §§ 3.2-6587 et seq., 18.2-403.1 et seq.

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Sec. 4-1-2.	§ 18.2-510	<p>Discretionary and Mandatory Amendments: Va. Code § 18.2-510 was amended in 2008, update to reflect and recommend incorporating the additional “reasonable fee” amount as permitted:</p> <p>When the owner of any animal or grown fowl which has died knows of such death, such owner shall forthwith have its body cremated or buried, and, if he or she <i>or request such service from an officer or other person designated for the purpose. If the owner fails to do so, any judge of a general district court, after notice to the owner if he can be ascertained, shall cause any such dead animal or fowl to be cremated or buried by an officer or other person designated for the purpose. Such officer or other person shall be entitled to recover of the owner of every such animal so or fowl that is cremated or buried the actual cost of the cremation or burial, not to exceed seventy-five dollars, and of the owner of every such fowl so cremated or buried the actual cost of the cremation or burial, not to exceed five dollars, and a reasonable fee to be recovered in the same manner as officers’ fees are recovered, free from all exemptions in favor of such owner. Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.</i></p>
Art. 2 Dogs.		<p>Update Code in FN 3: § 3.1-796.84 et seq. → § 3.2-6537 et seq.</p>
Sec. 4-2-1.		<p>Add FN: as to authority for licensing taxes and for Secs. 4-2-1.1--3, see Code of Va., § 3.2-6528.</p>
Sec. 4-2-2.		<p>Update FN 4 : § 3.1-796.93 → § 3.2-6538</p>
Sec. 4-2-3.A.		<p>Virginia Code Sections § 3.2-6540, 3.2-6540.1 regarding dangerous and vicious dogs underwent multiple substantive changes. Amend definitions in (A) pursuant to 2008 and 2013 amendments:</p> <p><i>“Dangerous dog” means... in an organized, lawful dog handling event. No dog that has bitten, attacked, or inflicted injury on a person shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, that the dog is not dangerous or a threat to the community.</i></p> <p><i>“Vicious dog” means a canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) ...</i></p> <p>Add definition pursuant to 2013 amendment:</p> <p><i>“Serious injury” means an injury having a reasonable potential to cause death or any injury other than a sprain or strain, including serious disfigurement, serious impairment of health, or serious impairment of bodily function and requiring significant medical attention.</i></p>
Sec. 4-2-3.B.		<p>Amend (B) to reflect 2009 amendment, including that only animal control may confine an allegedly vicious dog pre-trial:</p> <p>(B) Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog ... The animal control officer shall confine the animal <i>he has reason to believe is dangerous or vicious</i> until such time as evidence shall be heard and a verdict rendered. <i>With respect to allegedly dangerous</i></p>

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		<p><i>animals only, if if the animal control officer determines that the owner or custodian can confine the animal the officer has reason to believe is dangerous in a manner that protects the public safety, the officer may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers... If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of § 3.1-796.119-3.2-6562 of the Code of Virginia.. The procedure for appeal...</i></p>
<p>Sec. 4-2-3.E., H.</p>		<p>Update reporting and tracking information requirements in E., H. to reflect 2012, 2013 state amendments; Update fee from \$50 to \$150 with renewal fee of \$85:</p> <p>E. The owner of any animal found to be a dangerous dog shall, within ten (10) <i>forty-five (45)</i> days of such finding, obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee of fifty (50) dollars <i>\$150</i> in addition to other fees that may be authorized by law. The local animal control officer or treasurer shall also provide the owner... <i>By January 31 of each year, until such time as the dangerous dog is deceased</i> All certificates obtained pursuant to this subdivision shall be <i>updated and renewed annually</i> for the same a fee of \$85 and in the same manner as the initial certificate was obtained. The animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the State Veterinarian <i>post registration information on the Virginia Dangerous Dog Registry.</i></p> <p>H. The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under § 3.1-796.93:3 3.2-6540, within 45 days of such a finding by a court of competent jurisdiction. The owner shall also cause the local animal control officer to be promptly notified of... (v) tattoo or chip identification information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.</p>
<p>Sec. 4-2-3.F.</p>		<p>2013 amendment permits I.D. by electronic implantation only:</p> <p>F. All dangerous dog certificates or renewals thereof... minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by <i>of electronic implantation...</i></p>
<p>Sec. 4-2-3.G.</p>		<p>Update substantively to reflect 2013 amendment:</p> <p>G. While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure... The structure shall be designed to provide the animal with shelter from the elements of nature. While so confined within the structure, the animal shall be provided for according to Code of Virginia, § 3.2-6503. When off its owner's property...</p>
<p>Sec. 4-2-3.K.</p>		<p>Discretionary Amendment: 2013 amendments grant additional authority over the dangerous animal in case of a violation:</p> <p>K. The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this Section shall be guilty of a Class 1 misdemeanor.</p>

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		<i>Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal control officer shall confine the dangerous dog until such time as evidence shall be heard and a verdict rendered.</i>
Sec. 4-2-3.L.		2012 amendment to distribution of collected fees: L. All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this Section <i>and fees due to the State Veterinarian for maintenance of the Virginia Dangerous Dog Registry</i> , shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any training course required under § 3.1-796.104 3.2-6556 of the Code of Virginia.
Sec. 4-2-4.		Update Code references in FN 5 as follows: § 3.1-796.84 → 3.2-6537; § 3.1-796.94 → 3.2-6543, 3.2-6544, 3.2-6545; § 3.1-796.100 → 3.2-6525
		Chapter 6 <u>Erosion and Sedimentation Control</u>
Fluvanna Code §§	Virginia Code §§	Amendment
		The Va. Code regarding erosion and sedimentation underwent extensive amendments in 2003, 2004, 2005, 2006, 2009, 2012 and 2013. In 2013, the statutes were renumbered. Amend:
Chpt 6		Update Code reference in FN 1: § 10.1-560 → 62.1-44.15:51 <i>et seq.</i>
Sec. 6-1-1.1.		Update: Section 10.1-562 62.1-44.15:54 of the Code of Virginia.
Sec. 6-1-2.		Update definitions to reflect 2012 amendments: <i>Certified plan reviewer.</i> A county employee or agent... (iii) be licensed as a professional engineer, architect, certified landscape architect, or land surveyor pursuant to article 1 (Sec. 54.1-400 et seq.) of chapter 4 of title 54.1 of the Code of Virginia, <i>or professional soil scientist as defined in § 54.1-2200.</i> Conservation plan, <i>Erosion and sediment control plan or plan.</i> A document containing... <i>Land-disturbing activity.</i> Any land man-made change to the land surface which may result in soil erosion from water or wind and the movement of sediments into waters or onto lands including, but not limited to, clearing, grading, excavating, transporting, <i>and filling of the land</i> or any combination thereof. The following activities shall not be construed as “land disturbing activities”... (e) Surface or deep mining. (f) Exploration or drilling for oil and gas, including the well site, roads, feeder lines, and off-site disposal areas. <i>Permitted surface</i>

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	<p><i>or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1;</i></p> <p>(j) Emergency work to protect life, limb and property...with the requirement of the local plan approving VESCP authority;</p> <p>(k) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations, <i>or as additionally set forth by the Virginia Soil and Water Conservation Board in regulation</i>, including engineering and agricultural engineering operations as follows: ...ponds not required to comply with the Dam Safety Act, Article 2 (Virginia Code Section 10.1-604 et seq.) of Chapter 6, ditches, strip cropping...in accordance with the provisions of Chapter 11 (Virginia Code Section 10.1-1100 et seq.) of Title 10.1 or is converted to a bona fide agriculture...</p> <p><i>Permittee.</i> The person to whom the <i>local</i> permit authorizing land disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.</p> <p><i>Plan approving authority.</i> The county administrator shall be the plan approving authority.</p> <p><i>Program authority.</i> The County of Fluvanna which has adopted a soil erosion and sediment control program approved by the Virginia Soil and Water Conservation Board.</p> <p><i>Virginia Erosion and Sediment Control Program (VESCP).</i> A program approved by the Virginia Soil and Water Conservation Board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement where authorized in this section, and evaluation consistent with the requirements of this section and its associated regulations.</p> <p><i>Virginia Erosion and Sediment Control authority (VESCP authority).</i> An authority approved by the Virginia Soil and Water Conservation Board to operate a VESCP. In Fluvanna County this is the county administrator or “administrator.”</p>
<p>Sec. 6-1-3.</p>	<p>Update to reflect 2012 and 2013 amendments:</p> <p>a) Pursuant to section 10.1-562 62.1-44.15:54 of the Code...</p> <p>b) Except as otherwise provided in this chapter, no person shall engage in any land disturbing activity until such person has submitted to the administrator an erosion and sedimentation control plan for such land disturbing activity and until that plan for such land disturbing activity has been reviewed and approved by the administrator. <i>Upon the development of an online reporting system by the Virginia Department of Environmental Quality, the administrator shall obtain evidence of Virginia Stormwater Management Program permit coverage where it is required prior to providing approval to begin land disturbance.</i></p> <p>Add FN: for state law reference, see Code of Va., § 62.1-44.15:55.</p> <p>e) The provisions of this chapter shall not apply to state agency projects, except as provided for in VESCL 10.1-564 section 62.1-</p>

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		<p><i>44.15:56 of the Code of Virginia.</i></p> <p>g) <i>The requirements of this chapter shall be integrated and implemented in conjunction with any project requiring compliance prior to any land disturbing activity, including subdivisions, site plans, and any other plans of development, those projects within the flood hazard overlay district established in the Zoning Ordinance, and any dam break inundation zone that has been mapped as provided in Virginia Code § 10.1-606.3.</i></p> <p>Add FN: <i>for state law reference, see Code of Va., § 62.1-44.15:51.D.</i></p>
<p>Sec. 6-1-6.</p>		<p>Add FN: <i>for state law reference, see Code of Va., § 62.1-44.15:55.</i></p> <p>Update Section to reflect 2012 and 2013 amendments:</p> <p>a) The administrator shall, within forty-five days of receipt of the plan, approve <i>give written notice of approval to any erosion and sediment control plan submitted to the administrator if it is determined that the plan meets the requirements of the local control program this chapter and the regulations of the Virginia Soil and Water Conservation Board, and if the person responsible for carrying out the plan certifies that he will properly...</i></p> <p>b) When a plan is determined to be inadequate, the administrator shall, within forty-five days from receipt, give written notice of disapproval stating the specific reasons for disapproval... <i>The administrator shall act on any erosion and sediment control plan that has been previously disapproved within forty-five (45) days after the plan has been revised, resubmitted for approval, and deemed adequate.</i></p> <p>c) An approved plan may be changed by the administrator <i>The administrator may require changes to an approved plan-in the following cases:</i></p> <ol style="list-style-type: none"> 1. Where inspection has revealed the inadequacy of the plan to accomplish the objectives of this chapter and to satisfy applicable regulations, plan changes can be required without approval of the person responsible for carrying out the plan; or 2. Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this chapter and associated regulations, are agreed to by the administrator and the person responsible for carrying out the plan. <p>d) All requests for variances must be made in writing, and approved in writing by the administrator, and must be made in accordance with VESCR 4VAC50-30-50 9VAC25-840-40.</p>
<p>Sec. 6-1-7.</p>		<p>Add FN: <i>for state law reference, see Code of Va., § 62.1-44.15:57.</i></p> <p>a) The building official, or any agent of the County, shall not issue any building or other permits for activities which involve land disturbing activities, as defined by this chapter, unless the applicant submits with his application an approved erosion and sediment control plan or and certification of such approved land from the administrator, certification that such plan will be followed, evidence of Virginia Stormwater Management Program permit coverage, where required, and written permission for the administrator (or his agent)...</p>

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		b) The administrator, prior to approval of any erosion and sedimentation control plan...in compliance with this chapter. <i>The amount of the bond or other security shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in Fluvanna and a reasonable allowance for estimated administrative costs and inflation, not to exceed 25% of the estimated cost of the conservation action.</i>
Sec. 6-1-8.		Add FN: <i>for state law reference, see Code of Va., § 62.1-44.15:58.</i> b) The administrator shall periodically inspect the land-disturbing activity, in accordance with VESCR 4VAC 50-30-60B 9VAC25-840-60, to ensure compliance... d) Upon receipt issuance of a sworn complaint of an inspection report denoting a violation of this chapter from the designated enforcement officer, the administrator may, in conjunction with or subsequent to a notice to comply as specified above, issue an order requiring that all or part of the land disturbing activities permitted on the site be stopped until the specified corrective measures have been taken <i>or, if land disturbing activities have commenced without an approved erosion and sediment control plan, requiring that all of the land disturbing activities be stopped until an approved plan or any required permits are obtained...</i> such an order may be issued whether or not the alleged violator has been issued a notice to comply as specified in subsection (e) a) of this section...
Sec. 6-1-11.		Add FN: <i>for state law reference, see Code of Va., § 62.1-44.15:63.</i> e) The Commonwealth's attorney or the County Attorney, as the case may be, shall, upon request of the administrator, take legal action to enforce the provisions of this chapter.
Art. 2, Sec. 6-2-1. et seq.		The amendments listed hereinbelow reflect statutory amendments to the Virginia Code which became effective in 2012, 2013, or 2014:
Sec. 6-2-4.		c) 3. The plan shall be approved, <i>in writing</i> , within forty-five days from the receipt thereof, if such plan meets the requirements of this chapter <i>and the regulations of the Virginia Soil and Water Conservation Board</i> , and if the person responsible for carrying out the plan certifies that he will properly perform the control measures included in the plan as required by this chapter. 4. If the plan is disapproved, within forty-five days from the receipt thereof, the administrator shall specify in writing such modification, terms and conditions as will permit approval of the plan and communicate these requirements to the applicant. <i>The administrator shall act on any erosion and sediment control plan that has been previously disapproved within forty-five (45) days after the plan has been revised, resubmitted for approval, and deemed adequate.</i> 6. The administrator may require changes to an approved plan may be changed: a. Where inspection has revealed the inadequacy of the plan to accomplish the erosion and sediment control objective of this chapter <i>and applicable regulations...</i> b. Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and the proposed amendments to the plan, consistent with the requirements of this chapter <i>and applicable regulations...</i>
Sec. 6-2-5.		a) 1. The applicant submits with his application the approved erosion and sediment control plan <i>and certification that the</i>

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		<p><i>plan will be followed, and evidence of Virginia Stormwater Management Program permit coverage, where it is required; or</i></p> <p>b) <i>The applicant provides There is certification of such approved plan from the administrator certification by the administrator that a plan was submitted and no action was taken within forty-five days and the applicant provides evidence of Virginia Stormwater Management Program permit coverage, where it is required; or</i></p> <p>c) <i>The applicant provides There is certification from the state division of soil and water conservation, when applicable as specified herein, that the erosion and sediment control plan has been approved, and the applicant provides certification that the plan will be followed, and evidence of Virginia Stormwater Management Program permit coverage, where it is required.</i></p>
Sec. 6-2-7.		Add FN: for state law reference, see Code of Va., § 62.1-44.15:60.
		<p><u>Chapter 7</u></p> <p><u>Festivals, Dance Halls and Carnivals, Etc.</u></p>
Fluvanna Code §§	Virginia Code §§	Amendment
Sec. 7-1-1.		Update: “section 15.1-510 15.2-1200 of the Code of Virginia.”
Sec. 7-1-3.1, .2.		<p>Discretionary Update: Currently (as of 1974), applications for special entertainment permits require no fee, 21 day notice, and a response by the Board required within 10 days. <i>This short notice period does not give the BoS adequate time to review applications during a regular meeting.</i></p> <p>County Attorney recommendation: Submit at least 45 days in advance with a \$200 fee and the board has 30 days to respond. (See, e.g. Henrico Code § 4-112.)</p>
Sec. 7-1-5.		Update Code reference in FN 1 to § 15.2-926(B).
Art. 2.		Update Code reference in FN 2 to § 15.2-912.3.
Sec. 7-3-3.1		<p>This Section must be amended to comply with Va. Code, § 58.1-3728.B.:</p> <p>Sec. 7-3-3.1. Certain organizations exempt from license tax; proviso. Any show, exhibition or performance by Fluvanna resident mechanics or artists exhibiting their own work, resident persons performing for charity or other benevolent purposes, volunteer fire companies, and bona fide local associations or corporations organized for the principal purpose of holding legitimate agricultural or industrial arts exhibitions shall be exempt from licensing fees.</p> <p>However, any show, exhibition or performance by any company, association or persons, or a corporation, in the business of giving such exhibitions for compensation, even if a portion of the proceeds are for charitable or benevolent purposes or by or for the groups exempted above, shall pay the license tax imposed.</p>

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		<p>which is sponsored, promoted, operated or exhibited by any religious, educational, charitable, fraternal or civic organization of this county shall not be required to pay the license tax imposed by this article; provided, that such organization shall receive not less than forty percent of all admission charges to the grounds, shows, rides, exhibits and the like, which proceeds shall be used by such organizations for religious, educational, charitable, fraternal or civic purposes. Such</p> <p>All organizations however, are required to not exempted from registering register with the sheriff's office and obtaining the permit required by this article. (Min. Bk. 4, p. 392; Min. Bk. 6, p. 118; Comp. 1974, ch. 6)</p>
		<p>Chapter 8 <u>Fire Protection and Public Safety</u></p>
Fluvanna Code §§	Virginia Code §§	Amendment
Chpt 8.		Update Code references in FN 1: § 15.1-29.9 → § 15.2-922; § 2.1-133.5 → § 9.1-400 et seq.; § 27.1-1 et seq. → § 27-1 et seq.
Sec. 8-1.		Add Code reference for clarification: All fire companies organized...in accordance with Title 27, chapter 2, article 1 (<i>§ 27-6 et seq.</i>) of the Code of Virginia...
Sec. 8-3.		Update reference in FN 2: § 2.1-133.5 et seq. → § 9.1-400 et seq. Correct Code reference , § 2.1-133.5 et seq. to §§ 27-6.1, 27-8.1.
Sec. 8-5.		Add FN: <i>As to state law regarding local disposition of unclaimed property, see Code of Va., § 15.2-1719.</i> 2015 Update re: disposal of firearms: held for 120 days or more, rather than 60, and may be donated to DFS or destroyed. Any unclaimed personal property which has been in the possession of the Sherriff and unclaimed for a period of more than sixty days may be (i) sold at public sale in accordance with the provisions of this section.... and unclaimed firearms may also shall only be disposed of in accordance with Virginia Code § 15.2-1721 <i>after having been in the possession of the Sheriff and unclaimed for a period of more than 120 days.</i>
		<p>Chapter 9 <u>Fork Union Sanitary District</u></p>
Fluvanna Code §§	Virginia Code §§	Amendment
Sec. 9-1-2.		Add FN: <i>As to County powers and duties regarding sanitary districts, see Code of Va., §§ 21-118, 21-118.4.</i>
Sec. 9-2-6.		Add FN: <i>As to County authority to collect unpaid fees and charges and to disconnect water and sewer services, see Code of Virginia,</i>

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		§ 21-118.4.
		<u>Chapter 10</u>
		<u>Garbage, Refuse and Waste</u>
Fluvanna Code §§	Virginia Code §§	Amendment
Chpt 10		Update Code reference in FN 1: § 15.1-282 → § 15.2-1800.
Art. 1		Update Code reference in FN 2 to § 15.2-901.
Sec. 10-1-3.2.		Add FN: <i>As to manner in which liens may be enforced, see Code of Va., §§ 58.1-3695 et seq., 58.1-3940 et seq.</i>
Sec. 10-1-4.		<p>Assessment of fines has changed, revise per Va. Code § 15.2-901.C...:</p> <p>In addition to the foregoing provisions of this article, the owner of any property which shall be determined by the board to be unlawful as provided hereinabove who shall fail to correct the condition within such reasonable time as may be required by the board as provided by this article, shall be deemed to be in violation hereof and shall be liable to a fine not to exceed one hundred dollars of \$50 for the first violation, or violations arising from the same set of operative facts. The fine for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which the same violation is found to have existed shall constitute a separate offense. Violations arising from the same set of operative facts shall not result in penalties exceeding \$3,000 in a 12 month period.</p> <p><i>First Violation - \$50</i> <i>Subsequent Violations (or days of noncompliance) - \$200/each</i> <i>\$3,000 maximum per 12 month period.</i></p>
Sec. 10-2-2.		Add FN: <i>As to state law regarding stockpiling tires, see Code of Va., §§ 10.1-1418.2—1418.5.</i>
		<u>Chapter 13</u>
		<u>Itinerant Dealers and Salesmen</u>
Fluvanna Code §§	Virginia Code §§	Amendment
Art. 1		<p>Extensive Va. Code amendments require the County to tighten these requirements. See Va. Code § 54.1-4111 stating “this chapter shall constitute minimum requirements in any local ordinance.”</p> <p>FN 1: For state law as to precious metals dealers <i>regulating dealers in precious metals and gems</i>, see Code of Va., § 54.1-4100 et seq.</p>
Sec. 13-1-1.		“Itinerant dealer” within the meaning of this article is a person, <i>firm, partnership, or corporation</i> who shall engage in any

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		temporary or transient business in the county for the purchase of gold, silver, platinum, <i>or any precious or semi-precious metals, gems or semi-precious stones.</i>
Sec. 13-1-2.		RETITLE: Sec. 13-1-2. License Permit – Required. No itinerant dealer may purchase gold, silver, platinum, <i>or any precious or semi-precious metals, gems or semi-precious stones</i> without a <i>license permit</i> as provided by this article.
Sec. 13-1-2.1.		Add FN: for state law reference, see Code of Va., § 54.1-4108. Note: \$200 application fee added by Va. statute. —Licenses-Permits required by this article shall be issued by the <i>Sheriff or his designee</i> commissioner of revenue to any person <i>who has not been convicted of a felony or crime of moral turpitude within the past seven years, who meets all other requirements of this chapter, including payment of the \$200 application fee, and who has not had a permit denied or revoked under any ordinance or law similar in substance to provisions of this chapter.</i> Which The permit license shall designate the premises on which the permittee licensee shall conduct his business and specify the dates upon which the business may be conducted. A fee of twenty-five dollars per day shall be charged.
Sec. 13-1-2.2.		A license permit issued under this article shall be a personal privilege and shall not be transferable. <i>This permit shall be valid for one year from the date issued and may be renewed in the same manner the permit was initially obtained with an annual permit fee of \$200.</i> For There shall there not be any abatement of the fee for such permit license by reason of the fact that the permittee licensee shall have exercised the privilege for any period of less than that for which it was granted. The license shall be placed or posted so as to be visible to the public at the principal entrance of the place of business. <i>If the application for a permit is denied by the sheriff's department, upon request, the sheriff's department shall provide a written statement of the facts and reasons for the denial.</i> Add FN: for state law reference, see Code of Va., §§ 54.1-4108, 54.1-4111.
Sec. 13-1-2.4.		Sec. 13-1-2.4. Same -- Application for Permit; Requirement of a bond or letter of credit. <i>To obtain a permit, the dealer shall file with the sheriff's department an application form which includes:</i> <i>(a) the dealer's full name and any aliases;</i> <i>(b) the dealer's residence and phone numbers;</i> <i>(c) the dealer's age and date of birth;</i> <i>(d) the dealer's sex and fingerprints;</i> <i>(e) the name, address and telephone number of the dealer's employer, if any;</i> <i>(f) the location of the dealer's place of business.</i> <i>The dealer must have all weighing devices used in his business inspected and approved by local or state weights and measures officials and present written evidence of such approval with the application.</i> <i>The dealer shall submit a \$200 fee along with the completed application.</i>

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		<p><i>The Sheriff may waive the permit fee for retail merchants not required to be licensed as pawnbrokers under Code of Virginia, § 54.1-400 et seq., provided the retail merchant has a permanent place of business and purchases of precious metals and gems do not exceed five percent of the retail merchant’s annual business.</i></p> <p><i>Upon receipt of such permit, every dealer shall enter into a recognizance to the County, in accordance with the requirements of Code of Virginia, § 54.1-4106, secured by a corporate surety authorized to do business in the Commonwealth, in the penal sum of \$10,000, conditioned upon due observance of the terms of this chapter. In lieu of a bond, a dealer may cause to be issued by a bank authorized to do business in the Commonwealth a letter of credit in favor of the County for \$10,000.</i></p> <p>Add FN: for state law reference, see Code of Va., § 54.1-4108.</p>
<p>Sec. 13-1-3.</p>		<p><i>Amend section to reflect just the need for proof of ID and statement of ownership. Sec. 13-1-5 now lists all information necessary to be recorded, transmitted to the sheriff, and preserved for 24 months.</i></p> <p>RETITLE: Sec. 13-1-3. Seller’s identification to be ascertained; records required.</p> <p><i>The permittee licensee shall ascertain the name, address and age of the sellers by requiring an identification identifier issued by a governmental agency with a picture of the subject photograph of the seller thereon and at least one other corroborating means of identification. The permittee shall further obtain a statement of ownership from the seller as provided in this chapter. The licensee shall record a description of the items purchased, the price paid, and the seller’s identity. Such records shall be kept on a daily basis and delivered to the sheriff of the county on the day of purchase.</i></p>
<p>Sec. 13-1-4.</p>		<p>No purchase of such items or articles of precious metals or gems shall be made by any person except between the hours of 9 A.M. and 5 P.M. and such business shall be open at all times to inspection by any revenue or police officer of the federal, state or county governments. <i>The dealer or his employee shall permit the officer to examine all records required by this chapter and any article listed in a record which is believed by the officer to be missing or stolen and search for and take into possession any article known to him to be missing, or known or believed by him to have been stolen.</i></p> <p><i>If the business of the dealer is not operated without interruption, with Saturdays, Sundays and recognized holidays excepted, the dealer shall notify the sheriff’s department of all closings and reopenings of such business. The business of a dealer shall be conducted only from the fixed and permanent location specified in his application for a permit.</i></p> <p>No articles consisting of such precious metals or gems shall be melted down, defaced or changed in composition until a minimum of fifteen calendar five days from the date on which a copy of the bill of sale is received by the sheriff’s office after purchase or until the same has been inspected by the county sheriff’s department and written consent obtained therefrom. <i>Until the expiration of this period, the dealer shall not sell, alter, or dispose of a purchased item in whole or in part, or remove it from the county in which the purchase was made.</i></p> <p><i>If the dealer performs the service of removing precious metals or gems, he shall retain the metals or gems removed and the article from which the removal was made for a period of fifteen calendar days after receiving such article and precious metals or gems.</i></p>

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	<p>Banking institutions <i>engaged in the buying and selling of gold and silver bullion and the sale and purchase of coins are excluded from the operation of this chapter.</i></p> <p><i>The sheriff's office may waive by written notice implementation of this chapter, with the exception of Sec. 13-1-6. for numismatic, gem, or antique exhibitions or craft shows sponsored by nonprofit organizations, provided that the purpose of the exhibitions is nonprofit in nature, notwithstanding the fact that there may be casual purchases and trades made at such exhibitions. jewelry stores, antique shops, or auctions located or held in the county are excluded from the operation of this article.</i></p> <p>Add FN: <i>for state law reference, see Code of Va., §§ 54.1-4101, 54.1-4101.1, 54.1-4104, and 54.1-4108.</i></p>
<p>Sec. 13-1-5.</p>	<p>Every person with a permit licensed under this article shall maintain adequate records to reflect the following information to appear on bills of sale, one copy of which is to be retained by the permittee person so licensed, one copy to be mailed or delivered daily to the sheriff's department before 6 P.M. on the date of purchase, and one copy to be delivered to the seller of such precious metals and articles made thereof. The required information to be furnished is as follows:</p> <ol style="list-style-type: none"> (1) the name, address, sex and phone number of the licensee <i>permittee</i> and his employer; (2) A complete description of the articles or precious metal purchased by the licensee <i>permittee</i> to include the name and initials thereon <i>all names, initials, serial numbers, or other identifying marks or monograms on each item purchased;</i> (3) The make, model number and license number of the motor vehicles owned or used by the licensee and his employer; and (4) The true <i>gross</i> weight or carat of such items made of precious metals <i>or gems</i>, the unit, as well as the total price paid, and the basis of such price paid the seller; (5) <i>The date, time and place of receiving the items purchased;</i> (6) <i>The full name, residence address, work place, home and work telephone numbers, date of birth, sex, race, height, weight, hair and eye color, and other identifying marks of the person selling the precious metals or gems;</i> (7) <i>Verification of the identification of the seller by the exhibition of a government-issued identification card bearing a photograph of the person selling the precious metals or gems, such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;</i> (8) <i>A statement of ownership from the seller; and</i> (9) <i>A digital image of the form of identification used by the person involved in the transaction.</i> <p><i>Each dealer shall keep at his place of business an accurate and legible record of each purchase of precious metals or gems, as described above. This record shall be retained for at least 24 months.</i></p> <p><i>The dealer shall have three copies of the bill of sale: one copy of which is to be retained by the dealer person so licensed, one copy to be mailed or delivered daily to the sheriff's department before 6 P.M. on the date of purchase, and one copy to be delivered to the seller of such precious metals and articles made thereof.</i></p>

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		Add FN: for state law reference, see Code of Va., §§ 54.1-4101.
Sec. 13-1-5.1		Sec. 13-1-5.1 Record of disposition. Each dealer shall maintain for at least twenty-four months an accurate and legible record of the name and address of the person, firm, or corporation to which he sells any precious metal or gem in its original form after the waiting period required by Sec. 13-1-4. This record shall also show the name and address of the seller from whom the dealer purchased the item.
Sec. 13-1-7.		Sec. 13-1-7. Penalties; first and subsequent violations. (A) Any person convicted of violating any of the provisions of this chapter shall be guilty of a Class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense he shall be guilty of a Class 1 misdemeanor. (B) Upon the first conviction of a dealer for violation of any provision of this chapter, the sheriff's department may revoke the dealer's permit for one full year from the date the conviction becomes final. Such revocation shall be mandatory for two full years from the date the conviction becomes final upon a second conviction.
Art. 2		Add to FN 2: For state law authorizing the county to regulate solicitors and peddlers generally, see Code of Va. § 15.2-913. For state law authorizing the county to regulate charitable and civic organizations soliciting within the county, see Code of Va. § 57-63.
		<u>Chapter 14</u> <u>Miscellaneous Offenses</u>
Fluvanna Code §§	Virginia Code §§	Amendment
Sec. 14-3.		Update State law reference in FN 2: change to § 33.2-802.
Sec. 14-4.		Add references to FN 3: For state law authorizing limiting the sale, distribution, consumption and possession of alcoholic beverages on county property, see Code of Va., § 4.1-128.B. For similar state law provisions, see Code of Va., § 4.1-308.
		<u>Chapter 15.1</u> <u>Noise Control</u>
Fluvanna Code §§	Virginia Code §§	Amendment
Sec. 15.1-6.A.		Add FN: For state law authorizing counties to regulate the noise of motor vehicles or motorcycles, see Code of Va., § 15.2-919.
		<u>Chapter 16</u> <u>Obscenity</u>

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Fluvanna Code §§	Virginia Code §§	Amendment
Sec. 16-2.		<p>Add FN 2: <i>For similar state law provision, see Code of Va., § 18.2-373.</i></p> <p>This Chapter, updated in 1985, should reflect 2000 amendments in Virginia Code regarding internet/text obscenity as follows:</p> <p>For the purposes of this chapter, obscene items shall include:</p> <ul style="list-style-type: none"> (1) Any obscene book; or (2) Any obscene leaflet, pamphlet, magazine booklet, picture, painting, <i>bumper sticker</i>, drawing, photograph, film negative, video tape or disc, slide, motion picture, <i>video recording</i>; or (3) Any obscene figure, object, article, instrument, novelty, device, or recording or transcription used or intended to be used in disseminating any obscene song, ballad, words or sounds; <i>or</i> (4) <i>Any obscene writing, picture or similar visual representation, or sound recording, stored in an electronic or other medium retrievable in perceivable form.</i>
		<p><u>Chapter 17</u> <u>Personnel</u></p>
Fluvanna Code §§	Virginia Code §§	Amendment
Sec. 17-2.		<p>Update state law references: 15.1-7.1 → 15.2-1506; 15.1-7.2 → 15.2-1507</p>
		<p><u>Chapter 18</u> <u>Roads and Highways</u></p>
Fluvanna Code §§	Virginia Code §§	Amendment
Sec. 18-2.		<p>Update Code reference from Virginia Code § 33.1-12 → 33.2-213.</p>
		<p><u>Chapter 20</u> <u>Taxation</u></p>
Fluvanna Code §§	Virginia Code §§	Amendment
Sec. 20-1-3.	§ 58.1-	<p>Discretionary Amendment: 2003 amendment permits the increase of fees from \$20 and \$25 to \$30 and \$35.</p>

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	3958.	
Sec. 20-1-6.		<p>Section permits a service charge on property owned by the Commonwealth. This may only be done after “the commissioner of revenue...publishes and lists all exempt real estate.” This provision of Va. Code § 58.1-3403 must be added to Sec. 20-6-1:</p> <p>(A) Notwithstanding the provision of Virginia Code § 58.1-3400, a service charge is hereby levied on real property owned by the Commonwealth within the County. For purposes of this section “real property owned by the Commonwealth” shall not include hospitals, educational institutions or public roadways or property held for the future construction of public highways. <i>In accordance with Virginia Code § 58.1-3403.A., before this service charge is levied, the commissioner of revenue must publish and list all exempt real estate in the land books of the county in the same manner as taxable real estate is published and listed.</i></p> <p>This Section is mislettered. It contains A-E and then (2) and (3). It should be A-G instead:</p> <p>(E) The commissioner of revenue shall annually calculate the service charge imposed hereby and shall certify such calculations to the treasurer on or before May 1 in each year...</p> <p>(2) (F) That the county administrator be, and he is hereby, directed to notify in writing the Governor and each state agency affected by the enactment hereof at least twelve months prior to the effective date of this ordinance.</p> <p>(3) (G) That this ordinance shall be effective January 1, 1999 such that such levy shall have effect for the tax year 1999.</p>
Sec. 20-2-2.		<p>Omit code reference; § 58.1-628 was repealed: Pursuant to section 58.1-605 of the Code of Virginia, the local general retail sales tax levied...with the adjustments required by section 58.1-628 the Code of Virginia.</p>
Sec. 20-3-1.		<p>The exemption for elderly and permanently and totally disabled persons has undergone substantive changes in recent years:</p> <p>It is hereby declared to be the purpose of this article to provide real estate tax exemptions for qualified property owners who are not less than <i>at least</i> sixty-five years of age or <i>who are</i> permanently and totally disabled and who are otherwise eligible according to the terms of this article....</p>
Sec. 20-3-2.		<p>Add FN for Permanently and totally disabled, which is specifically provided in the enabling legislation. FN: <i>for state law defining permanently and totally disabled, see Code of Va., § 58.1-3217.</i></p>
Sec. 20-3-3.		<p>(d) The gross combined income from all sources of such claimant owner of the dwelling living therein, and of their relatives living in such dwelling, <i>except, as provided in Virginia Code § 58.1-3212(ii), the income of those relatives, if any, living in the dwelling and providing bona fide caregiving services to the owner whether such relatives are compensated or not shall not be calculated as part of the gross combined income,</i> for the immediately preceding calendar year does not exceed a sum of fifty thousand dollars; provided, however, that the first twelve thousand five hundred dollars of income for each relative other than the spouse, or such claimant owners, who is living in such dwelling shall not be included in such total.</p> <p>(e) The net combined financial worth of the claimant owners, <i>and of the spouse of any owner, and of their relatives living in such</i></p>

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	<p>dwelling as of December 31 of the year immediately preceding the taxable year for which the exemption is claimed does not exceed one hundred sixty thousand dollars....</p> <p>Add FN: <i>For state law authorizing the county to provide this exemption, see Code of Va., § 58.1-3210 et seq.</i></p>
<p>Sec. 20-3-3.1.</p>	<p>Add section that complies with the absence from residence provision of Va. Code § 58.1-3214 (2012):</p> <p>Sec. 20-3-3.1 Absence from residence.</p> <p><i>The fact that persons who are otherwise qualified for tax exemption or deferral by an ordinance promulgated pursuant to this chapter are residing in hospitals, nursing homes, convalescent homes or other facilities for physical or mental health care for extended periods of time shall not be construed to mean that the real estate for which tax exemption or deferral is sought does not continue to be the sole dwelling of such persons during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.</i></p>
<p>Sec. 20-3-4.</p>	<p>Add FN to section title: <i>For state law as to the application for exemption, see Code of Va., § 58.1-3213.</i></p> <p>Several changes in this section: Timeframe for filing of affidavit; what financial information can be requested from whom and used to calculate eligibility; and acceptable certifications of disability.</p> <p>(a) Annually, and not later than March 15 <i>before April 1</i> of the taxable year, the person claiming an exemption shall file a real estate tax exemption affidavit with the county commissioner of revenue.</p> <p>(b) The affidavit shall set forth, in a manner prescribed on a form furnished by the commissioner of revenue, :</p> <ol style="list-style-type: none"> 1. the name of the owner and the names of all related persons occupying the dwelling for which such exemption is claimed, their 2. <i>the gross combined income of the claimant owner and of their relatives living in such dwelling, other than relatives living in the dwelling that provide bona fide care giving services to the claimant owner, whether compensated or not, and</i> 3. their <i>the total combined net worth of the claimant owners and of the spouse of any owner.</i> <p>(c) If such person claiming the exemption is under sixty-five years of age, such affidavit shall have attached thereto a certification by the social security administration, the veteran’s administration, or the railroad retirement board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors licensed to practice medicine in this state <i>or are military officers on active duty who practice medicine with the United States Armed Forces</i>, to the effect that such person is permanently and totally disabled, as defined in section 20-3-2. The affidavit of at least one of such doctors shall be based upon a physical examination of such person. The affidavit of one of such doctors may be based upon medical information contained in the records of the civil service commission which is relevant to the standards for determining permanent and total disability as defined in section 20-3-2.</p>

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		<i>However, a certification pursuant to 42 U.S.C. § 423(d) by the social security administration shall be deemed to satisfy the requirement for a certification that the claimant is permanently and totally disabled, as defined in Section 20-3-2, so long as the person remains eligible for such social security benefits.</i>
Sec. 20-3-4.1		Add section to reflect notice requirement of Va. Code § 58.1-3213.1. Sec. 20-3-4.1. Notice of Real Estate Tax Exemptions for Certain Elderly and Disabled Persons. <i>The county treasurer shall enclose written notice, in each real estate tax bill, of the terms and conditions of this article and shall make other reasonable efforts as necessary to notify residents of the county of the real estate exemption in this article.</i>
Sec. 20-3-6.		Add FN: for state law as to the effect of change of status, see Code of Va., § 58.1-3215.
Article 3.1 Sec. 20-3.1-1		Amend to incorporate real estate tax exemption for surviving spouse of member of armed force KIA, Va. Code § 58.1-3219.9. Article 3.1 Real Estate Tax Exemptions for Certain Surviving Spouses of Members of Armed Forces Killed in Action. Sec. 20-3.1-1. Real Estate Tax Exemptions for Certain Surviving Spouses of Members of Armed Forces Killed in Action. <i>Pursuant to Code of Virginia § 58.1-3219.9, as amended, surviving spouses of a member of the armed forces of the United States killed in action are exempt from real estate taxation on the dwelling of the principal residence. If the value of the dwelling of the principal residence is in excess of the average assessed value of dwellings in the locality situated on property zoned as single family residential, then the portion of the value in excess of such average assessed value shall be subject to taxation.</i>
Sec. 20-4-2.		2009/2012 amendments to the definitions of the special classifications of real estate need to be incorporated into Fluvanna Code. The amendments apply to each definition, so suggestion is to add (f) and (g) to the current (a)—(e). (a) <i>Real estate devoted to agricultural use shall mean...</i> (b) <i>Real estate devoted to horticultural use shall mean...</i> (c) <i>Real estate devoted to forest use shall mean...</i> (d) <i>Real estate devoted to open-space use shall mean...</i> (e) <i>The minimum acreage requirement for special classifications of real estate shall be determined by adding together...</i> (f) <i>For the purpose of determining whether real estate qualifies as a special classification as defined hereinabove, prior, discontinued use of property shall not be considered in determining its current use.</i> (g) <i>Real property that has been designated as devoted to a special classification use, as defined hereinabove, shall not lose such designation solely because a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, provided that the property, excluding such portion, otherwise meets all the requirements for such designation. The portion of the property being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning shall be deemed a separate piece of property from the remaining property for purposes of assessment. The presence of utility lines on real property shall not be considered in determining whether the property, including the portion where the utility lines are located, is devoted to a special classification use. In determining</i>

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		<p><i>whether real property is devoted to a special classification use, zoning designations and special use permits for the property shall not be the sole considerations.</i></p> <p>Add FN: <i>for state law reference, see Code of Va., § 58.1-3230.</i></p> <p>Add FN to part (e): <i>for state law reference, see Code of Va., § 58.1-3233.</i></p>
Sec. 20-4-3.		<p>Add FN to title: <i>for state law reference, see Code of Va., § 58.1-3234.</i></p> <p>Discretionary Amendment: Consider updating the late filing fee (last updated in 2004). Fluvanna County’s late filing fee is \$10. Examples: Albemarle charges \$125 as a late filing fee. Henrico doubles the cost for late applications & late renewals: Late application: \$40+\$.20/acre; Late renewal: \$20+\$.10/acre.</p>
Sec. 20-4-4.		<p>Add code reference to section:</p> <p>Promptly upon receipt of any application under this article...In determining whether the subject property meets the criteria set forth in section 20-4-2, the commissioner of revenue may request an opinion, <i>as provided by Virginia Code § 58.1-3233.1</i>, from the director of the department of conservation and recreation...</p>
Sec. 20-4-6.		Add FN to title: <i>for state law reference, see Code of Va., § 58.1-3234.</i>
Sec. 20-4-7.		Add FN to title: <i>for state law reference, see Code of Va., § 58.1-3235.</i>
Sec. 20-4-8.		<p>Add FN to title: <i>for state law reference, see Code of Va., § 58.1-3237.</i></p> <p>Virginia Code § 58.1-3237 provides “liability for roll-back taxes shall attach and be paid to the treasurer only if the amount of tax due exceeds two ten dollars.” FluCode Sec. 20-4-8(a) is at \$2. Increase to \$10.</p>
Sec. 20-4-9.		Add FN to title: <i>for state law reference, see Code of Va., § 58.1-3238.</i>
Article 5		<p>Article 5 “Consumer Utility Taxes” is affected by the July 1, 2007 Commonwealth restructuring of telecommunication taxes. Locality authority to assess communication services taxes, including 911 fee, right-of-way fee, and general communication services taxes has been repealed. Taxation now occurs at state level under § 58.1-648, and is distributed to localities under § 58.1-662.</p> <p>Therefore, references to telecommunications and 911 taxes should be removed from this Article.</p> <p>Update FN 13: § 58.1-3812 → § 58.1-3814 et seq.</p>
Sec. 20-5-1.		<p>Update code reference in Affiliated Group: 58.1-3703(C)(10) → 58.1-3700.1</p> <p>Bad debts means any portion...telecommunication services... Consumer means a person who...makes a taxable purchase of local telecommunication or other services taxable pursuant to this article.</p>

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		<p>Enhanced services means services...with stored information.</p> <p>Gross Charges means, subject to... (f) Bad debts.</p> <p>Local telecommunication service, subject to the exclusions...service.</p> <p>Mobile service consumer means..of such service.</p> <p>Mobile telecommunications service means...June 1, 1999.</p> <p>Place of primary use means the street address..service provider.</p> <p>Residential consumer shall not...telecommunication service.</p> <p>Service address means the location...place of primary use.</p> <p>Service provider means, as appropriate to the context, every person engaged in the business of selling local telecommunication services, every person who delivers electricity to the consumer, and/or every gas utility.</p> <p>Taxable purchase means the acquisition...sales for resale.</p>
Sec. 20-5-2.		<p>(a) Subject to the limitations contained in Section Sections 20-5-9 and 20-5-6.1, there is hereby imposed and levied on a taxable purchase by a consumer of local telecommunication service if the consumer's service address is located in the county and on the consumers of the utility service or services provided within the county by any gas utility...</p> <p>(b) The tax levied pursuant to this section shall be calculated on a monthly basis according to the following rates:</p> <p>i. Repealed. Local telecommunication service — 20% of monthly gross...mobile service consumer;</p>
Sec. 20-5-6.		Sec. 20-5-6. Repealed. Duty of provider to report and remit; service provider of local telecommunication services.
Sec. 20-5-6.1.		Sec. 2-5-6.1. Repealed. Sourcing of Mobile Telecommunication Services.
Sec. 20-5-6.2.		Sec. 20-5-6.2. Repealed. Bundled Transaction of Services.
Sec. 20-5-9.		<p>Va. Code § 58.1-3812 permitting and regulating taxes on consumer purchases of local telecommunication services has been repealed. A similar provision exists for Commonwealth taxation, § 58.1-648, and provides distribution to localities under § 58.1-662. Locality no longer taxes telecommunication service. Repeal:</p> <p>As to the tax imposed and levied on consumer purchases of local telecommunication service, the tax imposed and levied by this article shall not apply within the limits of an incorporated town located within the county when such town constitutes a separate school district and such town imposes a town tax authorized by Virginia Code section 58.1-3812. Such tax shall not apply within the limits of any incorporated town located within the county when such town has enacted an ordinance on or before January 1, 2000, to impose a tax under Virginia Code section 58.1-3812 and such ordinance remains in effect.</p> <p>As to the tax imposed and levied...</p>
Sec. 20-5-10.		As to the tax imposed and levied by this article on consumer purchases of local telecommunication service, the tax imposed and levied by this article, or any change in such tax or structure already in existence, shall be effective 120 days subsequent to written

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		notice by certified mail from the county being received by the registered agent of the service provider that is required to collect the tax. As to the tax imposed and levied by this article...
Article 6.		Add FN 15: <i>For state law as to authority of county to impose probate tax, see Code of Va., § 58.1-1718.</i>
Article 8.1		Article 8.1 Local Tax for Enhanced 911 Service <i>must be repealed in accordance with tax restructuring.</i>
Sec.20-8.1-1.		Sec. 20-8.1-1 Repealed. Definitions.
Sec.20-8.1-2.		Sec. 20-8.1-2. Repealed. Finding that enhanced 911 service has been installed; imposition of local tax.
Sec.20-8.1-3.		Sec.20-8.1-3. Repealed. Deduction for accounting for and remitting tax.
Sec.20-8.1-4.		Sec. 20-8.1-4. Repealed. Taxes imposed by this Article separately accounted for.
Sec.20-8.1-5.		Sec. 20-8.1-5. Repealed. Special audit procedures available.
Article 9.		Add FN: <i>for state law as to authority of county to exempt solar energy equipment, facilities or devices from certain taxes, see Code of Va., § 58.1-3661.</i> 2014 amendments to the Virginia Code, see changes below:
Sec. 20-9-1.		<i>Certified solar energy equipment, facilities or devices mean any property, including real or personal property, equipment, facilities or devices, excluding any such property that is exempt under Virginia Code section 58.1-3660, certified by the Building Official to be designed and used primarily for the purpose of providing for the collection and use of incident solar energy for water heating, space heating or cooling or other application which would otherwise require a conventional source of energy such as petroleum products, natural gas or electricity collecting, generating, transferring, or storing thermal or electric energy.</i>
Sec. 20-9-4.		There are two Section 20-9-4. Revise as follows: Sec. 20-9-4. Requirements. <i>Sec. 20-9-4.1. 20-9-4. Application generally.</i>
Sec. 20-9-9.		The exemption determined by the Commissioner of Revenue as provided in this article shall be effective beginning the first day of the tax year next succeeding the certification by the Building Official and shall remain in effect for such tax year and the following four (4) <i>five (5)</i> tax years, <i>in accordance with Code of Virginia Section 58.1-3661.</i>
		<u>Chapter 21</u> <u>Water and Sewage Disposal</u>
Fluvanna Code §§	Virginia Code §§	Amendment
Art. 1		Update code reference in FN 1: § 15.1-292 → 15.2-2109 et seq.

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<p>Sec. 21-1-5(A).</p>	<p>Add alternative discharging on-site sewerage systems: (A) In addition to any permit required by the Virginia Department of Health for the installation of any onsite sewage disposal system pursuant to Virginia Code Section 32.1-164, the owner of each property in the County shall obtain a County permit from Fluvanna County prior to the construction, installation, modification or operation of a sewerage system <i>or an alternative discharging on-site sewerage system</i> for which a permit is required pursuant to the said Section 32.1-164. Such County permit issued by Fluvanna County shall be issued jointly with, and upon the same terms as, the permit issued by the Commonwealth.</p> <p>Update code reference in FN 2: § 15.1-120 → 15.2-2157.</p>
<p>Sec. 21-1-6.</p>	<p>Discretionary: Current permit fee for private water well is \$25.00 (updated 1998). Va. Code §32.1-176.4 provides for a fee of \$40.</p> <p>Update code reference FN 3: § 15.1-510 → 15.2-1200, § 15.1-510.1 → 15.2-1217.</p>
<p>Art. 2</p>	<p>Article 2. Cross-connections and backflow prevention has undergone 12 revisions in the last 25 years. Update:</p>
<p>Sec. 21-2-1.</p>	<p>The board of supervisors hereby adopts by reference Section 6.00, Cross-Connection and Backflow Prevention Control in Waterworks, Commonwealth of Virginia Waterworks Regulations <i>the regulations of the Department of Health, 12VAC5-590-10 et seq., regarding waterworks.</i></p>
<p>Sec. 21-2-2.</p>	<p>Consumer. The owner or person in control of any premises supplied by or in any manner connected to a waterworks. Any person who drinks water from a waterworks.</p> <p>Pure water or potable water. Water fit for human consumption that is and use which is sanitary and normally free of minerals, organic substances and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in quantity and quality supply for the minimum health requirements of the persons served. See Code of Va., § 32.1-167, et seq.</p> <p>Service connection. The terminal end of a service line from the waterworks. The point of delivery of water to a customer's building service line as follows:</p> <ol style="list-style-type: none"> 1. If a meter is installed, the service connection is the downstream side of the meter; at the end of the service, then the service connection means the downstream end of the meter 2. If a meter is not installed, the service connection is the point of connection to the waterworks; 3. When the water purveyor is also the building owner, the service connection is the entry point to the building. <p>Used water. Any water supplied by a water purveyor from the waterworks to a consumer's water system after it has passed through the service connection.</p> <p>Waterworks. A system that serves piped water for human consumption to at least fifteen (15) service connections or twenty-five (25) or more individuals for at least sixty (60) days out of the year. All structures, equipment and appliances appurtenances used in</p>

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		connection with the collection, storage, purification, and treatment <i>and distribution</i> of <i>pure</i> water for drinking or domestic use and the distribution thereof to the public or residential consumers as set forth in section 32.1-167 of the Code of Virginia, <i>except the piping and fixtures inside the building where such water is delivered.</i>
Sec. 21-2-6.		Replace the term “potable” water with “ <i>pure</i> ” water. Sec. 21-2-6. Protection of potable <i>pure</i> water; unsafe outlets to be labeled. The potable <i>pure</i> water made available on the properties served by the waterworks shall be protected from possible contamination or pollution by enforcement of this article and the county plumbing code. Any water outlet which could be used for potable or domestic purposes and is not supplied by the potable <i>pure</i> water system shall be labeled as “Water Unsafe for Drinking” in a conspicuous manner.
Art. 3		Add FN to title: <i>for state law authorizing County regulation of land application of biosolids, see Code of Va., § 62.1-44.16, et seq.</i> The enabling portion of VAC was repealed in 2013. State Water Control took over. Updates:
Sec. 21-3-1.		The board of supervisors hereby adopts by reference section 5-585-10 <i>25-32-10</i> , <u>Definitions</u> , of Volume 12-9 of the Virginia Administrative Code. ...
Sec. 21-3-2.		Add FN: <i>For similar state law provisions, see Code of Va., § 62.1-44:15.</i>
Sec. 21-3-3.		Notice requirements have been substantially amended here. (a) Any applicant to the Virginia State Water Control Board for an operational permit to land apply biosolids to any lands of the County shall notify the Planning director of his intent to obtain sub permit no more than three (3) days after application to the Virginia State Water Control Board for such permit and at least <i>one hundred (100)</i> fourteen (14) days before the time of the proposed land application.... ¹ (b) (9) Any other information required by 12-9 Virginia Administrative Code 5-585-620 <i>25-32-60</i> and 5-585-630 <i>25-32-70</i> . (e) ...The required notice and signs shall contain the following information <i>only</i> : (2) a statement that the permit holder (listed by name) is land applying biosolids to land in the County that has been approved by the Virginia State Water Control Board <i>The name of the permit holder;</i> (3) The tax map number for the land to which biosolids are being applied; (4) The name, telephone number and address of the hauler of the biosolids; (5) The source of the biosolids to be applied; (6) The telephone number of the field technicians who will be land applying the biosolids; (7) The name, telephone number, and address of the field technicians who will be land applying the biosolids; (8) The name, telephone number, and address of the owner and/or lessee of the land to which the biosolids are being applied;

¹ For state law reference, see Code of Va., § 62.1-44.19:3(K).

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		<p>and</p> <p>(9) The telephone number for the Fluvanna County Department of Planning and Development, the Thomas Jefferson Soil and Water Conservation District and the Virginia State Water Control Board.</p> <p>(3) <i>The telephone number of an individual designated by the permit holder to respond to complaints and inquires; and</i></p> <p>(4) <i>Contact information for the Virginia State Water Control Board, including a telephone number for complaints and inquiries</i></p> <p><i>(i) Upon posting the signs at a land application site prior to commencing land application, the permittee shall deliver or cause to be delivered written notification to the Planning Director, unless advised in writing that notification is not required, of the posting of the signs. The permit holder shall make a good faith effort to replace or repair any sign that has been removed from a land application site or that has been damaged so as to render any of its required information illegible prior to five business days after completion of land application.</i></p> <p><i>(k) The permit holder shall not remove the signs until at least 30 days after land application has been completed at the site.</i></p> <p><i>(l) No more than 24 hours prior to commencing land application activities, including delivery of biosolids to a permitted site, the permittee shall notify in writing the Planning Director unless the Planning Director requests in writing not to receive the notice. This notification shall include identification of the biosolids source and shall include only sites where land application activities will commence within 24 hours or where biosolids will be staged within 24 hours.</i></p>
<p>Sec. 21-3-3.1</p>		<p>Add Section:</p> <p>Sec. 21-3-3.1 Board certification for storage of sewage sludge.</p> <p><i>Pursuant to Virginia Code Section 62.1-44:19.3, the Board of Supervisors shall review any application for a permit or variance to authorize the storage of sewage sludge and confirm or deny that the storage site is consistent with all applicable ordinances within thirty days of receiving the request for certification.</i></p> <p><i>If the Board fails to respond to the request for certification within thirty days of receipt of the request, the site shall be deemed consistent.</i></p> <p><i>Where there may be site-specific conditions, including soil type, identified during the permit application process, which may require special conditions to protect the environment or health, safety or welfare of persons residing in the vicinity of a proposed land application site, the Board may from time to time provide written requests or recommendations to the Department of Environmental Quality in its certification.</i></p>
<p>Sec. 21-3-5.</p>		<p>Add FN: <i>For state regulations, see 9VAC25-31-475 and 9VAC25-32-515.</i></p> <p>Reporting requirements substantially changed:</p> <p>(a) <i>If the Planning Director has reason to believe or receives a complaint that biosolids are being or have been land applied to County lands not in compliance with a valid operational permit, state laws and regulations or the requirements of this article, he may require the person land applying such biosolids or the owner of the land to which biosolids are being or</i></p>

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		<p>have been land applied to demonstrate compliance. If such person or owner is unable to demonstrate compliance to the satisfaction of the Planning Director, the Planning Director may suspend any further land application of biosolids on such lands until compliance can be demonstrated—he shall notify the Department of Environmental Quality and the permit holder. He shall further have the authority to order the abatement of any violation. Such abatement order shall identify the activity constituting the violation, specify the Code provision or regulation violated by the activity, and order the activity cease immediately, as authorized by Virginia Code Sections 62.1-44.19:3, 62.1-44.19:3.2....</p> <p>(c) Failure to comply with the provisions...the Planning Director shall have authority to take action to abate any violation of this Article as authorized by Virginia Code Section Sections 32.1-64.7-62.1-44.16:1, 62.1-44.19:3.2.</p> <p>(d) If the Planning Director receives a complaint concerning land application of biosolids, he shall notify the State Water Control Board and the permit holder within 24 hours of receiving the complaint.</p> <p>(e) The Planning Director shall promptly notify the State Water Control Board of all results from the testing and monitoring of the land application of biosolids performed by persons employed by Fluvanna County and any violation of §§ 62.1-44.19:3, 62.1-44.19:3.1, 62.1-44.19:3.3 of the Code of Virginia.</p>
Art. 4		<p>Art. 4 Public Sewer is drawn from the Virginia State Water Control Law and the Federal Water Pollution Control Act 33 U.S.C. 1251 et seq. with VAC regulations, updates:</p>
Sec. 21-4-1.		<p>Add FN: as to County’s authority regarding public sewer, see Code of Va., § 15.2-2122. As to state law regarding public sewer, see Code of Va., § 62.1-44.2 et seq.</p>
Sec. 21-4-9.		<p>Approval Authority means the Executive Director or Director of the Department of Environmental Quality (“DEQ”).</p> <p><i>“Discharge,” when used without qualification, means the discharge of a pollutant.</i></p> <p><i>“Discharge of a pollutant” means:</i></p> <ol style="list-style-type: none"> 1. Any addition of any pollutant or combination of pollutants to surface waters from any point source; or 2. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. <p><i>This definition includes additions of pollutants into surface waters from: surface run-off which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.</i></p> <p>Existing source shall mean any source of discharge, the construction or operation of which commenced prior to the publication of the proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act which is not a new source or a new discharger.</p> <p><i>“New discharger” means any building, structure, facility, or installation:</i></p> <ol style="list-style-type: none"> 1. From which there is or may be a discharge of pollutants; 2. That did not commence the discharge of pollutants at a particular site prior to August 13, 1979; 3. Which is not a new source; and

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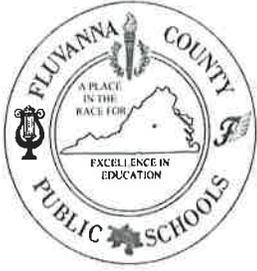
		<p>4. Which has never received a finally effective VPDES permit for discharges at that site.</p> <p><i>This definition includes an indirect discharger which commences discharging into surface waters after August 13, 1979.</i></p> <p>Owner shall mean the Commonwealth or any of its political subdivisions including, but not limited to, sanitation district commissions and authorities, and public or private institutions, corporations, associations, firms or companies organized or existing under the laws of this or any other state or country, or any person or group of persons acting individually or as a group <i>that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of § 62.1-44.5 of the Code of Virginia.</i></p> <p><i>"Virginia Pollutant Discharge Elimination System permit" or "VPDES permit" means a document issued by the board pursuant to this chapter authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters and the use of biosolids or disposal of sewage sludge. Under the approved state program, a VPDES permit is equivalent to an NPDES permit.</i></p> <p><i>"VPDES application" or "application" means the standard form or forms, including any additions, revisions or modifications to the forms, approved by the administrator and the board for applying for a VPDES permit.</i></p> <p>Add FN: <i>for state regulations, see 9VAC25-31-10.</i></p>
Sec. 21-4-22.		<p>(a) The connection of a building sewer into a treatment works shall conform to the requirements of the building and plumbing code or other applicable requirements of the County, or the procedures set forth in appropriate specifications of the Commonwealth of Virginia Sewerage Regulations <i>State Water Control Board regulations</i>, Uniform Building Code of Virginia, and American Society of Testing Materials...</p>
Sec. 21-4-28.		<p>Add FN: <i>For state regulations, see 9VAC25-31-780.</i></p>

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 18, 2015

AGENDA TITLE:	FY15 to FY16 Schools Carryover Request				
MOTION(s):	<p>I move the Board of Supervisors disapprove carryover of FY15 Fluvanna County Public Schools unexpended local funds in the amount of \$_____ (pending final audit results) and to increase the FY16 Schools local appropriation from \$16,109,416 to \$_____.</p> <p>I move the Board of Supervisors approve/disapprove carryover of FY15 Fluvanna County Public Schools unexpended local funds in the amount of \$_____ (pending final audit results) and to increase the FY16 Schools local appropriation from \$16,109,416 to \$_____.</p>				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		X			
STAFF CONTACT(S):	Mary Anna Twisdale, Management Analyst				
PRESENTER(S):	Gena Keller, Schools Superintendent				
RECOMMENDATION:	Approve/Disapprove				
TIMING:	Routine.				
DISCUSSION:	<p>Fluvanna County Public Schools are requesting a local funds carryover from FY15 to FY16.</p> <p>Schools finished the year with a surplus of local funds due to:</p> <ul style="list-style-type: none"> • Lower fuel costs (heat & vehicle) • Higher than projected ADM • Higher other local revenue • Slightly higher federal funds 				
FISCAL IMPACT:	This supplemental appropriation, if approved, would authorize staff to appropriate the additional funds to FY16 revenue and expenditures in the Fluvanna County Public Schools general operating budget.				
POLICY IMPACT:	None				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	None.				

REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X			



FLUVANNA COUNTY PUBLIC SCHOOLS

14455 JAMES MADISON HIGHWAY
PALMYRA, VIRGINIA 22963

Phone: (434) 589-8208 Fax: (434) 589-2248

November 10, 2015

Steven M. Nichols, County Administrator.
Fluvanna County
Post Office Box 540
Palmyra, VA 22963

Dear Mr. Nichols:

The Fluvanna County School Board at their October 14, 2015 meeting directed that I deliver the following request to the Fluvanna County Board of Supervisors.

The Fluvanna County School Board requests that \$637,048.11 of un-expended Fiscal Year 2015 funds be re-allocated to the Division's Fiscal Year 2016 General Operating Budget or such other amount deemed appropriate by the Board of Supervisors.

I am asking that our request be included on the Board of Supervisors agenda for November 18, 2015. If you have any questions, please contact me at 434-589-8208.

Sincerely,

Gena C. Keller
Superintendent

The Fluvanna County School Board is committed to nondiscrimination with regard to sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information, or any other characteristic protected by law. This commitment will prevail in all of its policies and practices concerning staff, students, educational programs and services, and individuals and entities with whom the Board does business. Mr. Charles Winkler, Assistant Superintendent, is designated as the responsible person (Compliance Officer) regarding assurances of nondiscrimination. Any complaint alleging discrimination based on a disability shall be directed to Ms. Katrina Lee, Director of Special Education (the Section 504 Coordinator). Both may be reached at the following address: 14455 James Madison Highway, Palmyra, VA 22963; telephone (434) 589-8208. The Fluvanna County School Board is an Equal Opportunity Employer.

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 18, 2015

AGENDA TITLE:	FY16 Farm Heritage Museum Funding Request																
MOTION(s):	I move the Board of Supervisors withdraw the FY17 CIP proposal for the Farm Heritage Museum in the amount of \$110,000.00, including \$10,000 of proposed County funding, and further move to approve an amendment to the FY16 CIP for the Farm Heritage Museum in the amount of \$128,299.00, with \$15,000 funded from existing County Proffers and \$113,299.00 to be funded by grants or from other local sources.																
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other												
		X															
STAFF CONTACT(S):	Jason Smith, Parks and Recreation Director																
PRESENTER(S):	Jason Smith																
RECOMMENDATION:	Approve																
TIMING:	Immediately to begin planning phase of project.																
DISCUSSION:	<ul style="list-style-type: none"> • The Farm Heritage Museum was originally requested in the FY16 CIP with \$10,000 coming from fund balance. • The Project was deferred until FY17 pending Historical Society funding. • Fluvanna Historical Society has raised \$113,299 to date. • The Historical Society is requesting an additional \$5,000 of funds, for a total of \$15,000, to assist in securing additional grant funding. • The Board may consider funding the project in FY16 with \$15,000 of existing County Proffer funds • Current Proffer balance \$71,500.00 <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #4F81BD; color: white;"> <th style="text-align: left;">Funding Agency</th> <th style="text-align: right;">Amount</th> </tr> </thead> <tbody> <tr> <td>CACF (Deposited to date at the Charlottesville Area Community Foundation)</td> <td style="text-align: right;">\$76,804</td> </tr> <tr> <td>Deposit</td> <td style="text-align: right;">\$6,495</td> </tr> <tr> <td>Perry Foundation</td> <td style="text-align: right;">\$30,000</td> </tr> <tr> <td>* Fluvanna County</td> <td style="text-align: right;">\$15,000</td> </tr> <tr> <td style="text-align: right;">Total:</td> <td style="text-align: right;">128,299.00</td> </tr> </tbody> </table>					Funding Agency	Amount	CACF (Deposited to date at the Charlottesville Area Community Foundation)	\$76,804	Deposit	\$6,495	Perry Foundation	\$30,000	* Fluvanna County	\$15,000	Total:	128,299.00
Funding Agency	Amount																
CACF (Deposited to date at the Charlottesville Area Community Foundation)	\$76,804																
Deposit	\$6,495																
Perry Foundation	\$30,000																
* Fluvanna County	\$15,000																
Total:	128,299.00																
FISCAL IMPACT:	Reduce existing Proffers by \$15,000.																
POLICY IMPACT:	N/A																
LEGISLATIVE HISTORY:	N/A																
ENCLOSURES:	N/A																
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other												
		X															

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 18, 2015

AGENDA TITLE:	Parks and Recreation Kayak Rental Fee Structure				
MOTION(s):	I move that the Board of Supervisors approve the proposed fee structure for Parks and Recreation Kayak rentals to be effective immediately.				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		X			
STAFF CONTACT(S):	Jason Smith/Parks and Recreation Director				
PRESENTER(S):	Jason Smith				
RECOMMENDATION:	Approve				
TIMING:	Immediately				
DISCUSSION:	Parks and Recreation has recently invested in 4 kayaks for community rental opportunities and would like to advertise these rates as soon as they are approved.				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	Current canoe rental rates as well as fee structure for kayak rentals.				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other



Fluvanna Parks and Recreation Canoe Rentals

November 18, 2015



Kayak Rental Rate

Canoe Rentals	Resident	\$25.00 ea	Per Day	\$100 Deposit
	Resident	\$45.00 ea	Weekend	\$100 Deposit
	Non Resident	\$35.00 ea	Per Day	\$100 Deposit
	Non Resident	\$55.00 ea	Weekend	\$100 Deposit

Kayak Rentals	Resident	\$25.00 ea	Per Day	\$100 Deposit
	Resident	\$45.00 ea	Weekend	\$100 Deposit
	Non Resident	\$35.00 ea	Per Day	\$100 Deposit
	Non Resident	\$55.00 ea	Weekend	\$100 Deposit

Questions?



FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 18, 2015

AGENDA TITLE:	Appointment to the Economic Development Authority, At Large Position				
MOTION(s):	I move to appoint _____ to the Economic Development Authority, At Large Position, replacing Donnie Scott who resigned, with a term to begin immediately and to terminate June 30 2018.				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		X			
STAFF CONTACT(S):	Kelly Belanger Harris, Clerk to the Board				
PRESENTER(S):	Steven M. Nichols, County Administrator				
RECOMMENDATION:	Approval				
TIMING:	Normal				
DISCUSSION:	Applicants who have shown an interest in this position are: David Perry Curtis Putnam				
FISCAL IMPACT:	None				
POLICY IMPACT:	None				
LEGISLATIVE HISTORY:	None				
ENCLOSURES:	Boards and Commissions Applications				
REVIEWS	Legal	Finance	Purchasing	HR	Other

Interest in Economic Development Authority (EDA)

Cunningham

Last Name **First Name** **Date Recieved**
Mailing Address **City** **State** **Postal Code**
Home Phone **Work Phone** **Cell Phone/Other**
Fax **Email Address**
Physical Address **City** **State** **Postal Code**

Education and Experience:

20 years CEO/President of technology based manufacturing business (resume enclosed)

Civic Activities and Committee Memberships:

Virginia Herpetological Society

Interest in Committee:

Economic Development Authority, Economic Development Commission, Fork Union sanitary District Advisory Committee, Parks & Recreation Advisory Board, Planning Commission, Southeast Rural Community Assistance Project, Inc., Thomas Jefferson Partnership for Economic Development

Comments:

Interest in Economic Development Authority (EDA)

Columbia

Last Name Putnam **First Name** Curtis **Date Recieved** 6/1/2015
Mailing Address 16408 James Madison Hwy. **City** Palmyra **State** VA **Postal Code** 22963-
Home Phone **Work Phone** **Cell Phone/Other** (434) 906-8400
Fax **Email Address** curtislputnam@hotmail.com
Physical Address **City** **State** **Postal Code**

Education and Experience:

Retail Sales - Sears 4 years, Maintenance Technician - Fluvanna County 11 years. Western Michigan University, BS Sociology, Chemistry, Teaching; Penn Valley Community College, coursework in Psychology and Accounting; University of MO, KC - 1 year Masters level in Biochemistry; Piedmont Virginia Community College, Project Management, Reading Construction Documents, and Personal Development courses.

Civic Activities and Committee Memberships:

Writers Group of Fluvanna, Founded and participated for 7 years. Fluvanna County Leadership Development Course (2007?). Kiwanis Club, 1 year; Tiger Team, Fluvanna County Government, 2014.

Interest in Committee:

I wish to be a vital part of my community, adding my experience, expertise and enthusiasm to a number of essential services. I will retire this July and wish to maintain and access my extensive network of friends in County Government.

Comments:

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 18, 2015

AGENDA TITLE:	JAUNT Annual Briefing				
MOTION(s):	N/A				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
			XX		
STAFF CONTACT(S):	Steve Nichols, County Administrator				
PRESENTER(S):	Brad Sheffield, JAUNT Executive Director (and Member of the Albemarle County Board of Supervisors)				
RECOMMENDATION:	N/A				
TIMING:	Current				
DISCUSSION:	Annual update to the Board.				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	N/A				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 18, 2015

AGENDA TITLE:	Adoption of the Fluvanna County Board of Supervisors Regular Meeting Minutes.				
MOTION(s):	I move the meeting minutes of the Fluvanna County Board of Supervisors for Wednesday, November 4, 2015 Regular Meeting, be adopted.				
CATEGORY	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				XX	
STAFF CONTACT(S):	Kelly Belanger Harris, Clerk to the Board				
PRESENTER(S):	Steven M. Nichols, County Administrator				
RECOMMENDATION:	Approve				
TIMING:	Routine				
DISCUSSION:	None				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	None				
ENCLOSURES:	Draft minutes for November 4, 2015				
REVIEWS	Legal	Finance	Purchasing	HR	Other

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Court Room
November 4, 2015
Regular Meeting 4:00pm

MEMBERS PRESENT:

Mozell Booker, Fork Union District, Chairperson
 Bob Ullenbruch, Palmyra District, Vice-Chairperson
 Tony O'Brien, Rivanna District (Arrived at 4:03 PM)
 Mike Sheridan, Columbia District (Arrived at 4:14 PM)
 Donald W. Weaver, Cunningham District

MEMBERS ABSENT:

None.

ALSO PRESENT:

Steven M. Nichols, County Administrator
 Fred W. Payne, County Attorney
 Kelly Belanger Harris, Clerk to the Board of Supervisors

CALL TO ORDER

At 4:01pm, Chair Booker called the Regular Meeting of November 4, 2015 to order. After the recitation of the Pledge of Allegiance, Mr. Weaver read the following tribute to Mr. Thomas Bugg, former County Supervisor:

Tom Bugg, former member of the Board of the Fluvanna County Supervisors for 12 years, was put to rest on Monday, November 2, 2015 at Seay's Chapel United Methodist Church in Fluvanna County. In attendance were former and present Supervisors, Tom Payne, Ryland Watts, Mozell Booker, Don Weaver, and County Attorney, Fred Payne.

Mr. Bugg graduated from Fluvanna County High School and later from VPI after the war. As a prisoner of war from October 6, 1944 to April 28, 1945, he was marched through Europe until, out of 1400 prisoners, he was one of 400 that lived through that winter march. A true hero and patriot, the Board wishes to salute and thank him for his service.

Following this tribute, a moment of silence was observed.

ADOPTION OF AGENDA**MOTION**

Mr. Weaver moved to accept the Agenda for the November 4, 2015 Regular Meeting of the Board of Supervisors with addition of the Central Virginia Regional Jail Authority Appointment to New Business. Mr. Ullenbruch seconded and the Agenda was adopted by a vote of 4-0. AYES: Booker, Ullenbruch, O'Brien, and Weaver. NAYS: None. ABSENT: Sheridan.

COUNTY ADMINISTRATOR'S REPORT

Mr. Nichols reported on the following:

- Congratulations to our newly elected officials:
 - BOARD OF SUPERVISORS - PALMYRA DISTRICT—Patricia B. Eager
 - CLERK OF CIRCUIT COURT—Tristana Pace Treadway
 - SCHOOL BOARD - FORK UNION DISTRICT—Perrie J. Johnson
 - SCHOOL BOARD - PALMYRA DISTRICT—Brenda P. Pace
 - SOIL AND WATER CONSERVATION DIRECTOR—Angus A. Murdock, Thomas A. "Tom" Pratley
- Gail Parrish, HR Manager
 - Singled out by Workers Compensation Auditor for exemplary performance and support.
- Fluvanna County Ornament for the Governor's Mansion Tree, "Fluvanna County's Old Courthouse"
 - Created by Catherine Hamilton – Fluvanna Art Association Member
- Patrick Dempsey, FLDP Class Member
 - Identified a serious safety issue that had not been noticed or reported previously. Temporary fix now in place while permanent solution implemented
- Congratulations to Jonathan Pace, Active Older Adult & Special Events Recreation Program Specialist, Passed his Certified Parks and Recreation Professional (CPRP) exam in October.
 - All 4 program staff are now CPRP certified
 - No other P&R department in Virginia has all program staff CPRP certified!
- New Chamber of Commerce President, Debbie Lucado, Union Bank
- Fluvanna County Business Climate Survey
- New Planner Onboard Monday, Oct 26th--Mr. James Newman
- New Kayaks (4) at Parks & Recreation
- New Fire Truck for Palmyra Station
- Breakfast for our Elected State Representatives
 - Getting assistance from David Blount, TJPDC Legislative Liaison
 - Was not able to coordinate schedules for a fall event
 - Working on plans to schedule in the spring

BOARD OF SUPERVISORS' UPDATES

Sheridan—Absent for updates.

Weaver—Social Services Board.

Ullenbruch—Social Services Board.

O'Brien—None.

Booker—Mayors and Chairs.

Following updates by the Board of Supervisors, Mr. Sheridan read into the official record a letter dated October 22, 2015, and declaring his disqualification from any and all actions and discussion regarding the Louisa County Water Authority Special Use Permit 15:06 application. Letter attached at end of minutes.

PUBLIC COMMENTS #1

Chair Booker opened the first round of Public Comments.

With no one else wishing to speak, Chair Booker closed the first round of Public Comments.

PUBLIC HEARINGS

None.

ACTION MATTERS

TJPDC Legislative Program—David Blount, TJPDC Legislative Liaison, brought to the Board the draft Legislative Program to be advanced by the Thomas Jefferson Planning District Commission.

MOTION

Mr. Ullenbruch moved to adopt the Draft Thomas Jefferson Planning District Legislative Program for 2016.

Mr. Weaver seconded and the motion passed 5-0. AYE: Booker, Ullenbruch, O'Brien, Sheridan, & Weaver.

NAY: None. ABSENT: None.

Vehicle for Crime Scene Investigator—Sheriff Eric Hess, Sheriff's Department, presented a proposal, requested by Mr. Ullenbruch, to purchase a new crime scene vehicle for the Sheriff's Department. Sheriff Hess described specifications for the vehicle and responded to general questions from the Board.

MOTION

Mr. Ullenbruch moved to approve the purchase of a Ford F150 truck as a replacement Investigation Crime Scene vehicle for the Sheriff's Office, with the total price including accessories not to exceed \$35,000, and with such funds to come from the Unassigned Fund Balance. Mr. O'Brien seconded and the motion passed 4-1. AYE: Booker, Ullenbruch, O'Brien, Sheridan. NAY: Weaver. ABSENT: None.

Additional Degrees, Certifications, and Licensures Policy—Gail Parrish, Human Resources Manager, returned to the Board with modifications to the Additional Degrees, Certifications, and Licensures Policy, as directed by the Board, for approval.

MOTION

Mr. Weaver moved to ratify the updated Policy I.5, Additional Compensation for Degrees, Licensures and Certifications as presented, and with the elimination of the degree applicability requirement. Mr. Sheridan seconded and the motion passed 5-0. AYE: Booker, Ullenbruch, O'Brien, Sheridan, & Weaver.

NAY: None. ABSENT: None.

Approval of the Agreement for the Zion Crossroads Water & Sewer System Design—Eric Dahl, Finance Director & Cyndi Toler, Purchasing Officer, a request to engage Dewberry Engineers Inc. for multiple projects relating to design and construction services of the water and sewer system at Zion Crossroads in Fluvanna County. Ms. Toler noted that the firm may also be expected to assist the County with review of construction plans and specifications for the water and sewer system. Task orders for each project related to the water and sewer system described herein shall be issued by the County Administrator as services are needed and approved by the Board of Supervisors.

After broad discussion,

MOTION

Mr. O'Brien moved the Board of Supervisors approve a term agreement between the County of Fluvanna, Virginia, and Dewberry Engineers Inc., for Zion Crossroads Water & Sewer System design and related services, along with issuing the following task orders:

1. PER Validation - \$22,550
2. Geotechnical Engineering for Water and Sewer Lines - \$49,800
3. Environmental Investigation & Permitting Services Entire Project – \$25,210
4. Utility Designation along Route 250 and at the Women's Prison – \$57,530
5. Water and Sewer Lines – Preliminary Design (through 65%) – \$64,380
6. Elevated Water Storage Tank - Design - \$86,865
7. Water Booster Station - Design - \$54,475
8. Sewage Pump Station - Design - \$69,885

Totaling \$430,695, and further authorize the County Administrator to execute the agreements subject to approval as to form by the County Attorney.

Mr. Sheridan seconded and the motion passed 3-2. AYE: Booker, O'Brien, Sheridan. NAY: Ullenbruch, Weaver. ABSENT: None.

PRESENTATIONS

VDOT Quarterly Report—Joel DeNunzio, VDOT Charlottesville Residency Administrator, presented the quarterly report of Virginia Department of Transportation activities in Fluvanna County. Mr. DeNunzio highlighted the completion of the bridge over the Hardware River on Rt. 6, and possible changes to VDOT Residency locations.

Farm Heritage Museum Update—Marvin Moss, Fluvanna Historical Society, brought before the Board an update on the progress of the Farm Heritage Museum. Mr. Moss informed the Board of Farm Heritage Museum finances, and asked the Board to consider raising a CIP allocation from \$10,000 to \$15,000 in order to expedite building the museum.

FCPS FY17 Budget Focus – Gena Keller, FCPS Superintendent, presented a report of preliminary discussions regarding the FY17 budget process, highlighting successes of the past year and challenges for the upcoming budget season.

FY15 Annual and FY16 Mid-Year Parks & Recreation Reports—Jason Smith, Parks and Recreation Director, presented an update to the Board on Parks and Recreation activities, expenditures, and revenue. The Board expressed their appreciation for the tracking data being maintained by P&R.

FUSD Rate Structure—Wayne Stephens, Public Works Director and County Engineer, returned to the Board with an updated FUSD rate structure and modelling. Mr. Stephens noted necessary improvements that are worked into the plan, as well as when solvency is expected.

FY15 4th Quarter Budget Report—Mary Anna Twisdale, Management Analyst, presented the FY15 4th quarter budget report. Ms. Twisdale responded to questions regarding the Central Virginia Regional Jail debt, CSA expenditures, and Social Services.

FY16 1st Quarter Budget Report—Mary Anna Twisdale, Management Analyst, presented a report on first quarter finances.

CONSENT AGENDA

The following were approved under the Consent Agenda:

Minutes of October 7, 2015 Meeting—Kelly Belanger Harris, Clerk to the Board

Minutes of October 21, 2015 Meeting—Kelly Belanger Harris, Clerk to the Board

Litter Grant Award—Jason Smith, Parks and Recreation Director

MOTION

Mr. Weaver moved to approve the items on the Consent Agenda for November 4, 2015. Mr. Ullenbruch seconded and the motion passed 5-0. AYES: Booker, Ullenbruch, O'Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Appointment/Reappointment to the Central Virginia Regional Jail Board—Steven M. Nichols, County Administrator, brought

MOTION

Mr. Sheridan moved to appoint Bob Ullenbruch as Fluvanna citizen representative, with a term to begin January 1, 2016. Mr. Weaver seconded and the motion passed 5-0. AYES: Booker, Ullenbruch, O'Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

PUBLIC COMMENTS #2

At 7:26pm Chair Booker opened the second section of Public Comments.

With no one wishing to speak, Chair Booker closed the second round of public comments at 7:26pm.

CLOSED SESSION**MOTION TO ENTER INTO A CLOSED MEETING**

At 7:27pm, Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.6 & A.7 of the Code of Virginia, 1950, as amended, for the purpose of discussing Investment of Funds and Legal Matters. Mr. Sheridan seconded and the motion carried, with a vote of 5-0. AYES: Booker, Ullenbruch, O'Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

MOTION TO EXIT A CLOSED MEETING & RECONVENE IN OPEN SESSION

At 9:33pm, Mr. Weaver moved that the Closed Meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session and "BE IT RESOLVED, the Board of Supervisors does hereby certify to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711-A of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting." Mr. O'Brien seconded and the motion

carried, with a roll call vote of 5-0. AYES: Booker, Ullenbruch, O'Brien, Sheridan, and Weaver. NAYS: None. ABSENT: None.

ADJOURN

MOTION:

At 9:34pm Mr. Weaver moved to adjourn the meeting of Wednesday, November 4, 2015. Mr. Sheridan seconded and the motion carried with a vote of 5-0. AYES: Booker, Ullenbruch, O'Brien, Sheridan, & Weaver. NAYS: None. ABSENT: None.

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

Kelly Belanger Harris
Clerk to the Board

Mozell H. Booker
Chairperson

DRAFT



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

BOARD OF SUPERVISORS

- Mozell H. Booker, Chair
Fork Union District
- Robert Ullenbruch, Vice Chair
Palmyra District
- Mike Sheridan
Columbia District
- Donald W. Weaver
Cunningham District
- Tony O'Brien
Rivanna District

STAFF

- Steven M. Nichols
County Administrator
- Kelly Belanger Harris
Clerk to the Board

October 22, 2015

COPY

Mrs. Mozell Booker
Chairperson
Fluvanna County Board of Supervisors
132 Main Street
Palmyra, VA 22963

Dear Mrs. Booker:

I write with respect to the raw waterline which is proposed to be built between Columbia and Ferncliff by the Louisa County Water Authority and the application for special use permit which is currently pending before the Board of Supervisors (SUP 15:06). It has been brought to my attention that a portion of this line is proposed to be located on real property owned by me. I have discussed this fact with the county attorney, and he has advised me that this probably gives me a personal interest in the board's consideration of that special use permit.

He has further advised me that, while my interest may fall within one of the exemptions provided by law, the better practice would be for me to disqualify myself from participating in the board's consideration of the special use permit.

Accordingly, from now on, I will not vote or in any manner act on behalf of the board with respect to this permit application; will not attend any portion of a closed meeting authorized by the Virginia Freedom of Information Act when the permit application is discussed; and will not discuss the permit application with other governmental officers or employees at any time.

I request that this disqualification be recorded in the County's public records.

John M. Sheridan
Supervisor
Columbia District



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911
www.fluvannacounty.org

P

MEMORANDUM

Date: November 18, 2015
From: Finance Department
To: Board of Supervisors
Subject: **Accounts Payable Report for October 2015**

1. Staff recommends that the Board of Supervisors ratify the expenditures in the attached report and summarized below.

CATEGORY	AMOUNT
General	\$845,613.89
Capital Improvements	\$191,723.03
Debt Service	\$54,824.61
Sewer	\$4,875.47
Fork Union Sanitary District	\$13,820.74
TOTAL AP EXPENDITURES	\$1,110,857.74
Payroll	\$ 706,385.45
TOTAL	\$1,817,243.19

MOTION

I move the Accounts Payable and Payroll be ratified for **October 2015** in the amount of **\$1,817,243.19**.

Encl:
AP Report

	A	B	C	D	E	F	G	H	I	J										
1	County of Fluvanna Accounts Payable List																			
2											From Date: 10/1/2015 To Date: 10/31/2015									
3																				
4																				
6	Vendor Name	Charge To	Description	Invoice Number	Invoice Date	Check Date	Check Amount													
7	Fund # - 100 GENERAL FUND																			
8	GENERAL FUND																			
9	FIRST FINANCIAL ADMINISTRATORS,	CLEARING ACCOUNT-	Payroll Run 1 - Warrant 100915	000000038184	10/8/2015	10/30/2015	6,081.69													
10	HERBERT L BESKIN, TRUSTEE	CLEARING ACCOUNT-	Payroll Run 1 - Warrant 100915	000000038181	10/8/2015	10/30/2015	2,024.00													
11	MINNESOTA LIFE INS. CO	CLEARING ACCOUNT-	Payroll Run 1 - Warrant 102315	000000038400	10/22/2015	10/30/2015	163.27													
12	NEW YORK LIFE INSURANCE CO	CLEARING ACCOUNT-	Payroll Run 1 - Warrant 100915	000000038179	10/8/2015	10/30/2015	517.34													
13	NY LIFE INSURANCE & ANNUITY CORP	CLEARING ACCOUNT-	Payroll Run 1 - Warrant 100915	000000038180	10/8/2015	10/30/2015	90.00													
14	JEFF JENNINGS	CUSTOMERS	PUBLIC HEARING SIGN DEPOSIT	SUP15:05	10/7/2015	10/9/2015	180.00													
15	TIGER FUEL COMPANY	PLANNING ESCROW	REFUND CASH E & S BOND	102615	10/26/2015	10/30/2015	6,449.00													
16	VACORP	CLEARING ACCOUNT-	Payroll Run 1 - Warrant 102315	000000038401	10/22/2015	10/30/2015	395.16													
17								Total:	\$15,900.46											
18																				
19	REAL ESTATE TAXES																			
20	NATIONSTAR MORTGAGE	R E 2015 - 1ST	RE 2015 18A-1-311	38249	10/14/2015	10/16/2015	1,675.88													
21								Total:	\$1,675.88											
22																				
23	CHARGES FOR SERVICES																			
24	BOB KRUSE	RECREATION PROGRAM	REFUND BALTIMORE BASEBALL TRIP	093015	9/30/2015	10/2/2015	266.00													
25								Total:	\$266.00											
26																				
27	BOARD OF SUPERVISORS																			
28	BANK OF AMERICA	PROFESSIONAL SERVICES	BANK STATMENT	093015	9/30/2015	10/16/2015	31.11													
29	BANK OF AMERICA	SUBSISTENCE & LODGING	BANK STATMENT	093015	9/30/2015	10/16/2015	20.48													
30	DONALD WEAVER	MILEAGE ALLOWANCES	MILEAGE REIMBURSEMENT	101215	10/12/2015	10/16/2015	173.08													
31	E.W. THOMAS	OTHER OPERATING	DINNER/SNACKS BOS	100615	10/6/2015	10/9/2015	81.04													
32	MATTHEW BENDER & CO INC	BOOKS/PUBLICATIONS	VA CODE 2015	75442736	9/25/2015	10/16/2015	139.10													
33	NACO	DUES OR ASSOCIATION	DUES	2016	10/13/2015	10/16/2015	460.00													
34	PITNEY BOWES PURCHASE PWR	POSTAL SERVICES	POSTAGE	101615	10/16/2015	10/16/2015	9.22													
35	SCARLETT'S FLOWERS & GIFT	OTHER OPERATING	FLOWERS- SHERIDAN	3757	10/13/2015	10/23/2015	112.00													
36	VERIZON	TELECOMMUNICATIONS	PHONE BILL WIRELESS	9752564147	9/19/2015	10/2/2015	269.58													
37								Total:	\$1,295.61											
38																				
39	COUNTY ADMINISTRATOR																			
40	BANK OF AMERICA	OFFICE SUPPLIES	BANK STATMENT	093015	9/30/2015	10/16/2015	331.04													
41	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL	0916151	9/16/2015	10/2/2015	48.11													
42	KODIAK, LLC.	LEASE/RENT	SHREDDING	53408	9/16/2015	10/23/2015	70.00													
43	KELLY BELANGER HARRIS	MILEAGE ALLOWANCES	MILEAGE	101415	10/14/2015	10/16/2015	159.74													

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6	Vendor Name	Charge To	Description	Invoice Number	Invoice Date	Check Date	Check Amount													
44	PITNEY BOWES PURCHASE PWR	POSTAL SERVICES	POSTAGE	101615	10/16/2015	10/16/2015	16.80													
45	PITNEY BOWES	LEASE/RENT	LEASING CHARGES	002	9/13/2015	10/2/2015	1,194.36													
46	SHENANDOAH VALLEY WATER	LEASE/RENT	WATER	J3464300-15	10/1/2015	10/9/2015	82.40													
47	UPS	POSTAL SERVICES	SHIPPING	Y7646Y375	9/12/2015	10/23/2015	6.42													
48	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES	T291236	9/28/2015	10/2/2015	21.09													
49	VIRGINIA BUSINESS SYSTEMS	LEASE/RENT	ADMIN COPIER	17584075	9/21/2015	10/2/2015	415.50													
50							Total:	\$2,345.46												
51																				
52	COUNTY ATTORNEY																			
53	PAYNE & HODOUS, LLP.	PROFESSIONAL SERVICES	LEGAL	112485	10/1/2015	10/16/2015	18,594.00													
54							Total:	\$18,594.00												
55																				
56	COMMISSIONER OF THE REVENUE																			
57	BANK OF AMERICA	CONVENTION AND	BANK STATMENT	093015	9/30/2015	10/16/2015	175.00													
58	BANK OF AMERICA	OFFICE SUPPLIES	BANK STATMENT	093015	9/30/2015	10/16/2015	(\$9.98)													
59	BANK OF AMERICA	POSTAL SERVICES	BANK STATMENT	093015	9/30/2015	10/16/2015	50.00													
60	BANK OF AMERICA	SUBSISTENCE & LODGING	BANK STATMENT	093015	9/30/2015	10/16/2015	513.90													
61	BUSINESS DATA OF VA, INC.	PROFESSIONAL SERVICES	CREATE INDEX LISTINGS	1247-2015	9/22/2015	10/16/2015	250.00													
62	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL	0916151	9/16/2015	10/2/2015	40.07													
63	HAMPTON ROADS COMMISSIONERS	CONVENTION AND	BROWN/SHERIDAN REGISTRATION	101515	10/15/2015	10/30/2015	50.00													
64	JAMES RIVER SOLUTIONS	VEHICLE FUEL	FUEL	093015	9/30/2015	10/30/2015	35.72													
65	KODIAK, LLC.	PROFESSIONAL SERVICES	SHREDDING	53408	9/16/2015	10/23/2015	30.00													
66	M & W PRINTERS, INC.	PRINTING AND BINDING	BALANCE ON REAL ESTATE BOOKS	96069A	10/12/2015	10/16/2015	217.23													
67	MANSFIELD OIL COMPANY OF	VEHICLE FUEL	FUEL INVOICE	00125319	10/20/2015	10/23/2015	23.78													
68	NATIONAL APPRAISAL GUIDES	OFFICE SUPPLIES	OLDER USED CAR GUIDE	1827715	9/28/2015	10/16/2015	80.00													
69	LAUREN SHERIDAN	MILEAGE ALLOWANCES	TRAVEL REIMBURSEMENT	0928151	9/28/2015	10/2/2015	198.95													
70	PITNEY BOWES INC	OFFICE SUPPLIES	POSTAGE SUPPLIES	5502819707	10/1/2015	10/16/2015	25.48													
71	SHENANDOAH VALLEY WATER	OFFICE SUPPLIES	WATER COMM OF REV	J4232210-15	10/1/2015	10/16/2015	106.45													
72	STAPLES CONTRACT & COMMERCIAL,	FURNITURE & FIXTURES	OFFICE SUPPLIES/FURNITURE	8036263919	10/3/2015	10/16/2015	79.19													
73	STAPLES CONTRACT & COMMERCIAL,	OFFICE SUPPLIES	OFFICE SUPPLIES/FURNITURE	8036263919	10/3/2015	10/16/2015	118.90													
74	STONEWALL TECHNOLOGIES	PROFESSIONAL SERVICES	VAMANET PUBLIC SITE	8490	9/30/2015	10/16/2015	300.00													
75	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES	T291236	9/28/2015	10/2/2015	24.87													
76	VERIZON	TELECOMMUNICATIONS	PHONE BILL WIRELESS	9752564147	9/19/2015	10/2/2015	49.85													
77							Total:	\$2,359.41												
78																				
79	TREASURER																			
80	BUSINESS DATA OF VA, INC.	PROFESSIONAL SERVICES	CONSULTING ON INTEREST AND	1232-2015	9/3/2015	10/9/2015	1,275.00													

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81	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL	0916151	9/16/2015	10/2/2015	48.10													
82	KODIAK, LLC.	LEASE/RENT	SHREDDING	53865	10/13/2015	10/23/2015	641.83													
83	QUILL	OFFICE SUPPLIES	OFFICE SUPPLIES	8234403	9/29/2015	10/16/2015	235.55													
84	SHENANDOAH VALLEY WATER	LEASE/RENT	WATER	J3464500-15	10/1/2015	10/9/2015	34.80													
85	STAPLES CONTRACT & COMMERCIAL,	OFFICE SUPPLIES	OFFICE SUPPLIES/FURNITURE	8036263919	10/3/2015	10/16/2015	443.31													
86	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES	T291236	9/28/2015	10/2/2015	9.52													
87	VERIZON	TELECOMMUNICATIONS	PHONE BILL WIRELESS	9752564147	9/19/2015	10/2/2015	49.85													
88	VIRGINIA BUSINESS SYSTEMS	LEASE/RENT	COPIER	17631583	9/29/2015	10/9/2015	131.38													
89								Total:	\$2,869.34											
90																				
91	INFORMATION TECHNOLOGY																			
92	BANK OF AMERICA	ADP SERVICES	BANK STATMENT	093015	9/30/2015	10/16/2015	1,023.84													
93	BANK OF AMERICA	ADP SUPPLIES	BANK STATMENT	093015	9/30/2015	10/16/2015	458.36													
94	BANK OF AMERICA	BOOKS/PUBLICATIONS	BANK STATMENT	093015	9/30/2015	10/16/2015	42.99													
95	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL	0916151	9/16/2015	10/2/2015	8.02													
96	ER COMMUNICATIONS LLC	PROFESSIONAL SERVICES	CAT 3 PVC	10126	10/4/2015	10/9/2015	765.38													
97	IBM CORPORATION	ADP SERVICES	AS/400 4TH QTR	507975	10/3/2015	10/23/2015	137.37													
98	SHAREFILE	ADP SERVICES	ANNUAL BILLING CYCLE	65466	9/4/2015	10/23/2015	1,376.40													
99	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES	T291236	9/28/2015	10/2/2015	2,134.63													
100	VERIZON	TELECOMMUNICATIONS	PHONE BILL WIRELESS	9752564147	9/19/2015	10/2/2015	139.85													
101								Total:	\$6,086.84											
102																				
103	FINANCE																			
104	BANK OF AMERICA	DUES OR ASSOCIATION	BANK STATMENT	093015	9/30/2015	10/16/2015	102.50													
105	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL	0916151	9/16/2015	10/2/2015	32.07													
106	PITNEY BOWES PURCHASE PWR	POSTAL SERVICES	POSTAGE	101615	10/16/2015	10/16/2015	110.36													
107	PRINCE WILLIAM COUNTY	PRINTING AND BINDING	BUSINESS CARDS - TOLER	482	9/25/2015	10/16/2015	37.37													
108	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES	T291236	9/28/2015	10/2/2015	22.24													
109	VIRGINIA BUSINESS SYSTEMS	LEASE/RENT	COPIER	17733017	10/21/2015	10/30/2015	169.45													
110								Total:	\$473.99											
111																				
112	REGISTRAR/ELECTORAL BOARD																			
113	BANK OF AMERICA	CONVENTION AND	BANK STATMENT	093015	9/30/2015	10/16/2015	28.68													
114	BANK OF AMERICA	POSTAL SERVICES	BANK STATMENT	093015	9/30/2015	10/16/2015	85.64													
115	ELECTION SERVICES ONLINE	CONTRACT SERVICES	OVO EXTENDED WARRANTY	1272	10/6/2015	10/30/2015	1,100.00													
116	ELECTION SERVICES ONLINE	OFFICE SUPPLIES	RED PADLOCK SEAL	1271	10/6/2015	10/30/2015	47.75													
117	INTAB	OFFICE SUPPLIES	TABLE TOP VOTING BOOTH	143931A	9/29/2015	10/9/2015	112.25													

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6	Vendor Name	Charge To	Description			Invoice Number	Invoice Date	Check Date		Check Amount																				
118	PATRICIA HASTINGS	CONVENTION AND	FOOD			1022151	10/22/2015	10/30/2015		162.81																				
119	SAM'S CLUB	CONVENTION AND	CUPS			093015	9/30/2015	10/2/2015		38.36																				
120	STAPLES CONTRACT & COMMERCIAL,	OFFICE SUPPLIES	OFFICE SUPPLIES/FURNITURE			8036263919	10/3/2015	10/16/2015		161.02																				
121	THE DAILY PROGRESS	ADVERTISING	VOTER REGISTRATION ADS			3524126	9/27/2015	10/9/2015		120.00																				
122	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES			T291236	9/28/2015	10/2/2015		11.61																				
123	VERIZON	TELECOMMUNICATIONS	PHONE BILL WIRELESS			9752564147	9/19/2015	10/2/2015		49.85																				
124																														
125																														
126	HUMAN RESOURCES																													
127	BANK OF AMERICA	EMPLOYEE RECOGNITION	BANK STATMENT			093015	9/30/2015	10/16/2015		625.00																				
128	ERIC L. AGEE	EMPLOYEE RECOGNITION	COUNTY PICNIC			100115	10/1/2015	10/2/2015		875.00																				
129	FLUVANNA REVIEW	RECRUITMENT	AD- FINANCIAL ASSISTANT			2015F40-16	10/1/2015	10/16/2015		244.00																				
130	IN STITCHES	EMPLOYEE RECOGNITION	FRAMES, KEEPSAKE BOX, AFGHAN			091515	9/15/2015	10/2/2015		197.85																				
131	BETTY SCHOLL	EMPLOYEE RECOGNITION	SUPPLIE SFOR EMPLOYEE PICNIC			092815	9/28/2015	10/2/2015		18.43																				
132	PROTECT YOUTH SPORTS	RECRUITMENT	BACKGROUND CHECKS			388009	10/1/2015	10/2/2015		54.00																				
133	THE DAILY PROGRESS	RECRUITMENT	AD- IT/LEGAL SECRETARY			5741800-0924	9/24/2015	10/16/2015		1,784.75																				
134	VIRGINIA BUSINESS SYSTEMS	LEASE/RENT	COPIER			17601328	9/23/2015	10/2/2015		49.42																				
135																														
136																														
137	GENERAL DISTRICT COURT																													
138	CENTURYLINK	TELECOMMUNICATIONS	DISTRICT COURT PHONE BILL			091615	9/16/2015	10/2/2015		461.73																				
139	PITNEY BOWES INC	MAINTENANCE CONTRACTS	POSTAGE			563782	10/12/2015	10/23/2015		110.98																				
140	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES			T291236	9/28/2015	10/2/2015		12.75																				
141	VIRGINIA WATERS, INC.	MAINTENANCE CONTRACTS	WATER COOLER			0551224	10/23/2015	10/23/2015		12.00																				
142																														
143																														
144	COURT SERVICE UNIT																													
145	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL			0916151	9/16/2015	10/2/2015		32.07																				
146	SHENANDOAH VALLEY WATER	LEASE/RENT	WATER			J5790520-15	10/7/2015	10/9/2015		31.50																				
147	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES			T291236	9/28/2015	10/2/2015		18.73																				
148																														
149																														
150	CLERK OF THE CIRCUIT COURT																													
151	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL			0916151	9/16/2015	10/2/2015		64.14																				
152	CHARLOTTESVILLE OFFICE MACHINE	BLDGS EQUIP REP & MAINT	SELF INKING STAMPS/ TONER			670613	10/23/2015	10/30/2015		110.00																				
153	CHARLOTTESVILLE OFFICE MACHINE	OFFICE SUPPLIES	6 REINER INK PADS			670568	10/1/2015	10/16/2015		376.00																				
154	CHARLOTTESVILLE OFFICE MACHINE	OFFICE SUPPLIES	HP 255 TONER CARTRIDGE			670536	9/24/2015	10/2/2015		80.00																				



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155	FLUVANNA CO CIRCUIT COURT	CONTRACT SERVICES	BANK AND CHECK PRINTING CHGS	100915	10/9/2015	10/16/2015	174.21																							
156	LOGAN SYSTEMS, INC.	PROFESSIONAL SERVICES	PROFESSIONAL SERVICE	47156	9/15/2015	10/2/2015	5,083.34																							
157	M & W PRINTERS, INC.	PRINTING AND BINDING	REAL ESATE BOOKS 2015	96070	10/13/2015	10/30/2015	785.39																							
158	SHENANDOAH VALLEY WATER	OFFICE SUPPLIES	WATER	J24843500-15	10/1/2015	10/16/2015	52.75																							
159	STAPLES CONTRACT & COMMERCIAL,	OFFICE SUPPLIES	OFFICE SUPPLIES/FURNITURE	8036263919	10/3/2015	10/16/2015	557.50																							
160	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES	T291236	9/28/2015	10/2/2015	34.59																							
161	VIRGINIA BUSINESS SYSTEMS	LEASE/RENT	COPIER CIRCUIT COURT	17551746	9/14/2015	10/2/2015	404.96																							
162							Total:	\$7,722.88																						
163																														
164	CIRCUIT COURT JUDGE																													
165	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL	0916151	9/16/2015	10/2/2015	24.05																							
166	BARRY SHERMAN MORRIS	COMPENSATION-	GRAND JURY SERVICE	1026154	10/26/2015	10/30/2015	180.00																							
167	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES	T291236	9/28/2015	10/2/2015	3.94																							
168							Total:	\$207.99																						
169																														
170	COMMONWEALTH ATTY																													
171	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL	0916151	9/16/2015	10/2/2015	32.07																							
172	COMPUTER PROJECTS OF ILLINOIS	MAINTENANCE CONTRACTS	ANNUAL LICENSE	15-10-152ME	10/27/2015	10/30/2015	173.40																							
173	MATTHEW BENDER & CO INC	BOOKS/PUBLICATIONS	LEXIS NEXIS VA CODE 2015 RV4A	75442744	10/6/2015	10/9/2015	193.86																							
174	THOMSON REUTERS- WEST	BOOKS/PUBLICATIONS	SEARCH WARRANT LAW DESK	832722314	10/20/2015	10/23/2015	408.00																							
175	PITNEY BOWES PURCHASE PWR	POSTAL SERVICES	POSTAGE	101615	10/16/2015	10/16/2015	45.08																							
176	SHENANDOAH VALLEY WATER	LEASE/RENT	WATER	J3547800-15	10/6/2015	10/9/2015	28.85																							
177	STAPLES CONTRACT & COMMERCIAL,	FURNITURE & FIXTURES	OFFICE SUPPLIES/FURNITURE	8036263919	10/3/2015	10/16/2015	0.00																							
178	STAPLES CONTRACT & COMMERCIAL,	OFFICE SUPPLIES	OFFICE SUPPLIES/FURNITURE	8036263919	10/3/2015	10/16/2015	66.94																							
179	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES	T291236	9/28/2015	10/2/2015	22.44																							
180	VERIZON	TELECOMMUNICATIONS	PHONE BILL WIRELESS	9752564147	9/19/2015	10/2/2015	49.85																							
181	VIRGINIA BUSINESS SYSTEMS	MAINTENANCE CONTRACTS	GEN DISTRICT CT COPIER	17610339	9/25/2015	10/16/2015	161.51																							
182							Total:	\$1,182.00																						
183																														
184	SHERIFF																													
185	AT&T 286-3642	TELECOMMUNICATIONS	LONG DISTANCE SHERIFF	100615	10/6/2015	10/30/2015	114.01																							
186	BANK OF AMERICA	CONVENTION AND	BANK STATMENT	093015	9/30/2015	10/16/2015	(\$300.00)																							
187	BANK OF AMERICA	FOOD SUPPLIES	BANK STATMENT	093015	9/30/2015	10/16/2015	58.30																							
188	BANK OF AMERICA	MILEAGE ALLOWANCES	BANK STATMENT	093015	9/30/2015	10/16/2015	(\$5.46)																							
189	BANK OF AMERICA	OTHER OPERATING	BANK STATMENT	093015	9/30/2015	10/16/2015	419.95																							
190	BANK OF AMERICA	POLICE SUPPLIES	BANK STATMENT	093015	9/30/2015	10/16/2015	131.70																							
191	BANK OF AMERICA	SUBSISTENCE & LODGING	BANK STATMENT	093015	9/30/2015	10/16/2015	756.88																							

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192	CAMPBELL EQUIPMENT, INC.	VEHICLES REP & MAINT	REPAIR	092115	9/21/2015	10/2/2015	109.00													
193	CANON SOLUTIONS AMERICA, INC.	MAINTENANCE CONTRACTS	COPIER MAINTENANCE	4017161659	10/1/2015	10/16/2015	16.34													
194	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL	0916151	9/16/2015	10/2/2015	2,373.36													
195	CLEAR COMMUNICATIONS AND	VEHICLE/POWER EQUIP	BATTERY	106357	10/1/2015	10/9/2015	95.70													
196	CLEAR COMMUNICATIONS AND	VEHICLES REP & MAINT	TUNING FORKS CERTIFICATION	106292	9/24/2015	10/2/2015	121.00													
197	DONNA'S NEEDLEWORK & CRAFT	UNIFORM/WEARING	SEW ON PATCHES	3586-45	7/7/2015	10/16/2015	7.00													
198	E.W. THOMAS	FOOD SUPPLIES	INMATE MEALS, INVESTIGATIVE	100315	10/3/2015	10/16/2015	31.84													
199	EVIDENT CRIME SCENE PRODUCTS	POLICE SUPPLIES	CAP SURE SWABS	98958B	10/6/2015	10/16/2015	158.00													
200	FISHER AUTO PARTS, INC.	VEHICLE/POWER EQUIP	DISC BRAKE ROTOR	15-286513	10/3/2015	10/9/2015	999.32													
201	GALLS, LLC.	POLICE SUPPLIES	THUNDER REMOTE 100W	4172196	10/5/2015	10/16/2015	207.00													
202	GALLS, LLC.	UNIFORM/WEARING	POLY/WOOL CLASS A JACKET	193868	9/29/2015	10/16/2015	297.80													
203	GE CAPITAL	LEASE/RENT	SHERIFF COPIER	63477868	9/20/2015	10/2/2015	155.46													
204	HOME PORT FILING SYSTEMS	POLICE SUPPLIES	LABELS FOR CASE FILES	1486	9/26/2015	10/9/2015	64.52													
205	JAMES RIVER SOLUTIONS	VEHICLE FUEL	FUEL	100115	10/1/2015	10/9/2015	4,313.68													
206	KODIAK, LLC.	OTHER OPERATING	SHREDDING	53408	9/16/2015	10/23/2015	69.99													
207	MAC'S SERVICE CENTER	VEHICLES REP & MAINT	OIL AND FILTER CHANGE	22713	10/23/2015	10/30/2015	13.60													
208	MANSFIELD OIL COMPANY OF	VEHICLE FUEL	FUEL	SQLCD/00124106	10/5/2015	10/9/2015	120.51													
209	VERIZON WIRELESS-LERT B	TELECOMMUNICATIONS	SMS CONTENT	150206863	9/9/2015	10/2/2015	100.00													
210	PALMYRA AUTOMOTIVE, INC.	VEHICLES REP & MAINT	STATE INSPECTIN	55738	9/30/2015	10/9/2015	16.00													
211	PERFORMANCE SIGNS	POLICE SUPPLIES	DRUG DROP BOX DECALS	12191	10/2/2015	10/16/2015	72.00													
212	QUILL	OFFICE SUPPLIES	SUPLLIES	5578262	9/25/2015	10/2/2015	68.57													
213	SHENANDOAH VALLEY WATER	FOOD SUPPLIES	SHERIFF'S WATER	3822710	10/1/2015	10/16/2015	153.10													
214	SHULL'S AUTOMOTIVE, INC.	VEHICLES REP & MAINT	TOW PICKUP	090515	9/5/2015	10/2/2015	325.00													
215	STAPLES CONTRACT & COMMERCIAL,	OFFICE SUPPLIES	OFFICE SUPPLIES/FURNITURE	8036263919	10/3/2015	10/16/2015	275.84													
216	UNIVERSITY TIRE AND AUTO CENTER,	VEHICLE/POWER EQUIP	TIRES	354659	8/17/2015	10/9/2015	866.16													
217	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES	T291236	9/28/2015	10/2/2015	474.92													
218	VALLEY OFFICE MACHINES, INC.	MAINTENANCE CONTRACTS	SHERIFF COPIER	151007-0041	10/7/2015	10/16/2015	64.32													
219	VERIZON BUSINESS/MCI COMM	TELECOMMUNICATIONS	PHONE BILL	5661910	9/25/2015	10/9/2015	17.89													
220	VERIZON	TELECOMMUNICATIONS	SHERIFF PHONE BILL	9753606421	10/8/2015	10/23/2015	1,712.00													
221	VIRGINIA BUSINESS SYSTEMS	LEASE/RENT	COPIER SHERIFF/E911	17649306	10/1/2015	10/23/2015	77.72													
222	VIRGINIA EMPLOYMENT COMMISSION	UNEMPLOYMENT	UNEMPLOYEMNT 3RD QTR	100915	10/9/2015	10/23/2015	929.61													
223	VIRGINIA SHERIFF'S ASSOCIATION	CONVENTION AND	ANNUAL STAFF DUES	201641	10/7/2015	10/30/2015	2,046.00													
224	WEST RIVER AUTO	VEHICLES REP & MAINT	REAR BRAKES, OIL, BAL TIRES	32932	10/16/2015	10/23/2015	313.25													
225							Total:	\$17,841.88												
226																				
227	E911																			
228	APCO INTERNATIONAL, INC.	DUES OR ASSOCIATION	GROUP MEMBERSHIP	308140	10/2/2015	10/23/2015	331.00													

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229	BANK OF AMERICA	MAINTENANCE CONTRACTS	BANK STATMENT			093015	9/30/2015	10/16/2015		192.00										
230	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL			0916151	9/16/2015	10/2/2015		5,543.58										
231	JOEL A. ZELINSKY	E911 NEW ROAD SIGNS	REFLECTIVE ADDRESS SIGNS			2403	9/23/2015	10/9/2015		2,170.50										
232	NWG SOLUTIONS, LLC.	CONTRACT SERVICES	BLOCK TIME RENEWAL			35965	9/22/2015	10/2/2015		5,873.10										
233	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES			T291236	9/28/2015	10/2/2015		3.80										
234	VERIZON	TELECOMMUNICATIONS	SHERIFF PHONE BILL			9753606421	10/8/2015	10/23/2015		230.52										
235	VIRGINIA BUSINESS SYSTEMS	LEASE/RENT	COPIER SHERIFF/E911			17649306	10/1/2015	10/23/2015		77.73										
236	Total:									\$14,422.23										
237																				
238	FIRE AND RESCUE SQUAD																			
239	FLUVANNA COUNTY RESCUE SQUAD	FIRE & RESCUE ASSN	RESCUE SQUAD QUARTERLY			FR2-2015	10/1/2015	10/9/2015		15,979.50										
240	FLUVANNA COUNTY VOLUNTEER FIRE	FIRE & RESCUE ASSN	FCVFD QUARTERLY PAYMENT			FFR-2015	10/1/2015	10/9/2015		30,167.50										
241	LAKE MONTICELLO FIRE & RESCUE	FIRE & RESCUE ASSN	LM FIRE/RESCUE			LM2-2015	10/1/2015	10/9/2015		23,757.75										
242	LAKE MONTICELLO FIRE & RESCUE	FIRE & RESCUE CAPITAL	LM FIRE/RESCUE			LM2-2015	10/1/2015	10/9/2015		55,000.00										
243	Total:									\$124,904.75										
244																				
245	FOREST WARDEN																			
246	STATE FORESTER	FOREST FIRE SUPPRESSION	FOREST FIRE CONTROL			093015	9/30/2015	10/9/2015		9,011.97										
247	Total:									\$9,011.97										
248																				
249	CORRECTION AND DETENTION																			
250	COUNTY OF ALBEMARLE, VIRGINIA	BRJDC DEBT PAYMENT	JUV DET DEBT SERVICE OCT			FY2016-333	10/16/2015	10/23/2015		20,033.75										
251	COUNTY OF ALBEMARLE, VIRGINIA	CONFINEMENT - BRJDC	JUV DET CENTER OCTOBER			FY2016-343	10/16/2015	10/23/2015		14,907.77										
252	E.W. THOMAS	FOOD SUPPLIES	INMATE MEALS, INVESTIGATIVE			100315	10/3/2015	10/16/2015		2.29										
253	Total:									\$34,943.81										
254																				
255	BUILDING INSPECTIONS																			
256	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL			0916151	9/16/2015	10/2/2015		32.07										
257	FLUVANNA CO CIRCUIT COURT	DUES OR ASSOCIATION	NOTARY FEE- AMY HELFRICH			102915	10/29/2015	10/30/2015		10.00										
258	JAMES RIVER SOLUTIONS	VEHICLE FUEL	FUEL			093015	9/30/2015	10/30/2015		56.62										
259	MANSFIELD OIL COMPANY OF	VEHICLE FUEL	FUEL			SQLCD/00124106	10/5/2015	10/9/2015		81.12										
260	PITNEY BOWES PURCHASE PWR	POSTAL SERVICES	POSTAGE			101615	10/16/2015	10/16/2015		51.73										
261	STAPLES CONTRACT & COMMERCIAL,	OFFICE SUPPLIES	OFFICE SUPPLIES/FURNITURE			8036263919	10/3/2015	10/16/2015		73.23										
262	TREASURER OF VIRGINIA	SURCHARGE	1ST QTR LEVY ON PERMIT FEES			100915	10/9/2015	10/16/2015		849.87										
263	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES			T291236	9/28/2015	10/2/2015		5.71										
264	VERIZON	TELECOMMUNICATIONS	PHONE BILL WIRELESS			9752564147	9/19/2015	10/2/2015		59.85										
265	Total:									\$1,220.20										

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266																				
267	EMERGENCY MANAGEMENT																			
268	BANK OF AMERICA	CONVENTION AND	BANK STATMENT			093015	9/30/2015	10/16/2015		19.90										
269	BANK OF AMERICA	PROFESSIONAL SERVICES	BANK STATMENT			093015	9/30/2015	10/16/2015		1,325.92										
270	FLUVANNA REVIEW	ADVERTISING	VOLFIRE/RESCUE AD			2015F31-11	7/30/2015	10/16/2015		264.00										
271	JAMES RIVER SOLUTIONS	VEHICLE FUEL	FUEL			093015	9/30/2015	10/30/2015		24.08										
272	RECTOR & VISITORS OF THE	PROFESSIONAL SERVICES	MEDICAL TRANSPORT 8/1-8/31/2015			091715	9/17/2015	10/2/2015		94,909.53										
273	UPS	POSTAL SERVICES	SHIPPING			Y7646Y415	10/10/2015	10/23/2015		6.01										
274																				
275																				
276	ANIMAL CONTROL																			
277	BANK OF AMERICA	SUBSISTENCE & LODGING	BANK STATMENT			093015	9/30/2015	10/16/2015		264.18										
278	FLUVANNA CO HEALTH DEPT	PROFESSIONAL SERVICES	SERIES OF VACCINE			100615	10/6/2015	10/16/2015		633.67										
279	FLUVANNA SPCA	CONTRACT SERVICES	POUND SERVICES FOR NOV			110115	10/22/2015	10/23/2015		10,708.33										
280	JAMES RIVER SOLUTIONS	VEHICLE FUEL	FUEL			100115	10/1/2015	10/9/2015		324.14										
281	MANSFIELD OIL COMPANY OF	VEHICLE FUEL	FUEL			SQLCD/00124106	10/5/2015	10/9/2015		108.71										
282																				
283																				
284	LITTER																			
285	AMERIMARK DIRECT	OTHER OPERATING	GOOFY PENS			30315	9/30/2015	10/16/2015		3,536.00										
286																				
287																				
288	FACILITIES																			
289	AQUA-AIR LABORATORIES	CONTRACT SERVICES	COURTHOUSE WELL COLIFORM			A37133	9/22/2015	10/9/2015		80.00										
290	ATLANTIC DOOR CONTROL, INC.	BLDGS EQUIP REP & MAINT	COURTS- REPLACE TRANSMITTER			20242	9/25/2015	10/9/2015		1,192.00										
291	BAKER ROOFING COMPANY OF	BLDGS EQUIP REP & MAINT	LEAK REPAIR @ GYM			902205046	10/22/2015	10/30/2015		2,644.00										
292	BANK OF AMERICA	GENERAL MATERIALS AND	BANK STATMENT			093015	9/30/2015	10/16/2015		149.98										
293	BARRETT TREE SERVICE, INC.	BLDGS EQUIP REP & MAINT	LARGE LIMB REMOVAL			092815	10/5/2015	10/9/2015		700.00										
294	BFPE INTERNATIONAL	BLDGS EQUIP REP & MAINT	REPLACE DIALER			1888675	10/8/2015	10/16/2015		609.00										
295	CAMPBELL EQUIPMENT, INC.	VEHICLES REP & MAINT	REPAIR FLAT TIRE			092915	10/5/2015	10/9/2015		15.00										
296	CAPITAL TRISTATE	GENERAL MATERIALS AND	TWIN FLUOR LAMP			023385459.001	10/2/2015	10/16/2015		89.52										
297	CARROT-TOP INDUSTRIES, INC.	GENERAL MATERIALS AND	FLAG			28054100	10/6/2015	10/16/2015		371.28										
298	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL			0916151	9/16/2015	10/2/2015		32.07										
299	CHARLOTTESVILLE GLASS AND	BLDGS EQUIP REP & MAINT	FRONT DOOR SERVICE CALL			127749	9/23/2015	10/9/2015		456.00										
300	CII SERVICE	BLDGS EQUIP REP & MAINT	ICE MACHINE REPAIRS PALMYRA			7880	9/23/2015	10/9/2015		3,595.75										
301	CINTAS	LAUNDRY AND DRY	UNIFORMS			394689289	9/24/2015	10/9/2015		460.78										
302	COMMONWEALTH DISTRIBUTION, LLC.	JANITORIAL SUPPLIES	DOODLEBUG PAD HOLDER			50006	10/6/2015	10/9/2015		2,533.17										



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303	E.W. THOMAS	GENERAL MATERIALS AND	MATERIALS AND SUPPLIES	1006151	10/6/2015	10/9/2015	10.98													
304	E.W. THOMAS	SUBSISTENCE & LODGING	MATERIALS AND SUPPLIES	1006151	10/6/2015	10/9/2015	25.89													
305	FLUVANNA ACE HARDWARE	GENERAL MATERIALS AND	STATEMENT	093015	9/30/2015	10/9/2015	80.40													
306	GARDENKEEPERS OF VIRGINIA, LLC.	CONTRACT SERVICES	CARYSBROOK CUT GRASS TRIM	6294	9/20/2015	10/9/2015	1,530.00													
307	GARY OSTEEN PLUMBING	CONTRACT SERVICES	INSTALL NEW PRESSURE SWTICH	101615	10/16/2015	10/23/2015	1,735.75													
308	INBODEN ENVIRONMENTAL	CONTRACT SERVICES	CENTRAL - WATEWATER	57587	9/22/2015	10/9/2015	978.00													
309	JAMES RIVER SOLUTIONS	VEHICLE FUEL	FUEL	093015	9/30/2015	10/30/2015	1,043.18													
310	JOHN VAUGHAN	BLDGS EQUIP REP & MAINT	DOOR OLD COURTHOUSE BASEMENT	2422	10/2/2015	10/9/2015	1,100.00													
311	JONES AUTOMOTIVE/ALL STAR AUTO	VEHICLE/POWER EQUIP	AUTO PARTS	093015	9/30/2015	10/9/2015	266.76													
312	JONES AUTOMOTIVE/ALL STAR AUTO	VEHICLES REP & MAINT	AUTO PARTS	093015	9/30/2015	10/9/2015	312.50													
313	LANDSCAPE SUPPLY, INC.	AGRICULTURAL SUPPLIES	ROUNDUP QUICK PRO	531720	10/16/2015	10/30/2015	95.00													
314	LEGACY SIGNS & GRAPHICS	BLDGS EQUIP REP & MAINT	CLEAN AND PATCH SIGNS	2015-274	10/8/2015	10/16/2015	190.00													
315	LOWE'S	GENERAL MATERIALS AND	SUPPLIES	092515	9/25/2015	10/9/2015	414.19													
316	LOWE'S	OTHER OPERATING	SUPPLIES	092515	9/25/2015	10/9/2015	96.74													
317	MAC'S SERVICE CENTER	VEHICLES REP & MAINT	BRAKE INSPECTION	22402	10/2/2015	10/16/2015	488.95													
318	O.A.S.I.S.	CONTRACT SERVICES	SUPERVISON WWTP JLUY - SEPT	093015	9/30/2015	10/16/2015	1,100.00													
319	JOHN VAUGHAN	GENERAL MATERIALS AND	REIMBURSEMENT ON BOOTS	102215	10/22/2015	10/30/2015	125.00													
320	RAFALY ELECTRICAL CONTRACTORS,	CONTRACT SERVICES	CARYBROKK BALL FIELD LIGHTS	6485	9/30/2015	10/9/2015	952.25													
321	RUHLMAN'S HAULING	BLDGS EQUIP REP & MAINT	CRUSHER AND # 3'S TO PLEASANT	100515	10/9/2015	10/16/2015	390.50													
322	STAPLES CONTRACT & COMMERCIAL,	OFFICE SUPPLIES	OFFICE SUPPLIES/FURNITURE	8036263919	10/3/2015	10/16/2015	52.89													
323	T.G.'S LOCK & SAFE SERVICE	BLDGS EQUIP REP & MAINT	LOCK SERVICE AND REMOVAL	102315	10/23/2015	10/30/2015	520.00													
324	TRACTOR HILL EQUIPMENT, LLC.	VEHICLE/POWER EQUIP	FITTING GREAS	14202	10/2/2015	10/9/2015	287.22													
325	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES	T291236	9/28/2015	10/2/2015	7.33													
326	VERIZON	TELECOMMUNICATIONS	PHONE BILL WIRELESS	9752564147	9/19/2015	10/2/2015	380.44													
327							Total:	\$25,112.52												
328																				
329	GENERAL SERVICES																			
330	ABC EXTINGUISHERS, LLC.	MAINTENANCE CONTRACTS	CONVEN. CTR EXTINGUISHER MAINT	ABC7833	10/4/2015	10/16/2015	292.00													
331	AQUA VIRGINIA, INC.	WATER SERVICES	197 MAIN ST WATER	1007152	10/7/2015	10/16/2015	404.59													
332	CENTRAL VA ELECTRIC COOP	ELECTRICAL SERVICES	CUNNINGHAM DISTRICT	092815	9/28/2015	10/9/2015	4,923.12													
333	CENTRAL VA ELECTRIC COOP	STREET LIGHTS	THOMAS JEFFERSON PKWY	10051513	10/5/2015	10/16/2015	167.67													
334	CENTURYLINK 589-8525	TELECOMMUNICATIONS	PAY PHONE	A337678	9/25/2015	10/16/2015	50.00													
335	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL	0916151	9/16/2015	10/2/2015	2,661.29													
336	CII SERVICE	MAINTENANCE CONTRACTS	SERVICE CONTRACT OCTOBER	8004	10/13/2015	10/23/2015	2,437.00													
337	CINTAS	MAINTENANCE CONTRACTS	MEDICAL CABINET	5003739884	10/1/2015	10/16/2015	58.69													
338	DOMINION VIRGINIA POWER	ELECTRICAL SERVICES	BUS GARAGE	09281511	9/28/2015	10/9/2015	11,734.10													
339	DOMINION VIRGINIA POWER	STREET LIGHTS	BESIDE POST OFFICE	09291513	9/29/2015	10/9/2015	623.21													

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340	GENERATOR SERVICE COMPANY	MAINTENANCE CONTRACTS	TREAS OFC GENERATOR REPAIR			15182	10/14/2015	10/23/2015		200.50
341	INTRASTATE PEST	MAINTENANCE CONTRACTS	FLEAS			818801	9/3/2015	10/9/2015		95.00
342	REPUBLIC SERVICES #410	MAINTENANCE CONTRACTS	TRASH REMOVAL			0410-000590040	9/30/2015	10/16/2015		1,289.85
343	SHENANDOAH VALLEY WATER	WATER SERVICES	WATER			J3807110-15	10/1/2015	10/16/2015		55.80
344	THE BLOSSMAN COMPANIES, INC.	HEATING SERVICES	PROPANE			092515	9/25/2015	10/9/2015		653.65
345	THYSSENKRUPP ELEVATOR	MAINTENANCE CONTRACTS	SERVICE AGREEMENT			3002084837	10/1/2015	10/16/2015		1,363.93
346	TIGER FUEL COMPANY	HEATING SERVICES	OFF ROAD DIESEL TREASURER			684152	10/2/2015	10/16/2015		2,001.09
347	TREASURER, FLUVANNA CO	SEWER SERVICES	FLUCO PUBLIC WORKS			22636	9/25/2015	10/9/2015		550.82
348	TREASURER, FLUVANNA CO	WATER SERVICES	CARYSBROOK SOFTBALL			22604	9/24/2015	10/9/2015		1,083.60
349										
350										
351	PUBLIC WORKS									
352	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL			0916151	9/16/2015	10/2/2015		32.07
353	MANSFIELD OIL COMPANY OF	VEHICLE FUEL	FUEL			SQLCD/00124106	10/5/2015	10/9/2015		54.22
354	VERIZON	TELECOMMUNICATIONS	PHONE BILL WIRELESS			9752564147	9/19/2015	10/2/2015		103.14
355	VIRGINIA BUSINESS SYSTEMS	LEASE/RENT	PUBLIC WORKS COPIER			17638117	9/30/2015	10/16/2015		228.84
356										
357										
358	CONVENIENCE CENTER									
359	BFI - FLUVANNA TRANSFER STATION	CONTRACT SERVICES	TRASH REMOVAL			4347-000005706	9/15/2015	10/9/2015		8,027.66
360	CAMPBELL EQUIPMENT, INC.	BLDGS EQUIP REP & MAINT	DISPOSE OF TIRES AT CONENIENCE			102315	10/26/2015	10/30/2015		441.00
361	CAROLINA SOFTWARE	BLDGS EQUIP REP & MAINT	WASTEWORKS SOFTWARE SUPPORT			58993	10/1/2015	10/9/2015		250.00
362	CENTURYLINK	TELECOMMUNICATIONS	LANDFILL SCALES			09161512	9/16/2015	10/9/2015		120.58
363	GARDENKEEPERS OF VIRGINIA, LLC.	CONTRACT SERVICES	CUT GRASS CONV CTR-ANIMAL			6293	9/20/2015	10/9/2015		2,276.00
364	JAMES RIVER SOLUTIONS	VEHICLE FUEL	FUEL			093015	9/30/2015	10/30/2015		94.96
365	MO-JOHNS, INC.	LEASE/RENT	PORTABLE TOILET			86159	9/27/2015	10/9/2015		60.00
366	VERIZON	TELECOMMUNICATIONS	PHONE BILL WIRELESS			9752564147	9/19/2015	10/2/2015		31.67
367										
368										
369	HEALTH									
370	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL			0916151	9/16/2015	10/2/2015		328.78
371	THOMAS JEFFERSON HEALTH	CONTRACT SERVICES	FY 16 2ND QTR ALLOCATION			100115	10/1/2015	10/23/2015		64,327.50
372	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES			T291236	9/28/2015	10/2/2015		13.45
373										
374										
375	CSA									
376	BANK OF AMERICA	CONVENTION AND	BANK STATMENT			093015	9/30/2015	10/16/2015		115.00



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377	BANK OF AMERICA	OFFICE SUPPLIES	BANK STATMENT			093015	9/30/2015	10/16/2015		117.97										
378	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL			0916151	9/16/2015	10/2/2015		16.03										
379	JACQUELINE A MEYERS	MILEAGE ALLOWANCES	TRAVEL EXPENSE			100515	10/5/2015	10/9/2015		143.75										
380	PITNEY BOWES PURCHASE PWR	POSTAL SERVICES	POSTAGE			101615	10/16/2015	10/16/2015		52.61										
381	VIRGINIA BUSINESS SYSTEMS	LEASE/RENT	COPIER CSA			17719685	10/19/2015	10/30/2015		50.70										
382																				
383																				
384	CSA PURCHASE OF SERVICES																			
385	CHILD CONNECTION DEVELOPMENT	COMM SVCS				P08919115852	8/31/2015	10/2/2015		3,228.00										
386	COMPASS YOUTH & FAMILY	COMM SVCS				P08000787853	8/31/2015	10/2/2015		9,300.00										
387	DETOUR MENTORING	COMM SVCS				P09000787655	9/30/2015	10/16/2015		7,055.00										
388		POS MANDATED FFOP				P09919126860	9/30/2015	10/16/2015		1,227.00										
389	DISCOVERY SCHOOL	RES. CONG. CARE				P09000782361	9/30/2015	10/16/2015		15,600.00										
390		COMM SVCS				P08919122655	8/31/2015	10/2/2015		180.00										
391	ELK HILL	POS MANDATED SPED-				P08000785048	8/31/2015	10/2/2015		11,560.00										
392	FAMILY PRESERVATION SERV.	COMM SVCS				P08000775454	8/31/2015	10/2/2015		14,462.50										
393	GRAFTON INTERGRATED HEALTH	EDUC SVCS CONG CARE				P08000789459	8/31/2015	10/30/2015		20,486.00										
394	GRAFTON INTERGRATED HEALTH	RES. CONG. CARE				P09000782464	9/30/2015	10/30/2015		36,732.00										
395		COMM SVCS				P09000787758	9/30/2015	10/16/2015		300.00										
396		COMM SVCS				P08919121452	8/31/2015	10/16/2015		580.00										
397	LAFAYETTE SCHOOL, INC.	POS MANDATED SPED-				P08000779149	8/7/2015	10/2/2015		44,980.00										
398	OXFORD HOUSE HAWTHORNE	COMM SVCS				P08919127856	8/14/2015	10/2/2015		990.00										
399	PEOPLE PLACES, INC.	COMM SVCS				P08919126557	8/31/2015	10/2/2015		4,175.03										
400	PEOPLE PLACES, INC.	TFC LIC. RES CONG CARE				P08919121362	8/31/2015	10/2/2015		8,225.91										
401	THE FAISON SCHOOL FOR AUTISM,	POS MANDATED SPED-				P09000785350	9/30/2015	10/30/2015		11,820.00										
402	UNITED METHODIST FAMILY	TFC LIC. RES CONG CARE				P07919122163	7/31/2015	10/2/2015		10,307.16										
403	VA HOME FOR BOYS & GIRLS	EDUC SVCS CONG CARE				P09000787962	9/30/2015	10/30/2015		6,080.00										
404	VA HOME FOR BOYS & GIRLS	RES. CONG. CARE				P07000788761	7/31/2015	10/2/2015		37,637.68										
405	VIRGINIA INSTITUTE OF AUTISM	EDUC SVCS CONG CARE				P07000788659	7/31/2015	10/16/2015		752.00										
406	VIRGINIA INSTITUTE OF AUTISM	POS MANDATED SPED-				P07000787351	7/31/2015	10/2/2015		40,441.75										
407																				
408																				
409	PARKS & RECREATION																			
410	ASHLEIGH MORRIS	PROFESSIONAL SERVICES	DOG CLASS			11	10/13/2015	10/16/2015		373.00										
411	AUTOMATED OFFICE SYSTEMS	LEASE/RENT	MONTHLY CHARGE			69476	9/29/2015	10/2/2015		155.00										
412	BANK OF AMERICA	CONVENTION AND	BANK STATMENT			093015	9/30/2015	10/16/2015		550.00										
413	BANK OF AMERICA	RECREATIONAL SUPPLIES	BANK STATMENT			093015	9/30/2015	10/16/2015		2,651.78										
								Total:		\$496.06										
								Total:		\$286,120.03										

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414	BANK OF AMERICA	SITE IMPROVEMENTS	BANK STATMENT	093015	9/30/2015	10/16/2015	840.10													
415	BANK OF AMERICA	SUBSISTENCE & LODGING	BANK STATMENT	093015	9/30/2015	10/16/2015	409.21													
416	BONNIE SNODDY	PROFESSIONAL SERVICES	MARTIAL ARTS	101	10/8/2015	10/9/2015	847.00													
417	BOOZER BOARDS LLC	RECREATIONAL SUPPLIES	CORNHOLE	8282015	8/31/2015	10/2/2015	450.00													
418	BRIAN BENEC	RECREATIONAL SUPPLIES	MAGICIAN @ LIBRARY	100615	10/5/2015	10/9/2015	195.00													
419	CAMP FRIENDSHIP	PROFESSIONAL SERVICES	YOUTH ATCHERY	15	10/29/2015	10/30/2015	262.50													
420	CENTURYLINK	TELECOMMUNICATIONS	PARKS AND REC PHONE	0916155	9/16/2015	10/2/2015	1,205.79													
421	DEVI PETERSON	PROFESSIONAL SERVICES	YOGA	9-2015	9/30/2015	10/2/2015	246.40													
422	DOODYCALLS FRANCHISING, LLC.	RECREATIONAL SUPPLIES	DODDY CALLS	AB-1147	9/22/2015	10/2/2015	547.21													
423	FLUVANNA ACE HARDWARE	RECREATIONAL SUPPLIES	STATEMENT	093015	9/30/2015	10/9/2015	14.60													
424	HEALTH NUTZ	PROFESSIONAL SERVICES	WATER CLASSES	211	9/30/2015	10/2/2015	413.00													
425	HEATHER ANTONACCI	PROFESSIONAL SERVICES	HORSEBACK	14	10/30/2015	10/30/2015	140.00													
426	JAMES RIVER SOLUTIONS	VEHICLE FUEL	FUEL	093015	9/30/2015	10/30/2015	216.88													
427	JAUNT, INC.	PROFESSIONAL SERVICES	AUGUST TRIPS	8655	9/18/2015	10/2/2015	471.17													
428	JOHN VAUGHAN	SITE IMPROVEMENTS	LOCK GATE AT PLEASANT GROVE	2430	10/25/2015	10/30/2015	180.00													
429	LAKE MONTICELLO CLASSIFIED	ADVERTISING	BUSINESS AD	8398	9/30/2015	10/16/2015	65.00													
430	LANDSCAPE SUPPLY, INC.	SITE IMPROVEMENTS	5-0-30 FE/BAG	0528801	10/2/2015	10/16/2015	60.00													
431	LOCAL FOOD HUB	RECREATIONAL SUPPLIES	ASIAN PEARS	2231	10/13/2015	10/30/2015	35.00													
432	LOWE'S	SITE IMPROVEMENTS	SUPPLIES	092515	9/25/2015	10/9/2015	221.92													
433	MO-JOHNS, INC.	CONTRACT SERVICES	PORTABLE TOILETS	86520/21/22/23/24	10/5/2015	10/9/2015	1,135.00													
434	MALINDA PAYNE	MILEAGE ALLOWANCES	TRAVEL REIMBURSEMENT	100715	10/7/2015	10/9/2015	100.05													
435	ORIENTAL TRADING CO., INC.	RECREATIONAL SUPPLIES	HALLOWEEN SUPPLIES	673918084-01	10/15/2015	10/30/2015	301.36													
436	POSTMASTER	POSTAL SERVICES	P O BOX FEE	101415	10/15/2015	10/16/2015	114.00													
437	PROTECT YOUTH SPORTS	PROFESSIONAL SERVICES	BACKGROUND CHECKS	388009	10/1/2015	10/2/2015	47.70													
438	RUHLMAN'S HAULING	SITE IMPROVEMENTS	CRUSHER AND # 3'S TO PLEASANT	100515	10/9/2015	10/16/2015	208.50													
439	SAM'S	FURNITURE & FIXTURES	TABLES	090215	9/2/2015	10/2/2015	699.72													
440	SAM'S	RECREATIONAL SUPPLIES	TABLES	090215	9/2/2015	10/2/2015	166.29													
441	SHENANDOAH VALLEY WATER	CONTRACT SERVICES	EQUIP RENT CARYS BROOK	J3442800-15	10/1/2015	10/16/2015	108.15													
442	SHENANDOAH VALLEY WATER	LEASE/RENT	WATER	J4031010-15	10/1/2015	10/9/2015	24.78													
443	STAPLES CONTRACT & COMMERCIAL,	FURNITURE & FIXTURES	OFFICE SUPPLIES/FURNITURE	8036263919	10/3/2015	10/16/2015	540.93													
444	STAPLES CONTRACT & COMMERCIAL,	OFFICE SUPPLIES	OFFICE SUPPLIES/FURNITURE	8036263919	10/3/2015	10/16/2015	(\$63.95)													
445	STORE SUPPLY WAREHOUSE	AGRICULTURAL SUPPLIES	SELF CLOSING BAGS	512784	9/22/2015	10/2/2015	23.52													
446	UPS	POSTAL SERVICES	SHIPPING	Y7646Y415	10/10/2015	10/23/2015	5.03													
447	VERIZON BUSINESS/MCI COMM	TELECOMMUNICATIONS	LONG DISTANCES CHARGES	2DG69887/8/9	9/22/2015	10/2/2015	114.83													
448	VERIZON	TELECOMMUNICATIONS	PHONE BILL WIRELESS	9752564147	9/19/2015	10/2/2015	49.85													
449	VIRGINIA BUSINESS SYSTEMS	LEASE/RENT	COPIER	17601329	9/23/2015	10/2/2015	887.50													
450	VIRGINIA RECREATION & PARK	RECREATIONAL SUPPLIES	AUG/SEPT KINGS DOM TICKETS	226881	10/1/2015	10/9/2015	697.00													

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451	WBNN-BIG COUNTRY 105.3	RECREATIONAL SUPPLIES	AD FOR FAIR			15080050	8/31/2015	10/2/2015		250.00										
452																				
453																				
454	LIBRARY																			
455	ADVANTAGE OFFICE SYSTEMS	OFFICE SUPPLIES	COMPATIBLE TONER			3541	10/14/2015	10/30/2015		119.00										
456	AMAZON.COM	BOOKS/PUBLICATIONS	BOOKS			091015	9/10/2015	10/2/2015		11,776.41										
457	BANK OF AMERICA	BOOKS/PUBLICATIONS	BANK STATMENT			093015	9/30/2015	10/16/2015		294.16										
458	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL LIBRARY			0916152	9/16/2015	10/2/2015		4,150.79										
459	CHILDREN'S PLUS, INC.	BOOKS/PUBLICATIONS	HOW TO DRAW POKEMAN			115570	9/30/2015	10/16/2015		5.99										
460	DEMCO	OFFICE SUPPLIES	HEADPHONES, BOOK TAPE			5694563	9/21/2015	10/2/2015		135.28										
461	GALE	BOOKS/PUBLICATIONS	BOOKS			56154064	9/11/2015	10/2/2015		317.80										
462	HAWK LABELING SYSTEMS	OFFICE SUPPLIES	BLACK ON WHITE SINGLE			200832	9/16/2015	10/2/2015		133.20										
463	MEREDITH BOOKS	BOOKS/PUBLICATIONS	BOOKS			01CCFTHV13/PRGENX	9/29/2015	10/2/2015		35.71										
464	MICROMARKETING LLC	BOOKS/PUBLICATIONS	CLOSER TO THE MOON DVD			589915	9/14/2015	10/2/2015		669.68										
465	RICHMOND TIMES DISPATCH	BOOKS/PUBLICATIONS	RENEWAL			100615	10/6/2015	10/30/2015		286.00										
466	SHENANDOAH VALLEY WATER	LEASE/RENT	WATER LIBRARY			15329010-15	9/1/2015	10/16/2015		20.00										
467	SHENANDOAH VALLEY WATER	MAINTENANCE CONTRACTS	WATER LIBRARY			15329010-15	9/1/2015	10/16/2015		85.94										
468	SHOWCASES	OFFICE SUPPLIES	DOUBLE CD ALL CLOTH			288199	9/9/2015	10/2/2015		245.16										
469	STAPLES CONTRACT & COMMERCIAL,	OFFICE SUPPLIES	OFFICE SUPPLIES			7002012402	10/19/2015	10/30/2015		208.27										
470																				
471																				
472	COUNTY PLANNER																			
473	BANK OF AMERICA	DUES OR ASSOCIATION	BANK STATMENT			093015	9/30/2015	10/16/2015		50.00										
474	BANK OF AMERICA	POSTAL SERVICES	BANK STATMENT			093015	9/30/2015	10/16/2015		19.04										
475	BANK OF AMERICA	SUBSISTENCE & LODGING	BANK STATMENT			093015	9/30/2015	10/16/2015		13.00										
476	CENTURYLINK	TELECOMMUNICATIONS	PHONE BILL			0916151	9/16/2015	10/2/2015		40.09										
477	JAMES RIVER SOLUTIONS	VEHICLE FUEL	FUEL			093015	9/30/2015	10/30/2015		84.40										
478	MANSFIELD OIL COMPANY OF	VEHICLE FUEL	FUEL INVOICE			00125319	10/20/2015	10/23/2015		23.19										
479	PITNEY BOWES PURCHASE PWR	POSTAL SERVICES	POSTAGE			101615	10/16/2015	10/16/2015		1,300.88										
480	TIMMONS GROUP	CONTRACT SERVICES	PARCEL MAINT			173615	10/6/2015	10/16/2015		600.00										
481	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES			T291236	9/28/2015	10/2/2015		25.76										
482	VERIZON	TELECOMMUNICATIONS	PHONE BILL WIRELESS			9752564147	9/19/2015	10/2/2015		99.70										
483	VIRGINIA BUSINESS SYSTEMS	LEASE/RENT	COPIER PLANNING			17601327	9/23/2015	10/2/2015		339.76										
484																				
485																				
486	PLANNING COMMISSION																			
487	FLUVANNA REVIEW	ADVERTISING	BOS PUBLIC HEARING			2015F41-13	10/8/2015	10/16/2015		367.00										



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525																				
526	FIRE & RESCUE CAP PROJ																			
527	KENT'S STORE VOL FIRE	VEHICLE	FY16 CIP BRUSH 30 REIMBURSEMENT	102115	10/21/2015	10/23/2015	40,000.00													
528								Total:	\$40,000.00											
529																				
530	FACILITIES CAP PROJ																			
531	BANK OF AMERICA	CONTRACT SERVICES	BANK STATMENT	093015	9/30/2015	10/16/2015	64.14													
532	CHARLES EDWARD GARRISON, II	CONTRACT SERVICES	PATCH AND PAID 2 COATS IN	100115	10/9/2015	10/16/2015	5,225.00													
533	CII SERVICE	CONTRACT SERVICES	AHU REPLACEMENT	7869	9/23/2015	10/9/2015	6,232.00													
534	COMMONWEALTH INTERIORS	CONTRACT SERVICES	RESILIENT FLOORING - MORRIS	2015-200	9/8/2015	10/2/2015	19,759.00													
535	DAVID W. GOURLEY	CONTRACT SERVICES	FURNISH AND INSTALL BLIND ADMIN	10555	9/24/2015	10/9/2015	3,214.00													
536	ENVIRO-KLEAN CO.	CONTRACT SERVICES	SEWAGE SYSTEM REPAIR SPCA	2985	10/9/2015	10/16/2015	2,800.00													
537	ER COMMUNICATIONS LLC	CONTRACT SERVICES	CAT 3 PVC	10126	10/4/2015	10/9/2015	314.30													
538	GARY OSTEN PLUMBING	CONTRACT SERVICES	FORK UNION COMM CTR TOILET	101315	10/13/2015	10/16/2015	1,015.00													
539	JOHN VAUGHAN	CONTRACT SERVICES	BUILD WALL AT COMMUNITY CTR	2421	10/2/2015	10/9/2015	2,600.00													
540	NEW HOPE WELLDRILLING, LLC	CONTRACT SERVICES	WELL ABANDONMENT AT 271	538725	10/5/2015	10/9/2015	2,200.00													
541	RAFALY ELECTRICAL CONTRACTORS,	CONTRACT SERVICES	HEALTH DEPT REPLACE OUTLETS	6486	9/30/2015	10/9/2015	3,375.00													
542	RICH MASONRY, INC.	CONTRACT SERVICES	MASONRY IN HALL 2ND FLOOR	382	10/11/2015	10/23/2015	3,429.23													
543	T.G.'S LOCK & SAFE SERVICE	CONTRACT SERVICES	HEAVY DUTY LEVER LOCKS	102215	10/22/2015	10/30/2015	810.00													
544	THYSSENKRUPP ELEVATOR	CONTRACT SERVICES	INSTALL PHONE	5000421129	10/7/2015	10/16/2015	800.00													
545								Total:	\$51,837.67											
546																				
547	SCHOOL OPS & MAINT CAP PROJ																			
548	DRAPER ADEN ASSOCIATES	PROFESSIONAL SERVICES	Middle School Renovation - A/E	2015080150	8/31/2015	10/2/2015	6,504.36													
549	QUALITY CCTV SYSTEMS, INC.	CONTRACT SERVICES	SAFETY & SECURITY UPGRADES	14028	10/12/2015	10/16/2015	425.00													
550								Total:	\$6,929.36											
551																				
552	SCHOOL TECH CAP PROJ																			
553	SYCOM	CONTRACT SERVICES	WIRELESS UPGRADE	AT27719	10/12/2015	10/23/2015	37,492.50													
554	TYLER TECHNOLOGIES	CONTRACT SERVICES	AR TRAINING	045-144599	9/30/2015	10/30/2015	3,686.71													
555								Total:	\$41,179.21											
556																				
557	PLANNING CAPITAL PROJECT																			
558	RUMMEL, KLEPPER, & KAHL, LLP.	CONTRACT SERVICES	FORK UNION STREETScape	11	10/9/2015	10/23/2015	2,328.00													
559								Total:	\$2,328.00											
560																				
561							302 CAPITAL IMPROVEMENT	Fund Total:	\$191,723.03											

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562	Fund # - 401 DEBT SERVICE																			
563	DEBT SERVICE - COUNTY																			
564	SUNTRUST BANK	2008 PIERCE KENTS STORE	DEBT SERVICE PMT 2008 PUMPER	1510200735	10/9/2015	10/9/2015	8,076.48													
565	SUNTRUST BANK	2008 PIERCE PUMPING-KNTS	DEBT SERVICE PMT 2008 PUMPER	1510200735	10/9/2015	10/9/2015	46,748.13													
566								Total:	\$54,824.61											
567																				
568								401 DEBT SERVICE	Fund Total:	\$54,824.61										
569	Fund # - 502 SEWER																			
570	UTILITY OPERATIONAL EXPENSES																			
571	CENTURYLINK	TELECOMMUNICATIONS	PALMYRA WASTEWATER	091915	9/19/2015	10/9/2015	95.07													
572	CINTAS	LAUNDRY AND DRY	UNIFORMS	394689290	9/24/2015	10/9/2015	42.85													
573	DOMINION VIRGINIA POWER	ELECTRICAL SERVICES	SW PUMP STATION	09281513	9/28/2015	10/9/2015	805.89													
574	INBODEN ENVIRONMENTAL	CONTRACT SERVICES	WASTEWATER MONITORING	57589	9/22/2015	10/9/2015	444.00													
575	O.A.S.I.S.	CONTRACT SERVICES	SUPERVISOR WWTP JLUY - SEPT	093015	9/30/2015	10/16/2015	2,325.00													
576	UNIVAR USA, INC.	CHEMICAL SUPPLIES	CAUSTIC SODA, SODA ASH LITE	685624	9/25/2015	10/9/2015	1,162.66													
577								Total:	\$4,875.47											
578																				
579								502 SEWER	Fund Total:	\$4,875.47										
580	Fund # - 505 FORK UNION SANITARY DISTRICT																			
581	FORK UNION SANITARY DISTRICT																			
582	USDA RURAL DEVELOPMENT	RDA BOND PAYABLE	MONTHLY DEBT PAYMENT	OCT-15	10/25/2015	10/25/2015	3,006.07													
583								Total:	\$3,006.07											
584																				
585	FUSD OPERATIONAL EXPENSES																			
586	CENTURYLINK	TELECOMMUNICATIONS	SANITARY DISTRICT	0916158	9/16/2015	10/9/2015	365.71													
587	CINTAS	LAUNDRY AND DRY	UNIFORMS	394689290	9/24/2015	10/9/2015	128.55													
588	DOMINION VIRGINIA POWER	ELECTRICAL SERVICES	MELTON WELL	0925159	9/25/2015	10/9/2015	2,533.90													
589	E.W. OWEN	LEASE/RENT	WELL RENT	10012015	10/1/2015	10/9/2015	150.00													
590	JAMES RIVER SOLUTIONS	VEHICLE FUEL	FUEL	093015	9/30/2015	10/30/2015	369.76													
591	LOWE'S	GENERAL MATERIALS AND	SUPPLIES	092515	9/25/2015	10/9/2015	94.32													
592	MANSFIELD OIL COMPANY OF	VEHICLE FUEL	FUEL	SQLCD/00124106	10/5/2015	10/9/2015	195.74													
593	MO-JOHNS, INC.	PURCHASE OF SERVICES	PORTABLE TOILET	86160	9/27/2015	10/9/2015	60.00													
594	PITNEY BOWES PURCHASE PWR	POSTAL SERVICES	POSTAGE	101615	10/16/2015	10/16/2015	222.13													
595	SCHNEIDER LABRATORIES INC	PURCHASE OF SERVICES	WET CHEMISTRY	143528	9/17/2015	10/9/2015	30.00													
596	UNIVAR USA, INC.	AGRICULTURAL SUPPLIES	SOD HYPO 12.5%	685772	9/30/2015	10/9/2015	3,600.56													
597	USABLUBOOK	GENERAL MATERIALS AND	REED 3/4" FLARING TOOL	753593	9/17/2015	10/9/2015	138.48													
598	USDA RURAL DEVELOPMENT	REDEMPTION OF INTEREST	MONTHLY DEBT PAYMENT	OCT-15	10/25/2015	10/25/2015	1,953.93													

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599	VA INFORMATION TECHNOLOGIES	TELECOMMUNICATIONS	LONG DISTANCE CHARGES	T291236	9/28/2015	10/2/2015	84.59													
600	VERIZON BUSINESS/MCI COMM	TELECOMMUNICATIONS	PHONE BILL	5661910	9/25/2015	10/9/2015	17.89													
601	VERIZON	TELECOMMUNICATIONS	PHONE BILL WIRELESS	9752564147	9/19/2015	10/2/2015	140.57													
602	VIRGINIA TRACTOR, LLC.	BLDGS EQUIP REP & MAINT	HYDRAULIC CYLINDER	80120	9/28/2015	10/9/2015	728.54													
603							Total:	\$10,814.67												
604																				
605							505 FORK UNION SANITARY DISTRICT	Fund Total:	\$13,820.74											
606							Total Expenditures by Fund:	\$1,110,857.74												

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: Nov 18, 2015

AGENDA TITLE:	FY16 Hydrogeologic Study Appropriation				
MOTION(s):	I move the Board of Supervisors approve the supplemental appropriation of \$5,296.25 to the FY16 Public Works CIP budget to reimburse half of the cost of a FY14 Hydrogeologic study.				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Mary Anna Twisdale, Management Analyst				
PRESENTER(S):	Mary Anna Twisdale, Management Analyst				
RECOMMENDATION:	I recommend approval of the following action.				
TIMING:	Routine.				
DISCUSSION:	A Hydrogeologic study was completed in FY14 by Joyce Engineering to test water quality. An agreement between Fluvanna County and Carysbrook Holdings stipulated that half the cost would be reimbursed by Carysbrook Holdings. The reimbursement was received on July 29, 2015.				
FISCAL IMPACT:	This supplemental appropriation, if approved, would authorize staff to appropriate the additional \$5,296.25 to FY16 revenue and expenditures in the Public Works CIP budget.				
POLICY IMPACT:	None				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	None.				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X			

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 18, 2015

AGENDA TITLE:	FY16 Schools Supplemental Appropriation Request for Central Elementary School Parent Teacher Organization Grant Funds.				
MOTION(s):	I move the Board of Supervisors approve the supplemental appropriation of \$4,199.52 in the FY16 Fluvanna County Public Schools budget for Central Elementary School PTO Grant Funds from other local sources.				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Mary Anna Twisdale, Management Analyst				
PRESENTER(S):	Ed Breslauer, Schools Director of Finance				
RECOMMENDATION:	I recommend approval of the following action.				
TIMING:	Routine.				
DISCUSSION:	Fluvanna County Public Schools has received \$4,199.52 in additional Other Local grant funds to assist with the procurement of student electronic devices (Chromebooks).				
	This will increase the schools Other Local sources funding from \$890,487.14 to \$894,686.66. This supplemental appropriation would authorize staff to appropriate the additional revenue and expense.				
FISCAL IMPACT:	There is no local match required.				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	None.				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X			

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 18, 2015

AGENDA TITLE:	FY16 Schools Supplemental Appropriation Request for Families Learning Together (FLT) Grant Funds.				
MOTION(s):	<p>I move the Board of Supervisors approve the supplemental appropriation of \$20,000 in the FY16 Fluvanna County Public Schools budget for Families Learning Together Grant Funds from other local sources.</p> <p>Funds are from:</p> <ul style="list-style-type: none"> • \$10,000 Dollar General • \$10,000 Community Endowment Fund of the Charlottesville Area Community Foundation 				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Mary Anna Twisdale, Management Analyst				
PRESENTER(S):	Ed Breslauer, Schools Director of Finance				
RECOMMENDATION:	I recommend approval of the following action.				
TIMING:	Routine.				
DISCUSSION:	<p>Fluvanna County Public Schools has received \$20,000 in additional Other Local grant funds for Fluvanna's Adult Education Program.</p> <p>This will increase the schools Other Local sources funding from \$870,487.14 to \$890,487.14.</p> <p>This supplemental appropriation would authorize staff to appropriate the additional revenue and expense.</p>				
FISCAL IMPACT:	There is no local match required.				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	None.				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X			

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 18, 2015

AGENDA TITLE:	FY16 Schools Immigrant Youth Budget Supplemental Appropriation				
MOTION(s):	I move the Board of Supervisors approve the supplemental appropriation of \$2,954.11 in the FY16 Fluvanna County Public Schools budget from the State of Virginia to provide educational services for Immigrant Youth.				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Mary Anna Twisdale, Management Analyst				
PRESENTER(S):	Ed Breslauer, Schools Director of Finance				
RECOMMENDATION:	I recommend approval of the following action.				
TIMING:	Routine.				
DISCUSSION:	<p>Fluvanna County Public Schools have received additional State funds to assist with providing educational services to Immigrant Youth.</p> <p>This supplemental appropriation will increase the Schools FY16 State Funds Budget from \$19,305,719.19 to \$19,308,673.30 and will authorize staff to appropriate the additional revenue and expense.</p>				
FISCAL IMPACT:	There is no County match required.				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	None.				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X			

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 18, 2015

AGENDA TITLE:	Schools Security Equipment Grant Appropriation- Carysbrook				
MOTION(s):	I move the Board of Supervisors approve the supplemental appropriation of \$28,072.00 in the FY16 Fluvanna County Public Schools budget for the Commonwealth of Virginia, Security Equipment grant award for use at Carysbrook Elementary.				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Mary Anna Twisdale, Management Analyst				
PRESENTER(S):	Ed Breslauer, Schools Director of Finance				
RECOMMENDATION:	I recommend approval of the following action.				
TIMING:	Routine.				
DISCUSSION:	<p>Fluvanna County Public Schools was notified in September 2015 of the Security Equipment Grant award. These funds must be used to provide security equipment and related services at Carysbrook Elementary.</p> <p>This supplemental appropriation will increase the Schools FY16 State Funds Budget from \$19,308,673.30 to \$19,336,745.30 and authorize staff to appropriate the additional revenue and expense.</p>				
FISCAL IMPACT:	There is a 25% match required, which the Schools have available funds to cover.				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	None.				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X			

FLUVANNA COUNTY BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 18, 2015

AGENDA TITLE:	Schools Security Equipment Grant Appropriation- West Central				
MOTION(s):	I move the Board of Supervisors approve the supplemental appropriation of \$2,150.00 in the FY16 Fluvanna County Public Schools budget for the Commonwealth of Virginia, Security Equipment grant award for use at West Central Primary.				
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Mary Anna Twisdale, Management Analyst				
PRESENTER(S):	Ed Breslauer, Schools Director of Finance				
RECOMMENDATION:	I recommend approval of the following action.				
TIMING:	Routine.				
DISCUSSION:	<p>Fluvanna County Public Schools was notified in November 2015 of the Security Equipment Grant award.</p> <p>These funds must be used to provide security equipment and related services at West Central Primary.</p> <p>This supplemental appropriation will increase the Schools FY16 State Funds Budget from \$19,336,745.30 to \$19,338,895.30 and authorize staff to appropriate the additional revenue and expense.</p>				
FISCAL IMPACT:	There is a 25% match required, which the Schools have available funds to cover.				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	None.				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X			



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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www.fluvannacounty.org

MEMORANDUM

Date: November 18, 2015
From: Mary Anna Twisdale/ Management Analyst
To: Board of Supervisors
Subject: FY16 Capital Reserve Balances

The FY16 Capital Reserve account balances are as follows:

County Capital Reserve:

FY15 Carryover	\$15,970.00
FY16 Beginning Budget:	\$100,000.00
Less: HVAC Repairs at Various County Buildings 9.2.15	-\$42,900.00
Less: FSPCA Repairs 9.2.15	-73,700.00
Plus: Transfer from Unassigned Fund Balance 9.2.15	\$50,000.00
Available:	\$49,370.00

Schools Capital Reserve:

FY15 Carryover	\$203,733.00
FY16 Beginning Budget:	\$125,000.00
Less: Evacuation Chairs and Installation 10.21.15	-\$7,600.00
Available:	\$321,133.00



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MEMORANDUM

Date: November 18, 2015
From: Mary Anna Twisdale/ Management Analyst
To: Board of Supervisors
Subject: FY16 BOS Contingency Balance

The FY16 BOS Contingency line balance is as follows:

Beginning Budget:	\$150,000.00
Less: Rivanna River Renaissance Conference Funding Support 9.2.15	-\$500.00
Less: State Vet Fee for FSPCA 9.16.15	-\$250.00
*Less: Fire Ladder Truck Replacement 9.16.15	-\$50,000
Available:	\$99,250.00

*Actual amount to be determined, not to exceed \$50,000.