



**BOARD OF SUPERVISORS
LEGISLATIVE COMMITTEE
MEETING**

Tuesday, September 29, 2020 – 3:00 PM

**Gallery Room - Chatham Community Center
115 South Main Street,
Chatham, Virginia 24531**

AGENDA

- 1. CALL TO ORDER (3:00 PM)**
- 2. ROLL CALL**
- 3. AGENDA ITEMS TO BE ADDED**
- 4. APPROVAL OF AGENDA**

Please remember that the Committee Meeting is designed for internal Committee and County Staff communication, discussion, and work. It is not a question and answer session with the audience. Accordingly, during the Committee Meeting, no questions or comments from the audience will be entertained. Respectfully, any outbursts or disorderly conduct from the audience will not be tolerated and may result in the offending person's removal from the Committee Meeting. As a reminder, all County citizens, and other appropriate parties as designated by the Board's Bylaws, are permitted to make comments under the Hearing of the Citizens' Section of tonight's Business Meeting.

- 5. NEW BUSINESS**
 - a. Potential Solar Ordinance Revisions (Ragsdale)
 - b. Potential Planning Commission and Board of Zoning Appeals Certification Compensation Adjustment Discussion (Ragsdale)
 - c. Comprehensive Plan Update (Ragsdale)
 - d. Potential Zoning Ordinance Review/Mass Revision Discussion (Ragsdale)
 - e. Potential Uniform Check Return Fee Ordinance Revision (Shorter)
 - f. Potential Solid Waste Violation Interest Ordinance Revision (Hicks)
- 6. OLD BUSINESS**
 - a. Potential Grass and Weed Ordinance Discussion (Ingram)
- 7. MATTERS FROM COMMITTEE MEMBERS**

8. ADJOURNMENT



Legislative Committee

EXECUTIVE SUMMARY

ACTION ITEM

Agenda Title:	Potential Solar Ordinance Revisions (Ragsdale)		
Staff Contact(s):	Emily Ragsdale		
Agenda Date:	September 29, 2020	Item Number:	5.a
Attachment(s):	Solar		
Reviewed By:			

SUMMARY:

Emily S. Ragsdale, Community Development Director, has identified the attached potential revisions to the County's Solar Ordinance that would benefit the County and its citizens. Ragsdale will present the same to the Legislative Committee for review, consideration, and discussion.

RECOMMENDATION:

County Staff recommends the Legislative Committee recommend the attached potential Solar Ordinance revisions to the full Board at the Board's October Business Meeting for advertisement for potential adoption at the Board's November Business Meeting following the legally required Public Hearing.

MOTION:

"I make a Motion to recommend the attached potential Solar Ordinance revisions to the full Board at the Board's October Business Meeting for advertisement for potential adoption at the Board's November Business Meeting following the legally required Public Hearing.

Proposed amendments to PCC § 35-141.(C) UTILITY SCALE SOLAR ENERGY FACILITY, PCC § 35-141.(D) PERMITTING REQUIREMENTS FOR LARGE SCALE AND UTILITY SCALE SOLAR ENERGY FACILITIES and PCC § 35-141(E) Decommissioning Requirements for Large and Utility Scale Solar Energy Facilities

SEC. 35-141.(C) UTILITY SCALE SOLAR ENERGY FACILITY

1. Utility-scale solar energy facilities shall be by Special Use Permit in the M-1 Industrial District, Light Industry zoning district and the M-2 Industrial District, Heavy Industry zoning district, and in the A-1 Agricultural zoning district.
2. Utility-scale solar energy facilities shall be located no more than 2 miles from an existing electrical transmission line.
3. Utility-scale solar energy facilities shall be located at least five (5) miles from any other utility scale solar energy facility.
4. Density of panel coverage over the entire site area shall be no more than seventy (70) percent.

SEC. 35-141.(D) PERMITTING REQUIREMENTS FOR LARGE SCALE AND UTILITY SCALE SOLAR ENERGY FACILITIES

3. A site plan meeting the requirements of Chapter 35, Article V, Division 4 Pittsylvania County Code, including the following additional information and details:
 - a) Property lines and setbacks as set out below, unless ~~otherwise prescribed by the Board of Zoning Appeals as a condition of approval for a Special Use Permit~~ required setbacks are increased by the Board of Zoning Appeals as a condition of approval for a Special Use Permit.
 - All aspects and components associated with a solar energy facility shall meet the minimum zoning placement and setback requirements for the zoning district in which it is located shall be no less than one hundred fifty (150) feet from any property line. No setbacks are required between the property lines of parcels that are adjacent to each other and within the project area of a single project.
 - The project area shall be no less than two hundred (200) feet from the property line of any residential use located outside of the project area.
 - b) Existing and proposed buildings and structures, including preliminary location(s) of the proposed solar equipment.

- c) Existing and proposed access roads, drives, turnout locations, and parking; however, this requirement shall not exceed VDOT requirements for othertypes of projects in the underlying zoning district.
- d) Location of substations, electrical cabling from the solar systems to the substations, ancillary equipment, buildings, and structures (including those within any applicable setbacks).
- e) Fencing, or other methods of ensuring public safety, in accordance with Section 35-121.
- f) Buffering as required based on the visual impacts of the project or as required by the Board of Zoning Appeals as a condition of approval for a Special Use Permit. Required buffers shall be placed or preserved between any required fencing and adjoining properties and/or adjacent rights-of-way. Buffering or vegetative screening shall comply with Section 35-121. include a minimum 15-foot-wide landscaped area comprised of any existing vegetation supplemented as needed with a staggered row of planted trees and large shrubs. The vegetation shall be evergreen and designed to be at least 15 feet in height at maturity of any new plantings and shall be a minimum of 6 feet in height at time of planting. Existing vegetation shall be maintained and supplemented with new plantings as needed to maintain required screening.
- g) Additional information may be required, as determined by the Zoning Administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Zoning Administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

4. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial or confidential information.

5. Document that the panels are located and installed so that the sum of the glare is directed away from an adjoining property or public rights of way.

6. The applicant shall provide proof of adequate liability insurance for a large and utility scale solar facility prior to issuance of a zoning or building permit.

Sec. 35-141(E) Decommissioning Requirements for Large and Utility Scale Solar Energy Facilities

The owner or operator of a large or utility scale solar energy facility shall completely decommission a facility within 12 months if the facility ceases to generate electricity for a continuous period of 12 months This period may be extended by the Board of Zoning Appeals if

the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond their control and the facility has not been abandoned. Decommissioning shall include the removal of all solar collectors, cabling, electrical components, fencing and any other associated equipment, facilities and structures to a depth of at least 36 inches and stabilization of the site. A decommissioning plan shall be submitted, which shall include the following: (1) the anticipated life of the project; (2) the estimated decommissioning cost in current dollars, not including a salvage or recyclable material value used to offset the decommissioning cost, provided in an itemized format by a Virginia Licensed Professional Engineer (PE); (3) how said estimate was determined; and (4) the manner in which the project will be decommissioned. As allowed by Section 35-714 of the Pittsylvania County Zoning Ordinance, the Board of Zoning Appeals shall require a bond with surety or other approved security to ensure compliance with conditions imposed in a Special Use Permit. The plan shall acknowledge that if at any time the project is declared to be an unsafe structure by the Pittsylvania County Building Code Official, the terms of the "unsafe structure" code shall apply.

Sec. 35-141(F) General Requirements for Large and Utility Scale Solar Energy Facilities

1. The height of roof mounted large and utility-scale solar energy facilities shall not exceed the maximum height of other structures as permitted in the zoning district, and the maximum height of ground mounted facilities shall be 15 feet, as measured from the grade or base of the facility to its highest point, ~~or shall be as approved by the Board of Zoning Appeals as a condition of approval for a Special Use Permit.~~

2. Warning signage shall be placed on solar equipment and facilities to the extent appropriate. Solar equipment shall not be used for the display of advertising, except for reasonable identification of the photovoltaic equipment manufacturer or operator of the solar energy facility. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except as follows: (a) manufacturer's or installer's identification; (b) warning signs and placards; (c) signs that may be required by a federal agency; and (d) signs that provide a 24-hour emergency contact phone number and warn of any danger. Educational signs providing information about the project and the benefits of renewable energy may be allowed as provided in Article II, Division 3 of the Pittsylvania County Zoning Ordinance.

3. All large and utility scale solar energy facilities shall utilize components which have a UL listing or equivalent and fully comply with all applicable building and electrical codes, and shall not generate or create electrical interruptions or interference with existing electrical or electronic uses.

4. All large and utility scale solar energy facilities shall comply with all applicable state and federal permitting and regulatory requirements.

5. All large and utility scale solar energy facilities must comply with the Pittsylvania County Noise Ordinance, but the requirements shall be no more stringent than for other development in the underlying zoning district.



Legislative Committee
EXECUTIVE SUMMARY

ACTION ITEM

Agenda Title:	Potential Planning Commission and Board of Zoning Appeals Certification Compensation Adjustment Discussion (Ragsdale)		
Staff Contact(s):	Emily Ragsdale		
Agenda Date:	September 29, 2020	Item Number:	5.b
Attachment(s):			
Reviewed By:			

SUMMARY:

To encourage members of both the Planning Commission ("PC") and the Board of Zoning Appeals BZA") to become certified, County Staff is proposing an increased pay rate for Members who become certified and maintain that certification. Currently, both PC and BZA Members are paid 200 per Meeting, with the Chairmen of each being paid \$ 250 per Meeting. County Staff is proposing that noncertified Members earn a reduced rate of \$100 per Meeting, while certified Members continue earning the full \$200 per Meeting. If the certification expires, the Member' s pay would be reduced to the noncertified rate until they become recertified.

RECOMMENDATION:

County Staff recommends the Legislative Committee recommend the above proposed pay rate changes for PC and BZA Members to the full Board at the Board' s October Business Meeting for potential adoption.

MOTION:

"I make a Motion to recommend the above proposed pay rate changes for Planning Commission and Board of Zoning Appeals Members to the full Board at the Board' s October Business Meeting for potential adoption."



Legislative Committee
EXECUTIVE SUMMARY

ACTION ITEM

Agenda Title:	Comprehensive Plan Update (Ragsdale)		
Staff Contact(s):	Emily Ragsdale		
Agenda Date:	September 29, 2020	Item Number:	5.c
Attachment(s):			
Reviewed By:			

SUMMARY:

Emily S. Ragsdale, Community Development Director, will provide the Legislative Committee a Comprehensive Plan review update.

RECOMMENDATION:

For informational purposes only. No action required.



Legislative Committee
EXECUTIVE SUMMARY

ACTION ITEM

Agenda Title:	Potential Zoning Ordinance Review/Mass Revision Discussion (Ragsdale)		
Staff Contact(s):	Emily Ragsdale		
Agenda Date:	September 29, 2020	Item Number:	5.d
Attachment(s):			
Reviewed By:			

SUMMARY:

Emily S. Ragsdale, Community Development Director, will discuss with the Legislative Committee the potential need for a future Zoning Ordinance mass revision.

RECOMMENDATION:

For informational purposes only. No action required.



Legislative Committee
EXECUTIVE SUMMARY

ACTION ITEM

Agenda Title:	Potential Uniform Check Return Fee Ordinance Revision (Shorter)		
Staff Contact(s):	Honorable Vincent E. Shorter		
Agenda Date:	September 29, 2020	Item Number:	5.e
Attachment(s):	Treasurer		
Reviewed By:			

SUMMARY:

Currently, the County's Treasurer's Office is authorized by Pittsylvania County Code ("PCC") 6- 6.6, attached, to charge \$ 35. 00 for returned checks. The Pittsylvania County Service Authority currently charges \$45.00 for returned checks. Virginia Code 15. 2- 106, attached, allows localities to charge up to \$ 50.00 for returned checks. For uniformity's sake and to sufficiently recover the true administrative costs associated therewith; the Treasurer recommends that PCC 6- 6. 6 be revised to charge \$45.00 for returned checks.

RECOMMENDATION:

The Treasurer recommends the Legislative Committee recommend the attached revision to PCC 6- 6.6 to the full Board at the Board's October Business Meeting for advertisement for potential adoption at the Board's November Business Meeting following the legally required Public Hearing.

MOTION:

"I make a Motion to recommend the attached revision to PCC 6- 6.6 to the full Board at the Board's October Business Meeting for advertisement for potential adoption at the Board's November Business Meeting following the legally required Public Hearing."

Virginia Code § 15.2-106. Ordinances providing fee for passing bad checks to localities.

Any locality may by ordinance provide for a fee, not exceeding \$50, for the uttering, publishing or passing of any check, draft, or order for payment of taxes or any other sums due, which is subsequently returned for insufficient funds or because there is no account or the account has been closed, or because such check, draft, or order was returned because of a stop-payment order placed in bad faith on the check, draft, or order by the drawer.

Pittsylvania County Code (Current)

SEC. 6-6.6. BAD CHECK FEE.

Pittsylvania County, Virginia, and any and all of its associated Constitutional Officers, shall have the authority to charge and collect up to \$35.00 for the uttering, publishing or passing of any check, draft, or order for payment of taxes or any other sums due, which is subsequently returned for insufficient funds, or because there is no account or the account has been closed, or because such check, draft, or order was returned because of a stop.

Pittsylvania County Code (Revised)

SEC. 6-6.6. BAD CHECK FEE.

Pittsylvania County, Virginia, and any and all of its associated Constitutional Officers, shall have the authority to charge and collect up to \$45.00 for the uttering, publishing or passing of any check, draft, or order for payment of taxes or any other sums due, which is subsequently returned for insufficient funds, or because there is no account or the account has been closed, or because such check, draft, or order was returned because of a stop.



Legislative Committee
EXECUTIVE SUMMARY

ACTION ITEM

Agenda Title:	Potential Solid Waste Violation Interest Ordinance Revision (Hicks)		
Staff Contact(s):	Richard Hicks		
Agenda Date:	September 29, 2020	Item Number:	5.f
Attachment(s):	Solid Waste		
Reviewed By:			

SUMMARY:

County staff recently discovered that there are no interest charges on unpaid solid waste disposal invoices at the County Landfill. There are not many unpaid invoices, but when an invoice remains unpaid for thirty (30) days or more, County Staff feels there should be interest added to the invoice. Virginia Code § 15.2- 105, attached, allows the Board to adopt an ordinance imposing interest on delinquent landfill accounts "not exceeding ten percent." For the Committee' s review and consideration, attached is a related proposed revision to Pittsylvania County Code (" PCC") § 17-4(C).

RECOMMENDATION:

County Staff recommends the Legislative Committee recommend the attached revision to PCC § 17- 4(C) to the full Board at the October Business Meeting for authorization to advertise the same for potential adopting following the legally required Public Hearing at the Board' s November Business Meeting.

MOTION:

“I make a Motion to recommend the attached revision to PCC § 17- 4(C) to the full Board for authorization to advertise the same for potential adopting following the legally required Public Hearing at the Board' s November Business Meeting.”

Virginia Code § 15.2-105. Penalty and interest for failure to pay accounts when due.

Any person failing to pay, pursuant to an ordinance, any account due a locality on or before its due date, other than taxes which are provided for in Title 58.1, may, at the option of the locality, incur a penalty thereon of ten dollars or an amount not exceeding ten percent. The penalty shall be added to the amount of the account due from such person. No penalty shall be imposed for failure to pay any account if such failure was not in any way the fault of the debtor.

Interest at the rate of ten percent annually from the first day following the day such account is due may be collected upon the principal and penalty of all such accounts.

PCC § 17-4. PITTSYLVANIA COUNTY LANDFILL

A. The Pittsylvania County Landfill shall be operated as an Enterprise Fund wherein all solid waste received at the Pittsylvania County Landfill must be billed at the current approved tipping fee in accordance with Section 17-4(C). Revenues to the Enterprise Fund shall be derived from the County's consumer utility tax and the tipping fees.

B. No commercial hauler shall be permitted to dispose of solid waste in the Pittsylvania County Landfill without having first entered into a written contract for such disposal with the Board of Supervisors of Pittsylvania County, Virginia, acting through its duly authorized County Administrator or his/her designee.

C. The fee for disposal of acceptable solid waste at the County Landfill shall be set annually by the Board of Supervisors. Ten percent (10%) interest shall be applied to all landfill disposal accounts more than thirty (30) days in arrears.

D. Incorporated Towns of Pittsylvania County will be charged a disposal fee in accordance with Sections 17-4(A) and (C) provided the County does not collect a utility tax within the incorporated Town limits. (B.S.M. 6/20/00)

E. For County residents and County businesses only, tires may be disposed of only at the County Landfill at a rate set annually by the Board of Supervisors.

F. Hazardous chemicals, liquid waste, hazardous waste, highly combustible waste, sludge, and other semi-solid fluids shall not be accepted at the Pittsylvania County Sanitary Landfill except by prior approval by the Board of Supervisors and shall be disposed of only as approved by the Department of Environmental quality of the Commonwealth of Virginia. To this end, all waste presented for disposal at the landfill may be inspected prior to disposal. All waste presented for disposal shall be presented in such a manner as to allow for easy inspection. In the event that unacceptable waste is detected or suspected, the County Administrator, Assistant County Administrator, Director of Public Works, or head of operations at the landfill, or any designee thereof, shall refuse to accept such waste for disposal, until such waste is determined to be acceptable waste by analysis from the Department of Environmental Quality or its designee.

G. It shall be unlawful for any person to enter the area of the Pittsylvania County Sanitary Landfill in which solid waste is deposited and remains uncovered and not buried who is not authorized by the Director of Public Works, or the head of operations at the landfill, or any designee thereof. It shall likewise be unlawful for any person to remove, disturb, or search in the solid waste or engage in the practice of sorting through or scavenging in or about the solid waste deposited at the Pittsylvania County Sanitary Landfill. The foregoing shall not apply to any County employee in the regular course of his duties or any other person authorized by the County Administrator or County official in charge of the Solid Waste program.

H. Regulations governing the Landfill shall be posted at the Landfill gate. The County Administrator or other designee of the Board of Supervisors shall arrange special hours of operations on Saturdays and holidays, as the need arises, and such special open hours shall be reported to the public through the news media.

I. Solid waste tonnage accepted at the County Landfill shall be determined by the County's Landfill permit.

J. Subject to all conditions contained inappropriate in the State and Federal permits, an oil recycling program for the citizens and commercial businesses of Pittsylvania County shall be operated at the Pittsylvania County Landfill. The landfill operation manager, or his designated assignee, in his sole discretion may reject or deny acceptance of any oil, for any of the following reasons:

- Inability to inspect oil
- Suspicion of contamination
- Failure to submit documentation of origin
- Proof of residency. Failure to provide proof of residency
- Unavailable storage capacity at the landfill.
- Any and all requirements placed on the County by the Department of Environmental Quality, United States Environmental Protection Agency, or any other regulatory agency with jurisdiction in the Commonwealth of Virginia.

No oil shall be accepted from a commercial hauler. (B.S.M. 8/18/98)



Legislative Committee
EXECUTIVE SUMMARY

ACTION ITEM

Agenda Title:	Potential Grass and Weed Ordinance Discussion (Ingram)		
Staff Contact(s):	Supervisor Ingram		
Agenda Date:	September 29, 2020	Item Number:	6.a
Attachment(s):	Grass and Weed		
Reviewed By:			

SUMMARY:

Supervisor Ingram desires to further discuss potentially implementing a Grass and Weed Ordinance in the County. For the Committee' s reference and review, attached please find various related documents previous supplied at past Legislative Committee Meetings.

RECOMMENDATION:

For the Committee' s consideration.

(STATE
CODE)

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 12. General Powers and Procedures of Counties

§ 15.2-1215. Authority to cut growth of grass or lawn area in counties.

A. Any county may by ordinance require that the owner of occupied residential real property therein cut the grass or lawn area of less than one-half acre on such property or any part thereof at such time or times as the governing body shall prescribe when growth on such grass or lawn area exceeds 12 inches in height; or may whenever the governing body deems it necessary, after reasonable notice, have such grass or lawn area cut by its agents or employees, in which event, the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes and levies are collected. No such ordinance adopted by the county shall have any force and effect within the corporate limits of any town. Violation of such ordinance may be punishable by a civil penalty not to exceed \$100.

B. No such ordinance shall be applicable to land zoned for or in active farming operation.

1988, c. 625, § 15.1-11.01; 1990, c. 155; 1991, cc. 314, 315; 1997, cc. 587, 614; 1998, cc. 640, 756; 2005, c. 309; 2006, c. 700; 2009, c. 252; 2010, c. 396; 2014, c. 385.

Attachment: Grass and Weed (2190 : Potential Grass and Weed Ordinance Discussion (Ingram))

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 9. General Powers of Local Governments

(state code)

§ 15.2-901. Locality may provide for removal or disposal of trash, cutting of grass, weeds, and running bamboo; penalty in certain counties; penalty.

A. Any locality may, by ordinance, provide that:

1. The owners of property therein shall, at such time or times as the governing body may prescribe, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health or safety of other residents of such locality; or may, whenever the governing body deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter and other like substances which might endanger the health of other residents of the locality, removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected;

2. Trash, garbage, refuse, litter and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law;

3. The owners of occupied or vacant developed or undeveloped property therein, including such property upon which buildings or other improvements are located, shall cut the grass, weeds and other foreign growth, including running bamboo as defined in § 15.2-901.1, on such property or any part thereof at such time or times as the governing body shall prescribe; or may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. No such ordinance adopted by any county shall have any force and effect within the corporate limits of any town. No such ordinance adopted by any county having a density of population of less than 500 per square mile shall have any force or effect except within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use. No such ordinance shall be applicable to land zoned for or in active farming operation.

B. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

C. The governing body of any locality may by ordinance provide that violations of this section shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty 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. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

D. Except as provided in this subsection, adoption of an ordinance pursuant to subsection C shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. The governing body of any locality may, however, by ordinance provide that such violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set

Attachment: Grass and Weed (2190 : Potential Grass and Weed Ordinance Discussion (Ingram))

(2)

6.a.a

(State Code)

of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

Code 1950, § 15-14; 1962, cc. 400, 623, § 15.1-11; 1964, c. 31; 1968, c. 423; 1974, c. 655; 1978, c. 533; 1983, cc. 192, 390; 1990, c. 177; 1992, c. 649; 1994, c. 167; 1997, c. 587; 1999, c. 174; 2000, c. 740; 2001, c. 750; 2003, c. 829; 2006, c. 275; 2009, c. 446; 2010, cc. 161, 403, 641; 2011, cc. 542, 695; 2012, cc. 311, 403, 430, 431; 2013, cc. 189, 490, 508; 2014, cc. 383, 384, 385; 2017, cc. 118, 213, 392, 610.

Attachment: Grass and Weed (2190 : Potential Grass and Weed Ordinance Discussion (Ingram))

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 20. Streets and Alleys

(State Code)

§ 15.2-2009. Obstructions or encroachments.

A locality may prevent any unlawful obstruction of or encroachment over, under or in any street, highway, road, alley, bridge, viaduct, subway, underpass or other public right-of-way or place; may provide penalties for maintaining any such unlawful obstruction or encroachment; may remove the same and charge the cost thereof to the owner or occupant of the property so obstructing or encroaching; and may collect the cost in any manner provided by law for the collection of state or local taxes. The locality may require the owner or occupant of the property so obstructing or encroaching to remove the property and, pending such removal, may charge the owner of the property so obstructing or encroaching compensation for the use of such portion of the street, highway, road, alley, bridge, viaduct, subway, underpass or other public right-of-way or place obstructed or encroached upon the equivalent of what would be the tax upon the land so occupied if it were owned by the owner of the property so obstructing or encroaching. If removal is not accomplished within the time ordered, the locality may impose penalties for each day that the obstruction or encroachment is allowed to continue. The locality may authorize encroachments upon such public rights-of-way and places subject to such terms and conditions as the governing body may prescribe. However, owners or occupants shall be liable for negligence on account of such encroachment, and the governing body may institute and prosecute a suit or action in ejectment or other appropriate proceedings to recover possession of any such public right-of-way or place or any other property unlawfully occupied or encroached upon.

Code 1950, § 15-77.57; 1958, c. 328; 1962, c. 623, § 15.1-893; 1997, c. 587.

Attachment: Grass and Weed (2190 : Potential Grass and Weed Ordinance Discussion (Ingram))

Legislative Committee
November 29, 2018

Control officers to have some authority to do something, without an actual attack. This will be at the discretion of the Animal Control Officer and unique to each situation. There was consensus of the Legislative Committee to bring back to the Board during a Work Session in the future to review.



(g) Discussion of Potential Grass and Weeds Ordinance

Mr. Hunt brought before the Committee a potential Grass and Weeds Ordinance, which is allowed by the State. This is just to see if the Board has an appetite for something such as this, or to leave as is. This was attempted several years ago, and it was not successful in coming out of the Committee and being brought before the full Board. The proposed Ordinance would be limited to R-1 only, and would also be based on phone complaints that are not anonymous. After some discussion, there was consensus from the Legislative Committee to bring this item back in the new year for future discussion.

(h) Discussion of Potential Revisions to Inoperable Vehicles Ordinance

Mr. Hunt stated the County currently allows three (3) or fewer inoperable vehicles to be kept on a property provided that each vehicle is shielded or screened for view by covers or vegetation. There have been suggestions by Board Members to potentially revise the inoperable vehicles ordinance, because the three (3) vehicle limit may fit some Districts, but not others. This would be complaint-based and could be restricted to R-1. After discussion, there was consensus from the Legislative Committee to bring this item back in the new year for discussion at a future Work Session.

Adjournment

Motion to adjourn made by Mr. Farmer, seconded by Mr. Davis.

Mr. Scarce adjourned the Meeting at 5:50 PM.

Minutes

Legislative Committee
January 28, 2019

Mr. Slemp, Director of Public Safety, informed the Legislative Committee that a draft of the new Fire and Rescue Ordinance is currently being worked on and is close to being completed. Once the draft is finalized, he will present it to the Committee at a future meeting for recommendation to the full Board for potential action. Their next Ad-hoc committee meeting is scheduled for February 8, 2019, to see if there are any additional comments.

Old Business



(a) Potential Grass and Weeds Ordinance

Mr. Hunt asked if there was a desire to entertain a potential Grass and Weed Ordinance. Following discussion, the Legislative Committee directed Mr. Hunt to bring back a draft of a potential Grass and Weeds Ordinance (to be only applicable to R-1 zoned properties in the County) to a future Legislative Committee Meeting for a potential recommendation to the full Board.

(b) Potential Revision to Inoperable Vehicles Ordinance

Mr. Hunt asked if there was a desire to entertain potential revisions to the County's Inoperable Vehicles Ordinance. After discussion, the Legislative Committee directed Mr. Hunt to bring back a draft of revisions allowing fewer inoperable vehicles in R-1 zoned properties in the County to a future Legislative Committee Meeting for potential recommendation to the full Board.

Adjournment

Mr. Farmer adjourned the Meeting at 6:35 PM.

minutes

Legislative Committee
March 7, 2019

Mr. Slemp stated the Ad-hoc Committee met last month and the majority of the Ordinance is complete. Mr. Slemp suggested the Committee recommend to the full Board that the Fire and Rescue Commission be comprised of no more than nine (9) members, by eliminating the EMS-only and Law Enforcement Members. Mr. Slemp also stated that he has hopes of having the Ordinance completed and ready for the full Board to review by July. Mr. Scarce mentioned that things have been going well and everyone seems to be working well together and there are a few things left before the Ordinance is finalized. There was also discussion about how the citizens are appointed to this Commission. Motion by Scarce, second by Barber, to recommend to the full Board that the Fire & Rescue Commission be comprised of no more than nine (9) members, by eliminating the EMS-only and Law Enforcement Members, and the Board's decision making on the citizen appointees not be restricted. The recommendation was unanimously approved by the Committee.

(b) Animal Nuisance Ordinance Update

Mr. Hunt stated there have been some concerns raised from the farm community. The farm community is primarily concerned that this Ordinance will be used to go after the agricultural community for smells and things such as that. There is a Public Hearing scheduled for March 12, 2019 for this matter, but the Public Hearing can be removed from the Agenda, or it can still be held to hear the concerns and take no action after the Public Hearing. Mr. Scarce stated that one concern he has heard is that usually when a complaint is taken before the Judge, nothing is done, and it has been a waste of time. He suggested sitting down with Mr. Haskins and trying to come up with some wording so that this Ordinance has some teeth. Mr. Farmer stated he would still like to hold the Public Hearing to hear citizen comments.

(c) Inoperable Vehicles Ordinance Revision

There was discussion about why the Ordinance revision came up and if there were more complaints recently than in the past. Mr. Sides stated there has not been more complaints, but the idea was brought to the Legislative Committee that maybe there should be more restrictions in residentially zoned properties, and Staff was asked to bring something back for the Committee to review. Mr. Warren stated that he has received a lot of phone calls and complaints, but more so in subdivisions where there are a cluster of homes. Mr. Barber stated that he has not received any complaints and he feels that the issue is enforcement. There was consensus from the Board on enforcing the current Ordinance that is in place as is, on a complaint basis, and only take action at a later date only if necessary.

(d) Grass and Weeds Ordinance

Mr. Sides stated the Legislative Committee requested that Staff look into and draft an Ordinance, and the Legislative Committee was provided with a standard Grass and Weed Ordinance. Mr. Barber stated his concern about this issue and recommended it be left alone right now. He stated there are farmers who cut on residential properties and does not feel that the County has the means to enforce this issue. Mr. Warren suggested that this issue be tabled and come back to later, but he feels that something should be done for the citizens who live in subdivisions who have covenants.

(e) "Farming Definition" Expansion/Clarification for Taxation Purposes

Attachment: Grass and Weed (2190 : Potential Grass and Weed Ordinance Discussion (Ingram))

GRASS AND WEED ORDINANCE

Sec. ____ - Unlawful Conditions of Weeds, Grass, Shrubbery, Trees and other Vegetation Generally.

(a) Occupied Property.

This Paragraph shall not apply to land zoned for or in an active farming operation.

(1) No owner of occupied residential real property shall permit to remain on such property or any part thereof a grass or lawn area of less than one-half-acre when growth on such grass or lawn area exceeds twelve (12) inches in height.

(2) No owner of any occupied developed, or undeveloped property, including property upon which buildings or other improvements are located, within the boundaries of platted subdivisions or any other areas zoned for residential, office, commercial, or industrial use shall permit to remain thereon, any grass, weeds, or other uncontrolled vegetation in excess of eighteen (18) inches in height, unless located in areas within the property that are used for pastures, under cultivation, forested, subject to utility transmission easements, or where the vegetative growth is regulated under State or Federal laws or programs.

(b) Vacant Property.

This Paragraph does not apply to land zoned for or in an active farming operation.

No owner of any vacant developed or undeveloped property, including property upon which buildings or other improvements are located, within the boundaries of platted subdivisions or any other areas zoned for residential, office, commercial, or industrial use shall permit to remain thereon, any grass, weeds, or other uncontrolled vegetation in excess of eighteen (18) inches in height unless located in areas within the property that are used for pastures, under cultivation, forested, subject to utility transmission easements, or where the vegetative growth is regulated under State or Federal laws or programs.

(c) Occupied and Vacant Property.

No owner of any lot or parcel of land shall permit to grow or remain thereon any hedge, shrub, tree, or other vegetation, the limbs, branches, or other parts of which overhang, extend, or protrude into any street, sidewalk, or public alley in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles thereon, or, in the case of trees, when the dead limbs or branches thereof are likely to fall into or across such street or sidewalk, thereby endangering such persons and vehicles.

(d) Disposal of Vegetation.

Upon remedying any unlawful condition hereunder, the owner shall dispose of such vegetation in a manner that eliminates any potential fire hazard.

(e) County's Authority to Act.

Whenever the Director of Community Development, or his/her official designee, has determined that any such unlawful condition exists, he/she shall send written Notice to the property owner notifying the property owner (i) that such determination has been made, and (ii) that the owner shall cut the grass, weeds, or other uncontrolled vegetation within the time specified in the Notice. Such notice shall be delivered by hand or sent by first class mail to the last address listed for the property owner on the County's real estate assessment records for the property. One (1) written Notice per growing season to the owner of record of the subject property shall be considered reasonable notice.

If such grass, weeds, or other uncontrolled vegetation are not cut within the required time, the Director of Community Development, or his/her official designee, shall cause or order them to be cut, either by County forces or by a private contractor, and the costs and expenses thereof, including an administrative charge of \$50.00, shall be billed to the property owner and, if not paid, shall be added to and collected in the same manner as real estate taxes are collected. The Director of Community Development, or his/her official designee, shall certify the costs and expenses to the Treasurer of the County, who shall collect such amount; if such amount shall remain unpaid for a period of sixty (60) days, then the Treasurer shall certify such charges as being unpaid to the Clerk of the Circuit Court of the County, who shall maintain a record book of such delinquent costs and expenses in the records of the Clerk's Office.

(f) Lien on Property.

In addition to any authority the Treasurer has to place a lien through the tax collection process, costs and expenses incurred by the County to correct violations of Subsections (a)(2) or (b) shall be assessed against the owner and any lien holder of the property and, if they remain unpaid, shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes, and shall be enforceable in the same manner as provided in Code of Virginia, tit. 58.1, ch. 39, arts. 3 and 4 (§§ 58.1-3940—58.1-3974), 1950, as amended. The County may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the person who was owner of the property at the time the liens were imposed.

(g) Penalties.

(1) Violations of Subsection (a)(2) or (b).

Violations of Subsection (a)(2) or (b) shall be subject to a civil penalty of \$50.00 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within twelve (12) months of the first violation shall be \$200.00. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000.00 in a twelve (12)-month period. In addition, these violations shall be a Class 3 Misdemeanor in the event three (3) civil penalties have previously been imposed on the same Defendant for the same or similar violation, not arising from the same set of operative facts, within a twenty-four (24)-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

(2) Violations of subsection (a)(1), (c) and (d).

Any violation of Subsection (a)(1), (c), and (d) shall be punishable by a civil penalty not to exceed \$100.00.

State Law reference — Authorized by §§ 15.2-901, 15.2-1215, and 15.2-2009, Code of Virginia, 1950, as amended.