4-A

MOTION: **June 7, 2022**
Regular Meeting

SECOND: **Res. No. 22-**

RE: **AUTHORIZE PUBLIC HEARING TO CONSIDER AMENDMENTS SOME OF WHICH ARE MANDATED BY CHANGES TO STATE LAW, PROPOSED AMENDMENTS TO: CHAPTER 2 (ADMINISTRATION), CHAPTER 2.5 (ALARM SYSTEMS), CHAPTER 4 (ANIMALS AND FOWL), CHAPTER 5 (BUILDINGS AND BUILDING REGULATIONS), CHAPTER 10.1 (HUMAN RIGHTS), CHAPTER 13 (MOTOR VEHICLES AND TRAFFIC), CHAPTER 19 (PERSONNEL), CHAPTER 22 (REFUSE), CHAPTER 25 (SUBDIVISIONS), CHAPTER 26 (TAXATION), CHAPTER 27 (TAXICABS), AND CHAPTER 31 (WEAPONS)**

ACTION:

WHEREAS, the Prince William Board of County Supervisors (Board) pursuant to both general and specific authority granted by the Code of Virginia, has enacted certain provisions of Chapter 2 (Administration), Chapter 2.5 (Alarm Systems), Chapter 4 (Animals and Fowl), Chapter 5 (Buildings and Building Regulations), Chapter 10.1 (Human Rights), Chapter 13 (Motor Vehicles and Traffic), Chapter 19 (Personnel), Chapter 22 (Refuse), Chapter 25 (Subdivisions), Chapter 26 (Taxation), Chapter 27 (Taxicabs), and Chapter 31 (Weapons) of the Prince William County Code to parallel certain provisions of the Code of Virginia; and

WHEREAS, the parallel provisions of the Code of Virginia have been amended by the Governor of Virginia and the General Assembly during the 2022 general session, or were previously amended by the Governor of Virginia and the General Assembly; and

WHEREAS, it is the Board's desire to conduct a public hearing for the purpose of considering adoption of corresponding amendments to the Prince William County Code; and

WHEREAS, it is the Board's desire to conduct a public hearing for the purpose of considering adoption of amendments to the Prince William County Code Chapter 19 (Personnel) to align with the proposed changes to the Personnel Policies;

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors hereby determines that it shall conduct a public hearing to be scheduled on June 28, 2022, by the Clerk to the Board to consider the adoption of the amendments to Chapter 2 (Administration), Chapter 2.5 (Alarm Systems), Chapter 4 (Animals and Fowl), Chapter 5 (Buildings and Building Regulations), Chapter 10.1 (Human Rights), Chapter 13 (Motor Vehicles and Traffic), Chapter 19 (Personnel), Chapter 22 (Refuse), Chapter 25 (Subdivisions), Chapter 26 (Taxation), Chapter 27 (Taxicabs), and Chapter 31 (Weapons) of the Prince William County Code, shown on the attachment to this resolution. The Clerk is further directed to make copies of all proposed amendments available to the public upon request;

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors hereby authorizes the Clerk to the Board to properly advertise notice of the public hearing for the stated purpose in a newspaper of general circulation in Prince William County.

ATTACHMENT: Proposed Amendments

Votes:
Ayes:
Nays:
Absent from Vote:
Absent from Meeting:

For Information:
County Executive
Chief of Police
Finance Director
Director of Planning
Director of Development Services
Director of Public Works
Director of Human Resources
Commonwealth's Attorney

ATTEST: _____

Clerk to the Board

PROPOSED AMENDMENTS TO CHAPTER 2 OF THE COUNTY CODE TO BECOME EFFECTIVE ON JULY 1, 2022

CHAPTER 2 ADMINISTRATION

ARTICLE VIII. POLICE AUXILIARY

Sec. 2-177. When police auxiliary members may be called into service.

The chief of police, or his designee, may call into service such police auxiliary members as may be deemed necessary.

(1) In times of public emergency;

(2) At such times as there is an insufficient number of full-time, salaries, sworn officers to preserve the public peace, safety, and good order of the community, and auxiliary members are needed to relief sworn officers of support and administrative duties; ~~or~~

(3) To provide transportation for such person subject to an emergency custody order pursuant to the Code of Virginia § 37.2-808 or to provide transportation for a person in the temporary detention process pursuant to the Code of Virginia § 37.2-810; or

(4) At any time for the purpose of training such police auxiliary members.

(Ord. No. 99-31, 5-4-99)

State law reference(s)—Code of Virginia § 15.2-1734

Sec. 2-180. Jurisdictional limitations of police auxiliary members.

The members of the police auxiliary shall not be required to act beyond the limits of the jurisdiction of the county except when called upon to protect public property belonging to the county ~~which~~ that may be located beyond its boundaries, or ~~when called out an dispatched in response to a police mutual aid agreement~~ as provided in the Code of Virginia §§ 15.2-1736, 37.2-808, or 37.2-810.

(Ord. No. 99-31, 5-4-99)

State law reference(s)—Code of Virginia § 15.2-1735

ARTICLE X. CONTINUITY OF GOVERNMENT ORDINANCE

DIVISION 2. MEETINGS

SEC. 2-206. MEETINGS PROCEDURAL PROVISIONS AND REQUIREMENTS.

When the Board finds there is an enemy attack or disaster such that this Continuity of Government Ordinance shall be invoked by resolution, the following procedural provisions, in consultation with the County Attorney's Office, shall apply:

(1) For any meeting at which the Board or other entities listed in this section transacts public business with any purpose other than addressing the attack, emergency, crisis, or disaster, or assuring the continuity of government, the Board and the entities listed below will meet in accordance with all usual procedures established by the Virginia Freedom of Information Act, Code of Virginia, § 2.2-3700 et seq.

(2) After the Board invokes this Ordinance, meetings of the Board, and to the extent allowed by law, all local public bodies, boards, commissions, committees, authorities, and other public bodies that are appointed by and report to the Board, that are necessary for the continuity of its government, may be held through electronic communication means without a quorum of members physically present in a single location, provided that, to the extent possible, notice of such meetings is given in accordance with applicable laws.

(3) To the extent allowed by law, meetings of all local public bodies, boards, commissions, committees, authorities and other public bodies that are necessary for the continuity of County government, to include, but not limited to, the Prince William County School Board, the Prince William County Service Authority, the Prince William-Manassas Regional Jail Board, the Potomac and Rappahannock Transportation Commission, the Virginia Railway Express Operations Board, the Northern Virginia Transportation Authority, and the Industrial Development Authority, may be held through electronic communication means without a quorum of members physically present in a single location, and any County appointee, designee, or representative to such entities are authorized to participate in such meeting electronically, provided that notice of such meetings is given in accordance with applicable laws; and(4)Such meetings that are necessary for the continuity of County government may be scheduled when adopted by resolution during a meeting, may be held in lieu of a previously scheduled meeting, or may be held in the same manner as other regular, special, or emergency meetings; and

(5) Such meetings, subject to Federal and State health and safety standards and guidance, may be held without permitting members of the public to be physically present in a central location or in the same physical location as the Board or any of the entities listed above, so long as alternative arrangements for public access to such meetings and public participation in such meetings are made. Such alternative public access may be electronic, including, but not limited to, audio, telephonic, or video broadcast; and

(6) In no event shall any action be taken by the Board or the other entities listed above in any regular, emergency, special, or electronic meeting unless a quorum is participating in the meeting; and(7)Before any action may be taken on any item at a meeting for the continuity of government, the Board and the entities listed above must first approve that the item or items are necessary to address the attack, emergency, crisis, or disaster, or to assure the continuity of government and that the usual procedures cannot be implemented safely or practically. A motion may be made and voted upon before each item or as to the entire agenda, as may be determined by the Chair; and(8)For any such matter requiring a public hearing by law, public comment will be solicited and received via written or electronic communication prior to the vote on the matter. All such comments will be provided to the members of the Board and made a part of the record of the meeting; and

(9) Notwithstanding the foregoing, the Board and entities listed above may, at their election, conduct previously scheduled regular meetings, emergency meetings, or special meetings and act upon scheduled or purposed agenda items before them for the duration of the attack, crisis, disaster, and/or emergency declaration thereafter, under normal procedures or by solely electronic means in compliance with public notice, access, and other requirements of Code of Virginia §§ 2.2-3708.2~~(A)(3)~~ to the extent practicable; and

(10) Notwithstanding any provision of law, regulation, or public policy to the contrary, any deadlines requiring action by the Board and entities listed above, its officers (including Constitutional Officers) and employees of its organization shall be suspended during this attack, emergency, crisis, and/or disaster, however, the Board and the entities listed above, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation, or otherwise; and

(11) Each incorporated town within the boundaries of Prince William County, Virginia is encouraged, authorized, and/or directed to declare its own state of local emergency or disaster or incorporate by reference the County's declaration of local emergency and disaster and to adopt an ordinance for the continuity of town government; and

(12) During the continuance of the attack, crisis, disaster, and/or emergency, the Board and the entities listed above may alter meeting schedules as needed to protect the safety and health of the members of the entity, staff, and members of the public; and

(13)Agenda items that are scheduled to be heard by the Board or the entities listed above that are not deemed necessary for operation of the government during the duration of the attack, crisis, disaster, and/or emergency shall be deemed continued for the duration of the Declaration of Local Emergency not to exceed 12 months, if the Board or the entities listed above do not take action on the agenda item during the referenced timeframe. This may include those agenda items for which federal, State, or County law, ordinance, or regulation requires an affirmative action to be taken within a statutorily-mandated timeframe and the failure to act can be deemed an approval; and

(14) Any land use matter which is not acted upon by the Board or Planning Commission during the attack, disaster, crisis, and/or emergency shall be continued for the duration of the attack, disaster, crisis, and/or emergency, including, but not limited to, any matter which is subject to a federal, State, or County time requirement and is or may be deemed approved if not acted upon in a certain time period; and

(15) Any policy, process, procedure, or matter which requires the physical presence of the public in a County building which the County Executive has declared or in the future declares to be closed to the public, is suspended; and

(16) Any policies or procedures previously adopted by the Board are suspended to the extent they are inconsistent with this Ordinance, including, but not limited to, the Board's Rules of Procedure.

(Ord. No. 20-10-C , 4-28-20; Ord. No. 21-32 , 6-22-21, effective 7-1-21)

PROPOSED AMENDMENTS TO CHAPTER 2.5 OF THE COUNTY CODE TO BECOME EFFECTIVE ON JULY 1, 2022

CHAPTER 2.5 ALARM SYSTEMS

ARTICLE II. FIRE AND SECURITY ALARMS

Sec. 2.5-22. Definitions.

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

Alarm company. Any business which alters, installs, leases, maintains, monitors, repairs, replaces, sells at retail, services, or responds to an alarm system.

Alarm system. Any mechanical or electrical equipment arranged to signal an unauthorized entry or other illegal activity. Alarm system includes devices activated automatically, such as burglar alarms, and devices activated manually, such as hold up or panic alarms. Alarm system does not include telephone lines maintained and operated by public utilities under the regulation of the public service commission over which such signals might be transmitted, or alarm systems installed in motor vehicles, boats, or aircraft.

Audible alarm. A device located at the protected premises, which generates an audible signal when activated. This device is designed to signal a breach of security.

Automatic dialing device. A device at the protected premises which is connected to a telephone line and is programmed to select a telephone number which terminates at the Prince William County Police Department and transmits, a prerecorded voice message or code which signals the existence of criminal activity at the protected premises.

"*Battery-charged fence security system*" means a system intended for security that includes a fence, a battery-operated energizer connected to the fence and designed to periodically deliver voltage impulses to the fence, a battery-charging device used exclusively to charge the battery, and any other ancillary components and attached equipment. "Battery-charged fence security system" does not include fencing engineered to exclude or contain deer or livestock.

False alarm. Any security alarm signal, whether or not from an audible alarm system, communicated directly or indirectly to the Prince William County Police Department which is not in response to actual or threatened criminal activity requiring an immediate response, including signals which are negligently, accidentally or inadvertently activated, or which are the result of faulty, malfunctioning, or improperly installed or maintained equipment, or which are purposely activated to summon the police without just cause; provided, that [a] false alarm shall not include a signal activated by unusually severe weather conditions or other causes which are determined by the chief of police or his designee to be beyond the control of the user.

Person. Any individual, group of individuals, firm, partnership, company, corporation or association of any kind.

Protected premises. The premises upon which a security alarm system is located.

Twelve-month calculation period. A 12-month period of time, beginning every July 1st. In the case of a new registration issuance or first false alarm from an unregistered alarm, the calculation period will begin on the date of initial registration or first false alarm, and end on June 30th of the same calculation period. This calculation period will be used for violations of sections 2.5-28 and 2.5-29.

User. Any person using a security alarm system regardless of whether or not the person owns the premises on which the security alarm is located.

(Ord. No. 08-92, 10-7-08)

State law reference(s)—Code of Virginia, § 15.2-911

Sec. 2.5-24. Required equipment.

(a) Alarm systems installed after January 1, 2009, shall meet the following standards:

(1) Any alarm system operated within the county shall be designed, equipped and maintained in such a manner as to prevent false alarms due to interruptions in electrical power.

(2) Any alarm system operated within the county which is equipped with a horn, bell, siren or other noise producing device which is audible beyond the confines of the protected premises shall be designed, adjusted and maintained in such a manner that it will not sound for longer than 15 minutes before silencing itself.

(b) Alarm systems installed after July 1, 2009, shall meet the following additional standards:

(1) Every alarm system must have secondary or back-up power sufficient to operate the system in a non-alarm status for a minimum of four hours. Alarm activation shall not occur during switch-overs between primary and secondary power.

(2) All alarm system equipment must be U.L. listed, used only for the purpose intended by the manufacturer, and installed per manufacturer's specification.

(3) Every alarm system must be installed in accordance with the National Electric Code (NEC) and manufacturers standards.

(4) Any hold-up alarm requiring push button activation must require simultaneous two-button activation, or conform to U.L. standards.

(c) In the event that an alarm system is required to be upgraded pursuant to section 2.5-29(b), of this chapter, the upgrade must be performed regardless of the installation date.

(d) Any battery-charged fence security system shall meet the following standards:

(1) A battery-charged fence security system must interface with a monitored alarm device in a manner that enables the system to transmit a signal intended to alert the owner or law enforcement;

(2) A battery-charged fence security system must have an energizer powered by a commercial storage battery that provides not more than 12 volts of direct current and meets the standards set forth in the International Electrotechnical Commission Standard 60335-2-76;

(3) A battery-charged fence security system must be located behind a nonelectric perimeter fence or wall that is at least five feet tall; (iv) be on property not zoned for residential use;

(4) A battery-charged fence security system must not be taller than 10 feet or two feet taller than the height of the perimeter fence or wall, whichever is taller;

(5) A battery-charged fence security system must be marked with warning signs posted conspicuously on the fence at 30-foot intervals that state "Warning - Electric Fence"; and

(6) A battery-charged fence security system must include a mechanism that allows first responders to deactivate the system during an emergency.

If a battery-charged fence security system meets the above requirements, then the County shall not establish or otherwise impose any product, installation, and operational requirements, fees, or approvals for a battery-charged fence security system nor prohibit the use of such a system.

(Ord. No. 08-92, 10-7-08)

State law reference(s)—Code of Virginia, § 15.2-911

PROPOSED AMENDMENTS TO CHAPTER 4 OF THE COUNTY CODE TO BECOME EFFECTIVE ON JULY 1, 2022

CHAPTER 4 ANIMALS AND FOWL

ARTICLE II. VICIOUS AND DANGEROUS DOGS

Sec. 4-20. Vicious dogs.

(a) As used in this section:

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, or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by county 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 (i) has reason to believe that a canine or canine crossbreed ~~within his jurisdiction~~ is a vicious dog and (ii) is located in the jurisdiction where the vicious dog resides or in the jurisdiction where a vicious dog committed an act set forth in the definition shall apply to a magistrate serving 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 vicious. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. Unless good cause is determined by the court, the evidentiary hearing shall be held not more than 30 days from the issuance of the summons. The court, through its contempt powers, may compel the owner, custodian, or harborer of the animal to produce the animal. 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 Code of Virginia § 3.2-6562. The court, upon finding the animal to be a vicious dog, may order the owner, custodian, or harborer thereof to pay restitution for actual damages to any person injured by the animal or to the estate of any person killed by the animal. The court, in its discretion, may also order the owner to pay all reasonable expenses incurred in caring and providing for such vicious dog from the time the animal is taken into custody until such time as the animal is disposed of. The procedure for appeal and trial shall be the same as provided by law for misdemeanors, except that unless good cause is determined by the court, an appeal shall be heard within 30 days. Trial by jury shall be as provided in Article 4 (Code of Virginia § 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 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 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 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 vicious dog. No 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, shall be found to be a vicious dog.

(d) Any owner or custodian of a canine or canine crossbreed or other animal whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for human life and is the proximate cause of such dog or other animal attacking and causing serious injury to any person is guilty of a Class 1 misdemeanor. 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.

(Ord. No. 21-32 , 6-22-21, effective 7-1-21)

State law reference(s)—Code of Virginia, § 3.2-6540.1.

ARTICLE III. DOGS GENERALLY

Sec. 4-24. Same—Impoundment.

(a) It shall be the duty of the animal warden or other officer to take in charge any dog found running at large in violation of section 4-23 and to hold such dog at the county animal shelter for a period of not less than five days, such stray hold period to commence on the day immediately following the day the dog is initially confined, unless sooner claimed by the owner thereof. The operator or custodian of the county animal shelter shall make a reasonable effort to ascertain if the dog has a collar, tag, license, tattoo, or other form of identification, including by complying with the provisions of Code of Virginia § 3.2-6585.1. If such identification is found on the dog, the dog shall be held for an additional five days stray hold period, unless sooner claimed by the rightful owner.

(b) During the stray hold period, if the rightful owner can be readily identified the animal warden shall make a reasonable effort to notify the owner of the dog's confinement within

48 hours next following its confinement. Accurate records shall be kept to document each attempt that is made to identify the owner and notify him of the impoundment.

During the stray hold period that a dog is confined pursuant to subsection (a) or (b), the animal warden may vaccinate the dog to prevent the risk of communicable diseases, provided that (i) all vaccines are administered in accordance with a protocol approved by a licensed veterinarian and (ii) rabies vaccines are administered by a licensed veterinarian or licensed veterinary technician under the immediate direction and supervision of a licensed veterinarian in accordance with [Code of Virginia,] § 3.2-6521. Indoor enclosures used to confine the dog during the applicable stray hold period shall be constructed of materials that are durable, nonporous, impervious to moisture, and able to be thoroughly cleaned and disinfected. During the applicable stray hold period, the animal shelter shall provide the dog with adequate care, including reasonable access to outdoor areas to ensure that the dog has adequate exercise and adequate space.

(c) Either a custodian of a dog or an individual who has found a dog may qualify as owner and may claim the dog by expressing his desire in writing to claim the dog at the expiration of the five-day period set out herein after payment of the required adoption and license fee. A rightful owner claiming a dog impounded under this section shall, in order to obtain its release, pay to the county an impoundment fee of $30.00, plus $15.00 for each day that the dog is confined at the animal shelter, which amount reflects the expenses incurred in keeping the dog impounded. If the animal impounded is a large domestic animal, the rightful owner shall, in order to obtain its release, pay to the county an impoundment fee of $30.00, plus $15.00 for each day that the animal is confined at the animal shelter, which amount reflects the expenses incurred in keeping the animal impounded. If the livestock trailer is required to transport large domestic animal(s) to the animal shelter for impoundment, a hauling fee of $25.00 per trip will be charged to the rightful owner, in addition to the above fees.

(d) If a dog impounded under this section has not been claimed by and released to its owner within the five-day period referred to in subsection (a) above, it shall be deemed abandoned and become the property of the animal shelter. Such dog may be humanely destroyed or disposed of by the methods set forth in subdivisions (1) through (5) below. The animal shelter will not release more than two dogs or a family of dogs during any 30-day period to any one person under subdivisions (2), (3), or (4).

(1) Release to any local humane society, public or private animal shelter, other releasing agency within the Commonwealth, provided that each humane society, animal shelter, or other releasing agency obtains a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment and updates such statements as changes occur;

(2) Adoption by a resident of the county and who will pay the required license tax on such dog; provided that such resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

(3) Adoption by a resident of an adjacent political subdivision of the Commonwealth, provided that such resident has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

(4) Adoption by any other person, provided that such person has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment and provided that no dog may be adopted by any person who is not a resident of the county or of an adjacent political subdivision unless the animal is first sterilized, and the sterilization is done at the expense of the person adopting the animal; or

(5) Release for the purpose of adoption or euthanasia only, to an animal shelter or any other releasing agency located in and lawfully operating under the laws of another stated, provided that such animal shelter or other releasing agency: (i) maintains records that would comply with Code of Virginia, § 3.2-6557; (ii) requires that adopted dogs and cats be sterilized; (iii) obtains a signed statement from each of its directors, operators, staff and animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and updates such statement as changes occur; and (iv) has provided to the animal shelter as statement signed by an authorized representative specifying the entity's compliance with clauses (i) through (iii), and the provisions of adequate care and performance of humane euthanasia, as necessary in accordance with the Code of Virginia.

For the purposes of recordkeeping, release of a dog by the animal shelter to a public or private animal shelter, or other releasing agency shall be considered a transfer and not an adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

(e) No provision in this section shall prohibit the immediate euthanasia by the animal warden of a critically injured, critically ill or unweaned animal for humane purposes. Any animal euthanized pursuant to the provisions of this section shall be euthanized by one of the methods described or approved by the state veterinarian.

(f) Nothing in this section shall prohibit any feral dog or feral cat not bearing a collar, tag, tattoo, or other form of identification which, based on the written statement of a disinterested person, exhibits behavior that poses a risk of physical injury to any person confining the animal, from being euthanized after being kept for a period of not less than three days, at least one of which shall be a full business day, such period to commence on the day the animal is initially confined in the animal shelter, unless sooner claimed by the rightful owner. The statement of the disinterested person shall be kept with the animal as

required by Code of Virginia, § 3.2-6557. For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal to the animal shelter.

(g) Nothing in this section shall prohibit the immediate euthanasia or disposal by any of the methods listed in subdivisions (1) through (5) of subsection (d) of a dog that has been released to the animal shelter or animal control officer by the animal's rightful owner after the rightful owner has read and signed a statement (i) surrendering all property rights in such dog, (ii) stating that no other person has a right of property in the dog, and (iii) acknowledging that the dog may be immediately euthanized or disposed of in accordance with subdivisions (1) through (5) of subsection (d).

(h) The animal shelter may not place a dog in a foster home with a foster care provider unless the foster care provider has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and the animal shelter will update such statement as changes occur. The animal shelter will maintain the original statement and any updates to such statement in accordance with this chapter and for at least so long as the pound has an affiliation with the foster care provider. For the purposes of this subsection, and subsection (i), below, a "foster care provider" means an individual who provides care or rehabilitation for companion animals through an affiliation with a pound, animal shelter, or other releasing agency. For the purposes of this subsection and subsection (i), below, a "foster home" means a private residential dwelling and its surrounding grounds at which site, through an affiliation with a pound, animal shelter, or other releasing agency, care or rehabilitation is provided for companion animals.

(i) If the animal shelter places a dog in a foster home with a foster provide, the animal shelter shall ensure that the foster care provider complies with Code of Virginia, § 3.2-6503.

(j) For purposes of this section, "rightful owner" means a person with a right of property in the animal.

(Code 1965, §§ 3-17.2, 3-26; Ord. No. 77-40-28, 11-1-77; Ord. No. 77-40-32, 11-1-77; Ord. No. 82-28-20, 10-19-82; Ord. No. 85-86, 8-6-85; Ord. No. 89-96, 7-11-89; Ord. No. 89-120, 9-5-89; Ord. No. 97-60, 6-24-97, effective 7-1-97; Ord. No. 03-47, 6-24-03, effective 7-1-03; Ord. No. 11-15, 4-19-11; Ord. No. 13-23, Attch., 6-4-13; Ord. No. 20-9-O , 6-16-20)

State law reference(s)—Similar provisions, Code of Virginia, § 3.1-796.96; repealed now § 3.2-6546.

PROPOSED AMENDMENTS TO CHAPTER 5 OF THE COUNTY CODE TO BECOME EFFECTIVE ON JULY 1, 2022

CHAPTER 5 BUILDINGS AND BUILDING REGULATIONS

ARTICLE VI. BUILDING MAINTENANCE CODE

DIVISION 1. GENERALLY

Sec. 5-95. Violation; penalties.

(a) *Criminal violations; penalties.* Violations of this article are a misdemeanor and, upon conviction, may be punished by a fine of not more than that amount authorized for violations of the Virginia Uniform Statewide Building Code by Code of Virginia, § 36-106, as amended; additionally, if the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in good order to comply with the code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each day during which the violation continues after the court ordered abatement period has ended shall constitute a separate offense.

(b) *Civil violations; penalties.* There are hereby established civil penalties for violations of the following provisions of the Uniform Statewide Building Code, Part III, Chapter 3 (General Requirements) and Chapter 6 (Mechanical and Electrical Requirements) which are not abated or remedied promptly after receipt of notice of violation from the building official, or his designee.

~~(1)~~	~~Section 301.2~~	~~Responsibility.~~
~~(2)~~(1)	Section 301.3	Vacant Structures ~~and land.~~
~~(3)~~	~~Section 302.2~~	~~Exterior property areas.~~
~~(4)~~(2)	Section 302.3	Sidewalks and driveways.

~~(5)~~(3)	Section 302.5	Rodent harborage.
~~(6)~~	~~Section 302.6~~	~~Exhaust vents.~~
~~(7)~~(4)	Section 302.7	Accessory structures.
~~(8)~~(5)	Section 303.1	Swimming pools.
~~(9)~~(6)	Section 304.1	Exterior structure.
~~(10)~~(7)	Section 304.2	Protective treatment.
~~(11)~~(8)	Section 304.3	Premises identification.
~~(12)~~(9)	Section 304.5	Foundation walls.
~~(13)~~(10)	Section 304.6	Exterior walls.
~~(14)~~(11)	Section 304.7	Roofs and drainage.
~~(15)~~(12)	Section 304.8	Decorative features.

~~(16)~~(13)	Section 304.9	Overhan~~d~~g extensions.
~~(17)~~(14)	Section 304.10	Stairways, decks, porches and balconies ~~overhangs~~.
~~(18)~~(15)	Section 304.11	Chimneys and towers.
~~(19)~~(16)	Section 304.12	Handrails and guards.
~~(20)~~(17)	Section 304.13	Window, skylight and door frames.
~~(21)~~(18)	Section 304.13.1	Glazing.
~~(22)~~(19)	Section 304.13.2	Openable windows.
~~(23)~~(20)	Section 304.14	Insect screens.
~~(24)~~(21)	Section 304.15	Doors.
~~(25)~~(22)	Section 304.16	Basement hatchways.
~~(26)~~(23)	Section 304.17	Guards for basement windows.

~~(27)~~(24)	Section 305.1	Interior structure.
~~(28)~~(25)	Section 305.2	Structural members.
~~(29)~~(26)	Section 305.3	Interior surfaces.
~~(30)~~(27)	Section 305.4	Stairs and walking surfaces.
~~(31)~~(28)	Section 305.5	Handrails and guards.
~~(32)~~(29)	Section 305.6	Interior doors.
~~(33)~~(30)	Section 307.1	Handrails and guardrails.
~~(34)~~(31)	Section 308.1	Accumulation of rubbish and garbage.
~~(35)~~(32)	Section 309.1	~~Extermination.~~Infestation
~~(36)~~	~~Section 309.2~~	~~Owner.~~
~~(37)~~	~~Section 309.3~~	~~Single occupant.~~

~~(38)~~	~~Section 309.4~~	~~Multiple occupancy.~~
~~(39)~~	~~Section 309.5~~	~~Occupant.~~
~~(40)~~(33)	Section 606.1	Elevators, general.

Upon failure to abate or remedy pursuant to a notice of violation, the building official or his designee may issue a civil summons or ticket to any person in violation of any of the provisions enumerated above. The penalty for any one violation shall be a civil penalty of $100.00 for the first summons and $350.00 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of $4,000.00. The designation of a particular Code violation for a civil penalty pursuant to this subsection shall be in lieu of criminal sanctions, and except for any violation resulting in injury to any person or persons, shall preclude prosecution of the violation as a criminal misdemeanor.

Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. As a condition of waiver of trial, admission of liability, and payment of a civil penalty, the violator and a representative of the locality shall agree in writing to terms of abatement or remediation of the violation within six months after the date of payment of the civil penalty.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

If the violation concerns a residential unit, and if the violation remains uncorrected at the time of assessment of the civil penalty, the court shall order the violator to abate, or otherwise remedy through hazard control, the violation in order to comply with the Code. Except as otherwise

provided by the court for good cause shown, any such violator shall abate, or otherwise remedy through hazard control, the violation within six months of the date of the assessment of the civil penalty.

If the violation concerns a nonresidential building or structure, and if the violation remains uncorrected at the time of assessment of the civil penalty, the court may order the violator to abate, or otherwise remedy through hazard control, the violation in order to comply with the Code. Any such violator so ordered shall abate, or otherwise remedy through hazard control, the violation within the time specified by the court.

(Ord. No. 93-11, 4-6-93; Ord. No. 04-19, 2-17-04; Ord. No. 09-17, Attch. A, 4-7-09; Ord. No. 10-27, Attch. A, 6-22-10; Ord. No. 11-27, Attch., 6-7-11)

PROPOSED AMENDMENTS TO CHAPTER 10.1 OF THE COUNTY CODE TO BECOME EFFECTIVE ON JULY 1, 2022

CHAPTER 10.1 HUMAN RIGHTS

Sec. 10.1-3. Definitions.

For the purposes of this chapter:

Bona fide occupational qualification shall mean a bona fide occupational qualification as defined and interpreted under the Civil Rights Act of 1964, 42 United States Code §§ 2000e, et seq., or other applicable federal statute.

Commercial real estate shall mean any land or improvements, or both, or interest in such land or improvements, that is offered for sale or lease and that can be used for business, trade, or professional purposes under existing law or by changes in law contemplated under the offering, and which is not a dwelling. The fact that some adaptation of land or improvements, or both must be made after the same or lease is completed or that licenses or approvals are necessary to put it into use shall not mean that the land or improvements cannot be used for business, trade, or professional purposes, so long as those adaptations, licenses, and approvals are within the range that persons engaged in a business, trade, or profession are able to foresee in buying or leasing such property.

Commission shall mean the Prince William County Human Rights Commission ("human rights commission"), as established herein.

Complainant shall mean any person who files a complaint with the commission, alleging that a violation of this chapter has been committed.

Complaint shall mean any written allegation, supported by an affidavit or sworn to before an official authorized to administer oaths, sufficient to indicate that a named respondent has committed a violation of this chapter.

County shall mean the County of Prince William, Virginia.

County attorney shall mean the county attorney or other legal representative appointed by the board of county supervisors to serve as legal counsel to the commission.

County board shall mean the Board of County Supervisors for Prince William County.

Discriminate or *discrimination* or *discriminatory* shall mean or describe any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial or any other act or failure to act or any other differentiation or preference of or for any person or any other difference in treatment which adversely affects such person where such discrimination is based on any category or factor made impermissible by this ordinance.

Dwelling shall mean any building, structure, or portion thereof, that is occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one or more persons or families, any vacant land that is offered for sale or lease for the construction of such building or structure and includes any interest in a dwelling so defined.

Educational institution shall mean any nursery, kindergarten, elementary or secondary school, academy, college, university, extension course or nursing, secretarial, business, vocational, technical, trade or professorial school, or joint apprenticeship program. The term "educational institution" shall not include public schools, colleges, or universities.

Executive director shall mean the person appointed to the position of executive director of the human rights commission or the executive director's designated representative.

Party shall mean any complainant or respondent.

Person shall mean any individual or individuals, partnership, association, corporation, joint-stock company, labor union, mutual company, trustee in bankruptcy, receiver or other fiduciary, or the agent, legal representative or employee thereof. Person shall also mean any person as defined in any federal or state statute or regulation governing discrimination on the basis of race, color, religion, national origin, military status ~~as a veteran~~, sex, pregnancy, childbirth or related medical conditions. age, marital status, disability, sexual orientation, or gender identity.

Respondent shall mean any person alleged in any complaint filed with the commission, or any notice of investigation issued by the commission, to have violated this chapter.

(Ord. No. 92-79, 9-1-92; Ord. No. 99-30, 5-4-99; Ord. No. 20-9-O , 6-16-20)

Sec. 10.1-4. Unlawful discriminatory practice defined.

Conduct that violates any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, national origin, military status ~~as a veteran~~, sex, pregnancy, childbirth or related medical conditions, age, marital status, familial status, disability, sexual orientation, or gender identity shall be an "unlawful discriminatory practice" for the purposes of this chapter.

(Ord. No. 92-79, 9-1-92; Ord. No. 99-30, 5-4-99; Ord. No. 20-9-O , 6-16-20)

State law reference(s)— Code of Virginia § 15.2-853

Sec. 10.1-5. Unlawful discrimination.

Pursuant to the authority contained in Code of Virginia, § 15.2-965, it shall be unlawful and a violation of this chapter for any person, partnership, corporation or other entity as may be defined in any applicable Virginia or federal statute or regulation governing discrimination to engage in an unlawful discriminatory practice. The human rights commission created by this chapter shall have jurisdiction to enforce this chapter and all state and federal laws and regulations governing discrimination on the basis of race, color, religion, national origin, military status ~~as a veteran~~, sex,

pregnancy, child birth or related medical conditions, age, marital status, disability, sexual orientation, or gender identity.

(Ord. No. 92-79, 9-1-92; Ord. No. 20-9-O , 6-16-20)

State law reference(s)— Code of Virginia § 15.2-853

PROPOSED AMENDMENTS TO CHAPTER 13 OF THE COUNTY CODE TO BECOME EFFECTIVE ON JULY 1, 2022

CHAPTER 13 MOTOR VEHICLES AND TRAFFIC

ARTICLE II. STATE REGISTRATION AND LICENSING OF VEHICLES

Sec. 13-40. Possession and exhibition of registration card.

(a) The operator of any motor vehicle, trailer or semi-trailer being operated on the highways of the county, shall have in his possession the physical registration card issued for such vehicle by the department or the registration card issued by the state or county in which the motor vehicle, trailer or semi-trailer is registered.

(b) The owner or operator of any motor vehicle, trailer or semi-trailer shall stop on the signal of any law enforcement officer who is in uniform or shows his badge or other sign of authority and shall, on the officer's request, exhibit his registration card and write his name, in the presence of the officer, if so required for the purpose of establishing his identity.

(c) Every person who fails to carry the registration card for the vehicle which he operates ~~shall be~~ is guilty of a traffic infraction and, upon conviction, punished by a fine of $10.00. However, if any person summoned to appear before a court for failure to display such registration card presents to the officer magistrate of the county, before the return date of the summons, a registration card issued for such vehicle prior to the time of such demand, or shall appear pursuant to such summons and produce before the court a proper registration card issued for such vehicle, he shall be deemed to have complied with the provisions of this section.

(Code 1965, § 12.1-26; Ord. No. 86-101, 7-1-86; Ord. No. 89-168, 12-19-89)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-104.

ARTICLE IV. VEHICLE EQUIPMENT

DIVISION 1. GENERALLY

Sec. 13-102. Exhaust system generally.

(a) No person shall drive and no owner of a vehicle shall allow the operation of any such vehicle on a highway in the county, unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise; provided however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment or other equipment that has been submitted to and approved by the Superintendent or meets or exceeds the standards and specifications of

the Society of Automotive Engineers, the American National Standards Institute, or the federal Department of Transportation.

(b) Chambered pipes are not an effective muffling device to prevent excessive or unusual noise, and any vehicle equipped with chambered pipes shall be deemed in violation of this section.

(c) As used in this section, "exhaust system" means all the parts of a vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.

(d) The provisions of this section shall not apply to:

(1) Any antique motor vehicle licensed pursuant to Code of Virginia, § 46.2-730, provided that the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order; or(

2) Converted electric vehicles.

~~(e) No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

(Code 1965, § 12.1-218; Ord. No. 89-168, 12-19-89; Ord. No. 06-59, 6-27-06; Ord. No. 15-35, Attch., 6-23-15; Ord. No. 18-30 , Attch., 6-19-18, effective 7-1-18; Ord. No. 21-32 , 6-22-21, effective 7-1-21)

State Law reference— Pursuant to Code of Virginia, § 46.2-1051. Similar provision~~s,~~ Code of Virginia, § 46.2-1049.

Sec. 13-103. Certain mufflers and straight exhausts prohibited.

(a) It shall be unlawful for any person to sell or offer for sale a muffler without interior baffle plates or other effective muffling device, or any "gutted muffler," "muffler cutout" or "straight exhaust."

(b) It shall be unlawful for any person to operate on the highways in this county a motor vehicle, moped, or motorized skateboard or scooter equipped with a "gutted muffler," "muffler cutout" or "straight exhaust."

~~(c) No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

(Code 1965, § 12.1-219; Ord. No. 06-59, 6-27-06; Ord. No. 21-32 , 6-22-21, effective 7-1-21)

State Law reference— Pursuant to Code of Virginia, § 46.2-1051. Similar provisions, Code of Virginia, § 46.2-1047.

Sec. 13-104. Mufflers on motorcycles.

(a) It shall be unlawful for any person to operate any motorcycle not equipped with a muffler or other sound dissipative device, conforming to Code of Virginia, §§ 46.2-1049 and 46.2-1047, in good working order and in constant operation.

(b) No person shall remove or render inoperable, or cause to be removed or rendered inoperable, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motorcycle.

~~(c) No law-enforcement officer, as defined in Code of Virginia § 9.1-101, shall stop a motorcycle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.~~

(Ord. No. 85-86, 8-6-85; Ord. No. 89-168, 12-19-89; Ord. No. 21-32 , 6-22-21, effective 7-1-21)

State Law reference— Pursuant to Code of Virginia, § 46.2-1051. Similar provisions, Code of Virginia, § 46.2-1050.

Sec. 13-108. Alteration of suspension system.

(a) No person shall operate upon any highway in the county any motor vehicle registered in this Commonwealth as a passenger motor vehicle if it has been modified by alteration of its altitude from the ground to the extent that its bumpers, measured to any point on the lower edge of the main horizontal bumper bar, exclusive of any bumper guards, are not within the range of 14 to 22 inches above the ground. No vehicle shall be modified to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation. No part of the original suspension system shall be disconnected to defeat the safe operation of the suspension system. However, nothing contained in this section shall prevent the installation of heavy-duty equipment, including shock absorbers and overload springs. Nothing contained in this section shall prohibit the operation on any highway in the county of a motor vehicle with normal wear to the suspension system if such normal wear does not adversely affect the control of the vehicle.

(b) No person shall operate upon any highway in the county any motor vehicle registered in the Commonwealth as a truck if it has been modified by alteration of its altitude from the ground to the extent that its bumpers, measured to any point on the lower edge of the main horizontal bumper bar, exclusive of any bumper guards, do not fall within the limits specified herein for its gross vehicle weight rating category. The front bumper height of trucks whose gross vehicle weight ratings are 4,500 pounds or less shall be no less than 14 inches and not more than 28 inches, and their rear bumper height shall be no less than 14

inches and no more than 28 inches. The front bumper height of trucks whose gross vehicle weight ratings are 4,501 pounds to 7,500 pounds shall be no less than 14 inches and no more than 29 inches, and their rear bumper height shall be no less than 14 inches and no more than 30 inches. The front bumper height of trucks whose gross vehicle weight ratings are 7,501 pounds to 15,000 pounds shall be no less than 14 inches and no more than 30 inches and their rear bumper height shall be no less than 14 inches and no more than 31 inches. Bumper height limitations of this subsection shall not apply to trucks with a gross vehicle weight rating in excess of 15,000 pounds. For the purpose of this section, the term "truck" shall include pickup and panel trucks and "gross vehicle weight ratings" shall mean manufacturer's gross vehicle weight ratings established for that vehicle as indicated by a number, plate, sticker, decal, or other device affixed to its bumper by the manufacturer.

(c) In the absence of bumpers, and in cases where bumper heights have been lowered or modified, height measurements under subsection (a) or (b) shall be made to the bottom of the frame rail. However, if bumper heights have been raised, height measurements under the foregoing provisions shall be made to the bottom of the main horizontal bumper bar.

(d) No vehicle shall be operated on a highway in the county if it has been modified by any means so as to raise its body more than three inches, in addition to manufacturer's spacers and bushings, above the vehicle's frame rail or manufacturer's attachment points on the frame rail.

(e) No passenger car or pickup or panel truck shall be operated on a public highway if the suspension, frame, or chassis has been modified by any means so as to cause the height of the front bumper to be four or more inches greater than the height of the rear bumper.

(f) This section shall not apply to specially designed or modified motor vehicles when operated off any highway in this county in races and similar events. Such motor vehicles may be lawfully towed on the highways of this county.

(Ord. No. 87-i, 1-6-87; Ord. No. 94-40, 6-28-94; Ord. No. 21-32 , 6-22-21, effective 7-1-21)

Editor's note(s)—Ord. No. 87-1, enacted Jan. 6, 1987, repealed former section 13-108 and enacted, in lieu thereof, a new section 13-108 as herein set forth. The repealed pertained to the use of lift blocks in modifying front-end suspensions and derived from Ord. No. 85-86, enacted Aug. 6, 1985.

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-1063.

DIVISION 2. LIGHTING EQUIPMENT

Sec. 13-133.1. Certain vehicles may be equipped with secondary warning lights.

A. For purposes of this section, "traffic incident management vehicle" means any vehicle operating en route to or at the scene of a traffic accident or similar emergency that affects the travel lanes of a highway, provided that such vehicle is a (i) Department of Transportation vehicle operated by an incident management coordinator or (ii) vehicle

operated pursuant to the Department of Transportation safety service patrol program or a contract with the Department of Transportation that includes traffic incident management services as defined in § 46.2-920.1. The provisions of § 46.2-920 shall not apply to the operation of such traffic incident management vehicle.

B. In addition to other lights authorized by this article and (i) fire apparatus, (ii) government-owned vehicle operated on official business by a local fire chief or other local fire official, and (iii) emergency medical services vehicles may be equipped with alternating, blinking, or flashing red or red and white secondary warning lights mounted inside the vehicle's taillights or marker lights of a type approved by the superintendent of state police.

C. In order to operate a traffic incident management vehicle with lighted warning lights pursuant to this section, a traffic incident management vehicle operator shall be required to (i) complete an initial emergency vehicle operators course from an approved course list prepared by the Department of Fire Programs, the Office of Emergency Medical Services, or an equivalent agency and (ii) recertify as an emergency vehicle operator every two years.

(Ord. No. 03-47, 6-24-03, effective 7-1-03; Ord. No. 17-39, Attch., 6-20-17, effective 7-1-17)

State Law reference— Similar provisions, Code of Virginia, § 46.2-1029.2.

Sec. 13-135. When lights to be lighted; number of lights to be lighted at one time; use of warning lights.

(a) Every vehicle in operation on a highway in this county shall display lighted headlights and illuminating devices, as required by this article (i) from sunset to sunrise, (ii) during any other time when, because of rain, smoke, fog, snow, sleet, insufficient light or unfavorable atmospheric conditions, visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly discernible at a distance of 500 feet and (iii) whenever windshield wipers are in use as a result of smoke, fog, rain, sleet or snow. The provisions of this subsection, however, shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet or snow. The failure to display lighted headlights and illuminating devices under the conditions set forth in subdivision (iii) of this subsection shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages.

(b) Not more than four lights used to provide general illumination ahead of the vehicle, including at least two headlights and any other combination of fog lights or other auxiliary lights approved by the superintendent, shall be lighted at any one time. Motorcycles may be equipped with and use not more than five approved lights in order to provide general illumination ahead of the motorcycle. These limitations shall not preclude the display of warning lights authorized in section 13-131, or other lights as may be authorized by the superintendent.

(c) Vehicles equipped with warning lights authorized in section 13-131 shall display such lighted warning lights at all times when responding to emergency calls, responding to traffic incidents, towing disabled vehicles or constructing, repairing and maintaining public highways or utilities on or along public highways, except that amber lights on vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks," need not be lit while the vehicle is in motion unless it is actually towing a vehicle.

(d) No citation for a violation of provision (iii) of subsection (a) shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for some other provision of the Code of Virginia or local ordinance relating to this operation, ownership or maintenance of a motor vehicle or any criminal statute. No law-enforcement officer shall stop a motor vehicle for violation of this section, except that a law-enforcement officer may stop a vehicle if it displays no lighted headlights during the time periods set forth in subsection (a). No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

(Code 1965, § 12.1-180; Ord. No. 87-60, 7-7-87; Ord. No. 89-168, 12-19-89; Ord. No. 92-61, 6-23-92; Ord. No. 96-55, 6-25-96, effective 7-1-96; Ord. No. 97-60, 6-24-97, effective 7-1-97; Ord. No. 16-22, Attch., 6-21-16, effective 7-1-16; Ord. No. 21-32, 6-22-21, effective 7-1-21)

State Law reference— Similar provisions, Code of Virginia, § 46.2-1030.

ARTICLE VI. OPERATION OF VEHICLES GENERALLY

Sec. 13-228.1. Careless driving and infliction of injury on vulnerable road users; penalty.

(a) As used in this section, "vulnerable road user" means a pedestrian: the operator of or passenger on a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, wheel chair or wheel chair conveyance, skateboard, roller skates, motorized skateboard or scooter, or animal-drawn vehicle or any attached device: or any person riding an animal.

(b) It is a Class 1 misdemeanor to operate a motor vehicle in a careless or distracted manner such that the careless or distracted operation is the proximate cause of serious bodily injury as defined in Code of Virginia § 18.2-51.4 to or the death of a vulnerable road user who is lawfully present on the highway at the time of injury or death.

(c) A prosecution or proceeding under Code of Virginia § 46.2-852 or section 13-286 of this Article is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under Code of Virginia § 46.2-852 or section 13-286 of this Article for the same act.

(Ord. No. 20-9-O , 6-16-20)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-816.1.

PROPOSED AMENDMENTS TO CHAPTER 13 OF THE COUNTY CODE TO BECOME EFFECTIVE ON JULY 1, 2023

CHAPTER 13 MOTOR VEHICLES AND TRAFFIC

ARTICLE VI. OPERATION OF VEHICLES GENERALLY

Sec. 13-196. Flag or light at end of projecting load.

(a) Whenever the load on any vehicle other than a commercial motor vehicle shall extend more than four feet beyond the rear of the bed or body thereof, there shall be displayed, at the end of such load, in such positions as to be clearly visible at all times from the rear of such load, a red flag, not less than 12 inches in both length and width. ~~, except that,~~

(b) Any commercial motor vehicle transporting a load that extends beyond the sides of the vehicle by more than four inches or more than four feet beyond the rear of the vehicle shall have the extremities of the load marked with a red or orange fluorescent warning flag. Any such warning flag shall be at least 18 inches, both in length and width. If the projecting load is two feet wide or less, there shall be at least one flag at the extreme rear. If the projecting load is wider than two feet, there shall be at least two warning flags at the extreme rear. Any such flag shall be located to indicate the maximum widths of any load that extends beyond the sides or rear of the commercial motor vehicle.

(c) On any vehicle subject to the provisions of subsection (a) or (b), between sunset and sunrise, there shall be displayed at the end of such load a red light, plainly visible in clear weather at least 500 feet to the sides and rear of such vehicle.

(Code 1965, § 12.1-217; Ord. No. 89-168, 12-19-89)

State Law reference— Similar provisions, Code of Virginia, § 46.2-1121.

PROPOSED AMENDMENTS TO CHAPTER 19 OF THE COUNTY CODE TO BECOME EFFECTIVE ON JULY 1, 2022

CHAPTER 19 PERSONNEL

ARTICLE I. IN GENERAL

Sec. 19-3. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings ascribed in this section, unless the context requires a different meaning:

Administrative leave shall mean paid leave not chargeable against sick leave or annual leave.

Adverse action shall mean any action or consequence to which a person in the county service may be subjected for disciplinary purposes, in accordance with the provisions of this chapter, including the following:

(1) Termination of employment.

(2) Suspension without pay.

(3) Administrative leave.

(4) Demotion.

(5) A formal oral or written reprimand.

(6) Transfer.

"Adverse action" shall not include any termination, lay-off or suspension of employment because of lack of work, reduction in work force, job abolition or expiration of a term of contractual employment; nor shall "adverse action" be deemed to include employee counseling concerning job performance or employee behavior, which doss not include one of the actions set forth above.

County service or service of the county shall mean all officers and employees of the county, including elected officials, members of boards and commissions and their employees; provided, however, that the term "county service or service of the county" shall not include independent contractors or other persons with whom the county or any agent of the county has contracted for personal or professional services for a project or for a period specified in such contract, or the agents or employees of such person; nor shall such term include employees of the several sanitary districts which now, or may hereafter, exist; nor shall it include employees whose positions are funded entirely by funds available under any federally funded employment program and who are not under the direct administrative control and supervision of a county department, board, commission or

agency. The county service shall be divided into the competitive service and the exempt service, as provided in section 19-5 of this chapter.

Demotion shall mean a reduction in grade under the position classification plan, which is not part of any overall reclassification of positions in the position classification plan, or alteration to, or amendment of, the uniform pay plan.

Grievance shall mean a complaint or dispute by an employee relating to his employment, with regard to adverse actions; application, meaning or interpretation of this chapter, or the rules and regulations adopted hereunder; acts of reprisal as the result of utilization of the grievance procedure; harassment of an employee by his superior; or discrimination on the basis of race, color, religion, creed, sex, disability, age or political affiliation, national origin, marital status, pregnancy, childbirth or related medical conditions, sexual orientation, or gender identity or military status ~~as a veteran~~; provided, however, that "grievance" shall not mean or include complaints involving:

(1) Establishment and revision of wages or salaries, including performance evaluations, except where the employee can show that the evaluation was arbitrary or capricious, and concomitant pay raises, position classifications or general benefits;

(2) Work activity accepted by the employee as a condition of employment, or work activity which may be reasonably expected to be a part of the job content;

(3) Contents of ordinances, statutes or established personnel policies, procedures, rules and regulations;

(4) Failure to promote, except where the employee can show that established promotion policies or procedures were not followed or fairly applied;

(5) Methods, means and personnel by which work activities are to be carried on; or

(6) Termination, layoff, demotion or suspension from duties because of lack of work, reduction in workforce, or job abolition except where any of the foregoing actions affect an employee who has been reinstated within the previous six months as the result of the final termination of a grievance.

In any grievance brought under this exception, the action shall be upheld upon a showing by the agency that:

a. There was a valid business reason for the action; and

b. The employee was notified of such reason in writing prior to the effective date of the action.

(7) The hiring, promotion, transfer, assignment, and retention of employees within the County service.

Merit system shall include the provisions of this chapter, rules and regulations adopted hereunder and the administration thereof, which system shall be designed to achieve the goals set forth in section 19-1 of this chapter.

Part-time employee shall mean a person in the county service who is employed for less than 37½ hours per week.

Promotion shall mean an increase in grade under the position classification plan which is not part of an overall reclassification of positions in the position classification plan, or alteration to, or amendment of, the pay plan.

Temporary appointment shall mean employment which, by its terms, shall terminate on a specified date, after the expiration of a specified time or upon completion of a specified project.

Temporary employee or seasonal employee shall mean a person whose employment in the county service does not exceed 120 working days in any 12-month period.

(Ord. No. 78-31-20, § 13.4-4, 9-5-79; Ord. No. 88-84, 7-5-88; Ord. No. 20-9-O , 6-16-20)

Sec. 19-5. Composition of county service and its divisions.

(a) All offices and positions of trust or employment shall be included in the county service The county service shall be divided into an exempt service and a competitive service.

(b) The exempt service shall consist of the following personnel:

(1) Elected officials, and their administrative aides, including Constitutional officers and deputies and employees of Constitutional officers; provided, however, that a Constitutional officer and the board of county supervisors may agree that the employees of the Constitutional officer shall be included within the competitive service; and provided further, that the board of county supervisors may, in its sole discretion, by resolution, include the employees of Constitutional officers in the grievance procedure established by this chapter.

(2) Persons appointed to fill vacancies in elected offices.

(3) The school board, the division superintendent of schools and their employees.

(4) Members of boards, committees and commissions.

(5) The county executive.

(6) The county attorney.

(7) The general registrar, assistant registrars and all election officials employed by the electoral board.

~~(8) The library director and the employees of the library board.~~

~~(9) Part-time employees.~~

~~(10)~~(8) Temporary or seasonal employees.

~~(11)~~(9) Public health department employees.

~~(12)~~(10) The VPI Extension Service and its employees.

Personnel in the exempt service shall be exempt from the provisions of this chapter and the personnel regulations promulgated hereunder, except where otherwise specifically provided, and shall serve at the pleasure of their appointing authorities, except where otherwise provided by law.

(c) The competitive service shall consist of all nonexempt, nonprobationary employees in the county service. The employees in the competitive service shall be appointed, promoted, demoted, transferred or dismissed solely on the basis of merit and fitness, as provided in this chapter and the personnel regulations adopted hereunder; provided, that nothing contained herein shall preclude termination of any employee because of lack of work, reduction in work force, job abolition or expiration of a term of contractual employment.

(Ord. No. 78-31-20, § 13.4-5, 9-5-79; Ord. No. 85-28, 3-12-85; Ord. No. 88-84, 7-5-88; Ord. No. 98-88, 10-13-98; Ord. No. 99-18, 3-16-99; Ord. No. 15-35, Attch., 6-23-15)

Sec. 19-9. Appointing authorities designated.

(a) The term "appointing authority," for the purposes of this chapter, means the officer, board, commission, person or groups of persons having the authority, by virtue of state law or county ordinance, to make appointments in the county service.

(b) For the purposes of this chapter, appointing authorities are as follows:

(1) The board of county supervisors shall be the appointing authority, upon recommendations of the county executive, for all department heads which it may appoint pursuant to law and shall further be the appointing authority for the county executive and the county attorney.

(2) The department heads are hereby delegated the authority to appoint all employees in their respective departments.

~~(3) The library board shall be the appointing authority for the library director and all library employees; provided, however, that this authority may be delegated to the library director.~~

~~(4)~~(3) The electoral board shall be the appointing authority for its employees.

~~(5)~~(4) The clerk of the circuit court, Commonwealth's attorney and sheriff shall be the appointing authority for their employees.

~~(6)~~(5) The school board shall be the appointing authority for its employees.

~~(7)~~(6) The county attorney shall be the appointing authority for his employees.

~~(8)~~(7) The director of the department of public health shall be the appointing authority for his employees.

~~(9)~~(8) The community mental health, mental retardation and substance abuse services board shall be the appointing authority for its employees; provided that, such board may delegate such authority to the executive director thereof.

~~(10)~~(9) The county executive shall be the appointing authority for the clerk to the board of county supervisors, all persons on his personal staff and for positions in the various offices under the direct control of the county executive; provided, however, that the county executive may further delegate the power to appoint persons in the county service to the director of these several offices.

(c) For any position not covered in subsection (b) of this section, the board of county supervisors shall be the appointing authority.

(Ord. No. 78-31-20, § 13.4-12, 9-5-79; Ord. No. 88-84, 7-5-88; Ord. Ord. No. 92-84, 10-6-92)

Cross reference— Appointment of zoning administrator, § 32-9.

Sec. 19-17. Prohibited practices generally.

The following practices shall be prohibited:

(1) No person shall willfully or knowingly obstruct, defraud, cheat, or assist in obstructing, defrauding or cheating, either directly or indirectly, the giving, taking, grading or use of any examination under this chapter.

(2) No person shall willfully or knowingly make any material misstatement in connection with an application for employment or in connection with any appointment, test, promotion or adverse action.

(3) No person shall offer or receive anything of value in return for appointment to any position in the county service or in connection with any promotion or adverse action or examination under this chapter.

(4) No person shall discriminate among applicants or employees on the basis of race, color, religion, national or ethnic origin or ancestry, political affiliation, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity,

military status ~~as a veteran~~ or any other factor not lawfully established as a bona fide occupational qualification with respect to recruiting, hiring, promotion into any position classification, compensation, benefits, transfers, layoffs, returns from layoffs, demotions, suspensions, discharges, educational or other forms of leave, training programs or any other term or condition of employment.

(Ord. No. 78-31-20, § 13.4-23, 9-5-79; Ord. No. 20-9-O , 6-16-20)

PROPOSED AMENDMENTS TO CHAPTER 22 OF THE COUNTY CODE TO BECOME EFFECTIVE ON JULY 1, 2022

CHAPTER 22 REFUSE

ARTICLE VII. RECYCLING

Sec. 22-170. Residential and nonresidential source separation of solid waste.

Materials required to be separated for collection by residential dwelling units, including apartments and condominiums, may be added or deleted by the Director of Public Works with the approval of the County Executive.

(a) Occupants of residential dwelling units within the county shall be required to separate for collection and recycling newspapers, cardboard, mixed paper, #1 and #2 plastic bottles jugs and jars, metal food and beverage cans (aluminum, steel, tin, etc.). In addition, within two hundred seventy (270) days of the effective date of this ordinance, the occupants of residential dwelling units located in the County shall also be required to separate for collection and composting yard waste, from March through December and for Christmas trees during the first two weeks of ~~December~~ January. Residents shall be prohibited from combining these recyclable or compostable materials with other solid waste.

(b) The owners of apartment and condominium properties located in the county shall be required to establish a recycling system for the separation, collection, handling, storage and transportation of newspapers, cardboard, mixed paper, #1 and #2 plastic bottles jugs and jars, and metal food and beverage cans (aluminum, steel, tin, etc.) for the purposes of recycling. In addition, within two hundred seventy (270) days of the effective date of this ordinance, the owners or managers of apartments and condominiums located in the county shall also be required to establish a recycling system for the separation, collection, handling, storage and transportation of yard waste, from March through December and Christmas trees during the first two weeks of January.

(c) Occupants of apartment and condominium dwelling units within the county shall be required to separate for collection and recycling newspapers, cardboard, mixed paper, #1 and #2 plastic bottles jugs and jars, metal food and beverage cans (aluminum, steel, tin, etc.), and Christmas trees (during the first two weeks of January).

(d) The owners of non-residential or business properties located in the county shall be required to establish a recycling system for the separation, collection, handling, storage and transportation of any principal recyclable material as defined in Sec. 22-2 (Definitions) generated at each property. In addition, the owners or managers of all non-residential properties shall establish a system separation, collection, handling, storage and transportation of florescent lamps, batteries, and mercury switches.

(e) All persons other than occupants of residential units within the county shall be required to separate for collection and recycling the principal recyclable material comprising the greatest percentage of its waste stream by weight or volume or the principal recyclable material comprising the greatest percentage by weight or volume of the combined waste stream of the business property on which such person is located.

(f) This article shall not affect the right of any person or entity to sell or otherwise dispose of waste material as provided in Code of Virginia, § 15.2-933 or permitted under any other law of the Commonwealth, nor shall it impose any liability upon any apartments or commercial office building owner or manager for failure of tenants to comply with any provisions of this article or upon any refuse remover for failure of its customers to comply with this article.

(g) All county licensed refuse removers shall collect and separate certain recycling or composting materials from the refuse waste stream in accordance with Sec. 22-43. As a part of the county hauler permit process, submission of a recycling plan shall be required by the county in accordance with the solid waste regulations.

(h) No person shall engage in the business of collecting recyclable materials in county as a commercial enterprise without registering the recycling business with the county in accordance with the solid waste regulations and shall also be subject to the reporting requirements included under Sec. 22-169 (Nonresidential and refuse removal reporting). This provision shall not apply to employees of a nonresidential establishment, non-profit fund raisers, or any individual collecting, processing, or transporting recyclable materials generated within residential dwelling or nonresidential units.

(Ord. No. 07-23, 4-3-07; Ord. No. 20-14-E, 12-15-20; Ord. No. 21-32, 6-22-21, effective 7-1-21)

PROPOSED AMENDMENTS TO CHAPTER 25 OF THE COUNTY CODE TO BECOME EFFECTIVE ON JULY 1, 2022

CHAPTER 25 SUBDIVISIONS

ARTICLE II. MINIMUM REQUIREMENTS

Sec. 25-29. Payment of pro rata share of cost of off-site stormwater management facilities.

Each subdivider or developer of land, subject to the provisions of this chapter, may be required to pay a pro rata share payment for off-site storm drainage assessments and/or improvements, which may include stream assessments and stream restoration where necessary for proper storm drainage, and stormwater management facilities. The payment is required when the off site drainage assessments and/or improvements are necessitated, in whole or part, by the proposed improvement or construction on the land to be subdivided, in accordance with the policies and standards adopted by the board of county supervisors.

A subdivider or developer of land subject to such payment shall be entitled to reimbursement of a portion of its costs by any subsequent subdivider or developer that utilizes the installed water, sewerage, or drainage facilities, or from connection fees paid for lots within its development, in accordance with the policies and standards adopted by the board of county supervisors.

(Ord. No. 06-54, 6-6-06)

State Law reference— Subdivision ordinance to provide for above payments, Code of Virginia, § 15.2-2243.

PROPOSED AMENDMENTS TO CHAPTER 26 OF THE COUNTY CODE TO BECOME EFFECTIVE ON JULY 1, 2022

CHAPTER 26 TAXATION

ARTICLE IV. ASSESSMENT OF LAND DEVOTED TO AGRICULTURAL, HORTICULTURAL, FOREST OR OPEN SPACE USE

Sec. 26-17. Applications for special assessment; fees.

(a) Applications for taxation of real estate on the basis of use assessment shall be submitted to the director of finance on forms provided by the Virginia Department of Taxation and supplied by the director of finance. The application shall include such additional schedules, photographs and drawings as may be required by the director of finance.

(b) Applications shall be submitted:

(1) The property owner shall submit an initial application, unless it is a revalidation form, at least 60 days preceding the tax year for which such taxation is sought;

(2) In any year in which a general reassessment is being made, until 30 days have elapsed after the notice of increase in assessment has been mailed to the property owner in accordance with Code of Virginia, § 58.1-3330, or 60 days preceding the tax year, whichever is later.

(c) The application shall be signed by all owners of the subject property. An owner of an undivided interest in the property may apply on behalf of himself and the other owners of the property upon submitting an affidavit that such other owners that are minors, ~~or that~~ cannot be located, or represent a minority interest in such property. ~~and upon submitting an affidavit attesting to such facts.~~

(d) A separate application shall be filed for each parcel tract shown on the land book.

(e) An application fee of $10.00 shall accompany each application.

(f) An application shall be submitted whenever the use or acreage of such land previously approved changes; provided, however, that no application fee shall 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.

(g) If any tax on the land affected by an application is delinquent when the application is filed, then the application shall not be accepted. Upon payment of all delinquent taxes, interest and penalties relating to such land, the application shall then be treated in accordance with this section.

(h) Such property owner must revalidate with the director of finance every sixth year for any application previously approved.

(i) No applicant who is a lessor of the property or a portion of the property that is the subject of an application submitted pursuant to this section shall be required to provide the lease agreement governing the property for the purpose of determining whether the property is eligible for special assessment and taxation pursuant to this article.

(Ord. No. 90-160, 12-18-90; Ord. No. 17-39, Attch., 6-20-17, effective 7-1-17; Ord. No. 18-30 , Attch., 6-19-18, effective 7-1-18)

State Law reference— Similar provisions, Code of Virginia, § 58.1-3234.

Sec. 26-20. Delinquent taxes.

(a) If on April 1 of any year the taxes for any prior year on any parcel of real property which has special assessment as provided for in this article are delinquent, the director of finance, or his/her designee, shall send notice of that fact and the general provisions of Code of Virginia, § 58.1-3235 to the property owner by first-class mail. If, after sending such notice, such delinquent taxes remain unpaid on June 1, the director of finance, or his/her designee, shall remove such parcel from the use value assessment program. Such removal shall become effective for the current tax year.

(b) No parcel of real property shall be removed from the land use program for delinquent taxes if (i) the taxes become delinquent during a state of emergency declared by the Governor pursuant to subdivision (7) of § 44-146.17; (ii) the treasurer determines that the disaster giving rise to the state of emergency has caused hardship for the taxpayer; and (iii) the delinquent taxes are paid no later than 90 days after the deadline provided in subsection (a).

(Ord. No. 90-160, 12-18-90; Ord. No. 12-27, Attch., 6-5-12, effective 7-1-12)

State law reference(s)—Code of Virginia, § 58.1-3235

ARTICLE VI. TAX EXEMPTION FOR SOLAR ENERGY EQUIPMENT, FACILITIES OR DEVICES

Sec. 26-58. Separate class of property.

(a) Any solar facility installed pursuant to subsections A or B of the Code of Virginia § 15.2-2288.7 with a nameplate rated electrical generating capacity measured in direct current kilowatts of not more than 25 kilowatts is hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of real or personal property. Such facilities shall be wholly exempt from local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia. This subsection shall become effective January 1, 2023.

(b) Certified solar energy equipment, facilities and devices are hereby declared to be a separate class of property, as provided for in the Code of Virginia, § 58.1-3661, and shall constitute a classification for local taxation separate from other classifications of real or personal property.

(Ord. No. 80-8-20, § 15.43, 3-11-80; Ord. No. 85-86, 8-6-85)

State law reference(s)—Code of Virginia §§ 15.2-2288.7 and 58.1-3661.

ARTICLE VII. RETAIL SALES TAX

Sec. 26-77. Administration and collection.

Pursuant to Code of Virginia, § 58.1-605, 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 Code of Virginia, § 58.1-628.~~

(~~Code 1965, § 15-9;~~ Ord. No. 85-86, 8-6-85)

State law reference(s)—Code of Virginia § 58.1-605.

ARTICLE VIII. LOCAL USE TAX

Sec. 26-91. Levied; rate; *etc.* ~~exceptions~~.

Pursuant to Code of Virginia, § 58.1-606, ~~there is hereby imposed in the county~~ a local sales and use tax, at the rate of one percent, to provide revenue for the general fund of the county, is hereby levied.~~; provided, however, that the one percent tax hereby imposed shall not apply to artificial or propane gas, firewood, coal or home heating oil used for domestic consumption as defined in Code of Virginia, § 58.1-608(9).~~ Such tax shall be added to the rate of the state use tax imposed by Code of Virginia, Title 58.1, Chapter 6 and shall be subject to all provisions of such chapter, all the amendments thereto and the rules and regulations published with respect thereto.

(~~Code 1965, § 15-21;~~ Ord. No. 81-31-12, 11-3-81; Ord. No. 85-86, 8-6-85)

State law reference(s)—Code of Virginia § 58.1-606.

Sec. 26-92. Administration and collection ~~To be added to state tax and subject to state law.~~

Pursuant to Code of Virginia, § 58.1-606, the local use 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 use tax. ~~The use tax imposed by this article shall be added to the rate of the state use tax imposed by Code of Virginia, Title 58.1, Chapter 6 and shall be subject~~

~~to all the provisions of that chapter, all amendments thereof and the rules and regulations published with respect thereto.~~

(~~Code 1965, § 15-21;~~ Ord. No. 81-31-12, 11-3-81; Ord. No. 85-86, 8-6-85)

State law reference(s)—Code of Virginia § 58.1-606.

ARTICLE XVI. PROPERTY EXEMPTED BY LOCAL CLASSIFICATION OR DESIGNATION ON OR AFTER JANUARY 1, 2003

Sec. 26-234. Property exempt by classification on and after January 1, 2003.

(a) The following classes of real and personal property shall be exempt from taxation:

(1) Property owned directly or indirectly by the Commonwealth or any political subdivision thereof.

(2) Real property and personal property owned by churches or religious bodies, including (i) an incorporated church or religious body, and (ii) a corporation mentioned in Code of Virginia, § 57-16.1, as amended, and exclusively occupied or used for religious worship or for the residence of the minister of any church or religious body, and such additional adjacent land reasonably necessary for the convenient use of any such property. Real property exclusively used for religious worship shall also include the following: (a) property used for outdoor worship activities; (b) property used for ancillary and accessory purposes as allowed under the local zoning ordinance, the dominant purpose of which is to support or augment the principal religious worship use; and (c) property used as required by federal, state, or local law.

(3) Nonprofit private or public burying grounds or cemeteries.

(4) Property owned by public libraries, law libraries of local bar associations when the same are used or available for use by a state court or courts or the judge or judges thereof, medical libraries of local medical associations when the same re used or available for use by state health officials, incorporated colleges or other institutions of learning not conducted for profit, This paragraph shall apply only to property primarily used for literary, scientific or educational purposes or purposes incidental thereto and shall not apply to industrial schools which sell their products to other than their own employees or students.

(5) Property belonging to and actually and exclusively occupied and used by the Young Men's Christian Associations and similar religious associations, including religious mission boards and associations, orphan or other asylums, reformatories, hospitals and nunneries, conducted not for profit but exclusively as charities (which shall include hospitals operated by nonstock corporations not organized or conducted for

profit but which may charge persons able to pay in whole or in part for their care and treatment).

(6) Parks or playgrounds held by trustees for the perpetual use of the general public.

(7) Buildings with the land they actually occupy, and the furniture and furnishings therein belonging to any benevolent or charitable organization and used by it exclusively for lodge purposes or meeting rooms, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes.

(8) Property of any nonprofit corporation organized to establish and maintain a museum.

(b) The real and personal property of an organization classified in Code of Virginia, §§ 58.1-3610 ~~—~~ through 58.1-3622, as amended, and used by such organization for a religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purpose as set forth in Article X, Section 6(a)(6) of the Constitution of Virginia, the particular purpose for which such organization is classified being specifically set forth within each section, shall be exempt from taxation, so long as such organization is operated not for profit and the property so exempt is used in accordance with the purpose for which the organization is classified. The property exempted from taxation pursuant to this section shall include the real and personal property of a single member limited liability company whose sole member is an organization classified in Code of Virginia §§ 58.1-3610 through 58.1-3622.

(Ord. No. 04-70, 12-7-04; Ord. No. 14-30, Attch., 6-17-14)

ARTICLE XVII. CERTIFIED POLLUTION CONTROL EQUIPMENT AND FACILITIES

Sec. 26-236. Definitions.

~~(a)~~ 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:

~~(1) "Application has been filed with the County" means an applicant has filed an application for a zoning confirmation for a by-right use, or an application for land use approval under the zoning ordinance to include an application for a conditional use permit, special use permit, special exception, or other application as set out in the zoning ordinance.~~

(a)~~(2)~~ "Certified pollution control equipment and facilities" means any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth and which the state certifying authority *or subdivision certifying authority* having jurisdiction with respect to such property has certified to the

department of taxation as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination, except that in the case of equipment, facilities, devices, or other property intended for use by any political subdivision in conjunction with the operation of its water, wastewater, stormwater. or solid waste management facilities or systems, including property that may be financed pursuant to Chapter 22 (§ 62.1-224 et seq.) of Title 62.1 of the Code of Virginia, the state certifying authority *or subdivision certifying authority* having jurisdiction with respect to such property shall, upon the request of the political subdivision, make such certification prospectively for property to be constructed, reconstructed, erected, or acquired for such purposes. Such property shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing, and distributing, or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been certified to the department of taxation by a state certifying authority *or subdivision certifying authority*. Such property shall include solar energy equipment, facilities, or devices owned or operated by a business that collect, generate, transfer, or store thermal or electric energy whether or not such property has been certified to the department of taxation by a state certifying authority *or subdivision certifying authority*. Such property shall also include energy storage systems, whether or not such property has been certified to the Department of Taxation by a state certifying authority. All such property as described in this definition shall not include the land on which such equipment or facilities are located.

(b)~~(3)~~ "Energy storage system" means equipment, facilities, or devices that are capable of absorbing energy, storing it for a period of time, and redelivering that energy after it has been stored.

(c)~~(4)~~ "State certifying authority" means the state water control board or the Virginia Department of Health, for water pollution; the state air pollution control board, for air pollution; the department of mines, minerals and energy, for solar energy projects energy storage systems, and for coal, oil, and gas production, including gas, natural gas, and coalbed methane gas; and the Virginia Waste Management Board, for waste disposal facilities, natural gas recovered from waste facilities, and landfill gas production facilities, and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth.

(d) "Subdivision certifying authority" means the body of a political subdivision responsible for administering the political subdivision's water, wastewater, stormwater, or solid waste management facilities or systems. A subdivision certifying authority may only certify property pursuant to this section if the property being certified is equipment, facilities, devices, or other property intended for use by the political subdivision in conjunction with the operation of its water, wastewater,

stormwater, or solid waste management facilities or systems. If property is certified by a subdivision certifying authority, it shall not be required to be certified by a state certifying authority.

~~(b) For solar photovoltaic (electric energy) systems, this exemption applies only to (i) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018; (ii) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, that serve any of the public institutions of higher education listed in VA Code Ann. § 23.1-100 or any private college as defined in VA Code Ann. § 23.1-105; (iii) 80 percent of the assessed value of projects for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization (a) between January 1, 2015, and June 30, 2018, for projects greater than 20 megawatts or (b) on or after July 1, 2018, for projects greater than 20 megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity, and that are first in service on or after January 1, 2017; (iv) projects equaling 5 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019; and (v) 80 percent of the assessed value of all other projects equaling more than 5 megawatts and less than 150 megawatts, as measured in alternating current (AC) generation capacity for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019.~~

~~(c) The exemption for solar photovoltaic (electric energy) projects greater than five megawatts, as measured in alternating current (AC) generation capacity, shall not apply to any such project unless an application has been filed with the County for the project before July 1, 2030, regardless of whether the Board assesses a revenue share on such project pursuant to the provisions of the Code of Virginia § 58.1-2636.~~

~~(1) If the Board adopts an energy revenue share ordinance under the Code of Virginia § 58.1-2636, the exemption for solar photovoltaic (electric energy) projects greater than five megawatts, as measured in alternating current (AC) generation capacity, shall be 100 percent of the assessed value.~~

~~(2) If the Board does not adopt an energy revenue share ordinance under the Code of Virginia § 58.1-2636, the exemption for solar photovoltaic (electric energy) projects greater than five megawatts, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization, shall be 80 percent of the assessed value when an application has been filed with the locality prior to July 1, 2030.~~

~~(d) For pollution control equipment and facilities certified by the Virginia Department of Health, this exemption applies only to onsite sewage systems that serve 10 or more households, use~~

~~nitrogen-reducing processes and technology, and are constructed, wholly or partially, with public funds.~~

~~(e) Notwithstanding any provision to the contrary, for any solar photovoltaic project described in clauses (iii) and (v) of subsection (b) for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019, the amount of the exemption shall be as follows: 80 percent of the assessed value in the first five years in service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service.~~

~~(f) Notwithstanding any provision to the contrary, the exemption for energy storage systems provided under this article (i) shall apply only to projects greater than five megawatts and less than 150 megawatts, as measured in alternating current (AC) storage capacity, and (ii) shall be in the following amounts: 80 percent of the assessed value in the first five years of service after commencement of commercial operation, 70 percent of the assessed value in the second five years in service, and 60 percent of the assessed value for all remaining years in service.~~

~~(g) The exemption for energy storage systems greater than five megawatts, as measured in alternating current (AC) storage capacity, shall not apply to any such project unless an application has been filed with the County for the project before July 1, 2030, regardless of whether a Board assesses a revenue share on such project pursuant to the provisions of the Code of Virginia § 58.1-2636.~~

~~(1) If the Board adopts an energy revenue share ordinance under the Code of Virginia § 58.1-2636, the exemption for energy storage systems greater than five megawatts, as measured in alternating current (AC) storage capacity, shall be 100 percent of the assessed value.~~

~~(2) If the Board does not adopt an energy revenue share ordinance under the Code of Virginia § 58.1-2636, the exemption for energy storage systems greater than five megawatts, as measured in alternating current (AC) storage capacity, shall be as set out in subsection (f) when an application has been filed with the locality prior to July 1, 2030.~~

(Ord. No. 14-30, Attch., 6-17-14; Ord. No. 16-22, Attch., 6-21-16, effective 7-1-16; Ord. No. 17-39, Attch., 6-20-17, effective 7-1-17; Ord. No. 18-30 , Attch., 6-19-18, effective 7-1-18; Ord. No. 19-27 , Attch., 6-25-19, effective 7-1-19; Ord. No. 20-9-O , 6-16-20; Ord. No. 21-32 , 6-22-21, effective 7-1-21)

State law reference(s)—Code of Virginia § 58.1-3660.

Sec. 26-237. Separate class of property.

Certified pollution control equipment~~,~~ and facilities ~~and devices~~ are hereby declared to be a separate class of property, as provided for in the Code of Virginia, § 58.1-3660, and shall constitute a classification for local taxation separate from other classifications of real or personal property.

(Ord. No. 14-30, Attch., 6-17-14)

State law reference(s)—Code of Virginia § 58.1-3660.

Sec. 26-238. Exemption ~~authorized.~~

As provided for by the Code of Virginia, § 58.1-3660, certified pollution control equipment and facilities are exempt from local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia. ~~tax exemption for the installation and utilization of certified pollution control equipment, *and* facilities or devices is authorized, when meeting the requirements of this article.~~ Such exemption shall apply, mutatis mutandis, according to Code of Virginia §§ 58.1-2606.1 and 58.1-3660.

(Ord. No. 14-30, Attch., 6-17-14)

State law reference(s)—Code of Virginia §§ 58.1-2606.1 and 58.1-3660.

PROPOSED AMENDMENTS TO CHAPTER 26 OF THE COUNTY CODE TO BECOME EFFECTIVE ON OCTOBER 1, 2022

CHAPTER 26 TAXATION

ARTICLE X TRANSIENT OCCUPANCY TAX

Sec. 26-121 Definitions.

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

Accommodations shall mean any room or space for which tax is imposed on the retail sale of the same pursuant to this article and includes, but is not limited to, any room or rooms, lodgings, or accommodations in any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, travel campground, club, or any other place in which rooms, lodging, space, or accommodations are regularly furnished to transients for a consideration.

Accommodations fee shall mean the room charge less the discount room charge, if any, provided that the accommodations fee shall not be less than $0.

Accommodations intermediary shall mean any person other than an accommodations provider that (i) facilitates the sale of an accommodation and (ii) either (a) charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale; (b) collects a room charge from the customer; or (c) charges a fee, other than an accommodations fee, to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider. Accommodations intermediary does not include a person:

1. If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to such person;

2. Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodations provider to such person; or

3. Who is licensed as a real estate licensee pursuant to Article 1 (§ 54.1-2100 *et seq*.) of Chapter 21 of Title 54.1 of the Code of Virginia, when acting within the scope of such license.

Accommodations provider shall mean any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

Affiliate shall mean with respect to any person, any other person directly or indirectly controlling, controlled by, or under common control with such person. For purposes of this definition, "control" (including controlled by and under common control with) shall mean the power, directly or indirectly, to direct or cause the direction of the management and policies of such person whether through ownership or voting securities or by contract or otherwise.

Discount room charge shall mean the full amount charged by the accommodations provider to the accommodations intermediary, or an affiliate thereof, for furnishing the accommodations.

Hotel shall ~~mean~~ include, but is not limited to, any public or private hotel, inn, apartment hotel, hostelry, tourist home or house, motel, rooming house or other lodging place within the county, ~~offering~~ which offers ~~lodging~~ accommodations to any transient for compensation, and which can lodge ~~for~~ four or more persons at any one time~~, and the owner and operator thereof who, for compensation, furnishes lodging to any transient.~~

Person shall include, but is not limited to, an individual, firm, partnership, association, corporation, person acting in a representative capacity, or any group of individuals acting as a unit.

Retail sale shall mean a sale to any person for any purpose other than for resale.

Room charge shall mean the full retail price charged to the customer for the use of the accommodations before taxes. "Room charge" includes any fee charged to the customer and retained as compensation for facilitating the sale, whether described as an accommodations fee, facilitation fee, or any other name. The room charge will be determined in accordance with 23VAC10-210-730 and the related rulings of the Virginia Department of Taxation on the same.

~~Room rental shall mean the total charge made by any hotel for lodging or space furnished any transient. If the charge made by a hotel to a transient includes any charge for services or accommodations in addition to that of lodging or the use of space, then such portion of the total charge as represents only room or space rental shall be distinctly set out and billed to such transient as a separate item.~~

Transient shall mean any person who, for any period of not more than 29 consecutive days, either at his own expense or at the expense of another, obtains the use or possession of ~~lodging~~ accommodations for which ~~or the use of any space in any hotel or travel campground, for which lodging or use of space~~ a charge is made in a retail sale.

Travel campground shall mean any site, lot, field or tract of land within the county offering spaces for recreational vehicles or campsites for transient dwelling purposes, temporary dwelling during travel, recreational or vacation uses.

(Code 1968, § 15-32)

Sec. 26-122 Levy~~ied~~; amount.

In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby imposed and levied on each and every transient a tax equivalent to five percent of the total price paid in a retail sale by the customer for the use or possession of any room or space occupied as accommodations by a transient. ~~for room rental or travel campground space rental by or for any such transient to any hotel or travel campground.~~

(Code 1965, § 15-33; Ord. No. 96-38, 4-30-96)

State Law reference— Authority of county to impose tax on transient room rentals, Code of Virginia, § 58.1-3819.

Sec. 26-123 Exceptions.

No tax shall be payable under this article on charges for accommodations ~~room rental~~ paid to any hospital, medical clinic, convalescent home or home for the aged.

(Code 1965, § 15-34)

Sec. 26-124 Collection.

(a) Every person receiving any payment for ~~room rental or space rental~~ accommodations with respect to which a tax is levied under this article shall collect the amount of such tax hereby imposed from the transient on whom the ~~same~~ tax is levied or from the person paying for such accommodations~~rental~~, at the time payment for such ~~rental~~ accommodation is made. Such tax shall be deemed to be held in trust by the person required to collect the tax until remitted to the county as required in this article.

(b) For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall collect the tax imposed pursuant to this article, computed on the total price paid for the use or possession of the accommodations, and shall remit the same to the county and shall be liable for the same. In any retail sale of any accommodations in which an accommodations intermediary does not facilitate the sale of the accommodations, the accommodations provider shall separately state the amount of the tax in the bill, invoice, or similar documentation and shall add the tax to the total price paid for the use or possession of the accommodations.

(c) For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall be deemed under this article as a facility making a retail sale of an accommodation. The accommodations intermediary shall collect the tax imposed pursuant to this article, computed on the room charge, and shall remit the same to the county and shall be liable for the same. For any retail sale of any accommodations in which an accommodations intermediary facilitates the sale of the accommodation, the accommodations intermediary shall separately state the amount of the tax on the bill,

invoice, or similar documentation and shall add the tax to the room charge; thereafter, such tax shall be a debt from the customer to the accommodations intermediary, recoverable at law in the same manner as other debts.

(d) If the total price paid by the customer includes any charge for services in addition to that of use or possession of the accommodations, then such portion of the total charge as represents only use or possession of the accommodations must be distinctly set out and billed to such transient as a separate item.

(Code 1965, § 15-35)

Sec. 26-125 Reports and remittances ~~generally~~.

(a) *Generally*. The person collecting any tax levied pursuant to ~~section 26-124~~this article is liable for the tax. The person collecting any taxes under this article shall make out a report, upon such forms and setting forth such information as the director of finance may prescribe and require. ~~,~~ Such reports shall show~~ing~~ the ~~amount of room or space rental charges collected~~total price paid by a customer for the use or possession of accommodations occupied by a transient, and the tax required to be collected. The report~~, and~~ shall be signed and delivered ~~such report~~ to the director of finance with a remittance of such tax. Such reports and remittances shall be made on or before the last day of the month following each quarter and covering the amount of tax collected during the preceding quarter. Such quarterly reports and remittances shall be made on or before the last day of January, April, July and October in each year; provided, however, that any person operating a hotel or travel campground may make such reports and remittances on a monthly basis.

(b) For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this section shall prohibit such parties from making an agreement regarding which party shall be responsible for collecting and remitting the tax, so long as the party so responsible is registered with the county for purposes of remitting the tax. In such event, the party that agrees to collect and remit the tax shall be the sole party liable for the tax, and the other parties to such agreement shall not be liable for such tax.

(c) Subject to applicable laws, an accommodations intermediary shall submit to the director of finance the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in the county. Such information shall be submitted monthly.

(Code 1965, § 15-36)

Sec. 26-129 Powers and duties of director of finance under article.

(a) It shall be the duty of the director of finance to ascertain the name of every person ~~operating a hotel or travel campground in the county, who is~~ liable for the collection of the tax levied by this article. The director of finance shall have the power to adopt rules and regulations, not inconsistent with the provisions of this article, for the purposes of carrying out and

enforcing the payment, collection and remittance of the tax levied by this article, and a copy of such rules and regulations shall be on file and available for public examination in the director's office. Failure or refusal to comply with any rules and regulations promulgated under this section shall be deemed a violation of this article.

(b) If any person required to collect and remit the tax imposed by this article fails to file a report and make a remittance, or if the director of finance has reasonable cause to believe that an erroneous report has been filed, the director may proceed to determine the amount due to the county and, in connection therewith, shall make such investigations and take such testimony and other evidence as may be necessary; provided, however, that notice and opportunity to be heard shall be given any person who may become liable for the amount owing prior to any determination by the director.

(Code 1965, §§ 15-38, 15-40)

PROPOSED AMENDMENTS TO CHAPTER 26 OF THE COUNTY CODE TO BECOME EFFECTIVE ON JULY 1, 2022

CHAPTER 27 TAXICABS

ARTICLE VII. FARES AND CHARGES

Sec. 27-151. Rates generally.

(a) The rates for the transportation of passengers in the county by taxicabs shall be as follows:

(1) Effective October 1, 2008, for the initial hiring or activation of the meter for service, and to include the first 1/10 of a mile or fraction thereof, the sum of $3.00. For each additional 1/10 of a mile or fraction thereof, the sum of $0.20. However, no driver may charge the rates provided for in this subsection unless ~~the taxicab inspector~~ a Certified Meter Technician licensed by the Virginia Department of Weights and Measures has made the appropriate and timely recalibrations to the driver's taxicab meter. Only until such time as ~~the taxicab inspector~~ a Certified Meter Technician licensed by the Virginia Department of Weights and Measures has made the appropriate calibration of the taxicab meter to reflect the increase in the mileage rate to $0.20 for each additional 1/10 mile, the driver may charge an additional $1.00 surcharge for the initial hiring or activation of the taxicab meter for service.

(2) For each 32 seconds waiting time, the sum of $0.20.

(b) For the purposes of subsection (a)(6) above, waiting time shall be deemed to include:

(1) Time consumed while the taxicab is waiting and unavailable to other passengers for hire, beginning five minutes after the later of (i) time of arrival at the place to which it has been called, or (ii) the agreed pick-up time.

(2) Time consumed while the taxicab is stopped, or slowed for traffic to a speed less than 12 miles per hour. While such time is charged, there shall be no charges for mileage under subsection (a)(1)—(4) of this section.

(3) Time consumed for delays or stopovers enroute at the direction of the passenger or customer. Waiting time shall not include time lost on account of inefficiency of the taxicab, police traffic stop, vehicle accident involving the taxicab or any delay caused by the taxicab driver.

(c) When a driver has taken into a taxicab a passenger for transportation and has actually begun the transportation of such passenger, no other person shall be received by the driver into such taxicab until the original passenger's destination is reached, except with the consent of such original passenger. No charge shall be made for the additional passenger, except when the additional passenger rides beyond the original passenger's destination,

where the meter shall be reset to compute the additional passenger's fare to his destination. This subsection shall not apply to the exceptions listed in section 27-159.

(d) In cases where more than one passenger enters a taxicab at the same time and bound for different destinations, the fare shall be charged as follows: Whenever a passenger gets out and pays the fare, then the meter shall be reset upon such passenger's departure; however, when such passenger does not pay the fare then the total fare shall be paid by the last passenger delivered. This subsection shall not apply to the exceptions listed in section 27-159.

(e) Drivers may give discounted fares of 25 percent to passengers carrying a driver's license or other government-issued identification demonstrating that that they are at least 65 years old.

(Ord. No. 79-6-20, §§ 16-32, 16-40, 2-6-79; Ord. No. 81-16-19, 5-19-81; Ord. No. 82-19-37, 7-6-82; Ord. No. 86-84, 6-3-86; Ord. No. 87-103, 10-6-87; Ord. No. 90-138, 11-13-90; Ord. No. 98-33, 5-5-98; Ord. No. 01-1, 1-2-01, 1-2-01; Ord. No. 03-17, 3-4-03; Ord. No. 05-58, 9-6-05; Ord. No. 05-93, 12-20-05; Ord. No. 06-05, 1-17-06; Ord. No. 08-77, 8-5-08; Ord. No. 08-89, 9-23-08; Ord. No. 09-34, 6-2-09)

PROPOSED AMENDMENTS TO CHAPTER 31 OF THE COUNTY CODE TO BECOME EFFECTIVE ON JULY 1, 2022

CHAPTER 31 WEAPONS

ARTICLE I. IN GENERAL

Sec. 31-7. Sale, delivery, etc., of blackjacks, metal knucks, oriental darts, ~~switchblade~~ ballistic knives and similar weapons.

If any person ~~shall~~ sells or barters, or exhibits for sale or for barter, or gives or furnishes, or causes to be sold, bartered, given or furnished, or ~~have~~ has in his possession, or under his control, with the intent of selling, bartering, giving or furnishing, any blackjack, brass or metal knucks, any disc of whatever configuration having at least two points or pointed blades, ~~which~~ that is designed to be thrown or propelled and ~~which~~ *that* may be known as a throwing star or oriental dart, ~~switchblade knife or like weapon~~, ballistic knife as defined in Virginia Code § 18.2-307.1, or like weapons, such person ~~shall be~~ is guilty of a Class 4 misdemeanor. The having in one's possession of any such weapon shall be prima facie evidence, except in the case of a conservator of the peace, of his intent to sell, barter, give or furnish same.

(Ord. No. 85-86, 8-6-85)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-311.

PRINCE WILLIAM COUNTY

Office of the County Attorney
Michelle R. Robl, County Attorney

Robert B. Dickerson
Bernadette S. Peele
Megan E. Kelly
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Brendette M. Walker
Nathan C. Welch
Michael D. Arena
Nelson A. Morgan
Edwin D. Ward

May 20, 2022

TO: Board of County Supervisors

FROM: Michelle R. Robl
County Attorney

Nathan C. Welch
Assistant County Attorney

AGENDA: June 7, 2022

RE: **COUNTY CODE UPDATE**

Authorize public hearing to consider amendments some of which are mandated by changes to state law, proposed amendments to Chapter 2 (Administration), Chapter 2.5 (Alarm Systems), Chapter 4 (Animals and Fowl), Chapter 5 (Buildings and Building Regulations), Chapter 10.1 (Human Rights), Chapter 13 (Motor Vehicles and Traffic), Chapter 19 (Personnel), Chapter 22 (Refuse), Chapter 25 (Subdivisions), Chapter 26 (Taxation), Chapter 27 (Taxicabs), and Chapter 31 (Weapons).

Every year, the Board reviews the Prince William County Code of Ordinances ("County Code") following the General Assembly's general session, primarily to ensure that the County Code is amended to remain consistent with the Virginia Code given recent legislative changes. The General Assembly has concluded this year's general session and several Acts of the Assembly necessitate amendments to the County Code. This Office recommends the attached changes to the County Code, as part of this annual review process. The changes require a public hearing, therefore, attached is a resolution authorizing a public hearing for June 28, 2022.

Many County Code sections, or provisions therein, are specifically enabled by corresponding Virginia Code sections. Often, these County Code sections must be in strict conformity with their corresponding Virginia Code sections to remain enforceable. Because several Virginia Code sections requiring strict conformity were amended by Acts of the General Assembly, those corresponding County Code sections must also be amended. In addition, we have included other proposed amendments to correct errors or inconsistencies discovered over the course of this year to ensure that the County Code is accurate, lawful, and consistent.

The proposed changes to the County Code are attached and are largely self-explanatory. Below is a brief description of the proposed changes by Chapter:

Chapter 2 (Administration) We propose amendments to the County Code, specifically related to Article VIII. Police Auxiliary, to reflect the additional instance in which a locality may call into service its police auxiliary members. The Board has previously authorized the formation of a Police Auxiliary and has delegated the Board's authority to call into service members of the Police Auxiliary to the chief of police, or his/her designee. As the Board had delegated this authority to the chief of police, or his designee, it is recommended that the additional instance in which the police auxiliary members may be called into service be included in the delegated authority given the chief of police, or his designee, in County Code § 2-277. Additionally, it is recommended that County Code § 2-180 be amended to reflect the jurisdictional limits of police auxiliary members more accurately and in keeping with the language used in Code of Virginia § 15.2-1735.

We are also recommending an amendment to County Code § 2-206 to update a reference to the Virginia Code.

Chapter 2.5 (Alarm Systems) We propose amendments to County Code §§ 2.5-22 and 2.5-24 to reflect changes in the authorizing statute for local ordinances regarding the regulation of alarm systems, Code of Virginia, § 15.2-911. The changes to Virginia Code § 15.2-911 provide new restrictions on a locality's ability to regulate, or prohibit, a specific type of security system, newly defined as a "battery-charged fence security system." We recommend adding this new term to our definition section and including the new Virginia Code requirements regarding this type of system in County Code §2.5-24. We note that the recent changes to Virginia Code § 15.2-911 does authorize certain local regulations, but these are discretionary and would need to be developed and considered separately from the annual County Code update.

Chapter 4 (Animals and Fowl) A state statute regarding vicious and dangerous dogs was modified to clarify jurisdictional limits and include an expedited hearing process. Provisions of the state statute are mirrored in the County Code. As a result, we recommend amending County Code § 4-20 to parallel the new state statutory language. Likewise, a newly enacted section of the Code of Virginia requires animal shelters preform certain acts during their search for the rightful owner of a newly sheltered dog. Several state statutes have also been amended to reference the newly enacted section. A few of these amended statutes are mirrored in the County Code, specifically in County Code § 4-24. Thus, we recommend amending County Code § 4-24 to parallel the new state statutory language.

Chapter 5 (Buildings and Building Regulations) County staff informed our office that County Code § 5-95 contained several outdated references to sections of the Uniform Statewide Building Code. Upon a review of County Code § 5-95 and the most recent Uniform Statewide Building Code, our office determined that several referenced Uniform Statewide Building Code sections were outdated, as they have been removed from the Uniform Statewide Building Code or have been substantively changed to such an extent that continued reference in the County Code would no longer reflect the Board's considered determination regarding that referenced Uniform Statewide Building Code section. As such, we recommend removing the references to the outdated Uniform Statewide Building Code sections.

Chapter 10.1 (Human Rights) Last year, during the first special session, the Governor and General Assembly passed legislation regarding unlawful discrimination against protected classes. The state statute modified and defined the term for the protected class from "status as a veteran" to "military status." During our review last year, we did not include the corresponding language changes to the

County Code in our list of recommended amendments to the County code. We do so here. As such, we recommend that County Code §§ 10.1-3, 10.1-4, and 10.1-5 be amended to reflect the state's term for the protected class.

Chapter 13 (Motor Vehicles and Traffic) The amendments to Chapter 13, to become effective on July 1, 2022, include removing the restriction on law enforcement officers from stopping a person for a violation of §§ 13-102, 13-103, or 13-104. These amendments are recommended by staff and responsive to Board Directive 22-20 -May 10, 2022 – HB 632. County Code §§ 13-40, 13-108, 13-133.1, 13-135, and 13-228.1 all have language that was recently added to or removed from the parallel state statutes. We recommend updating these County Code sections to ensure they remain consistent with the state statutes.

Likewise, we recommend updating County Code § 13-196 to reflect the added and removed language from the parallel state statute, Virginia Code § 46.2-1121. However, as the changes to Virginia Code § 46.2-1121 do not become effective until July 1, 2023, we recommend that the amendments to County Code § 13-196 become effective on July 1, 2023.

Chapter 19 (Personnel) Similar to the reasoning for the recommended changes to Chapter 10.1, we recommend County Code §§ 19-3 and 19-17 be amended to reflect the state's term for the protected class. We also recommend changes to County Code §§ 19-5 and 19-9 to remove the references to the library board, which is appropriate because of the integration of the library as a County agency. County Code § 19-5 should be further changed to remove part time employees from the exempt service because part time employees are now treated as competitive service employees in the PWC Personnel Policy.

Chapter 22 (Refuse) County staff informed our office that County Code § 22-170 contained an erroneous reference to the month of December when it should be to the month of January. Upon review, this does appear to be a clear error and so we recommend amending the section to reference the correct month.

Chapter 25 (Subdivisions) Virginia Code § 15.2-2243 was amended to change a "may" include provision into a "shall" include provision of a local ordinance. A locality has the discretion to adopt the local ordinance; but now, if it does adopt such an ordinance, it must include the "shall" provision. As we have already adopted the ordinance locally, but had not included the relevant provision, we must now include the provision in order to comply with the authorizing legislation.

Chapter 26 (Taxation) County Code §§ 26-17, 26-20, 26-58, 26-77, 26-91, 26-92, 26-234 all have language that was recently added to or removed from the parallel state statutes, which become effective July 1, 2022. We recommend updating these County Code sections to ensure they remain consistent with the state statutes. The changes to County Code §§ 26-236, 26-237, and 26-238 are necessitated by recent changes to their parallel state statutes; however, we recommend referencing the state statutes, and adopting them by reference, rather than attempting to mirror the state statutes verbatim.

We further recommend updating County Code §§ 26-121, 26-122, 26-123, 26-125, and 26-129. These changes are more significant than many of our other recommendations because these County Code sections have been largely unmodified or amended since they were enacted and despite changes over

the years to their parallel state statutes. The recommended changes to these sections reflect recent legislation that will become effective on October 1, 2022, and should also align the County Code with parallel state statutes more generally. However, as some of the recommended changes are in response to recent legislation that will not become effective until October 1, 2022, we recommend that the amendments to County Code §§ 26-121, 26-122, 26-123, 26-125, and 26-129 become effective on October 1, 2022.

Chapter 27 (Taxicabs) County Code § 27-151 calls for the Prince William County Police Department's taxicab inspector to do meter recalibrations. However, because of practical considerations, County staff has requested that inspections be more generally permitted by any "Certified Meter Technician licensed by the Virginia Department of Weights and Measures".

Chapter 31 (Weapons) The list of prohibited weapons in Virginia Code §18.2-31 was recently modified and the new list becomes effective July 1, 2022. We recommend updating County Code § 31-7 to ensure that it remains consistent with Virginia Code § 18.2-311.

Chapter 32, Zoning. Recent action by the General Assembly also necessitates revisions to the County's zoning ordinance. These revisions can only be made through the usual process for zoning text amendments that are referred to the County's Planning Commission. Consequently, we also have attached a draft resolution hereto for the Board's consideration at its June 28th meeting that would initiate the appropriate process for the Board to consider such amendments in the future.

We have attached the proposed amendments and the proposed resolution authorizing the public hearing on June 28th, 2022. Please let us know if we can provide additional information. We will be available to discuss the proposed changes and address any questions during the June 7th and 28th Board meetings.

ATTACHMENTS: Proposed Resolution Authorizing a Public Hearing
Including the Proposed Amendments to the County Code
Proposed Resolution to Initiate Zoning Text Amendments
Including Chapter 181 of the Acts of Assembly
Including Chapter 249 of the Acts of Assembly

cc: County Executive
Chief of Police
Finance Director
Director of Planning
Director of Development Services
Director of Public Works
Director of Human Resources
Commonwealth's Attorney

MOTION: **June 28, 2022**
Regular Meeting
SECOND: **Res. No. 22-**

RE: AUTHORIZE AND INITIATE ZONING TEXT AMENDMENTS TO UPDATE THE COUNTY CODE TO REFLECT CHANGES MADE TO THE CODE OF VIRGINIA BY CHAPTERS 181 AND 249 OF THE ACTS OF ASSEMBLY ENACTED BY THE GOVERNOR AND GENERAL ASSEMBLY DURING THE 2022 GENERAL SESSION

ACTION:

WHEREAS, the Board has enacted Chapter 32 of the Prince William Code, Zoning, pursuant to its authority under the relevant provisions of the Code of Virginia; and

WHEREAS, the Governor and General Assembly have made various changes to the Code of Virginia, specifically and as relevant to this resolution, by enactment of Chapters 181 and 249 of the Acts of Assembly during the 2022 General Session ("Chapter 181" and "Chapter 249," respectively); and

WHEREAS, the enactment of Chapter 181 modified language in Virginia Code § 15.2-2232 to clarify that parks are included within the subject matter of the relevant provision, which language is used or adapted for use in various part of Chapter 32 of the Prince William Code; and

WHEREAS, the enactment of Chapter 249 modified the process by which the Board of County Supervisors is to consider, review, and appropriate funds to the Board of Zoning Appeals, which process is included in Chapter 32 of the Prince William Code; and

WHEREAS, the Prince William County Board of Supervises finds that public necessity, convenience, general welfare, and good zoning practices require the initiation of this zoning text amendment;

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby direct the Planning Commission and County Staff to initiate appropriate amendments to Chapter 32 of the Prince William Code, which is the Zoning Ordinance, to address the Requirements of enacted Chapters 181 and 249 of the Acts of Assembly enacted during the 2022 General Session.

Votes:
Ayes:
Nays:
Absent during Vote:
Absent during Meeting:

For Information:
County Executive
Director of Planning
Director of Development Services

Attachments: Chapter 181 of the Acts of Assembly enacted during the 2022 General Session
Chapter 249 of the Acts of Assembly enacted during the 2022 General Session

CERTIFIED COPY _____

Clerk to the Board

VIRGINIA ACTS OF ASSEMBLY -- 2022 SESSION

CHAPTER 181

An Act to amend and reenact § 15.2-2232 of the Code of Virginia, relating to comprehensive plan; public hearing.

[H 648]

Approved April 7, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2232 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2232. Legal status of plan.

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.2-353 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility, *park* or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body~~;~~, provided~~,~~ that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility, *park* or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303.

E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 or after July 1, 2012, by the Board of Education pursuant to § 22.1-20.1 shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1,

1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

G. A proposed telecommunications tower or a facility constructed by an entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56 shall be deemed to be substantially in accord with the comprehensive plan and commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.

H. A solar facility subject to subsection A shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right; (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or 56-594.01 or by a small agricultural generator under § 56-594.2; or (iii) the locality waives the requirement that solar facilities be reviewed for substantial accord with the comprehensive plan. All other solar facilities shall be reviewed for substantial accord with the comprehensive plan in accordance with this section. However, a locality may allow for a substantial accord review for such solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.

VIRGINIA ACTS OF ASSEMBLY -- 2022 SESSION

CHAPTER 249

An Act to amend and reenact § 15.2-2308 of the Code of Virginia, relating to board of zoning appeals; funding.

[H 616]

Approved April 8, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2308 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2308. Boards of zoning appeals to be created; membership, organization, etc.

A. Every locality that has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws shall establish a board of zoning appeals that shall consist of either five or seven residents of the locality, or in a town with a population of 3,500 or less, either three, five, or seven residents of the locality, appointed by the circuit court for the locality. Boards of zoning appeals for a locality within the fifteenth or nineteenth judicial circuit may be appointed by the chief judge or his designated judge or judges in their respective circuit, upon concurrence of such locality. Their terms of office shall be for five years each, except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least 30 days in advance of the expiration of any term of office and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality, except that one may be a member of the local planning commission, any member may be appointed to serve as an officer of election as defined in § 24.2-101, and any elected official of an incorporated town may serve on the board of the county in which the member also resides. A member whose term expires shall continue to serve until his successor is appointed and qualifies. The circuit court for the City of Chesapeake and the Circuit Court for the City of Hampton shall appoint at least one but not more than three alternates to the board of zoning appeals. At the request of the local governing body, the circuit court for any other locality may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman 24 hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

B. Localities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals that shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit court for each county or city, plus one member from the area at large to be appointed by the circuit court or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years, except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

C. With the exception of its secretary and the alternates, the board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. Notwithstanding any other provision of law, general or special, for the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board and the board shall offer an equal amount of time in a hearing on the case to the applicant, appellant or other person aggrieved under § 15.2-2314, and the staff of the local governing body. Except for matters governed by § 15.2-2312, no action of the board shall be valid unless authorized by a majority vote of those present and voting. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

D. ~~Within the limits of funds appropriated by the governing body,~~ *Upon request of the board of zoning appeals, the governing body shall consider appropriation of funds so that* the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. *If a board has needs that surpass the budgeted amount, the governing body shall review the board's request.* Members of the board may receive such compensation as may be authorized by the respective

governing bodies. Any board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court that appointed him, after a hearing held after at least 15 days' notice.

E. Notwithstanding any contrary provisions of this section, in the Cities of Portsmouth and Virginia Beach, members of the board shall be appointed by the governing body. The governing body shall also appoint at least one but not more than three alternates to the board.