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**ORDINANCE**  
**Exempting Certain Farm-Use Motor Vehicles from**  
**Local Personal Property Tax**

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**§ 1. Authority**

This ordinance is adopted pursuant to Code of Virginia § 58.1-3505 (B), which authorizes any county, city, or town to exempt in whole or in part from local personal-property taxation the classes of farm property listed in § 58.1-3505 (A).

**§ 2. Purpose**

The purpose of this ordinance is to promote and support bona fide agricultural operations within Buckingham County by exempting qualifying farm-use motor vehicles from the County personal-property tax.

**§ 3. Definitions**

For purposes of this ordinance:

1. **Qualifying Farm-Use Vehicle** means any motor vehicle that meets one of the following criteria:
  - a. Is used primarily for agricultural purposes and is exempt from **DMV** registration under § 46.2-665, § 46.2-666, or § 46.2-670 of the Code of Virginia; or
  - b. Is a pickup truck, panel truck, or sport-utility vehicle for which the owner is required to obtain a permanent farm-use placard under § 46.2-684.2 of the Code of Virginia.
2. **Commissioner** means the Commissioner of the Revenue for Buckingham County, Virginia.

**§ 4. Exemption Established**

A. **Tax Rate.** Effective with the 2025 tax year and for each tax year thereafter, all Qualifying Farm-Use Vehicles shall be fully exempt from County personal-property taxation.

B. **Separate Classification.** Qualifying Farm-Use Vehicles are hereby declared to constitute a separate class of tangible personal property for local taxation, as permitted by § 58.1-3505(B).

**§ 5. Administration**

A. **Affidavit or Application.** The Commissioner may require the owner of any vehicle claiming the exemption to file an affidavit or application, on a form prescribed by the Commissioner, certifying that the vehicle meets the definition of a Qualifying Farm-Use Vehicle.

B. **Documentation.** The Commissioner may require submission of documentation sufficient to establish eligibility, including but not limited to a copy of the permanent farm-use placard or evidence that the vehicle is exempt from DMV registration under §§ 46.2-665, -666, or -670.

C. **Misrepresentation.** Any person who knowingly files a false statement to obtain the exemption provided by this ordinance shall be subject to the penalties provided in Title 58.1 of the Code of Virginia and any other applicable law.

#### **§ 6. Severability**

If any section, subsection, clause, or provision of this ordinance is found to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions, which shall continue in full force and effect.

#### **§ 7. Conflicting Ordinances Repealed**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

#### **§ 8. Effective Date**

This ordinance shall become effective immediately on adoption and be applicable to the **January 1, 2025** and shall apply to all tax years beginning on or after that date. Adopted June 9, 2025.

## **AN ORDINANCE AUTHORIZING THE PAYMENT OF BONUSES**

### **§ 1. Authority; Purpose**

This Ordinance is adopted pursuant to § 15.2-1508 of the Code of Virginia for the purpose of authorizing the County to award monetary or other bonuses to eligible employees when, in the judgment of the Board, such awards further the County's operational or personnel objectives.

### **§ 2. Definitions**

- **Bonus** means a one-time, lump-sum payment of money or, where permitted by law, the transfer of personal property or intangible items of value, paid in addition to an employee's regular compensation.
- **Eligible employee** means any full-time or part-time County officer or any active employee whose position is wholly or partially funded by the County, excluding employees declared ineligible by the Board or Department Heads.
- **Active employee** means any employee who is receiving regular and periodic compensation from the County, but not including seasonal or emergency employees.

### **§ 3. General Authorization**

- A. The Board of Supervisors hereby authorizes the payment of bonuses to eligible employees in accordance with the criteria **and** procedures set forth in this Ordinance.
- B. No bonus may be paid unless (i) approved by the Board and (ii) sufficient funds have been appropriated for that purpose.

### **§ 4. Funding; Budgetary Limitations**

All bonuses shall be paid only from lawfully available funds appropriated by the Board. Approval of a bonus does not create an obligation to appropriate funds in any subsequent fiscal year.

### **§ 5. No Contractual Right; Employment Status**

Bonuses granted under this Ordinance are discretionary, do not constitute a promise of future payment, and shall not be construed to create a contract of employment or a property interest in continued County employment.

### **§ 6. Severability**

If any provision of this Ordinance is declared invalid, such invalidity shall not affect the remaining provisions, which shall continue in full force and effect.

### **§ 9. Effective Date**

This Ordinance shall be effective upon adoption, June 9, 2025.



## **BAD CHECK ORDINANCE**

### **ARTICLE ONE NAME**

The name of the ordinance shall be known as “The Bad Check Ordinance”.

### **ARTICLE TWO AUTHORITY**

This ordinance is adopted pursuant to Section 15.2-106 of the 1950 Code of Virginia , as amended.

### **ARTICLE THREE Authorization to Collect Fee**

Any officer or employee of Buckingham County who receives in an official capacity funds for deposit to or credit of any fund or money maintained by the County shall be authorized to levy and collect a fee for the uttering, publishing or passing of any check or draft, or order for payment of taxes or any other sums due, which is subsequently returned for insufficient funds or because there is no account or the account has been closed or because such check, draft, or order was returned because of a stop-payment order placed in bad faith on the check, draft, or order by the drawer.

### **ARTICLE FOUR FEE**

The amount of the fee shall be \$35.00.

### **ARTICLE FIVE EFFECTIVE DATE**

This Ordinance shall become effective upon enactment.

### **ARTICLE FIVE REPEAL and CONFLICT**

A. The previous Bad Check ordinance, which became effective July 7, 1975 is repealed upon the adoption of this ordinance.

B. To the extent that this ordinance is in conflict with any other ordinance, this ordinance shall control.

## BANK FRANCHISE TAX ORDINANCE

### SECTION I. DEFINITIONS

For the purpose of this ordinance, the following words shall have the meanings ascribed to them by this section:

- A. "Bank" shall be as defined in Section 58-485.01 of the Code of Virginia.
- B. "Net Capital" shall mean a bank's net capital computed pursuant to Section 58-485.07 of the Code of Virginia.

### SECTION II. IMPOSITION OF COUNTY BANK FRANCHISE TAX

- A. Pursuant to the provisions of Chapter 50.01 of Title 58 of the Code of Virginia, there is hereby imposed upon each bank located outside any incorporated town but otherwise within the boundaries of this County a tax on net capital equalling 80 percentum of the State rate of franchise tax set forth in Section 58-485.06 of the Code of Virginia.
- B. In the event that any bank located within the boundaries of this County but outside any incorporated town located herein and is not the principal office but is a branch extension or affiliate of the principal office, the tax upon such branch shall be apportioned as provided by Section 58-485.012 of the Code of Virginia.

### SECTION III. FILING OF RETURN AND PAYMENT OF TAX

- A. On or after the first day of January of each year, but not later than March 1 of any such year, all banks whose principal offices are located within this County but outside any incorporated town herein shall prepare and file with the Commissioner of the Revenue (or comparable local assessing officer) a return as provided by Section 58-485.013 of the Code of Virginia in duplicate which shall set forth the tax on net capital computed pursuant to Chapter 10.01 of Title 58 of the Code of Virginia. The Commissioner of Revenue (or comparable assessing officer) shall certify a copy of such filing of the bank's return and schedules and shall forthwith transmit such certified copy to the State Department of Taxation.
- B. In the event that the principal office of a bank is located outside the boundaries of this County or within any town located herein, and such bank has branch offices located within this County, in addition to the filing requirements set forth in Section A hereof, any bank conducting such branch business shall file with the Commissioner of the Revenue or appropriate assessing officer of this County a copy of the real estate deduction schedule, apportionment and other items which are required by Sections 58-485.012, 58-485.013, and 58-485.014 of the Code of Virginia.
- C. Each bank, on or before the first day of June of each year, shall pay into the Treasurer's Office (or other appropriate official) of this County all taxes imposed pursuant to this ordinance.

#### **SECTION IV. EFFECTIVE DATE OF ORDINANCE**

The provision of this ordinance shall be effective for the year beginning January 1, 1980.

#### **SECTION V. PENALTY UPON BANK FOR FAILURE TO COMPLY WITH ORDINANCE**

Any bank which shall fail or neglect to comply with any provision of this ordinance shall be fined not less than \$100.00 nor more than \$500.00, which fine shall be recovered upon motion, after five days' notice in the Circuit Court of this County. The motion shall be in the name of the Commonwealth and shall be presented by the Attorney for the Commonwealth of this locality.

# **AMENDMENT TO THE BUCKINGHAM COUNTY COURTHOUSE SECURITY PERSONNEL ORDINANCE**

## **ARTICLE ONE**

The name of this ordinance shall be the Buckingham County Courthouse Security Personnel Ordinance.

## **ARTICLE TWO**

This ordinance is enacted as authorized by Article 53.1-120 of the 1950 Code of Virginia.

## **ARTICLE THREE**

This amendment to this ordinance shall not be effective until July 1, 2020.

## **ARTICLE FOUR**

Twenty dollars (\$20.00) shall be assessed in each criminal or traffic case in the Buckingham County District and Circuit courts in which the defendant is convicted of a violation of any statute or ordinance as part of the costs.

## **ARTICLE FIVE**

The assessment shall be collected by the Clerk of the Court in which the case is heard, and remitted to the Treasurer of Buckingham County, Virginia.

## **ARTICLE SIX**

The Treasurer of Buckingham County, Virginia, shall hold such funds, subject to appropriation by the Board of Supervisors of Buckingham County, Virginia, to the Sheriff's Office of Buckingham County, Virginia, for the funding of Courthouse Security Personnel in the County.

I move that the “**ORDINANCE TO REQUIRE PROOF OF CURRENT TAX PAYMENT BEFORE THE ISSUANCE OF CERTAIN PERMITS IN BUCKINGHAM COUNTY**” be amended to read as follows:

**ORDINANCE TO REQUIRE PROOF OF CURRENT TAX PAYMENT BEFORE THE  
ISSUANCE OF CERTAIN PERMITS IN BUCKINGHAM COUNTY**

**ARTICLE ONE  
NAME**

The name of the ordinance shall be known as “The Requirement for Current Taxes prior to Permit Initiation”.

**ARTICLE TWO  
AUTHORITY**

This ordinance is adopted pursuant to Section 15.2-2286 of the 1950 Code of Virginia , as amended.

**ARTICLE THREE  
PAYMENT OF DELINQUENT TAXES**

Prior to the initiation of an application for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the applicant shall produce satisfactory evidence that there are no delinquent real estate taxes owed to the locality which have been properly assessed against the subject property.

For the purposes of this Article only and for no other purpose other than this ordinance, delinquent taxes shall mean:

- A. Application for building permits: all taxes that are due and payable on or before December 31 shall be considered delinquent if such taxes are not paid by April 30 of the subsequent year of the year that the taxes are due and payable;
- B. All other applications, except for a building permit: a tax shall be considered delinquent if the tax has not been paid in full by the time the tax is due and payable.

**ARTICLE FOUR**  
**EFFECTIVE DATE**

This Ordinance shall become effective upon enactment and any amendment shall become effective upon adoption.

**BUCKINGHAM COUNTY  
BUILDING PERMIT ORDINANCE**

**ARTICLE I  
ADMINISTRATION**

- 5-100 Purpose and intent.**
- 5-101 Building inspection office established; powers and duties.**
- 5-102 Board of appeals established; powers and duties.**
- 5-103 Appeals of decisions of the building official.**
- 5-104 Violation and penalty.**

**ARTICLE II  
FEES**

- 5-200 Permit and inspection fees, generally.**
- 5-201 Fees for building permits.**
- 5-202 Fees for electrical permits.**
- 5-203 Fees for plumbing permits.**
- 5-204 Fees for mechanical permits.**
- 5-205 Fees for amusement devices.**
- 5-206 Fee for demolition permits.**
- 5-207 Fees for zoning inspections.**
- 5-208 Other fees.**
- 5-209 Refunds.**

**ARTICLE III  
RADON RESISTANT CONSTRUCTION and DETECTION**

- Sec. 5-300 Applicability.**
- Sec. 5-301 New Construction**
- Sec. 5-302 Exceptions**

# **ARTICLE I ADMINISTRATION**

## **Sec. 5-100 Purpose and intent.**

A. The purpose and intent of this chapter is to promote and to protect the public health, safety and welfare by making the Virginia Construction Code, as set forth in the International Code Council and amended by order of the Virginia Board of Housing and Community Development, applicable to all matters affecting or relating to structures, including the construction, alteration, repair, addition, demolition and removal of all structures, and to the equipment in such structures. The purpose and intent of this chapter is also to establish a procedure by which unsafe buildings and structures are repaired, removed, or demolished.

B. The Virginia Construction Code shall be referred to in this chapter as the “building code” and shall include the building code in its current form and as amended in the future.

C. A copy of the building code shall be kept on file in the department of building code and zoning services.

**State law reference--**Va. Code §§ 36-97 et seq.; 36-105.

## **Sec. 5-101 Building inspection office established; powers and duties.**

A building inspection office is hereby established, as provided herein:

A. The building inspection office shall be charged with the administration and enforcement of the building code and this chapter, the review and approval of plans, the inspection of buildings and structures and the issuance of permits or certificates pertaining thereto. For purposes of this chapter, the term “building inspection office” means the “local building department” as that term is used in the building code.

B. The building inspection office shall be directed by a building official appointed by the Board of Supervisors. The building official shall be charged with the administration and enforcement of this chapter and the building code and, as such, shall have the duties and powers of a code official set forth in the building code. The building official also shall be responsible for the supervision of the other employees of the building inspection office. For purposes of this

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Building Permit Ordinance

Revised 7/1/2009;  
Revised 4/14/2014  
Revised 10/13/2020



chapter, the term “building official” means the “code official” as that term is used in the building code.

**State law reference--**Va. Code §§ 36-97 et seq.; 36-105

### **Sec. 5-102 Board of appeals established; powers and duties.**

A board of appeals is hereby established as provided herein:

- A. The board shall consist of five (5) members appointed by the board of supervisors.
- B. Each member of the board shall serve a five (5) year term, which shall extend beyond such term until a successor is appointed.
- C. To the extent that such persons may be available, the board shall consist of individuals who meet the qualifications for board membership set forth in section 119.3 of the building code.
- D. The members of the board shall be compensated as provided in section 2-1105 of the Code.
- E. The organization and duties of the board shall be as set forth in section 119 of the building code and such duties shall include considering appeals as provided in section 5-103.

### **Sec. 5-103 Appeals of decisions of the building official.**

The board of appeals shall consider and act upon appeals from decisions of the building official as provided herein:

- A. The board shall consider appeals concerning the application of the building code or the refusal to grant a modification of the provisions of the building code pertaining to the manner of construction or materials to be used in the erection, alteration or repair of a building or structure.
- B. The right of appeal, the parties to an appeal, the scope of an appeal, the procedure for an appeal, and the conduct of the appeal, shall be as set forth in section 119 of the building code.

**State law reference--**Va. Code § 36-105

## **Sec. 5-104 Violation and penalty.**

It shall be unlawful for any owner or any other person, firm or corporation to violate any provision of this chapter or the building code, and such violation shall be punishable and shall be abated, as provided herein:

A. A violation of this chapter, which is not a violation of the building code, shall be punishable as a Class One Misdemeanor as set forth in the 1950 Code of Virginia, as amended.

B. A violation of this chapter which is a violation of the building code shall be punishable and shall be abated as provided therein.

**State law reference--**Va. Code § 36-106.

## **ARTICLE II FEES**

### **Sec. 5-200 Permit and inspection fees, generally.**

The fees for a permit or inspection required pursuant to the building code and this chapter shall be paid as provided herein:

A. Except as provided in paragraph (E), no permit shall be issued until the applicable fees required by this article have been paid. The fee shall be for the purpose of reimbursing, in whole or in part, the department of building code and zoning services' cost to review plans, issue permits and conduct up to one re-inspection of work performed pursuant to a permit.

B. Each fee shall be in the form of cash or a check payable to the "County of Buckingham" Payment shall be made in the Treasurer's Office.

C. The payment of fees for a permit or permit amendment shall not relieve any person from the payment of any other fees that may be required by law including, but not limited to, fees for water connections and sewer connections.

D. The building official shall keep an accurate account of all fees due and collected pursuant to this chapter.

E. Neither the county nor the county school board shall be required to pay any fee otherwise required by this article for a permit or inspection required by this chapter.

**State law reference--**Va. Code § 36-105.

## **Sec. 5-201 Fees for building permits.**

The fees for building permits are hereby established as provided herein:

A. ***Residential structures.*** The fee for each new structure (one- and two-family dwellings) other than a garage, deck or porch, or for an addition to an existing residential structure in either such use group, shall be \$0.23 per square foot, calculated on gross square footage. The minimum fee shall be \$125.00.

B. ***Accessory residential structures.*** The fee for each residential attached garage, detached garage, shed, or deck or porch does not exceed two hundred (200) square feet or larger, shall be \$0.11 per square foot, calculated on gross square footage. The minimum fee shall be \$25.00.

C. ***Residential or Commercial swimming pools, hot tubs and spas.*** The fee for each residential swimming pool, hot tub or spa shall be \$0.23 per square foot but not less than \$50.00.

D. ***Mobile homes and prefabricated homes.*** The fee for each mobile home or prefabricated home shall be \$0.23 per square foot but not less than \$50.00.

E. ***New commercial structures.*** The fee for each new structure or an addition to an existing commercial structure in any such use group, shall be \$0.11 per square foot, calculated on gross square footage, but not less than \$50.00.

F. ***Mobile offices and pre-manufactured units.*** The fee for each mobile office or pre-manufactured unit shall be \$0.23 per square foot but not less than \$50.00.

G. ***Alterations and repairs of structures in all use groups.*** The fee for an alteration or repair of a structure in any use group shall be \$ 0.23 per square foot of floor area affected, provided that there is no increase in gross square footage. The minimum fee shall be \$50.00.

**State law reference--**Va. Code § 36-105.

## **Sec. 5-202 Fees for electrical permits.**

The fee for an electrical permit only shall be \$0.02 per square foot but not less than \$25.00.

**State law reference--**Va. Code § 36-105.

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Revised 4/14/2014  
Revised 10/13/2020

### **Sec. 5-203 Fees for plumbing permits.**

The fee for a plumbing permit only shall be \$0.02 per square foot but not less than \$25.00.

**State law reference--**Va. Code § 36-105.

### **Sec. 5-204 Fees for mechanical permits.**

The fee for a mechanical permit only shall be \$0.02 per square foot but not less than \$25.00.

**State law reference--**Va. Code § 36-105.

### **Sec. 5-205 Fees for amusement devices.**

The fees for amusement devices are hereby established as provided herein:

A. *Kiddie rides*. The fee for each kiddie ride shall be \$15.00.

B. *Intermediate rides*. The fee for each major ride shall be \$25.00.

C. *Major rides*. The fee for each spectacular ride shall be \$45.00.

**State law reference--**Va. Code § 36-105.

### **Sec. 5-206 Fee for demolition permits.**

The fee for each demolition permit shall be \$25.00.

**State law reference--**Va. Code § 36-105.

### **Sec. 5-207 State Fee.**

A 2% (percent) mandatory state fee shall be added to all building permits.

**State law reference--**Va. Code § 36-105.

### **Sec. 5-208 Fees for other permits, plan amendments and re-inspections.**

The fees for re-inspections are established for each inspection of work performed, after the second inspection of such work, shall be \$50.00 per inspection.

**State law reference--**Va. Code § 36-105.

### **Sec. 5-209 Refunds.**

Upon receipt by the building official of a written request by the owner within six (6) months of the event identified below, a fee paid pursuant to this article may be refunded as provided herein:

A. If a permit application is withdrawn or voided after the plan is reviewed, in whole or in part, but before the work authorized by the permit begins, the owner shall be refunded the entire building permit fee less \$20.00 for processing plus any other direct cost incurred by the County.

**State law reference--**Va. Code § 36-105.

### **Sec. 5-210 Party/Wedding Tent Fees**

The fee for a tent for party/wedding purposes is \$25.00; Zoning Review Approval fee of \$10.00 and state surcharge. If a second inspection is necessary due to the tent not being installed correctly an additional \$25.00 will be added.

## **ARTICLE III**

### **RADON RESISTANT CONSTRUCTION and DETECTION**

#### **Sec. 5-300 Applicability.**

This article shall apply to the new construction of one and two dwelling units.

#### **Sec. 5-301 New Construction.**

All new one and two dwelling units construction shall incorporate the radon resistant methods of Appendix F of the International Residential Code for One and Two-Family Dwellings which is incorporated in the Virginia Construction Code.

#### **Sec. 5-302 Exception.**

In accordance with the Building Code, these requirements shall not apply to buildings or portions thereof that have a crawl space foundation which is ventilated to the exterior.

## CURFEW ORDINANCE

This ordinance shall be known as the Duckingham County Curfew Ordinance. Said ordinance shall ordain the hours which a juvenile shall be away from his place of residence or lodging.

### SECTION I.

It shall be unlawful within the County of Buckingham for a juvenile under the age of 18 to be away from his place of residence or lodging between the hours of 1:00 a.m. and 5:00 a.m., unless said juvenile is accompanied by a parent, guardian, or an adult duly authorized to act in loco parentis of said parent or guardian.

### SECTION II.

It shall be unlawful within the County of Buckingham for the parents, guardian, or someone duly authorized to act in loco parentis of said parent or guardian to allow a juvenile under the age of 18 to be away from the juvenile's place of residence or lodging between the hours of 1:00 a.m. and 5:00 a.m., unless said juvenile is accompanied by a parent, guardian, or an adult duly authorized to act in loco parentis of said parent or guardian.

### SECTION III.

Exemptions. The preceding sections shall not apply to the following situations:

1. To juveniles who attend a school-sponsored function which ends after 11:15 p.m. and who is directly enroute to his home or lodging.
2. Special ordinances establishing a different curfew for special events, these special ordinances shall take precedence.
3. To juveniles directly enroute home from an event or activity having taken place outside the boundaries of the County of Buckingham.
4. To juveniles directly enroute home from the place of their employment.

### SECTION IV.

Penalty: Penalties for violation of this ordinance shall be a fine of not more than \$100.00.

Effective Date: This ordinance shall go into effect at 12:01 a.m., September 7, 1977.



BUCKINGHAM COUNTY  
RECORDATION TAX ORDINANCE

At a regular meeting of the Buckingham County Board of Supervisors after a public hearing held on August 9, 2004, unanimously voted to amend the ordinance of Buckingham County, Virginia, adopted October 1, 1973, concerning the recordation taxes for the ordinance to read as follows:

Pursuant to Section 58.1-814, of the 1950 Code of Virginia, as amended, the Buckingham County Board of Supervisors imposes a County recordation tax in an amount equal to one-third of the amount of the State recordation tax pursuant to Chapter 38 of Title 58 of the Code of Virginia, as amended.

DEED TAX ORDINANCE

An ordinance for Buckingham County assessing a County tax of \$0.05 per \$100.00 consideration on deeds to be recorded, in pursuance of Section 58-65.1 of the Code of Virginia of 1950. Said ordinance to be effective October 15, 1973.

**BUCKINGHAM COUNTY  
ANIMAL CONTROL ORDINANCE**

**ADOPTED OCTOBER 18, 1993  
BY THE BUCKINGHAM COUNTY  
BOARD OF SUPERVISORS**

**REVISED FEBRUARY 9, 2015**

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# **Buckingham County Animal Control Ordinance**

## **Article 1. General Provisions**

### **1.1 Definitions.**

The following words as used in this ordinance shall have the following meanings:

**“Abandon”** means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in Section 2.1 for a period of five consecutive days.

**“Adequate care”** or **“care”** means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

**“Adequate exercise”** or **“exercise”** means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

**“Adequate feed”** means access to and the provision of food which is of sufficient quality and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed to as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

**“Adequate shelter”** means provision of and access to shelter that is suitable for the species, age, condition, size and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species ;and, for dogs and cats provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Shelters whose wire, grid, or slat floors (i) permit the animal’s feet to pass through the openings, (ii) sag under the animal’s weight, or (iii) otherwise do not protect the animal’s feet or toes from injury are not adequate shelter.

**“Adequate space”** means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the

animal and (ii) interact safely with other animals in the enclosure. When the animal is tethered, “adequate space” means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

**“Adequate water”** means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every twelve hours, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as directed naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

**“Adoption”** means the transfer of ownership of a dog or cat from a releasing agency to an individual.

**“Animal Warden”** means any person employed, contracted, or appointed by the Board for the purpose of aiding in the enforcement of this ordinance or any other law or ordinance relating to the licensing of dogs, control of dogs and cats, cruelty to animals, or seizure and impoundment of companion animals and includes any animal control officer or other employee whose duties in whole or in part include assignments which involve seizure or taking into custody of any dog or other animal.

**“Board”** means the Board of Supervisors of the County.

**“Companion Animal”** means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal which is bought, sold, traded, or bartered by any person. Livestock and poultry, game species, or any animals regulated under federal law as research animals shall not be considered companion animals.

**“County”** means the County of Buckingham, Virginia.

**“Livestock”** includes all domestic or domesticated: bovine animals’ equine animals’ ovine animals’ porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

**“New Owner”** means an individual who is legally competent to enter into a binding agreement pursuant to subdivision 2 of subsection B of Section 6.1, and who adopts or receives a dog or cat from a releasing agency.

**“Owner”** means any person who: (i) has a right of property in an animal, (ii) keeps or harbors an animal; (iii) has an animal in his care, or (iv) acts as a custodian of an animal.

**“Person”** means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.

**“Poultry”** includes all domestic fowl and game birds raised in captivity.

**“Primary enclosure”** means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

**“Properly cleaned”** means that carcasses, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals contact with any such contaminants’ the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

**“Properly lighted”** means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the shelter, and observation of the animal; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facilities; and to promote the well-being of the animals.

**“Releasing agency”** means a pound, animal shelter, humane society, animal welfare society, society for the prevention of cruelty for animals, or other similar entity that releases a dog or cat for adoption pursuant to Article 6 of this ordinance.

**“Sterilize” or Sterilization”** means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

**“Treasurer”** includes the treasurer and his assistants of the County.

**“Treatment” or “Adequate treatment”** means the responsible handling or transportation of animals in the person’s ownership, custody, or charge, appropriate for the age, species, condition, size and type of the animal.



## **1.2 Rules, policies and procedures**

The Board may promulgate rules, policies and procedures consistent with the objectives and intent of this ordinance concerning the implementation and administration of its provisions.

## **1.3 Authority, Purpose and Title**

This ordinance is enacted pursuant to the 1950 Code of Virginia, as amended, to provide for the licensing and control of dogs and for livestock protection and the general welfare and protection of the citizens of the County. This ordinance shall be entitled: Animal Control Ordinance.

## **1.4 Effective Date**

This ordinance shall become effective immediately upon its adoption by the Board.

## **1.5 Severability**

Should a court of competent jurisdiction find any portion of this ordinance to be unconstitutional, such finding shall not render other portions unconstitutional. For such purpose, the portions of this ordinance shall be deemed severable.

## **1.6 Recession of Pre-existing Ordinances**

The Dog License and Control Ordinance adopted October 11, 1988, as amended, and the Cate Rabies Ordinance adopted effective December 1, 1984, shall be rescinded immediately, void and of no effect upon adoption of this ordinance.

# **Article 2. Animal Welfare**

## **2.1 Care of Animals by Owner; Penalty**

Each owner shall provide for each of his companion animals:

1. Adequate feed;
2. Adequate water;
3. Adequate shelter that is properly cleaned;
4. Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species and weight;
5. Adequate exercise;
6. Adequate care, treatment, and transportation; and
7. Veterinary care when needed and to prevent suffering or disease transmission

Violation of this section is a Class 4 misdemeanor.

## **2.2 Abandonment of Animal; Penalty**

No person shall abandon any animal. Violation of this section is a Class 3 misdemeanor. Nothing in this section shall be construed to prohibit the release of an animal by its owner to an animal shelter, pound, or humane society establishment.

## **Article 3. Licensing of Dogs; Rabies Inoculation**

### **3.1 Unlicensed dogs prohibited**

It shall be unlawful for any person to own a dog four months old or older in this County unless such dog is licensed, as required by the provisions of this article and the 1950 Code of Virginia, as amended.

### **3.2 How to Obtain a License**

Any person may obtain a dog license by making oral or written application to the treasurer of the County, accompanied by the amount of license tax and current certificate of vaccination as required by this article.

### **3.3 Evidence showing inoculation for rabies prerequisite to obtaining dog license**

No license shall be issued for any dog unless there is presented to the treasurer evidence satisfactory to him showing that such dog had been inoculated or vaccinated against rabies by a currently licensed veterinarian.

### **3.4 Rabies inoculation of dogs and domesticated cats**

The owner or custodian of all dogs and domesticated cats four months of age and older shall have them currently vaccinated for rabies by a licensed veterinarian.

### **3.5 Effect of Failure to Produce Evidence of Rabies Inoculation**

The owner or custodian of any dog or domesticated cat shall, upon request by the animal warden, a law enforcement officer, or a health officer, promptly produce a certificate of vaccination or inoculation for rabies for such dog or cat. Failure of the owner or custodian of any dog or domesticated cat to produce a current certificate of vaccination or inoculation for rabies signed by a licensed veterinarian shall create a rebuttable presumption that such animal has not been currently vaccinated or inoculated as required in Section 3.4.

### **3.6 Amount of License Tax**

An annual license tax shall be imposed on the ownership of dogs within the County as follows:

1. Male and unsexed dogs       \$3.00
2. Female dogs                 \$3.00
3. Kennel of up to twenty dogs   \$20.00
4. Kennel of up to fifty dogs   \$30.00

No license tax shall be levied on any dog that is trained and serves as a guide dog for the blind or that is trained and serves as a hearing dog for a deaf or hearing impaired person.

### **3.7 When License Tax Payable**

- a. On January 1 and not later than January 31 of each year, the owner of any dog four months old or older shall pay a license tax as prescribed in Sec. 3.5.
- b. If a dog becomes four months of age and comes into the possession of any person between January 1 and November 1 of any year, the license tax for the current calendar year shall be paid by the owner.
- c. If a dog becomes four months of age or comes into the possession of any person between October 31 and December 31 of any year, the license tax for the succeeding calendar year shall be paid by the owner and this license shall be valid from the date the license is purchased.

### **3.8 Effect of dog not wearing collar as evidence**

Any dog not wearing a collar bearing a license tag of the property calendar year shall prima facie be deemed to be unlicensed, and in any proceedings under this ordinance the burden of proof of the fact that such dog has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog.

### **3.9 Duplicate license tags**

If a dog license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer who issued the original license for a duplicate license tag, presenting the original license receipt. The fee for a duplicate tag for any dog shall be one dollar (\$1)

### **3.10 Displaying receipts; dogs to wear tags**

Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal warden or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. It shall be unlawful for the owner to permit any licensed dog four months old or older to run or roam at

large at any time without a license tag. The owner may remove the collar and license tag required by this section when (i) the dog is engaged in lawful hunting, (ii) the dog is competing in a dog show, (iii) the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) the dog is confined, or (v) the dog is under the immediate control of its owner.

### **3.11 Payment of license tax subsequent to summons**

Payment of the license tax subsequent to a summons to appear before a court for failure to pay the license tax within the time required shall not operate to relieve such owner from the penalties provided.

## **Article 4. Dog Confinement Requirements**

### **4.1 Dogs prohibited from running at large**

All dogs shall be prohibited from running at large during the months of April, May and June. All female dogs in season shall be confined from other dogs or under the immediate control of the owner or custodian. For the purpose of this section, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owners or custodian's immediate control. Any person who permits his dog to run at large, or designated in this section shall be deemed to have violated the provisions of this section.

### **4.2 Rabid Animals**

- A. All dogs and cats within the County which have not been inoculated or vaccinated against rabies shall be prohibited from running at large, as defined in Section 4.1. Any owner or custodian who permits such dog or cat to run at large, or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this subsection. Violation of the provisions of this subsection shall constitute a Class 1 Misdemeanor.
- B. Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the County health department the existence of such animal, the place where seen, the owner's name, if known and the symptoms suggesting rabies.

### **4.3 Control of dangerous or vicious dogs**

- A. As used in this section, "dangerous dogs" means a canine or canine crossbreed which has bitten, attacked, or inflicted injury on a person or companion animal, other than a dog, or killed a companion animal, and "vicious dog" means a canine or canine crossbreed which has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior which resulted in a previous finding by a court to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog, provided that its owner has been given notice of that finding.
- B. Any animal warden who has reason to believe that a canine or canine crossbreed within the County is a dangerous dog or a vicious dog shall apply to a magistrate of the County

for the issuance of a summons requiring the owner or custodian, if known to appear before the general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal warden or owner shall confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of the Code of Virginia, 1950, as amended.

- C. No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the governing body of the County prohibit the ownership of a particular breed of canine or canine crossbreed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provided, tormented, abused, or assaulted the animal at other times. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.
- D. The owner of any animal found by a court to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the animal warden for a fee of fifty dollars in addition to other fees that may be authorized by law. The animal warden shall also provide the owner with a uniformly designed tag which identified the animal as a dangerous dog. Then owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.
- E. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccinations, if applicable, and (ii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates of renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.
- F. While on the property of its owner, an animal found by a court to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found by a court to be a

dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

- G. If the owner of an animal found by a court to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.
- H. After an animal has been found by a court to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the animal warden if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies; or (iv) has been moved to a different address.
- I. The owner of any animal which has been found by a court to be a dangerous dog who willfully fails to comply with the requirements of this section shall be guilty of a Class 1 misdemeanor.
- J. All fees collected pursuant to this section, less the costs incurred by the County in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the County for the purpose of paying the expenses of any training course required under Section 3.1-796.105 of the Virginia Code, 1950, as amended.

#### **4.4 Impoundment charges; release from impoundment**

In the event that any animal confined pursuant to Section 3.1-796.96 of the Code of Virginia, 1950 as amended, is claimed by its rightful owner, the owner shall be charged with the actual expenses incurred in keeping the animal impounded. The owner shall be provided an itemized receipt of such expenses. No dog shall be released from impoundment unless and until license tax has been paid as required by law.

#### **4.5 Disposal of dead companion animals**

The owner of any companion animal which has died from disease or other cause shall forthwith cremate, bury or sanitarily dispose of the same. If, after notice, any owner fails to do so, the animal warden shall bury or cremate the companion animal, and shall recover on behalf of the County from the owner his cost for this service. The owner shall be provided an itemized receipt of such cost.

### **Article 5. Dogs killing, injuring or chasing livestock or poultry**

#### **5.1 Generally**

It shall be the duty of the animal warden or other officer who may find a dog in the act of killing or injuring livestock or poultry to kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the deprivations mentioned in this section shall

have the right to kill such dog on sight as shall the owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock.

## **5.2 Compensation for Livestock and Poultry killed by dogs**

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$750 per animal or \$10 per fowl, provided that: (i) the claimant has furnished evidence within sixty days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (ii) the animal warden or other officer shall have been notified of the incident within seventy-two (72) hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which execution had been returned unsatisfied.

## **5.3 Presentation of false claim**

For any person to present a false claim or to receive any money on a false claim under the provisions of this section shall constitute a Class 1 misdemeanor.

# **Article 6. Mandatory Sterilization of Adopted Dogs and Cats**

## **6.1 Sterilization of adopted dogs and cats; enforcement; civil penalty**

- A. Every new owner of a dog or cat adopted from a releasing agency shall cause to be sterilized the dog or cat pursuant to the agreement required by subdivision 2 or subsection B of this section.
- B. A dog or cat shall not be released for adoption from a releasing agency unless:
  - 1. The animal has already been sterilized; or
  - 2. The individual adopting the animal signs an agreement to have the animal sterilized by a licensed veterinarian (i) within thirty days of the adoption, if the animal is sexually mature, or (ii) within thirty days after the animal reaches six months of age, if the animal is not sexually mature at the time of adoption.
- C. Nothing in this section shall preclude the sterilization of a sexually immature dog or cat upon the written agreement of the veterinarian, the releasing agency, and the new owner.
- D. Upon the petition of an animal warden to the district court, the court may order the new owner to take any steps necessary to comply with the requirements of this article.
- E. Any person who violates subsection A. or B of this section shall be subject to a civil penalty not to exceed fifty dollars (\$50.00)

## **6.2 Sterilization confirmation; civil penalty**

Each new owner who signs a sterilization agreement shall, within seven (7) days of the sterilization, cause to be delivered or mailed to the releasing agency written confirmation signed by the veterinarian who performed the sterilization. The confirmation shall briefly describe the dog or cat; include the new owner's name and address; certify that the sterilization was performed; and specify the date of the procedure. Any person who violates this section shall be subject to a civil penalty not to exceed fifty dollars (\$50.00)

## **6.3 Notification concerning lost, stolen or dead dogs or cats; civil penalty**

If an adopted dog or cat is lost or stolen or dies before the animal is sterilized and before the date by which the dog or cat is required to be sterilized, the new owner shall, within seven days of the animal's disappearance or death, notify the releasing agency of the animal's disappearance or death. Any person who violates this section shall be subject to a civil penalty not to exceed twenty five dollars (\$25.00)

## **6.4 Exemptions**

This article shall not apply to an owner reclaiming his dog or cat from a releasing agency.

## **6.5 Buckingham County Pound; fees and deposits**

Before releasing a dog or cat for adoption, the Buckingham County Pound shall charge from the new owner a deposit of thirty-five dollars (\$35.00) to ensure sterilization. Upon receipt of written confirmation of sterilization pursuant to Section 3 of this article, such deposit shall be refunded to the new owner.

# **Article 7. Penalties**

## **7.1 Other violations**

Any other violation of this ordinance for which specific penalty is not provided shall constitute a Class 4 misdemeanor and shall be punishable by fine of not more than \$250. Each day of violation shall constitute a separate offense.



# **Buckingham County Animal Control Standard Operating Procedures for Staff and Volunteers**

This SOP's should be placed in a 3-ring binder and a master copy kept in a prominent place in the work site. You want this book to be accessible and looked at by the staff often.

Each staff person should be issued their own copy and provided with updates as processes are changed.

**Standard Operating Procedures**  
**Buckingham County Animal Control Pound**  
**Effective Date: July 1, 2004**  
**Procedure: 0001**

## **ANIMAL MAINTENANCE**

General. Not only does a thorough and effective cleaning of the Animal Pound Facility prevent the spread of communicable diseases, but it creates a better environment for animals, staff, and visitors.

Temperature log. Every morning the temperature in the kennel, cattery, and quarantine areas is recorded on a temperature log form. Any extremes in temperature should be immediately brought to a manager's attention.

A step-by-step procedure for cleaning inside and outside runs and the quarantine room provides for the humane and efficient handling of animals.

Call all the dogs inside closing the door behind them – all dogs inside

Line a bucket with a trash bag

Using the pooper scooper scoop the feces from each run

Tie the bag and place to the side to be taken to the dumpster after clean-up

Spray down the pooper scooper

Place bleach (approx 3 cups) in the reservoir of the hydro foamer with the XX dilution rate (color XX) to ensure the proper amount of bleach being applied

Spray down the walls, floors and gate of each run – being sure to cover all surfaces

On Tuesday and Thursday then go back and using a long handle scrub brush scrub all surfaces including the chain link – removing any body grease or stains

On Wed and Fri – spray all the outside exercise areas with the bleach solution – applying the mixture to all areas of the environment. It is not necessary to apply more than a light application – leave in – do not rinse

Be sure to leave bleach on the surface for 10-15 minutes (any less time the bleach will not properly clean)

Thoroughly rinse all surfaces (as bleach is corrosive to mucus membranes possibly causing ulcers)

Squeegee the water from the back of the run – pushing the remaining water to the outside of each run towards the trench drain

If necessary place towel over squeegee to absorb excess water

Shut the gates and lock each run

Let the dogs back outside closing the door behind them

### Dog Run Cleaning Inside Runs

Line a bucket with a trash bag

Using the pooper scooper scoop the feces from each run

Tie the bag and place to the side to be taken to the dumpster after clean-up

Remove the water bucket and the food bowls

Empty the food bowls in the trash container in the restroom and place the bowls in the sink with a mixture of bleach and dish soap (1/4 cup bleach and XX dish soap) the bowls should sit for 10 minutes and then scrubbed and carefully rinsed (mouth ulcers)

Do the same for the water buckets and any nylabone or toy that can be disinfected

Tip the dog bed up against the side of each run

Spray down the pooper scooper

Place disinfectant (approx 3 cups) in the reservoir of the hydro foamer with the 1 oz per gallon water dilution rate to ensure the proper amount of disinfectant being applied

Hook up the Hydrofoamer to the hot water hose

Spray down the walls, floors and gate of each run – being sure to cover all surfaces

On Tuesday and Thursday then go back and using a long handle scrub brush scrub all surfaces including the chain link and dog bed – removing any body grease or stains

Be sure to leave disinfectant on the surface for 10-15 minutes (any less time the disinfectant will not properly clean)

Thoroughly rinse all surfaces (as disinfectant can be corrosive to mucus membranes possibly causing ulcers)

Squeegee the water from the back of the run – pushing the remaining water to the outside of each run towards the trench drain in the walkway

If necessary place towel over squeegee to absorb excess water

Replace the water bucket in each run and fill with potable water

Ensure that if puppies cannot reach the bucket to put an appropriate sized water bowl in the run

Provide food for each dog (see Feeding SOP for instructions)

Shut the gates and lock each run

Let the dogs back inside keeping the open door behind them

Return the Hydrofoamer to the proper storage area

Coil up the water hose to keep from the walkway (OSHA violation)

Take trash and feces bags to the dumpster

**Standard Operating Procedures**  
**Buckingham County Animal Control**  
**Effective Date: July 1, 2004**  
**Procedure: 0002**

**Cleaning in Afternoon**

At approximately 2pm lock the dogs inside and scoop the feces from the outside runs

If necessary (run very soiled – apply disinfectant and rinse down squeegee before letting dog back in full run

Take feces scooped to the dumpster

**Standard Operating Procedures**  
**Buckingham County Animal Control Pound**  
**Effective Date: July 1, 2004**  
**Procedure: 0003**

**Cleaning when run is empty or if dogs must be moved around**

Before any new dog is placed in any run – it is essential that the run be completely disinfected allowing the disinfectant to sit for 10 minutes and scrub all surfaces.

As viruses and disease will linger in the environment and in any body grease left on the surfaces it is essential that a complete scrub take place before any new animal is placed in that run

**Standard Operating Procedures**  
**Buckingham County Animal Control Pound**  
**Effective Date: July 1, 2004**  
**Procedure: 0004**

## **Telephone Procedures**

All telephone calls will be answered in the Office of the County Administrator  
Staff shall assist the caller to the best of your ability – taking a complete message if necessary to have someone else call them back.

### **Animal Control Calls for Service:**

For callers requesting animal control assistance

If the call is for an emergency the Animal Control Officer is to be paged or called.

If the call is for the need to have an animal picked up the person answering the telephone shall fill out a telephone call log slip requesting name of caller, telephone number, directions to residents and nature of call

**Persons reporting a lost dog** The Person answering the telephone shall request the information listed in the lost report file form below. The person answering the call will immediately check the call log to see if such animal has been reported found and will refer the information to the Animal Control Officer

If there is a possible match inform the caller there is a possible dog that may be theirs and provide the information on hours, fees and the stray date information.

In cases where there is a possible match of an animal in the shelter – place the lost report on board in the office labeled ACO.

#### Lost Report

Date of Report \_\_\_\_\_ Staff initials \_\_\_\_\_

Date to Pull Report \_\_\_\_\_

Species \_\_\_\_\_ Sex: M F S N

Age \_\_\_\_\_ Weeks Months Years

Collar type: Chain Leather Flea Nylon Color of collar \_\_\_\_\_

Breed \_\_\_\_\_ Animal Color \_\_\_\_\_

Ears: Cropped Drop Prick Rose Semi Prick

Muzzle: Long Short Brachycephalic Medium

Tail: Feathered Bushy Long Short Curled Docked None

Date lost \_\_\_\_\_ Area lost \_\_\_\_\_

Animal name \_\_\_\_\_

Owner name \_\_\_\_\_ Address \_\_\_\_\_

Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_

12/1/03  
Possible  
match with D-  
2456

Stray date up  
12/3/03

Owner  
coming in  
KP

Fines for owner are: \$5 for impound and \$5 per day in shelter. The owner must provide a valid rabies vaccination receipt and county tags. If the owner does not have a valid rabies vaccination receipt and county tag, a fine of \$25.00 is applied and the owner must obtain a valid rabies vaccination receipt and county tag within seven days or

Legal action will be pursued. The owner must sign acknowledging their responsibility to comply.

**Standard Operating Procedures  
Buckingham County Animal Control Pound  
Effective Date: July 1, 2004  
Procedure: 0005**

## **Euthanasia/Chamber Decisions**

Staff will daily evaluate animals based on health and behavior bringing any situations to the attention of the County Administrator

Staff will mark on the impound record any health change or behavior change in the animals in the care of the agency

Euthanasia/Chamber decisions will need to be made for the following reasons:

- Space needs for new incoming animals that may be stronger candidates for adoption or that need to be held for the legal stray period
- Animals that are exhibiting health problems and are suffering or is contagious to other animals
- Animals whose behavior is unpredictable and a safety threat to the public or staff

Some other considerations that you may want to make part of your process

**Complete a review of all memo or notes and documentation to ensure animals are cleared by all staff involved prior to euthanasia/chamber. Possibly establishing a procedure documenting dates/times of attempts to contact a breed placement organization and documenting no contact was received is sufficient to proceed with euthanasia/chamber of an animal**

**Develop a plan for daily evaluation of both stray and incoming surrendered animals.**

**Establish a process where animals with specific behavior or health concerns (such as kennel stress, inappropriate urination, aggression, or kennel cough) are brought to the attention of a person who has the ability to make a euthanasia decision immediately, out of both concern for the animal and the space issues the agency faces daily**



**Impress upon all employees who put notes into record the importance of clear and accurate documentation, especially in relation to behavior and health issues.**

**Provide euthanasia/chamber as soon as possible once an animal has been selected for euthanasia/chamber. These animals should not wait until a time staff deems convenient**

**Maintain accurate records on euthanasia/chamber numbers and justifying factors, and use statistics as an educational resource and tool to increase awareness.**

**Selecting animals for adoption or euthanasia/chamber is more objective and humane if established criteria are developed and followed. Management could consider categories similar to the following:**

<b>Category</b>	<b>Status</b>	<b><i>Euthanasia....</i></b>
<b>Adoption Potential</b>	Animals who, given the space, time, staff, money or availability of an appropriate home could live well in a new home.	<i>...is most often due to a lack of resources and / or appropriate homes.</i>
<b>Medical -- Treatable</b>	Animals in good physical condition with treatable, non-contagious medical conditions such as skin problems, bad flea or mite infestations, a broken limb, abscess, or problems that could be fixed with treatment and / or time.	<i>...is most often a result of lack of resources, space or time to treat the animal.</i>
<b>Medical -- Contagious</b>	Animals in good physical condition with a medical condition such as an upper respiratory infection, kennel cough, ringworm or a less severe case of mange that may be very treatable but highly contagious in a shelter environment	<i>...is most often not only because of the symptoms of the illness, but also to prevent contamination of others.</i>
<b>Physical Condition</b>	Animals in general poor overall condition and/or health, (for example, old, thin, weak).	<i>...is often the eventual result as these animals are often poor candidates for adoption placement due to the extensive medical rehabilitation necessary.</i>
<b>Unweaned -- Too Young</b>	Animals those are too young to survive on their own or in a shelter setting, needing extensive care and socialization.	<i>...is often the result due to the labor-intensive nature of care and lack of foster homes.</i>
<b>Breed</b>	Animals of breeds that are banned or at an increased risk in a community (such as areas where dog fighting occurs).	<i>...may be performed if no other options are available.</i>

<b>Behavior Problems</b>	Animals with behavior problems such as chewing, inappropriate urination, separation anxiety, timidity, destructiveness, or lack of socialization.	<i>...is generally due to a lack of an appropriate placement that will provide a commitment to adequate training, socialization, and the proper environment.</i>
<b>Category</b>	<b>Status</b>	<b><i>Euthanasia...</i></b>
<b>Kennel-Stress</b>	Animals with a marked change in behavior due to stress as a result of an extended stay in the shelter.	<i>...is generally performed for humane reasons to prevent further suffering.</i>
<b>Space</b>	Animals who would continue to make good adoption candidates but whose cage space is needed for others.	<i>...is generally necessary when space in the shelter is unavailable and room must be made for other animals needing housing and care.</i>
<b>Not suitable for Adoption</b>	Certain species of animals, or animals with a serious condition that is not suitable for rehabilitation.	<i>...is appropriate even if the resources (space, time, money, staff, isolation) and a potential home is available</i>
<b>Medical -- Untreatable</b>	Animals with a terminal illness or injury, severe chronic illness, or other serious medical condition.	<i>...is appropriate to eliminate ongoing suffering for the animal.</i>
<b>Behavior Issues</b>	Animals that is extremely shy, timid, high-strung, stressed, or distressed.	<i>...is generally necessary due to an unlikely chance for successful adjustment into a new home.</i>
<b>Aggression</b>	Animals that are showing signs of aggression, have attacked another animal or person, or have a history of aggression.	<i>...is generally appropriate for humane, safety, ethical and liability reasons.</i>
<b>Feral or Unsociated</b>	Animals that have not and can not be handled and do not adjust to the shelter setting.	<i>...is generally appropriate for animals with no hope of socialization.</i>
<b>Court Order</b>	Animals that have been ordered for euthanasia at the direction of a judge, hearing officer or other public official with that authority.	<i>...is performed to comply with this ruling.</i>

Working in concert with the Head Animal Control Officer, a list of animals to be considered for euthanasia/chamber will be created by the ACO staff and provided to the Head Animal Control Officer

This list will have the following information:

Dog impound number

Date stray was admitted to the pound

Reason for euthanasia/chamber decision: space, health, behavior, holding time

Lost reports checked

In the event that euthanasia by a veterinarian is required the ACO or designated person will call the veterinarian and arrange a time for the veterinarian to come to the shelter to perform euthanasia or for the ACO to take the animals to the office of the veterinarian. These shall be determined by the guidelines established by the Code of Virginia. The Veterinarian shall determine the euthanasia procedure. The ACO's shall use the gas chamber for the animals that qualify for this procedure. The ACO shall put no more than two large animals or three small animals in the chambers at one time. The Chamber shall be placed in an area that is not visible by the other animals. The Chamber shall be isolated and secured with a fence made of secure material that will not allow for the chamber to be seen by the public or the other animals. Only Buckingham County Employees, State or Attending Veterinarians, or state inspectors may enter the Chamber area. All others must have prior approval by the Office of the County Administrator. Upon completion of the chamber procedure the ACO in charge shall check by stethoscope to see if the animal is deceased, upon that evaluation the animal shall be place in a plastic disposal bag and placed in the designated container. The ACO shall notify the Office of the County Administrator to arrange for the container to be picked up when this procedure is completed.

A report shall be completed and signed by the participating ACO for each animal that is put down by a veterinarian or put in the chamber. This report shall be attached to the admission report and picture of such animal.

## PROTOCOL FOR HANDLING QUARANTINE DOGS, DOGS BEING DECLARED DANGEROUS/VICIOUS

1. General. In order to protect the safety of staff, personal interaction with dogs held in quarantine, or declared dangerous or vicious, is prohibited. The following protocol must be followed in working with these dogs.
2. Procedure. The dog must *always* be on the opposite side of the closed door when the kennel is opened for any reason: feeding, cleaning, scooping, etc.

If the kennel *must* be entered for any reason when the dog cannot be secured in this manner two staff members *must* be present. One should distract the dog's attention from outside the kennel while the other does what needs to be done in the kennel.

These dogs are not to be taken out of the kennel for exercise at any time, even within the confines of the dog isolation room.

If the dog requires care for a medical problem, such care must be authorized by the Animal Control Officer. Two staff members must be present *every time* someone enters the kennel to administer treatment.

When euthanizing/chamber a dog that has been in quarantine or declared dangerous/vicious, a pre-euthanasia tranquilizer will always be administered to minimize the risk of injury to staff members, as well as to minimize stress for the dog.

## **ANIMAL CARE**

1. Vaccinations and medications. All dogs six weeks or older receive distemper and kennel cough vaccines upon admission to the pound. These vaccines may be administered by the ACO. Stray, pregnant animals will not receive any vaccines until the holding time has elapsed.
2. Pictures. A picture is taken of each animal and placed in a file with the date the dog/cat was placed in the pound, weight of the dog/cat, and written description of the dog/cat. The ACO recording this information must sign and date this report. A weekly report will be filed in the Office of the County Administrator.
3. Housing. When conditions require keeping multiple dogs per run use the following method to separate animals. First separate by sex, then size and then aggression.
4. Puppies and dogs should be kept separate unless nursing. Canines are housed in kennels and felines are housed in the cattery. At no time shall these species be housed together.
5. Puppies and dogs.
  - (1) Each adult dog is confined to one run. Two dogs who enter the Shelter together, are compatible, and spayed or neutered or of the same sex may be housed together.
  - (2) Nursing mothers and their young should be housed together, preferably in the quarantine room to reduce stress. If there is no room in the quarantine room place tarps around the run and in the front to attempt to minimize stress on the animals.
  - (3) Depending on their age and number, puppies from the same litter should be put in the same run.
  - (4) Sick or injured animals, aggressive breeds such as wolf hybrids, known or suspected aggressive animals, and dogs that have bitten humans or animals are to be isolated in the quarantine room.

6. Animals that have bitten will be held in quarantine until the end of the quarantine period and will not be available for adoption during this time.

7. Emergency first aid. Any animal, either upon entry to the Shelter or during its stay, that shows symptoms of illness or injury should be brought to the County Administrator's attention and transported, if deemed necessary, to a local veterinarian for examination.

A vet slip will be completed each time an animal is transported to a veterinarian. This vet slip should be posted on the bulletin board, noting the reason the animal is being seen by a veterinarian and the approximate date the animal is due back to the Pound. Pound staff will consult with the veterinarian to determine necessary follow-up care and/or medications to be administered

9. Animal records. Each animal will have a corresponding impound record. If there are vet records or any other information that is important to that animal – that information is stapled to the impound record.

**Standard Operating Procedures**  
**Buckingham County Animal Control Pound**  
**Effective Date: July 1, 2004**  
**Procedure: 0008**

**ANIMAL FEEDING**

1. General. Though an animal's stay at the Animal Shelter is temporary, it is important that animals are provided a regular feeding schedule of high, quality food.
2. Feeding procedures for canines. After clean up food is provided for all animals in the shelter.
  - A. Preparation of food.
  - B. Amount. Animals are fed the proper amount of food based on the size and physical condition of the animal. Adult dogs are given one bowl of food if there are two dogs in the run provide two bowls. Puppies under 4 months of age are given one special puppy bowl with Growth formula for every 4 puppies. So, if there are 6 puppies they get two puppy bowls of food
  - C. Puppies up to 8 months and underweight dogs are fed again at 2pm.
  - D. Special diets. Obese dogs are fed smaller portions at each meal, and underweight dogs are fed smaller portions three to four times a day. Furthermore, dogs experiencing diarrhea are fed I.D. for three to five days and then slowly introduced to regular food.
  - E. Water. All dogs are to be given fresh water daily and water bowls refilled when necessary.
  - F. All incoming strays are fed immediately, as there is no way to know when they last ate.
  - G. A weekly feeding schedule will be posted, upon completion of each daily feeding the schedule must be checked and signed by the attending ACO

**Standard Operating Procedures  
Buckingham County Animal Control  
Effective Date: July 1, 2004  
Procedure: 0009**

**MEDICATIONS**

**Disclaimer – Any medical shelter medical protocol must be in accordance with state laws and developed in conjunction with local veterinarians and ACO**

1. General. To prevent the spread of disease and to provide animals with the best possible medical care while in the custody of the County of Buckingham, domestic animals are inoculated against certain diseases upon entry into the Shelter. Other types of medical treatment are administered on a case-by-case basis.
2. Medications for dogs. The dog's weight, determined upon its initial physical examination and recorded on its intake slip, is important, in part for determining the dosage for any medication administered.
  - A. Upon entry into Pound. All dogs six weeks or older receive distemper and kennel cough vaccines. All dogs are dewormed.

Other vaccines and/or special medications if determined by a veterinarian may be administered depending upon the health and condition of the dog.

Stray, pregnant dogs will be administered vaccines after the holding period.
  - B. Routine treatment. After initial treatment upon entry into the Shelter, dogs aged six weeks to six months are administered two additional distemper vaccines, each spaced two weeks apart. Dogs older than six months are given one additional distemper vaccine two weeks after entry into the Shelter.



- C. Approval procedure. Any switch or change in medications for any animal requires the prior approval of the veterinarian.
- D. Medical Card. A medical card shall be created for each animal admitted to the pound. The initial information shall give a description of the animal, dated admitted and general description of the health of the animal when taken into county custody. The back of the cage cards identify those animals receiving medical treatment at the Pound. Such treatment could include medications for upper respiratory infection, ear mites, or a skin disorder.

The medical section of the cage card is completed by attending ACO for each animal receiving medication and updated each time the animal is treated. Upon disposition of the animal, the medical card is kept with the animal's file.

## **Return to Owner – Rabies and License Compliance Check**

**Monthly, the ACO will provide the County Administrator's Office a report of people who have reclaimed a lost dog and still have not provided proof that the dog is current on rabies and county license**

**An Office Staff Member will call the people on the report**

**The Staff Member will call the numbers and say:**

**"Hello I am calling on behalf of Buckingham County. We understand that you reclaimed your dog from the animal shelter and were given 7 days to provide proof of a current rabies and county tag"**

**If the animal owner replies that they have the information ask them to provide the name and telephone number of the veterinarian that administered the rabies vaccination and the receipt number from the Treasurers Office for verification of purchase of County Dog License Tag.**

**If the owner can not verify this information advise them they must make an appointment with a veterinarian that day (staff verifies with the Vet) and must obtain the license tag following the veterinarian appointment.**

**Advise owner that if this procedure is not adhered to legal action will be pursued.**

**If the owner does not attempt to comply the staff member provides a report to the county administrator for consideration of legal action.**

**Standards of Procedures  
Buckingham County Animal Control  
Effective Date: July 1, 2004  
Procedure: 0011**

**Spay and Neuter Adoption Compliance**

**If an animal is adopted by or through any of the County Humane Societies, that organization will be responsible for making sure the person adopting the animal complies with the spay and neuter requirements. The person that takes the animal from the facility must sign a document to this effect.**

**The ACO will provide a volunteer or office staff member a report of people who have adopted a dog (other than through any Humane Societies) and still have not provided proof that the dog has been spayed or neutered. This report will be provided monthly.**

**The volunteer or staff member will call the people on the report.**

**The volunteer or staff member will call the owners and say:**

**“Hello I am calling on behalf of Buckingham County. We understand that you adopted a dog from the animal shelter and were given a period of time to sterilize the dog, that is required under Virginia law”**

**“Can you tell me if you have had the opportunity to get that surgery?”**

**If the owner says yes – then find out what vet they took the dog to – record that information on the report – the staff will follow up with the vet to verify the surgery.**

**We still have not received that documentation” “Can you tell me what veterinarian you use”? If the owner can not**

**verify that the procedures have taken place they must be advise that they must make an appointment to have the procedure done and must provide to the staff member the name of the veterinarian and date of the appointment .**

**Any volunteer that makes calls on behalf of the County of Buckingham must be approved by the County Administrator**

Standards of Procedures  
Buckingham County Animal Control  
Effective Date: April 1, 2004  
Procedure: 0012

### Security of Animal Control Facility

The Animal Control Facility shall be secured with security fencing and shall be locked at all times.

Visitors are welcome to the facility. Visitors must arrange to visit the facility by calling the Office of the County Administrator for an appointment. A record shall be kept at the Office of the County Administrator of all appointment made. This requirement is for security purposes and liability issues. No one will be allowed at the facility unless accompanied by a county employee. Since these animals are the responsibility of the County while they are being held at this facility the county must take all measures to ensure the safety of the animals. The County must also take all measures to ensure the safety of visitors while on the premises.

## EROSION AND SEDIMENT CONTROL ORDINANCE

### Section 1-1 TITLE, PURPOSE, AND AUTHORITY

This ordinance shall be known as the "Erosion and Sediment Control Ordinance of Buckingham." The purpose of this chapter is to conserve the land, water, air and other natural resources of Buckingham County by establishing requirements for the control of erosion and sedimentation, and by establishing procedures whereby these requirements shall be administered and enforced.

This Chapter is authorized by the Code of Virginia, Title 10.1, Chapter 5, Article 4 (10.1-560 et seq.), known as the Erosion and Sediment Control Law.

**Section 1-2. DEFINITIONS:** As used in the ordinance, unless the context requires a different meaning:

- A **"Agreement in lieu of a plan"** means a contract between the plan-approving authority and the owner which specifies conservation measures which must be implemented in the construction of a single family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.
  - B **"Applicant"** means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.
  - C **"Board"** means the Virginia Soil and Water Conservation Board.
  - D **"Board of Supervisors"** means the Board of Supervisors of Buckingham County.
  - E **"Certified inspector"** means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.
  - F **"Certified plan reviewer"** means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1.
- "Certified program administrator"** or "administrator", means an employee or agent of a program authority who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one year after enrollment.

**"Clearing"** means any activity, which removes the vegetative ground cover including, but not

limited to, root mat removal or topsoil removal.

- I **"Conservation District" or "District"** means the Peter Francisco Soil and Water Conservation District or its successors.
- J **"Conservation Plan," "Erosion and Sediment Control Plan" or "Plan"** means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.
- K **"County"** means the County of Buckingham
- L **"Department"** means the Department of Conservation and Recreation.
- M **"Development"** means a tract of land developed or to be developed as a single unit under single ownership or unified control, which is to be used for any business or industrial purpose or is to contain two or more residential dwelling units.
- N **"Director"** means the director of the Department of Conservation and Recreation.
- O **"Erosion Impact Area"** means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes.
- P **"Excavating"** means any digging, scooping or other methods of removing earth materials.
- Q **"Filling"** means any depositing or stockpiling of earth materials.
- R **"Grading"** means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.
- S **"Land-disturbing Activity"** means any land change which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:
- (1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
  - (2) Individual service connections;
  - (3) Installation, maintenance, or repair of any underground public utility lines when such

activity occurs on an existing hard-surfaced road, street or sidewalk provided such land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;

- (4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
- (5) Surface or deep mining;
- (6) Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;
- (7) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (Sec. 10.1-604 et seq.) of Chapter 6, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (' 10.1-1100 et seq.) of this title or is converted to bona fide agricultural or improved pasture use as described in subsection B of 10.1-1163;
- (8) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- (9) Disturbed land areas of less than 10,000 square feet in size;
- (10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- (11) Emergency work to protect life, limb or property, and emergency repairs; provided that if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

T **"Land-disturbing Permit"** means a permit issued by Buckingham County for the clearing, filling, excavating, and grading, transporting of land or for any combination thereof or for any purpose set forth herein.

U **"Local erosion and sediment control program"** or **"local control program"** means an outline of the various methods employed by **Buckingham County** to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation.



- V **"Natural channel design concepts"** means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bank full storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.
- W **"Owner"** means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.
- X **"Peak flow rate"** means the maximum instantaneous flow from a given storm condition at a particular location.
- Y **"Permittee"** means the person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.
- Z **"Person"** means any individual, partnership, firm, and association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body, or any other legal entity.
- AA **"Plan-approving authority"** means the designated agent of the Buckingham County Board of Supervisors; currently the Zoning Administrator/Planner or successor title designations, responsible for determining the adequacy of a conservation plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.
- BB **"Plan reviewing authority"** means an agent of the Peter Francisco Soil and Water Conservation District or its successors in conjunction with the plan-approving authority who shall review, make comments, corrections and revisions to erosion and sediment control plans and otherwise advise the plan approving authority as to the adequacy of such plans.
- CC **"Program Authority"** means the erosion and sediment control program approved by the Board of Supervisors of Buckingham County and the Board.
- DD **"Responsible Land Disturber"** means an individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who (i) holds a Responsible Land Distruber certificate of competence, (ii) holds a current certificate of competence from the Board in the areas of Combined Administration, Program Administration, Inspection, or Plan Review, (iii) holds a current Contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.
- EE **"Runoff volume"** means the volume of water that runs off the land development project from a prescribed storm event.

- FF **"Single-family residence"** means a noncommercial dwelling that is occupied exclusively by one family.
- GG **"State Erosion and Sediment Control Program"** or "State Program" means the program administered by the Virginia Soil and Water Conservation Board or successors pursuant to the State Code including regulations designed to minimize erosion and sedimentation.
- HH **"State Waters"** means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdictions.
- II **"Transporting"** means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.
- JJ **"Water Quality Volume"** means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

### **Section 10-3 LOCAL EROSION AND SEDIMENT CONTROL PROGRAM**

- A Pursuant to section 10.1-562 of the Code of Virginia, Buckingham County hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the Virginia Soil and Water Conservation Board for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in but not limited to the "Virginia Erosion and Sediment Control Regulations" and the Virginia Erosion and Sediment Control Handbook, as amended from time to time.
- B Before adopting or revising regulations, Buckingham County shall give due notice and conduct a public hearing on the proposed or revised regulations, except that a public hearing shall not be required when the Buckingham County is amending its program to conform to revisions in the state program. However, a public hearing shall be held if the Buckingham County proposes or revises regulations that are more stringent than the state program.

In addition, in accordance with §10.1-561 of the Code of Virginia, stream restoration and relocation projects that incorporate natural channel design concepts are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.

In accordance with §10.1-561 of the Code of Virginia, any land-disturbing activity that provides for stormwater management intended to address any flow rate capacity and velocity requirements for natural or manmade channels shall satisfy the flow rate capacity and velocity requirements for natural or manmade channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release it over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate from 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or manmade channels.

- C Pursuant to Section 10.1-561.1 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The Erosion Control Program of Buckingham County shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.
- D Buckingham County hereby designates the Program Administrator as the plan-approving authority.
- E Buckingham County hereby designates the Peter Francisco Soil and Water Conservation District or its successors as the plan-reviewing authority.
- F The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Program Administrator.

#### **Section 10-4 REGULATED LAND-DISTURBING ACTIVITIES; SUBMISSION AND APPROVAL OF PLANS; CONTENTS OF PLANS**

- A Except as provided herein, no person may engage in any land-disturbing activity until he has submitted to the Program Administrator for Buckingham County an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the plan-approving authority. Where land disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the Board for review and approval rather than to each jurisdiction concerned.

Where the land-disturbing activity results from the construction of a single-family residence, an "agreement in lieu of a plan" may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.

- B The standards contained within the "Virginia Erosion and Sediment Control Regulations", the

Virginia Erosion and Sediment Control Handbook as amended are to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the State regulations shall take precedence.

- C The plan-approving authority shall review conservation plans submitted to it and grant written approval within 45 days of the receipt of the plan if it determines that the plan meets the requirements of the Board's regulations and if the person responsible for carrying out the plan certifies that he or she will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this ordinance. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, to the program authority, as provided by §10.1-561, of the Virginia Erosion and Sediment Control Law, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance.

However, the plan-approving authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by §10.1-561 of the Virginia Erosion and Sediment Control Law. Failure to provide the name of an individual holding a certificate of competence shall be a violation of this ordinance.

- D The plan shall be acted upon within 45 days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval.

When the plan is determined to be inadequate, the plan-approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

- E An approved plan may be changed by the plan-reviewing authority or program administrator when:

- (1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or;
- (2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.

- F Variances: The plan-approving authority may waive or modify any of the standards that are deemed to be too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:
- (1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.
  - (2) During the construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.
- G In order to prevent further erosion, Buckingham County may require approval of a conservation plan for any land identified in the local program as an erosion impact area.
- H When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.
- I Whenever electric, natural gas and telephone utility companies, interstate or intrastate natural gas pipelines or railroad companies undertake any of the activities included in subdivisions 1 and 2 of this subsection, they shall be considered exempt from the provisions of this ordinance, pursuant to Code of Virginia, Section 10.1-563.
- 1 Construction, installation and maintenance of electric transmission, natural gas and telephone utility lines and pipelines; and
  - 2 Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.

Projects not included in subdivisions 1 and 2 of this subsection shall comply with the requirements of the Buckingham County erosion and sediment control program, pursuant to Code of Virginia, section 10.1-563 D.

- J In accordance with the procedure set forth by §10.1-563 E of the Code of Virginia, any person engaging in the creation and operation of wetland mitigation banks in multiple jurisdictions, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulation for the establishment, use, and operation of mitigation banks, pursuant to a permit issued by the Department of Environmental Quality, the marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation banks annually with the Board for review and approval consistent with guidelines established by the Board.
- K State agency projects are exempt from the provisions of this ordinance except as provided for in

the Code of Virginia, Section 10.1-564.

#### **Section 10-5. PERMITS; FEES; BONDING; ETC.**

- A Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.
- B No person may engage in any land-disturbing activity until he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this ordinance, and has paid the fees and posted the required bond.
- C Fees: An administrative fee is set by the Board of Supervisors of Buckingham County shall be paid to Buckingham County at the time of submission of the erosion and sediment control plan.
- D No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.
- E Bond: All applicants for permits shall provide to Buckingham County where applicable a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the Program Administrator as advised by the plan reviewing agency to ensure that measures could be taken by the Buckingham County at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him or her as a result of his or her land disturbing activity.

The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for Buckingham County to take such conservation action, Buckingham County may collect from the applicant any costs in excess of the amount of the surety held.

Within sixty (60) days of adequate stabilization, as determined by the Program Administrator or his agents, in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or un-obligated portion thereof shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section.

- F These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

#### **Section 10-6. MONITORING, REPORTS, AND INSPECTIONS**

- A Buckingham County may require the person responsible for carrying out the plan to monitor the land disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to

determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

- B The Program Administrator or his agents shall periodically inspect the land-disturbing activity in accordance with 4 VAC 50-30-60 B, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

If the Program Administrator determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this ordinance and shall be subject to the penalties provided by this ordinance.

- C Upon determination of a violation of this ordinance, the Program Administrator may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken. If land-disturbing activities have commenced without an approved plan, the Program Administrator may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this ordinance. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply.

The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of Buckingham County.

If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the Program Administrator shall issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of Buckingham County.

The owner may appeal the issuance of an order to the Circuit Court of Buckingham County.

Any person violating or failing, neglecting or refusing to obey an order issued by the Program Administrator may be compelled in a proceeding instituted in the Circuit Court of Buckingham County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

Nothing in this section shall prevent the Program Administrator from taking any other action authorized by this ordinance.

## **Section 10-7 PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS**

- A Violators of this ordinance shall be guilty of a Class I misdemeanor.
- B Any person who violates any provision of this ordinance shall, upon a finding of the District Court of Buckingham County, be assessed a civil penalty. The civil penalty for any one violation shall be \$100, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be \$ 1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violation arising from the same operative set of facts result in civil penalties which exceed a total of \$ 3,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000.

**Note: The adoption of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violations as a misdemeanor under subsection A of this section. Refer to Code of Virginia, §10.1-562 J.**

- C The Program Administrator, or the owner or property which has sustained damage or which is in imminent danger of being damaged, may apply to the Circuit Court of Buckingham County to enjoin a violation or a threatened violation of this ordinance, without the necessity of showing that an adequate remedy at law does not exist.

However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

- D In addition to any criminal penalties provided under this ordinance, any person who violates any provision of this ordinance may be liable to Buckingham County in a civil action for damages.
- E Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to



exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by Buckingham County.

Any civil penalties assessed by a court shall be paid into the treasury of Buckingham County, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

- F With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this ordinance, Buckingham County may provide for the payment of civil charges for violations in specific sums not to exceed the limit specified in Subsection E of this section. Such civil charges shall be instead of any appropriate civil penalty, which could be imposed under Subsection E.
- G The Commonwealth's Attorney shall, upon request of Zoning Administrator/Planner take legal action to enforce the provisions of this ordinance.
- H Compliance with the provisions of this ordinance shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

#### **Section 10-8. APPEALS AND JUDICIAL REVIEW**

- A Any applicant under the provision of this ordinance who is aggrieved by any action by Buckingham County or its agent in disapproving plans submitted pursuant to this ordinance shall have the right to apply for and receive a review of such action by the Buckingham County Board of Supervisors provided an appeal is filed within 30 days from the date of the action. Any applicant who seeks an appeal hearing before the Buckingham County Board of Supervisors shall be heard at the next regularly scheduled Board of Supervisors public hearing provided that the Buckingham County Board of Supervisors and other involved parties have at least 30 days prior notice. In reviewing the agent's action, the Buckingham County Board of Supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the Buckingham County Board of Supervisors may affirm, reverse or modify the action. The Buckingham County Board of Supervisors' decision shall be final, Subject only to review by the Circuit Court of Buckingham County.
- B Final decisions by Buckingham County under this ordinance shall be subject to review by the Buckingham County Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

**Adopted by the Buckingham County Board of Supervisors following a duly advertised public hearing on February 11, 2008.**

**Board of Supervisors Chairman** Ernest A. Talbot 2-13-08

**Buckingham County Administrator** Rebecca S. Carter 2-13-08

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AN ORDINANCE AMENDING THE ZONING ORDINANCE OF BUCKINGHAM COUNTY VIRGINIA, BY ESTABLISHING FLOODPLAIN DISTRICTS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE BUCKINGHAM COUNTY BOARD OF SUPERVISORS of Virginia, as follows:

## **ARTICLE I - GENERAL PROVISIONS**

### Section 1.1 – Statutory Authorization and Purpose [44 CFR 59.22(a)(2)]

Va. **Code** § 15.2-2283 specifies that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of § 15.2-2200 which encourages localities to improve the public health, safety, convenience, and welfare of their citizens. To these ends, flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood.

In accordance with these directed provisions, this ordinance is specifically adopted pursuant to the authority granted to localities by Va. **Code** § 15.2 - 2280.

The purpose of these provisions is to prevent: the loss of life, health, or property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood proofed against flooding and flood damage; and,
- D. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

## Section 1.2 – Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of and identified in Buckingham County as areas of special flood hazard shown on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) that are provided to the Buckingham County by FEMA.

## Section 1.3 - Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- C. This ordinance shall not create liability on the part of Buckingham County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

## Section 1.4 – Records [44 CFR 59.22(a)(9)(iii)]

Records of actions associated with administering this ordinance shall be kept on file and maintained by or under the direction of the Floodplain Administrator in perpetuity.

## Section 1.5 - Abrogation and Greater Restrictions [44 CFR 60.1(b)]

To the extent that the provisions are more restrictive, this ordinance supersedes any ordinance currently in effect in flood-prone districts. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

## Section 1.6 - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Adopted April 21, 2025

Section 1.7 - Penalty for Violations [44 CFR 60.2(e)]

Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of Buckingham County shall be guilty of the appropriate violation and subject to the penalties thereof.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of Buckingham County are addressed in Article Six (6) of the Zoning Ordinance.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by Buckingham County to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

## **ARTICLE II - ADMINISTRATION**

### Section 2.1 - Designation of the Floodplain Administrator [44 CFR 59.22(b)]

The Floodplain Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:

- A. Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the Buckingham County Zoning Administrator.
- B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- C. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

### Section 2.2 - Duties and Responsibilities of the Floodplain Administrator [44 CFR 60.3]

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- B. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- C. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- D. Review applications to determine whether all necessary permits have been obtained from the Federal, State, or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
- E. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE), and have submitted copies of such notifications to FEMA.
- F. Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal

Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).

- G. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- H. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- I. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- J. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for Buckingham County, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- K. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
  - 1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps), and Letters of Map Change; and
  - 2. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been flood proofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- L. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- M. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- N. Administer the requirements related to proposed work on existing buildings:
  - 1. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
  - 2. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.



- O. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- P. Notify the Federal Emergency Management Agency when the corporate boundaries of Buckingham County have been modified and:
  - 1. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
  - 2. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- Q. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- R. It is the duty of the Buckingham County Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

### Section 2.3 - Use and Interpretation of FIRMs [44 CFR 60.3]

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- A. Where field surveyed topography indicates that adjacent ground elevations:
  - 1. Are below the base flood elevation in riverine SFHAs, or below the 1% storm surge elevation in coastal SFHAs, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the

requirements of these regulations;

2. Are above the base flood elevation and the area is labelled as a SFHA on the FIRM, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
- B. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
  - C. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
  - D. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
  - E. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
    1. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
    2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Article III, Section 3.1.A.3 and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
    3. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

#### Section 2.4 - Jurisdictional Boundary Changes [44 CFR 59.22, 65.3]

The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, the governing body shall prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date

of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22(a)(9)(v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

#### Section 2.5 - District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the Buckingham County where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency. A completed LOMR is a record of this approval.

#### Section 2.6 - Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

#### Section 2.7 – Submitting Model Backed Technical Data [44 CFR 65.3]

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

#### Section 2.8 – Letters of Map Revision

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

Example cases:

- Any development that causes a rise in the base flood elevations within the floodway.
- Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- Alteration or relocation of a stream (including but not limited to installing culverts and bridges) *44 Code of Federal Regulations §65.3 and §65.6(a)(12)*.

## ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS

### Section 3.1 - Description of Special Flood Hazard Districts [44 CFR 59.1, 60.3]

#### A. Basis of Districts

The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for Buckingham County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated March 25, 2025, and any subsequent revisions or amendments thereto.

Buckingham County may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a “Local Flood Hazard Map” using best available topographic data and locally derived information such as flood of record, historic high water marks, or approximate study methodologies.

The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file at the Buckingham County Administration offices.

1. The **Floodway District** is in an **AE Zone** and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 23 of the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the Floodway District of an AE zone [44 CFR 60.3(d)]:

- a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with Buckingham County’s endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

If Article III, Section 3.1.A.1.a is satisfied, all new construction and substantial

improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

- b. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
2. The **AE, or AH Zones** on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has **not** been delineated. The following provisions shall apply within an AE or AH zone [44 CFR 60.3(c)] where FEMA has provided base flood elevations

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30, AE, or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within Buckingham County.

Development activities in Zones A1-30, AE, or AH on Buckingham County's FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with Buckingham County's endorsement – for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

3. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from Federal, State, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level plus eighteen (18) inches.

During the permitting process, the Floodplain Administrator shall obtain:

- a. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
- b. If the structure has been flood proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

4. The **AO Zone** on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply [44 CFR 60.3(c)]:
  - a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.
  - b. All new construction and substantial improvements of non-residential structures shall
    - (1) Have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,
    - (2) Together with attendant utility and sanitary facilities be completely flood proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

5. The **Coastal A Zone** is labelled as AE on the FIRM; it is those areas that are seaward of the limit of moderate wave action (LiMWA) line. As defined by the VA USBC, these areas are subject to wave heights between 1.5 feet and 3 feet. For these areas, the following provisions shall apply:

Buildings and structures within this zone shall have the lowest floor elevated to or above the base flood elevation plus one foot of freeboard, and must comply with the provisions in Article III, Section 3.1.A.2 and Article IV, Sections 4.2 and 4.3.

6. The **VE or V Zones** on FIRMs accompanying the FIS shall be those areas that are known as Coastal High Hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast or other areas subject to high velocity waves. For these areas, the following provisions shall apply [44 CFR 60.3(e)]:
  - a. All new construction and substantial improvements in Zones V and VE, including manufactured homes, shall be elevated on pilings or columns so that:
    - (1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level plus eighteen (18) inches if the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least two feet above the base flood level if the lowest horizontal structural member is perpendicular to the direction of wave approach; and,
    - (2) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one-percent annual chance).
  - b. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Article III, Section A.6.a.
  - c. The Floodplain Administrator shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V and VE. The Floodplain Management Administrator shall maintain a record of all such information.
  - d. All new construction shall be located landward of the reach of mean high tide.
  - e. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation



system. For the purpose of this Section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- (1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
  - (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year.
- f. The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation. The enclosed space shall be less than 300 square feet. The use of fill for structural support of buildings is prohibited. When non-structural fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a permit.
- g. The man-made alteration of sand dunes, which would increase potential flood damage, is prohibited.
7. The mapped floodplain includes all of the above regions and also the regions designated as having a 0.2 percent annual chance of flooding on any flood map or flood insurance study. In this area no emergency service, medical service, or governmental records storage shall be allowed except by special exception using the variance process.

### Section 3.2 - Overlay Concept

The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

## **ARTICLE IV - DISTRICT PROVISIONS [44 CFR 59.22, 60.2, 60.3]**

### **Section 4.1 – Permit and Application Requirements**

#### **A. Permit Requirement**

All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and Buckingham County's Subdivision Regulations. Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable State and Federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or flood ways of any watercourse, drainage ditch, or any other drainage facility or system.

#### **B. Site Plans and Permit Applications**

All applications for development within any floodplain district and all permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood at the site.
2. For structures to be elevated, the elevation of the lowest floor (including basement) or, in V zones, the lowest horizontal structural member.
3. For structures to be flood proofed (non-residential only), the elevation to which the structure will be flood proofed.
4. Topographic information showing existing and proposed ground elevations.

### **Section 4.2 - General Standards**

The following provisions shall apply to all permits:

- A. New construction and substantial improvements shall be built according to this ordinance and the VA USBC, and anchored to prevent flotation, collapse, or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions A – H above, in all special flood hazard areas, the additional provisions shall apply:

- I. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and the Federal Emergency Management Agency.
- J. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

#### Section 4.3 - Elevation and Construction Standards [44 CFR 60.3]

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with Article III, Section 3.1.A.3 the following provisions shall apply:

##### A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH, and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level plus eighteen (18) inches. See Article III, Section 3.1.A.5 and Article III, Section 3.1.A.6 for requirements in the Coastal A, VE, and V zones.

##### B. Non-Residential Construction

1. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level plus eighteen (18) inches. See Article III, Section 3.1.A.5 and Article III, Section 3.1.A.6 for requirements in the Coastal A, VE, and V zones.
2. Non-residential buildings located in all A1-30, AE, and AH zones may be flood proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus two feet are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood proofed, shall be maintained by (title of community administrator).

C. Space Below the Lowest Floor

In zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. Not be designed or used for human habitation, but shall be used solely for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
  - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
  - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
  - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
  - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.

- e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Accessory Structures

1. Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of Article IV, Section 4.3.B or, if not elevated or dry flood proofed, shall:
  - a. Not be used for human habitation;
  - b. Be limited to no more than 600 square feet in total floor area;
  - c. Be useable only for parking of vehicles or limited storage;
  - d. Be constructed with flood damage-resistant materials below the base flood elevation;
  - e. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
  - f. Be anchored to prevent flotation;
  - g. Have electrical service and mechanical equipment elevated to or above the base flood elevation;
  - h. Shall be provided with flood openings which shall meet the following criteria:
    - (1) There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.
    - (2) The total net area of all flood openings shall be at least 1 square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.
    - (3) The bottom of each flood opening shall be 1 foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the

opening.

(4) Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.

- i. A signed Declaration of Land Restriction (Non-Conversion Agreement) shall be recorded on the property deed.

E. Standards for Manufactured Homes and Recreational Vehicles

1. In zones A, AE, AH, and AO, all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article III, Section 3.1.A.6 and Article IV, Sections 4.2 and 4.3.
2. All recreational vehicles placed on sites must either:
  - a. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
  - b. Meet all the requirements for manufactured homes in Article IV, Section 4.3.E.1.

Section 4.4 - Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

## **ARTICLE V – EXISTING STRUCTURES IN FLOODPLAIN AREAS**

Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

- A. The floodplain manager has determined that:
  - 1. Change is not a substantial repair or substantial improvement AND
  - 2. No new square footage is being built in the floodplain that is not complaint AND
  - 3. No new square footage is being built in the floodway AND
  - 4. The change complies with this ordinance and the VA USBC AND
  - 5. The change, when added to all the changes made during a rolling 5-year period does not constitute 50% of the structure's value.
- B. The changes are required to comply with a citation for a health or safety violation.
- C. The structure is a historic structure and the change required would impair the historic nature of the structure.

## **ARTICLE VI - VARIANCES: FACTORS TO BE CONSIDERED [44 CFR 60.6]**

Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this Section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this Section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one percent (1%) chance flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.



- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- M. No variance shall be granted for an accessory structure exceeding 600 square feet. (*Note: See Article IV, Section 4.3.D.2).*
- N. Such other factors which are relevant to the purposes of this Ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the one percent (1%) chance flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

## ARTICLE VII - GLOSSARY [44 CFR 59.1]

- A. Appurtenant or accessory structure - A non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures are not to exceed 600 square feet.
- B. Base flood - The flood having a one percent chance of being equalled or exceeded in any given year.
- C. Base flood elevation - The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.
- D. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- E. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- F. Coastal A Zone - Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.
- G. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, mining, dredging, filling, grading, paving, excavation, drilling or other land-disturbing activities or permanent or temporary storage of equipment or materials.
- H. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).
- I. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- J. Existing construction - For the purposes of the insurance program, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures" and "pre-FIRM."
- K. Flood or flooding -
  - 1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
    - a. The overflow of inland or tidal waters; or,
    - b. The unusual and rapid accumulation or runoff of surface waters from any source.

- c. Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
  - 2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
- 
- L. Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
  - M. Flood Insurance Study (FIS) - a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
  - N. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
  - O. Flood proofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
  - P. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.
  - Q. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.
  - R. Functionally dependent use - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
  - S. Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

- T. Historic structure - Any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
  4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - a. By an approved state program as determined by the Secretary of the Interior; or,
    - b. Directly by the Secretary of the Interior in states without approved programs.
- U. Hydrologic and Hydraulic Engineering Analysis - Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.
- V. Letters of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:
- Letter of Map Amendment (LOMA) - An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.
- Letter of Map Revision (LOMR) - A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and plan metric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- Conditional Letter of Map Revision (CLOMR) - A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.
- W. Lowest adjacent grade - the lowest natural elevation of the ground surface next to the walls of a structure.
- X. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building

access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

- Y. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- Z. Manufactured home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- AA. Mean Sea Level – for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.
- BB. New construction - Structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after effective date of community's first floodplain management ordinance adopted by the community and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- CC. Post-FIRM structures - Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map.
- DD. Pre-FIRM structures - Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map.
- EE. Primary frontal dune - a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms.
- FF. Recreational vehicle - A vehicle which is:
  - 1. Built on a single chassis;
  - 2. 400 square feet or less when measured at the largest horizontal projection;
  - 3. Designed to be self-propelled or permanently towable by a light duty truck; and,
  - 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- GG. Repetitive Loss Structure - A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equalled or exceeded 25 percent of the market value of the structure

at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

- HH. Severe repetitive loss structure - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage - (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.
- II. Shallow flooding area - A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- JJ. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.1 of this ordinance.
- KK. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- LL. Structure - for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- MM. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.
- NN. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market

value of the structure before the start of construction of the improvement. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

OO. Violation - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

PP. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

## ARTICLE VIII – ENACTMENT

Enacted and ordained this 21<sup>st</sup> day of April, 2025. This ordinance of Buckingham County, Virginia, shall become effective upon passage.

*Karl R. Carter*

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Signature

County Administrator

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Title

Adopted April 21, 2025



## **Household Goods Exempt from Taxation**

All household goods and personal effects as defined in Section 58-1-3504 of the Code of Virginia of 1950, as amended, are hereby exempt from taxation, beginning on and after October 15, 2013.

§58.1-3504 Classification of certain household goods and personal effects for taxation; governing body may exempt.

A. Notwithstanding any provision of §58.1-3503, household goods and personal effects are hereby defined as separate items of taxation and classified as follows:

1. Bicycles.
2. Household and kitchen furniture, including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerating machinery of any type, vacuum cleaners and all other household machinery, books, firearms and weapons of all kinds.
3. Pianos, organs, and all other musical instruments; phonographs, record players, and records to be used therewith; and radio and television instruments and equipment.
4. Oil paintings, pictures, statuary, curios, articles of virtue and works of art.
5. Diamonds, cameos or other precious stones and all precious metals used as ornaments or jewelry.
6. Sporting and photographic equipment.
7. Clothing and objects of apparel.
8. Antique motor vehicles as defined in §46.2-100 which may not be used for general transportation purposes.
9. All-terrain vehicles, mopeds, and off-road motorcycles as defined in §46.2-100.
10. All other tangible personal property used by an individual or a family or household incident to maintaining an abode.

The classification above set forth shall apply only to such property owned and used by an individual or by a family or household incident to maintaining an abode.

The governing body of any county, city or town may, by ordinance duly adopted, exempt from taxation all of the above classes of household goods and personal effects.

This ordinance is in pursuance of Section 58.1-3504 of the 1950 Code of Virginia, as amended and shall be effective and in force as of, on and after October 15, 2013.

### JAIL SENTENCES FOR VIOLATIONS OF ORDINANCES

1. Where not otherwise prohibited by State law, each violation of a Buckingham County ordinance shall be punishable with a jail sentence not exceeding 30 days.
2. This provision shall be attached to each and every ordinance of Buckingham County, where not prohibited.
3. The provisions of this ordinance shall be in addition to any penalties already provided in any ordinance. If the jail sentence in any ordinance is already in excess of 30 days, the greater penalty shall apply.
4. This ordinance is effective April 5, 1976.

## MANUFACTURED/MOBILE HOME ORDINANCE

### SECTION 1. AUTHORITY & NAME

This ordinance is adopted pursuant to Section 36-85.11 of the State Code of Virginia, as amended and shall be named the Buckingham County Manufactured/Mobile Home Ordinance.

### SECTION 2. DEFINITIONS

3.1 Manufactured Home: as defined in the Virginia Uniform Statewide Building Code (U.S.B.C.), a structure subject to Federal regulations, which is transportable in one or more sections; is 8 body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single family dwelling, with or without a permanent foundation when connected to the required utilities; and include the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

3.2. Locate: means the transportation of a manufactured/mobile home to a point in Buckingham County, except to licensed dealers' lots.

3.3. Relocate: means the transportation of a manufactured/mobile home from one point to another in Buckingham County, except between licensed dealers' lots.

### SECTION 4. ISSUANCE OF BUILDING PERMITS

4.1. It shall be the responsibility of the owner of any manufactured/mobile home to be located or relocated within the boundaries of Buckingham County to obtain a building permit from the Office of the Building Official of Buckingham County, Virginia, prior to locating or relocating any manufactured/mobile home. In order to obtain a building permit, the owner must present evidence of an approved septic system plan as required by the Environmental Health Specialist of the State Department of Health, and an entrance permit from the Virginia Department of Transportation. If the landowner exercises the option of locating a second manufactured/mobile home on the lot, it is necessary to have a permit issued by the Environmental Health Specialist and a new permit from the Virginia Department of Transportation for a commercial entrance.

4.2. The Environmental Health Specialist shall be empowered to approve an alternate arrangement when sewer and water acquisition are unnecessary for a trailer in the cases of a construction trailer on temporary location as an office, a home workshop located within 100 feet of the owner's residence, or an entirely self-contained unit located temporarily.

4.3. A permit is required to enter the highway in the State of Virginia at any location. An entrance permit for a single family residence can be obtained at any area Department of Transportation location. Any entrance other than for a single residence requires a commercial permit and one of the requirements necessary is minimum sight distance, usually 550' in either direction.

4.4. It shall be unlawful for any person to place or locate a manufactured/mobile home in Buckingham County, Virginia, unless such manufactured/mobile home is connected to an approved public water supply and sewage disposal system, or is connected to a water source and septic tank and drainage field approved by the State Department of Health. It shall be the duty of the Environmental Health Specialist to inspect such premises and to furnish such person with a statement of compliance before said person can obtain a building permit from the Building Inspector of Buckingham County for locating or relocating any manufactured/mobile home. The building permit obtained from the Building Inspector shall not be issued until the Department of Health has furnished evidence to the Building Inspector that the manufactured/mobile home will meet the requirements of this section.

#### **SECTION 5.        BUILDING PERMIT FEES**

The Building Official shall charge a fee as set forth in an established fee schedule approved by the Buckingham County Board of Supervisors.

#### **SECTION 6.        INSTALLATION OF ELECTRICAL SERVICE**

It shall be unlawful for any electric company or cooperative to furnish electricity to any manufactured/mobile home located on a lot, unless such company or cooperative has been notified by the Building Inspector that such manufactured/mobile home is legally parked, has met all of the requirements of the building code, and has passed inspection. It shall also be unlawful for any person to provide electricity to any trailer in Buckingham County by the use of an extension cord or similar device. Manufactured/mobile homes shall be serviced by individual meters.

#### **SECTION 7.        SUPPORT AND ANCHORAGE OF MANUFACTURED/MOBILE HOMES**

7.1. All manufactured/mobile homes must use and be secured with proper tiedown equipment sufficient to comply with County and State regulations, in accordance with the U.S.B.C. 620.3 as follows: The manufacturer of the home shall provide with each manufactured/mobile home printed instructions specifying the location, required capacity, and other details of the stabilizing devices to be used with or without a permanent foundation (i.e., tiedowns, piers, blocking, footings, etc.) based upon the design of the manufactured/mobile home. Manufactured/mobile homes shall be supported and anchored according to the manufacturer's printed instructions or supported and anchored by a system conforming to accepted engineering practices designed and engineered specifically for the manufactured/mobile home. Footings or foundations on which piers or other stabilizing devices are mounted shall be carried down to the established frost lines (16 inches). The anchorage system shall be adequate to resist wind forces, sliding, and uplift as imposed by the design loads.

7.2. Older manufactured/mobile homes without manufacturer's specifications which are being installed or relocated, shall comply with the applicable portion of NCSBCS/ANSIA225.1 listed in Appendix A in the U.S.B.C. These requirements can be obtained by contacting the Building Official's office.

**SECTION 8.        SKIRTING**

According to U.S.B.C. 602.5, manufactured/mobile homes installed or relocated after July 1, 1990, shall have skirting installed within 60 days of occupancy of the home. Skirting materials shall be durable, suitable for exterior exposures, and installed in accordance with the manufacturer's installation instruction. Skirting shall be secured as necessary to ensure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heave. Each manufactured/mobile home shall have a minimum of one opening in the skirting providing access to any water supply or sewer drain connections under the home. Such openings shall be a minimum of 18 inches in any dimension and not less than 3 square feet in area. The access panel or door shall not be fastened in a manner requiring the use of a special tool to open or remove the panel or door. On-site fabrication of the skirting by the owner or installer of the home shall be acceptable, provided that the material meets the requirements of the U.S.B.C.

**SECTION 9.        ADMINISTRATION AND ENFORCEMENT**

The responsibility for the administration of this ordinance shall rest with the Buckingham County Building Official. Enforcement of this ordinance shall be the responsibility of the Building Inspector of Buckingham County.

**SECTION 10.      OCCUPANCY**

No manufactured/mobile home located or relocated within the boundaries of Buckingham County shall be occupied until such time as the Building Inspector has determined that said manufactured/mobile home is in compliance with all provisions of this ordinance.

**SECTION 11.      VIOLATION/PENALTIES**

Violations are a misdemeanor in accordance with Section 36-106 of the Code of Virginia and U.S.B.C. 112.4. Violators, upon conviction may be punishable by a fine of not more than \$1,000.00 and up to 30 days in jail or both. Each day of violation shall constitute a separate offense.

**SECTION 12.      SEVERABILITY**

If a court of competent jurisdiction shall find any portion of this ordinance to be unconstitutional, such finding shall not render other portions unconstitutional; and for such purposes, the parts of this ordinance shall be deemed to be severable.

**SECTION 13.      RECISION OF PRE-EXISTING ORDINANCES**

The following Buckingham County ordinances are rescinded immediately upon adoption of this Buckingham County Manufactured/Mobile Home Ordinance: Mobile Home Water and Sewer Ordinance adopted October 7, 1974; Mobile Home Mounting Ordinance adopted May 9, 1977; Mobile Home Electrical Connection Ordinance adopted February 7, 1972;

and the Buckingham County Trailer Ordinance adopted on October 5, 1975, as amended on November 1, 1976, and December 8, 1980.

**SECTION 14.     EFFECTIVE DATE**

This ordinance shall be effective immediately upon adoption by the Buckingham County Board of Supervisors. (NOTE: This ordinance was formally adopted on September 14, 1992.)

# **MOTOR VEHICLE LICENSE TAX ORDINANCE**

## **SECTION 1: AUTHORITY, PURPOSE, AND TITLE**

This ordinance is adopted pursuant to Section 46.1-65 of the 1950 Code of Virginia, as amended, to provide for a license tax on motor vehicles and punishment for failure to comply with same. This ordinance will be entitled **MOTOR VEHICLE LICENSE TAX ORDINANCE**. This ordinance shall supersede the previous motor vehicle license tax ordinance and amendments adopted by the Buckingham County Board of Supervisors as follows:

<u>Date of Adoption</u>	<u>Minute Book</u>	<u>Page No.</u>
December 2, 1957	8	273-274
March 1, 1969	9	94
February 4, 1974	9	340
April 1, 1974	9	347
April 5, 1976	9	490
June 7, 1982	10	440-441
September 11, 2000	2000	100

## **SECTION 2: DEFINITION**

The term "resident" as used herein shall be construed to embrace any person having a place of abode in Buckingham County irrespective of any intention on the part of such person to return to or establish a residence outside of Buckingham County at some future date, and the term "resident" shall also be construed to embrace any corporation or firm having an office or place of business in Buckingham County.

## **SECTION 3: LICENSES**

Every resident of Buckingham County who shall own, or have in his custody, or under his control, a motor vehicle which shall be operated on the streets, highways, or roads within Buckingham County, shall purchase a County license tag for such motor vehicles, as follows:

A. **AUTOMOBILES:** On each and every automobile there shall be a license tax of \$25.00.

B. **TRUCKS, TRAILERS, ETC.:**

1. On each and every truck, tractor, trailer, or semi-trailer not designed and used for the transportation of passengers, and not exempt from taxation as otherwise herein provided, there shall be a license tax of \$25.00

2. On each one- or two- wheel trailer, with the exception of boat trailers and towed campers, with a body length of not more than 9 feet, and a width no

greater than the width of the said motor vehicle to which it is attached at any time of operation, and to be attached to the owner's own motor vehicle and used only for carrying property belonging to the owner of such trailer, not to exceed 1,000 pounds at any one time, there shall be no license tax assessed.

3. On each and every motor vehicle, trailer, or semi-trailer upon which well drilling machinery is attached and which is permanently used solely for transporting such machinery, there shall be a license tax of \$25.00.

4. On each and every motorcycle there shall be a license tax of \$20.00.

5. On each and every towed camper and boat trailer, there shall be a license tax of \$6.50 for 1,000 to 1,500 pounds; \$18.50 for 1,501 to 4,000 pounds; and a one-time \$50 decal tax for each and every trailer or semi-trailer over 4,001 pounds that is not designated and used for the transportation of passengers, and not exempt from taxation as otherwise provided in this ordinance. This \$50 fee will be valid for the life span of the trailer or until a change of ownership occurs.

C. **MAXIMUM TAX:** No license tax shall exceed the State license tax for the same class of vehicle.

#### **SECTION 4: LICENSE TAX YEAR**

The license tax year shall begin the 6th day of April of any year and run to the 15th day of April of the next succeeding year.

#### **SECTION 5: PRORATIONS**

Only one-half of the license tax described by this ordinance shall be assessed and collected whenever such license tax first becomes assessable during the period beginning the 1st day of October in the same license tax year; and only one-fourth of such license tax shall be assessed and collected whenever any such license tax first becomes assessable on or after the 16th day of January in the same license tax year. Every license issued upon the payment of the license tax thereon shall expire at the end of the license tax year in which the same was issued.

#### **SECTION 6: ISSUING LICENSE TAX TAGS**

Any person, firm, or corporation coming under the provisions of this ordinance shall make application for license upon forms prescribed by the Treasurer of Buckingham County, and upon payment of the required tax shall be issued as evidence, decals or tags which shall be conspicuously placed upon the vehicle in such manner as to be plainly visible as prescribed by the Treasurer of Buckingham County and according to the instructions on the license itself. Failure to display such license shall be a violation of this ordinance, even though the license tax has been paid. No such license shall be transferred to another vehicle unless notification is given to the Treasurer of Buckingham County under the same conditions as prescribed by the laws and regulations governing the transfer



of State license tags. The Treasurer of Buckingham County shall not issue a license tag until all personal property taxes owed by the owner to Buckingham County have been paid. The receipt indicating registration of the vehicle and purchase of the license shall be kept with the respective vehicle at all times. Failure to keep said receipt with the respective vehicle shall be deemed a violation of this ordinance.

**SECTION 7:            LOST TAGS**

A duplicate license decal or tag shall be issued upon affidavit of the applicant that the original tag or decal has been lost. A charge for a duplicate tag or duplicate shall be \$2.00.

**SECTION 8:            EXEMPTIONS**

Nothing in this ordinance shall be construed to require a license tax on a person, firm, or corporation exempted under the provisions of the laws of the State of Virginia.

**SECTION 9:            RECORDS**

The Treasurer of Buckingham County shall keep a record of each such license tag issued by the Treasurer's Office, showing the number of such tag, the person to whom it was issued, the make and model of the vehicle for which such tag is issued, and the State license number of such vehicle.

**SECTION 10:          PENALTIES**

Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed the sum of \$300, and by confinement in jail not to exceed the term of 30 days, either or both; and trial of all violations of this ordinance shall be enforced by proceedings before the General District Court of Buckingham County, Virginia, in the manner and with like right of appeal as is provided in misdemeanor cases; and the Sheriff and all deputies and police officers of Buckingham County are hereby authorized to issue summons in writing to violators of this ordinance for their appearance before this Court.

**SECTION 11:          EFFECTIVE DATE**

This ordinance shall become and be in full force and effect on September 11, 2000.

**SECTION 12:          SEVERABILITY**

If a court of competent jurisdiction shall find any portion of this ordinance to be unconstitutional, such findings shall not render other portions unconstitutional; and for such purposes, the parts of this ordinance shall be deemed to be severable.

## **Music or Entertainment Festival Ordinance**

This ordinance is enacted in the interest of the public health, safety, and general welfare to provide for the control and regulation of musical or entertainment festivals conducted of groups or gatherings of persons for the purpose of listening to or participating in such festivals and events.

### ***Section 1 – Definitions***

*Board* means the Board of Supervisors of Buckingham County, Virginia.

*Event* means any music festival, dance festival, public dance, or similar gathering, at which music may be provided by professional or amateur performers, or by prerecorded means, other than parades authorized by proper governmental authority, to which members of the public are admitted and which is attended by more than 300 persons.

### ***Section 2 -Hours of Operation***

No entertainment, floor show or other event shall take place at an outdoor gathering between the hours of 11:00 p.m. and 7:00 a.m., unless the Board determines that other hours of operation will not constitute a serious disturbance to the residents in the neighborhood of the site of the outdoor gathering.

### ***Section 3 – Permit Requirements***

No person shall stage, promote or conduct any musical, entertainment festival or similar event in the unincorporated areas of the county unless there shall have been first obtained from the board a special entertainment permit for such event. Application for such special entertainment permits shall be in writing and filed with the board at least 60 days before the date of such event. Such applications shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this section.

*Such permit shall not be issued unless the following conditions are met and the following plans, statements and approvals submitted to the board with the application:*

#### ***Location & Attendance***

Every permittee must supply the location of the proposed event, the name and address of the owner of the property and the total number of tickets to be offered, if any, and the number of persons expected to be in attendance.

#### ***Water Supply***

Every permittee under this article shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of the outdoor gathering. The location, type, and quantity of water facilities on the premises must be approved by the Virginia Department of Health.

***Restrooms***

Every permittee under this article shall provide some means of restrooms. Either flush-type water closets or portable chemical toilets may be used. All restrooms must meet the approval of the Virginia Department of Health.

***Trash***

Every permittee under this article shall follow the County Solid Waste Ordinance. The pickup and removal of refuse, trash, garbage and rubbish from the site shall be at the permittee's expense.

***Fire & Medical***

Every permittee shall plan for adequate fire and medical facilities to include but not limited to parking space designated and kept open for access and travel by ambulance, fire truck, helicopter, and other emergency vehicles to transport patients or staff to appropriate on-site and off-site treatment facilities.

***Parking & Traffic Control***

Every permittee under this article shall provide adequate parking space for persons attending the outdoor gathering by motor vehicle. At a minimum, a separate parking space shall be provided for every three persons expected to attend the gathering. A plan for adequate ingress and egress to the outdoor gathering premises including sufficient traffic flow shall be approved by the Sheriff's Office.

***Food & Concessions***

If food and concessions will be available then all concessionaires must hold valid permits or licenses, as required by the Virginia Department of Health.

***Lighting***

Every permittee under this article planning to conduct a portion of an outdoor gathering after dark, or planning to allow persons attending the outdoor gathering to remain on the premises after dark, shall provide electrical illumination to ensure that those areas which are occupied are lighted at all times. Installation of electrical devices shall be done in conformance with the Virginia Statewide Building Code and may require an electrical permit. The plan shall show the location of lights and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the event is located.

***Dust Control***

A permittee must explain methods of maintaining a clean roadway and dust control measures. All hard surfaced roads must be clear of dirt and debris.

***Section 4 - Minors***

No person under the age of 16 years of age shall be admitted to any festival unless accompanied by a parent or legal guardian, the parent or legal guardian to remain with the said minor at all times.

***Section 5 - Right of Entry***

No permit shall be issued under this ordinance unless the applicant agrees to provide the board, its lawful agents, or duly constituted law enforcement officers to go upon the property at any time for the purpose of determining compliance with the provisions of this ordinance. The Board shall have the right

to revoke any permit issued under this ordinance upon noncompliance with any of its provisions and conditions.

***Section 6 – Violations***

Any person, firm or corporation who violates any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to two thousand five hundred dollars (\$2,500). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued, or permitted by such persons, firm or corporation and shall be punishable as herein provided.

***Section 7 – Validity***

It is declared to be the intent of the Board that if any section, subsection, sentence, clause phrase, or portion of this ordinance shall for any reason be held invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and individual provision, and such holding shall not affect the validity of the remaining portions thereof.

***Section 8 – Waivers***

The Board shall have exclusive power to waive requirements and conditions of this ordinance if deemed excessive or inappropriate for a particular applicant.

***Section 9 – Effective Date***

This ordinance shall be effective upon adoption by the Board of Supervisors.

## **No Fence Law**

### **Article One**

This Ordinance shall be known as the No Fence ordinance.

### **Article Two**

This Ordinance is adopted pursuant to Article 5 of Chapter 18 of Title 55 of the 1950 Code of Virginia, as amended (Sections 55-310 et seq. of the 1950 Code of Virginia, as amended).

### **Article Three**

The boundary line of each lot or tract of land in such county shall be a lawful fence as to horses, mules, cattle, hogs, sheep, goats, chickens, ducks, and geese as allowed in §55-306 of the 1950 Code of Virginia, as amended.

### **Article Four**

It is anticipated that the Animal Control Officers of Buckingham County shall take the lead in enforcing this ordinance.

This ordinance shall become effective on the date of adoption and the previous No Fence Ordinance shall be rescinded on the same time and date.

Amended July 11, 2016

### PROBATE TAX ORDINANCE

This ordinance is to be known as the Probate Tax Ordinance and is passed pursuant to Code of Virginia, Section 58-67.1.

In addition to the State tax imposed by 58-66, the County of Buckingham does hereby impose a County tax on the probate of every will or grant of administration in the amount of one-third of the amount of the State tax on such probate of a will or grant of administration.

The Clerk of the Court shall collect any such tax and pay the same to the Treasurer of Buckingham County. The Clerk shall be authorized to receive a compensation of 5 percent of the amount collected, which shall be payable by the Board of Supervisors upon presentation of a certified bill from said Clerk.

The monies collected from this tax shall be reserved for, first, repair, and preservation of official records of the Clerk of the Court and the Clerk to the Board, and second, support of and preservation of a County Circuit Court Law Library.

This ordinance is effective June 2, 1975.

# **BUCKINGHAM COUNTY**

## **2011 REDISTRICTING ORDINANCE**

An ordinance to provide for the apportionment of members of the County Board of Supervisors, to establish boundary lines of Election Districts, to provide for precincts, to name each precinct, and to establish a polling place for each precinct.

### **Section One**

This ordinance is adopted pursuant to authority conferred on the County by the General Assembly.

### **Section Two**

The boundaries of the Election Districts shall be as follows:

#### ***Election District #1:***

Starting at the Buckingham/Cumberland line, travel Cartersville Road (VS 610) westerly direction to Randolph Creek Road (VS 717) then in a generally southeasterly direction, to Randolph Creek then in a generally westerly direction to Trents Mill Road (VS 622). Following Trents Mill Road (VS 622) in a westerly direction to North James Madison Hwy (Rt. 15). Continue South on N. James Madison Hwy (Rt. 15) to Johnson Station Road (VS 622). In a generally west direction, follow Johnson Station Road (VS 622) to Buckingham Branch Rail Line (formerly CSX Railroad). Follow Rail Line in a generally northerly direction to Slate Hill Road (VS 610). Follow Slate Hill Road in a westerly direction to intersection of Ridge Road (VS 676). Take Ridge Road (VS 676) in a northerly direction to intersection of Ridge Road (VS 676) and Penlan Road (VS 671). Take Penlan in an easterly direction to Buckingham Branch Rail Line (formerly CSX). Cross the railroad track and turn left northerly on a woods road (approximately 0.1 mile from the railroad track) follow the woods road in a generally northerly direction approximately 1.9 miles to a driveway. Follow the driveway approximately 0.08 miles to Arvon Road (VS 675). Take Arvon Road (VS 675) in a northwesterly direction turn left (southwest) on Virginia Mill Road (VS 673) to Ridge Road (VS 676), and then right in a northwesterly direction on Ridge Road (VS 676) to Hill Crest Lane then right (north) on Hill Crest Lane. Follow Hill Crest Lane approximately 0.1 miles to a woods road. Turn left (westerly) and continue on the woods road approximately 0.5 miles to a second woods road, then left, (southerly direction) on the second woods road for approximately less than 0.1 miles to Ridge Road (VS 676). Following Ridge Road (VS 676) in a generally northwest direction to Bridgeport Road (VS 652). Left on Bridgeport Road (VS 652) in a westerly direction to Snoddy Lane then in a northerly direction on Snoddy Lane to the north edge of the power line right of way. Follow power line right of way approximately 2.6 miles westerly to a woods road (Lat. 37 degrees 44 minutes 17.78 seconds N Long. -78 degrees 25 minutes 34.1 seconds W). Follow woods road in a generally southern direction back to Bridgeport Road (VS 652). Turn left on Bridgeport Road, and then follow Bridgeport Road in an easterly direction to intersection of Diana Mill Road (VS 611). Then follow Diana Mill Road (VS 611) in a southerly direction for approximately 1.05 miles, and then turn right at the driveway identified as 2335 Diana Mill Road

and go in a westerly direction approximately 0.6 miles to connect with a woods road. Following woods road in a northerly direction approximately 1.4 miles to its intersection of Bridgeport Road (VS 652). Then on Bridgeport in a westerly direction to the intersection of South Constitution Route. (VP. 20). Then northerly along South Constitution (Rt. 20) to James River Bridge. Follow James River back to the Buckingham/Cumberland line. Follow Buckingham/Cumberland line to Cartersville Road (VS 610).

### ***Election District #2:***

Starting at Buckingham/Cumberland line at Buffalo Creek, follow Buffalo Creek in a westerly direction to Little Buffalo Creek. Follow Little Buffalo Creek in a westerly direction to intersection of High Rock Road (VS 628). Turn left on High Rock Road and then follow High Rock Road (VS 628) in a southerly direction to E. James Anderson Hwy. (VP 60). Turn right on E. James Anderson Highway, then follow E. James Anderson Hwy in an westerly direction to Rosney Road (VS 629). Turn right on Rosney Road (VS 629) and then follow Rosney Road (VS 629) in a generally northwest direction to the Town of Dillwyn limits. Following the Town limits in a westerly direction to LeSueur Street, then left on LeSueur Street and then following LeSueur Street to the dead end approximately 1.3 miles in a southerly direction to a farm road, then continuing southerly on the farm road to E. James Anderson Hwy. (Rt. 60). Turn right, and then on E. James Anderson Highway in a generally west direction, following E. James Anderson Hwy. (Rt. 60) to intersection of N. James Madison Hwy. (Rt. 15). Follow N. James Madison Hwy. (Rt. 15) in a generally northerly direction to South Constitution Rte (VP 20) (Lat 37' 32 minutes 36.86 seconds N; Long -78 degrees 28 minutes 26.78 seconds W) then in a straight line to Turpin Creek (Lat 37 degrees 32 minutes 53.01 seconds N; Long - 78 degrees 28 minutes 20.12 seconds W). Following Turpin Creek in a northwesterly direction to a woods road then right on the woods road and continuing easterly approximately 0.26 miles to a prison connector road (Lat 37 degrees 34 minutes 42.37 seconds N; Long -78 degrees 28 minutes 20.24 seconds W), turn right on the prison connector road and then southerly through the parking area on such prison connector to a prison perimeter road (on the western side of Dillwyn Correctional Center) and continuing on the Prison perimeter road first southerly and then easterly to a prison connector road, then right on such connector road and then southeasterly along the connector road to Goldmine Branch, then southerly following Goldmine Branch to Town limits. Follow Town limits in an easterly direction to N. James Madison Hwy (VP 15). Follow N. James Madison Hwy in a northern direction to Thomas Road (VS 669). Follow Thomas Road (VS 669) in an easterly direction to Old Tower Hill Road (VS 668). Turn right and follow Old Tower Hill Road (VS 668) in a southerly direction to Bell Road (VS 650). Follow Bell Road (VS 650) in an easterly direction to intersection of Bell Road (VS 650) and Clay Bank Road (VS 626) at Zion Baptist Church turning right onto Clay Bank Road and continuing in a southeasterly direction to Jim Birch Forest Lane. Turning left on Jim Birch Forest Lane and following Jim Birch Forest Lane in an easterly direction to Buckingham/Cumberland County Line. Follow the Buckingham/Cumberland line in a southwesterly direction back to Buffalo Creek.

### ***Election District #3:***

Starting at Buckingham/Cumberland line at Buffalo Creek, follow Buffalo Creek in a westerly direction to Little Buffalo Creek. Then Follow Little Buffalo Creek in a westerly direction to intersection of High Rock Road (VS 628). Left on High Rock Road (VS 628), and then follow High Rock Road (VS 628) in a southerly direction to E. James Anderson Hwy. (VP 60). Turn



right on E. James Anderson Highway and follow E. James Anderson Hwy in a westerly direction to Ca Ira Rd (VS 632), turning left on the Ca Ira Road, and follow Ca Ira Rd. in a southerly direction turning right onto Chellowe Road (VS 623), and then continuing on Chellowe Rd. in a southwesterly direction to Whispering Creek. Follow Whispering Creek in a northwesterly direction to Whispering Road (VS 736). Follow Whispering Rd in a westerly direction to Gieseke Rd (VS 788). Follow Gieseke Road in a westerly direction and Crossing S. James Madison Hwy. (VP 15) on to a woods road in a westerly direction. Follow the woods road to Broken Bridge Road (VS 774). Follow Broken Bridge Road in a southwesterly direction to Rock Mill Road (VS 633). Follow Rock Mill Road in a southerly direction to the Willis River. Follow the Willis River in a westerly direction approximately 2.1 miles to a farm road. Follow the farm road in a southwesterly direction approximately 0.37 miles to Bucking B Ranch Lane. Continue on Bucking B Ranch Lane in a western direction to Maple Bridge Road (VS 637). Follow Maple Bridge Road in a generally western direction to Sanders Creek Road (VS 638) intersection. Turning right on Sanders Creek Road and continuing in a northern direction to Andersonville Road (VS 640). Follow Andersonville Road in a northerly direction to Dixie Hill Road (VS 638). Follow Dixie Hill Road in a northwesterly direction to intersection with Garret Mill Road (VS 641). Follow Garret Mill Road in a westerly direction to Oak Tree Lane. Follow Oak Tree Lane in a northerly direction to Bridge Road (VS 644). Follow Bridge Road in a westerly direction to the Slate River. Follow the Slate River in a generally southern direction to Toga Road (VS 746). Follow Toga Road in a southerly direction to Andersonville Road (VS 640). Follow Andersonville Road in a westerly direction to Glover Road (VS 643). Follow Glover Road in a northwesterly direction to Slate River. Follow the Slate River in a generally southerly direction to Slate River Forest Lane. Follow Slate River Forest Lane in a southeasterly direction to Andersonville Road (VS 640). Follow Andersonville Road in a southerly direction to intersection with Francisco Road (VS 636). Cross Francisco Road unto a woods road and then follow the woods road in a southerly direction to Forbes Road (VS 614) and then west on Forbes Road to Buckingham/Appomattox County line. Following the Buckingham/Appomattox County Line to the Buckingham/Prince Edward County Line. Continue along the Buckingham/Prince Edward line to the Buckingham/Cumberland Line. Follow the Buckingham/Cumberland line to Buffalo Creek.

#### ***Election District #4:***

Starting at Ca Ira Rd (VS 632) and E. James Anderson Hwy. (VP 60) go in a westerly direction to Rosney Road (VS 629). Follow Rosney Road in a generally northwest direction to the Town of Dillwyn limits. Following the Town limits in a westerly direction to LeSueur Street, then left on LeSueur Street and then following LeSueur Street to the dead end and continuing approximately 1.3 miles in a southerly direction to a farm road. Then continue southerly on the farm road to E. James Anderson Hwy. (VP 60). Turn right, and then on E. James Anderson Highway in a generally west direction, to intersection of N. James Madison Hwy. (VP. 15). Follow N. James Madison Hwy. (VP 15) in a generally northerly direction to South Constitution Rte (VP 20) (Lat 37 degrees 32 minutes 36.86 seconds N; Long -78 degrees 28 minutes 26.78 seconds W) then in a straight line to Turpin Creek (Lat 37 degrees 32 minutes 53.01 seconds N; Long - 78 degrees 28 minutes 20.12 seconds W). Follow Turpin Creek in a northerly direction to Buffalo Road (VS 631). Follow Buffalo Road in a westerly direction to Woodyard Road (VS 700). Follow Woodyard Road in a northwesterly direction to South Constitution Rte. (VP 20).

Follow South Constitution Rte. (VP 20) in a northerly direction to Slate River Mill Road (VS 649). Following Slate River Mill Road in a westerly direction to the Slate River. Follow the Slate River in a northeasterly direction to Walton Fork. Follow Walton Fork in a western direction approximately 0.19 miles to a woods road (Lat 37 degrees 37 minutes 03.66 seconds N; Long -78 degrees 31 minutes 29.48 seconds W). Follow woods road in a northerly direction approximately 0.8 miles to Spencer Road (VS 657). Follow Spencer Road in a northerly direction to Ranson Road (VS 659). Follow Ranson Road in a westerly direction to St. Andrews Road (VS 658). Follow St. Andrews Road in a southerly direction to Walton's Fork. Following Walton's Fork in a westerly direction crossing Watoga Road (VS 659) and continuing on Walton's Fork in a westerly direction to Howardsville Road (VS 602). Turn in a southwesterly direction on Howardsville Road and continuing thereon to Mulberry Grove Road (VS 649). Follow Mulberry Grove Road in a westerly direction to S. James River Hwy. (VS 56). Follow S. James River Hwy. (VS 56) in a southeasterly direction to the North River and then turning at drive way (9872 S. James River Hwy). Follow driveway to Davidson Drive. Follow Davidson Drive in a southwesterly direction to W. James Anderson Hwy (VP 60). Follow W. James Anderson Hwy (VP 60) in a westerly direction approximately 3.23 miles to a woods road ( Lat. 37 degrees 31 minutes 57.47 seconds N Long -78 degrees 39 minutes 02.66 seconds W) just east of Booth Blvd. Follow the woods road in a southerly direction approximately 0.33 miles to Frisby Branch. Follow Frisby Branch in an easterly direction approximately 0.58 miles to Lat. 37 degrees 31 minutes 29.94 seconds N Long -78 degrees 38 minutes 31.27 seconds W. Then follow a woods road in a southwesterly direction (Lat. 37 degrees 31 minutes 21.88 seconds N Long. -78 degrees 38 minutes 37.67 seconds W) to a woods road. Follow woods road in a southerly direction approximately 0.5 miles to another woods road at (Lat 37 degrees 30 minutes 57.64 seconds N Long -78 degrees 38 minutes 37.92 seconds W). Follow woods road in an easterly direction for approximately 0.28 miles to (Lat. 37 degrees 30 minutes 53.52 seconds N Long. -78 degrees 38 minutes 21.01 seconds W) to another woods road. Follow woods road in a southwesterly direction for approximately 0.15 miles to Miller Camp (VS 691). Cross Miller Camp Road onto a woods road in a generally southern direction for approximately 1.1 miles to the edge of a watershed. Follow the watershed in a westerly direction to Grease Creek. Cross Grease Creek to a woods road (Lat. 37 degrees 30 minutes 02.17 seconds N Long. -78 degrees 38 minutes 10.85 seconds W). Follow the woods road in a southeasterly direction approximately 0.53 miles to Pearson Drive. Follow Pearson Drive in an easterly direction to Mt. Rush Hwy (VP 24). Follow Mt. Rush Hwy in a southwesterly direction to Slate River Forest Lane. Follow Slate River Forest Lane to the Jamison Creek (Lat. 37 degrees 27 minutes 29.77 seconds N Long. -78 degrees 38 minutes 33.20 seconds W). Follow Jamison Creek in a northeasterly direction to (Lat. 37 degrees 28 minutes 05.51 seconds N Long. -78 degrees 38 minutes 10.40 seconds W) to a woods road. Follow woods road in an easterly direction to another woods road, turn right on the woods road in a southern direction and follow the woods road approximately 0.67 miles to beginning of state maintenance of Glover Road (VS 643). Follow Glover Road in a southerly direction to Andersonville Road (VS 640). Follow Andersonville Road in an easterly direction to Toga Road (VS 746). Follow Toga Road in a northerly direction to the Slate River. Follow the Slate River in a northeasterly direction approximately 3.42 miles to Bridge Road (VS 644). Follow Bridge Road in an easterly direction approximately 0.13 miles to a woods road (Lat. 37 degrees 31 minutes 14.17 seconds N Long. -78 degrees 35 minutes 26.18 seconds W). Follow the woods road in a southerly direction approximately 0.88 miles to Oak Tree Lane. Follow Oak Tree Lane in a southerly direction to Garrett Mill Road (VS 641). Follow Garret

Mill Road in an easterly direction to Dixie Hill Road (VS 638). Follow Dixie Hill Road in a southerly direction to Andersonville Road (VS 640). Follow Andersonville Road in a westerly direction to Sanders Creek Road (VS 638). Follow Sanders Creek Road in a southerly direction to Maple Bridge Road (VS 637). Follow Maple Bridge Road in an easterly direction to Bucking B Ranch Lane. Follow Bucking B Ranch Lane in an easterly direction to a farm road (Lat. 37 degrees 27 minutes 26.40 seconds N Long. -78 degrees 32 minutes 14.77 seconds W). Follow the farm road in a northeasterly direction approximately 0.37 miles to the Willis River. Follow the Willis River in a generally southeasterly direction for approximately 2.1 miles to Rock Mill Road (VS 633). Follow Rock Mill Road in a northerly direction to Broken Bridge Road (VS 774). Follow Broken Bridge Road in an easterly direction to the end of state maintenance (Lat. 37 degrees 28 minutes 54.88 seconds N Long. -78 degrees 30 minutes 16.28 seconds W). From the end of state maintenance follow the driveway in a northeasterly direction for approximately 0.37 miles to its intersection with a woods road (Lat. 37 degrees 28 minutes 54.20 seconds N Long. -78 degrees 30 minutes 01.67 seconds W). Follow the woods road in a northeasterly direction for approximately 0.97 miles to the intersections with another woods road (Lat. 37 degrees 29 minutes 31.00 seconds N Long. -78 degrees 29 minutes 28.49 seconds W) Follow the woods road in a easterly direction for approximately 1.04 miles to the intersection of S. James Madison Hwy (VP 15). and Gieseke Rd. (VS 788) Crossing S. James Madison Hwy onto Gieseke Rd. Follow Gieseke Rd. in an easterly direction to Whispering Road (VS 736). Follow Whispering Road in an easterly direction to Whispering Creek (Lat. 37 degrees 29 minutes 40.95 seconds N Long. -78 degrees 26 minutes 0.06 seconds W). Follow Whispering Creek in a southeasterly direction approximately 2.0 miles to Chellowe Road (VS 623). Follow Chellowe Road in a northerly direction to Ca Ira Road (VS 632). Following Ca Ira Road in a northerly direction to E. James Anderson Hwy (VP 60).

### ***Election District #5:***

Starting at the Buckingham/Appomattox County line at Holiday Creek, at the intersection of Forbes Road (VS 614)/Holiday Creek/and a woods road follow the woods road in a northerly direction approximately 1.5 miles to Francisco Road (VS 636). Cross Francisco Road onto Andersonville Road (VS 640). Follow Andersonville Road approximately 0.8 miles to a woods road. Follow the woods road in a northwesterly direction approximately 1.17 miles to Jamison Creek, following Jamison Creek to Slate River Forest Lane. Follow Slate River Forest Lane in a northwesterly direction approximately 1.34 miles to Mt. Rush Hwy (Rt. 24). Follow Mt. Rush Hwy in a northeasterly direction to Pearson Drive. Follow Pearson Drive to a woods road. Follow the woods road in a northwesterly direction approximately 0.53 miles to Grease Creek. Follow Grease Creek northerly to a watershed. Follow the watershed in an easterly direction to a woods road. Follow the woods road in a northerly direction approximately 1.1 miles to Miller Camp Road (VS 691 ) Crossing Miller Camp Rd. onto a woods road, follow the woods road and continue on the woods road in a northeasterly direction for approximately 0.15 miles to another woods road. (Lat. 37 degrees 30 minutes 53.52 seconds N Long -78 degrees 38 minutes 21.01 seconds W) Follow the woods road in a westerly direction for approximately 0.28 miles to another woods road (Lat. 37 degrees 30 minutes 57.64 seconds N Long. -78 degrees 38 minutes 37.92 seconds W). Follow the woods road in a northerly direction approximately 0.5 miles to a woods road (Lat. 37 degrees 31 minutes 21.88 seconds N Long. -78 degrees 38 minutes 37.67 seconds W) Follow the woods road in a northeasterly direction to Frisby Branch. Follow Frisby Branch in a westerly direction approximately 0.58 miles to a woods road. Follow the woods road

in a northerly direction approximately 0.33 miles to W. James Anderson Hwy (VP 60) (just east of Booth Blvd.) Follow W. James Anderson Hwy in an easterly direction for approximately 3.23 miles to Davidson Drive. Follow Davidson Drive in a northeasterly direction to a driveway known as 9872 S. James River Hwy (VS 56). Follow the driveway to S. James River Hwy. Follow S. James River Hwy. in a westerly direction to Wood Road (VS 663). Following Wood Road in a southwesterly direction to Mathews Creek (Lat. 37 Degrees 34 minutes 09.51 seconds N Long. -78 degrees 39 minutes 33.61seconds W). Follow Mathews Creek in a northwesterly direction approximately 1.0 mile to the pipeline. Follow pipeline in a northeasterly direction approximately 0.66 miles to S. James River Hwy. Following S. James River Hwy. (VS 56) in a northwesterly direction to Sheltons Store Road (VS 660). Follow Sheltons Store Road in a northerly direction to Sycamore Creek Road (VS 664). Follow Sycamore Creek Road in a northerly direction approximately 1.49 miles to a woods road. Following the woods road in a westerly direction approximately 0.82 miles to Warminster Church Road (VS 737). Following Warminster Church Road in a northerly direction to Sycamore Creek Rd (VS 664). Follow Sycamore Creek Road in a southeasterly direction approximately 0.76 miles to a woods road. Follow the woods road in an easterly direction approximately 0.48 miles to Little Sycamore Creek. Follow Little Sycamore Creek in a northeasterly direction approximately 1.15 miles to Pond Road (VS 738). Follow Pond Road in an easterly direction to Pattie Road (VS 601). Follow Pattie Road in a northwesterly direction to Manteo Road. Follow Manteo Road (VS 655) in a northwesterly direction approximately 0.29 miles to a woods road. Follow a woods road in a northerly direction approximately 1.12 miles turning in an easterly direction to another woods road. Follow woods road south approximately 1.29 miles to Jerusalem Church Road (VS 655). Follow Jerusalem Church Road in a northeasterly direction to Howardsville Road (VS 602). Follow Howardsville Road in a southerly direction approximately 0.6 miles to a woods road. Follow woods road in an easterly direction approximately 0.59 miles to Ivy Road (VS 702). Follow Ivy Road in a northerly direction to Glenmore Road (VS 655). Follow Glenmore Road in an easterly direction to Mohansky Lane, continue on Glenmore Road approximately 0.18 miles to a power line. Follow the power line in a northeasterly direction to Little Rock Island Creek (Lat. 37 degrees 40 minutes 50.83 seconds N Long. -78 degrees 32 minutes 04.75 seconds W). Follow Little Rock Island Creek in a northerly direction approximately 3.5 miles to Babers Circle. Take Babers Circle in a northeasterly direction to Blackwell Road (VS 739). Follow Blackwell Road in an easterly direction to Rock Island Road (VS 678). Take Rock Island Road in a southeasterly direction to White Rock Road (VS 695). Take White Rock Road in a generally northerly direction to Hatton Ferry Road (VS 625). Take Hatton Ferry Road in a northerly direction to the James River. Follow the James River in a westerly direction around the county line to the Buckingham/Appomattox line following the Buckingham/Appomattox line to Holiday Creek.

### ***Election District #6:***

Starting at the Scottsville Bridge follow S. Constitution Rte. (VP 20) in a southerly direction to Bridgeport Road (VS 652). Follow Bridgeport Road in an easterly direction approximately 3.5 miles to a woods road just west of Paynes Pond Road (VS 679). Follow woods road in a southerly direction approximately 1.4 miles to the driveway way known as 2335 Diana Mill Road. Follow 2335 Diana Mill Road driveway to Diana Mill Road (VS 611). Follow Diana Mill Road northerly direction to Bridgeport Road (VS 652). Turning west on Bridgeport for

approximately 0.10 miles, then turn in a northerly direction onto a woods road. Follow the woods road approximately 0.64 miles and turn on another woods road in a northeasterly direction for approximately 0.74 miles to the power line (Lat. 37 degrees 44 minutes 17.78 seconds N Long. -78 degrees 25 minutes 34.1 seconds W). Follow the northern edge of the power line in an easterly direction approximately 2.6 miles to Snoddy Lane. Follow Snoddy Lane in a southerly direction to Bridgeport Road. Follow Bridgeport Road (VS 652) in an easterly direction to Ridge Road (VS 676). Follow Ridge Road in a southerly direction to Grove Lane, continue on Ridge Road approximately 0.41 miles to a woods road. Follow the woods road in a northerly direction for approximately 0.1 miles to another woods road. Follow the woods road in an easterly direction approximately 0.3 miles, then turning south on the woods road for approximately 0.2 miles to Hill Crest Lane. Follow Hill Crest Lane in a southerly direction to Ridge Road (VS 676). Follow Ridge Road in a southeasterly direction to Virginia Mill Road (VS 673). Follow Virginia Mill road in a generally northerly direction to Arvon Road (VS 675). Follow Arvon Road in a generally southeasterly direction approximately 1.44 miles to a driveway. Follow driveway in a southerly direction approximately 0.08 miles, turn left on a woods road. Follow woods road in a generally southwesterly direction approximately 1.9 miles to Penlan Road (VS 671). Follow Penlan in a westerly direction to Ridge Road (VS 676). Follow Ridge Road in a southwesterly direction to Melita Road (VS 622). Follow Melita Road in a northwesterly direction to Boxley Lane. Follow Boxley Lane in a westerly direction approximately 0.72 miles to a woods road. Follow woods road in a generally northerly direction approximately 0.35 miles to the Slate River. Follow the Slate River in a northerly direction approximately 1.12 miles to Melita Road (VS 622). Follow Melita Road in a northwesterly direction approximately 0.93 miles to a woods road. Follow woods road in a generally southerly direction approximately 1.2 miles to River Ridge Road. Follow River Ridge Road (VS 763) in a westerly direction to Muddy Creek Road (VS 651). Follow Muddy Creek Road in a southwesterly direction to S. Constitution Rte (VP 20). Follow S. Constitution Rte. south to Slate River Mill Road (VS 649). Following Slate River Mill Road in a westerly direction to the Slate River. Follow the Slate River in a northeasterly direction approximately 2.73 miles to Walton Fork. Following Walton Fork in a western direction approximately 0.19 miles to a woods road (Lat 37 degrees 37 minutes 03.66 seconds N; Long -78 degrees 31 minutes 29.48 seconds W)). Follow woods road in a northerly direction approximately 0.8 miles to Spencer Road (VS 657). Follow Spencer Road in a northerly direction to Ranson Road (VS 659). Following Ranson Road in a westerly direction to St. Andrews Road (VS 658). Following St. Andrews Road in a southerly direction to Waltons Fork. Following Waltons Fork in a westerly direction crossing Watoga Road (VS 659) and continuing on Waltons Fork in a westerly direction to Howardsville Road (VS 602). Turn in a southwester direction on Howardsville Road and continuing thereon to Mulberry Grove Road (VS 649). Following Mulberry Grove Road in a westerly direction to S. James River Hwy. (Rt. 56). Follow S. James River Hwy. (VS 56) in a westerly direction to Woods Road (VS. 663). Following Woods Road in a southwesterly direction to Mathews Creek (Lat. 37 Degrees 34 minutes 09.51 seconds N Long. -78 degrees 39 minutes 33.61seconds W). Follow Mathews Creek in a northwesterly direction approximately 1.0 mile to the pipeline. Follow pipeline in a northeasterly direction approximately 0.66 miles to S. James River Hwy. Following S. James River Hwy. in a northwesterly direction to Sheltons Store Road (VS 660). Follow Sheltons Store Road in a northerly direction to Sycamore Creek Road (VS 664). Follow Sycamore Creek Road in a northerly direction approximately 1.49 miles to a woods road. Following the woods road in a westerly direction approximately 0.82 miles to

Warminster Church Road (VS 737). Following Warminster Church Road in a northerly direction to Sycamore Creek Rd. Follow Sycamore Creek Road in a southeasterly direction approximately 0.76 miles to a woods road. Follow the woods road in an easterly direction approximately 0.48 miles to Little Sycamore Creek. Follow Little Sycamore Creek in a northeasterly direction approximately 1.15 miles to Pond Road (VS 738). Follow Pond Road in an easterly direction to Pattie Road (VS 601). Follow Pattie Road in a northwesterly direction to Manteo Road (VS 655). Follow Manteo Road (VS 655) in a northwesterly direction approximately 0.29 miles to a woods road. Follow a woods road in a northerly direction approximately 1.12 miles turning in an easterly direction to another woods road. Follow woods road south approximately 1.29 miles to Jerusalem Church Road (VS 655). Follow Jerusalem Church Road in a northeasterly direction to Howardsville Road (VS 602). Follow Howardsville Road in a southerly direction approximately 0.6 miles to a woods road. Follow woods road in an easterly direction approximately 0.59 miles to Ivy Road (VS 702). Follow Ivy Road in a northerly direction to Glenmore Road (VS 655). Follow Glenmore Road in an easterly direction to Mohansky Lane, continue on Glenmore Road approximately 0.18 miles to a power line. Follow the power line in a northeasterly direction to Little Rock Island Creek (Lat. 37 degrees 40 minutes 50.83 seconds N Long. -78 degrees 32 minutes 04.75 seconds W). Follow Little Rock Island Creek in a northerly direction approximately 3.5 miles to Babers Circle. Take Babers Circle in a northeasterly direction to Blackwell Road (VS 739). Follow Blackwell Road in an easterly direction to Rock Island Road (VS 678). Take Rock Island Road in a southeasterly direction to White Rock Road (VS 695). Take White Rock Road in a generally northerly direction to Hatton Ferry Road (VS 625). Take Hatton Ferry Road in a northerly direction to the James River. Follow the James River in a northeasterly direction to the Scottsville Bridge.

### ***Election District # 7:***

Starting at the Buckingham/Cumberland line, travel Cartersville Road (VS 610) in a westerly direction to Randolph Creek Road (VS 717 ). Follow Randolph Creek Road in a generally southeasterly direction, to Randolph Creek. Follow Randolph Creek in a generally southwesterly direction to Trents Mill Road (VS 622). Following Trents Mill Road (VS 622) in a westerly direction to North James Madison Hwy (VP. 15). Continue South on N. James Madison Hwy (VP 15) to Johnson Station Road(VS 622). Follow Johnson Station Road in a generally west direction to Buckingham Branch Rail Line (formerly CSX Railroad). Follow Rail Line in a generally northerly direction to Slate Hill Road (VS 610). Follow Slate Hill Road in a westerly direction to intersection of Ridge Road (VS 676). Follow Ridge Road in a southerly direction to Melita Road (VS 622). Follow Melita Road in a northwesterly direction to Boxley Lane. Follow Boxley Lane in a westerly direction approximately 0.72 miles to a woods road. Follow woods road in a generally northerly direction approximately 0.35 miles to the Slate River. Follow the Slate River in a northerly direction approximately 1.12 miles to Melita Road (VS 622). Follow Melita Road in a northwesterly direction approximately 0.93 miles to a woods road. Follow woods road in a generally southerly direction approximately 1.2 miles to River Ridge Road (VS 763). Follow River Ridge Road in a westerly direction to Muddy Creek Road (VS 657). Follow Muddy Creek Road in a southwesterly direction to S. Constitution Rte (VP 20). Follow S. Constitution Rte. south to Woodyard Road (VS 700). Follow Woodyard Road in a southeasterly direction to Buffalo Road (VS 631). Follow Buffalo Road in a northeasterly direction to Turpin Creek. Following Turpin Creek in a southern direction to a woods road then left on the woods road and continuing easterly approximately 0.26 miles to a prison connector road (Lat 37 degrees

34 minutes 42.37 seconds; Long -78 degrees 28 minutes 20.24 seconds), turn right on the prison connector road and then southerly through the parking area on such prison connector to a prison perimeter road (on the western side of Dillwyn Correctional Center) and continuing on the Prison perimeter road first southerly and then easterly to a prison connector road, then right on such connector road and then southeasterly along the connector road to Goldmine Branch. Then southerly following Goldmine Branch to Town limits. Following Town limits in an easterly direction to N. James Madison Hwy (VP 15). Follow N. James Madison Hwy in a northern direction to Thomas Road (VS 669). Following Thomas Road in an easterly direction to Old Tower Hill Road (VS 668). Turning right and following Old Tower Hill Road in a southerly direction to Bell Road (VS 650). Following Bell Road in an easterly direction to intersection of Bell Road and Clay Bank Road (VS 626) at Zion Baptist Church. Turning right onto Clay Bank Road and continuing in a southeasterly direction to Jim Birch Forest Lane. Turning left on Jim Birch Forest Lane and Following Jim Birch Forest Lane in an easterly direction to Buckingham/Cumberland County Line. Following the Buckingham/Cumberland line in a southwesterly direction to Buffalo Creek.

### **Section Three**

The precincts for each election district and the polling place for each precinct shall be as follows:

1. Election District One shall consist of two precincts, the New Canton Precinct and the Georgia Creek Precinct;
  - A. All of the New Canton Precinct shall vote at the Arvonias Fireman's Building; and the New Canton Precinct shall consist of those voters living east of the following area: Beginning at Little George Creek's intersection with the James River and following Little George Creek in a westerly direction to its intersection with Paynes Rd (784). Follow Paynes Rd in a southwesterly direction to a power line. Follow the power line in an easterly direction to a woods road (Lat. 37 degrees 44 minutes 17.78 seconds N Long. -78 degrees 25 minutes 34.1 seconds W). Follow the woods road in a generally southern direction to Bridgeport Road (VS 652).
  - B. All of the Georgia Creek Precinct shall vote at the Centenary United Methodist Church Fellowship Hall; and the Georgia Creek Precinct shall consist of those voters living in the following area: Beginning at Little George Creek's intersection with the James River and following Little George Creek in a westerly direction to its intersection with Paynes Rd (784). Follow Paynes Rd. in a southwesterly direction to a power line. Follow the power line in an easterly direction to a woods road (Lat. 37 degrees 44 minutes 17.78 seconds N Long. -78 degrees 25 minutes 34.1 seconds W). Follow the woods road in a generally southern direction back to Bridgeport Road (VS 652). Turn left on Bridgeport Road, and then follow Bridgeport Road in an easterly direction to intersection of Diana Mill Road (VS 611). Then follow Diana Mill Road (VS 611) in a southerly direction for approximately 1.05 miles, and then turn right at the driveway identified as 2335 Diana Mill Road and go in a westerly direction approximately 0.6 miles to connect with a woods road.

Following woods road in a northerly direction approximately 1.4 miles to its intersection of Bridgeport Road (VS 652). Then on Bridgeport in a westerly direction to the intersection of South Constitution Route. (VP. 20). Then northerly along South Constitution (Rt. 20) to James River Bridge. Follow the James River in an easterly direction back to the point of beginning.

2. Election District Two shall consist of one precinct, the White Hall Precinct, and all of the White Hall Precinct shall vote at the Dillwyn Rescue Squad Building.
3. Election District Three shall consist of two precincts, the Curdsville Precinct and New Store Precinct.
  - A. All of the Curdsville Precinct shall vote at the Curdsville Community Center building and the Curdsville Precinct shall consist of those voters living in the following area: Beginning at the intersection of the Willis River and Rock Mill Rd (VS 633), follow Rock Mill Road in a northerly direction to Broken Bridge Road (VS 774). Follow Broken Bridge Road in an easterly direction to the end of state maintenance (Lat. 37 degrees 28 minutes 54.88 seconds N Long. -78 degrees 30 minutes 16.28 seconds W). From the end of state maintenance follow the driveway in a northeasterly direction for approximately 0.37 miles to its intersection with a woods road (Lat. 37 degrees 28 minutes 54.20 seconds N Long. -78 degrees 30 minutes 01.67 seconds W). Follow the woods road in a northeasterly direction for approximately 0.97 miles to the intersections with another woods road (Lat. 37 degrees 29 minutes 31.00 seconds N Long. -78 degrees 29 minutes 28.49 seconds W) Follow the woods road in a easterly direction for approximately 1.04 miles to the intersection of S. James Madison Hwy (VP 15). and Gieseke Rd. (VS 788) Crossing S. James Madison Hwy onto Gieseke Rd. Follow Gieseke Rd. in an easterly direction to Whispering Road (VS 736). Follow Whispering Road in an easterly direction to Whispering Creek (Lat. 37 degrees 29 minutes 40.95 seconds N Long. -78 degrees 26 minutes 0.06seconds W). Follow Whispering Creek in a southeasterly direction approximately 2.0 miles to Chellowe Road (VS 623). Follow Chellowe Road in a northerly direction to Ca Ira Road (VS 632). Following Ca Ira Road in a northerly direction to E. James Anderson Hwy (VP 60). Follow E. James Anderson Hwy in an easterly direction to High Rock Road (VS 628). Follow High Rock Road in a northerly direction to Little Buffalo Creek. Follow Little Buffalo Creek in a easterly direction to the Buckingham-Cumberland line, then in a generally south western direction along the Buckingham-Cumberland line to Buckingham-Prince Edward line, then along the Buckingham-Prince Edward line to the bridge on South James Madison Hwy (VP 15) on the Appomattox River, then northerly along the boundary line between the Curdsville and Francisco Land Districts to Rock Mill Rd (VS 633) to the point of beginning.



- B. All of the New Store Precinct shall vote at the Chestnut Grove Baptist Church Fellowship Hall building and the New Store Precinct shall consist of those voters living in the following area: Beginning at the bridge on S. James Madison Hwy (VP 15) on the Appomattox River, on the Buckingham County-Prince Edward line, then along the Buckingham County-Prince Edward line in a generally western and northwestern direction to the Buckingham County-Appomattox County line at Holiday Creek, at the intersection of Forbes Road (VS 614)/Holiday Creek/and a woods road follow the woods road in a northerly direction approximately 1.5 miles to Francisco Road (VS 636). Cross Francisco Road onto Andersonville Road (VS 640). Follow Andersonville Road approximately 0.8 miles to a woods road. Follow the woods road in a northwesterly direction approximately 1.17 miles to Jamison Creek. Follow Jamison Creek in a northeasterly direction to (Lat. 37 degrees 28 minutes 05.51 seconds N Long. -78 degrees 38 minutes 10.40 seconds W) to a woods road. Follow woods road in an easterly direction to another woods road, turn right on the woods road in a southern direction and follow the woods road approximately 0.67 miles to beginning of state maintenance of Glover Road (VS 643). Follow Glover Road in a southerly direction to Andersonville Road (VS 640). Follow Andersonville Road in an easterly direction to Toga Road (VS 746). Follow Toga Road in a northerly direction to the Slate River. Follow the Slate River in a northeasterly direction approximately 3.42 miles to Bridge Road (VS 644). Follow Bridge Road in an easterly direction approximately 0.13 miles to a woods road (Lat. 37 degrees 31 minutes 14.17 seconds N Long. -78 degrees 35 minutes 26.18 seconds W). Follow the woods road in a southerly direction approximately 0.88 miles to Oak Tree Lane. Follow Oak Tree Lane in a southerly direction to Garrett Mill Road (VS 641). Follow Garret Mill Road in an easterly direction to Dixie Hill Road (VS 638). Follow Dixie Hill Road in a southerly direction to Andersonville Road (VS 640). Follow Andersonville Road in a westerly direction to Sanders Creek Road (VS 638). Follow Sanders Creek Road in a southerly direction to Maple Bridge Road (VS 637). Follow Maple Bridge Road in an easterly direction to Bucking B Ranch Lane. Follow Bucking B Ranch Lane in an easterly direction to a farm road (Lat. 37 degrees 27 minutes 26.40 seconds N Long. -78 degrees 32 minutes 14.77 seconds W). Follow the farm road in a northeasterly direction approximately 0.37miles to the Willis River. Follow the Willis River in a generally southeasterly direction for approximately 2.1 miles to Rock Mill Road (VS 633). Then southerly along Rock Mill Road to the boundary line between the Francisco Land District and the Curdsville Land District, then southerly along the boundary line between the Francisco Land District and the Curdsville Land District back to the point of beginning.

4. Election District Four shall consist of one precinct, the Maysville Precinct, and all

of the Maysville Precinct shall vote at the County Agricultural Center Building.

5. Election District Five shall consist of two precincts, the Glenmore Precinct and Wrights Precinct.
  - A. All of the Glenmore Precinct shall vote at the Glenmore Firehouse Building and shall consist of those voters living north of South James River Hwy (VP 56) in Election District Five.
  - B. The Wrights precinct shall vote at Toga Firehouse building and shall consist of those voters living south of South James River Hwy (VP 56) in Election District Five
6. Election District Six shall consist of one precinct, the Slate River Precinct and all of the Slate River Precinct shall vote at the Taylor Masonic Lodge building at Centenary.
7. Election District Seven shall consist of one precinct, the Gold Hill Precinct and all of the Gold Hill Precinct shall vote at the Baptist Union Baptist Church building.
8. In addition to the foregoing precincts, there shall be a Central Absentee Voter Election Precinct in the "Registrar's Office Annex" of Buckingham County, Virginia, the address for which is 13000 W. James Anderson Highway, Buckingham, Virginia 23921, for the purpose of receiving, counting, and recording absentee ballots in all elections.

## **Section Four**

The Registrar shall notify all registered voters whose polling place has been changed by this ordinance in accordance with State law.

## **Section Five**

One supervisor and one school board member shall be elected from each district. Only persons who reside in a district and otherwise qualify according to law shall be eligible for election or appointment to the Board of Supervisors and the School Board from such district.

## **Section Six**

Only voters who are residents of a district and are otherwise qualified to vote according to law shall be eligible to vote in any election of a supervisor or school board member from such district.

## **Section Seven**

If any portion or provision of this ordinance be declared invalid or unconstitutional, such decision shall not affect the validity or constitutionality of any other portion of this ordinance.

## **Section Eight**

This ordinance shall become effective June 1, 2011 if the same has been approved by the United States Department of Justice

# **BUCKINGHAM COUNTY**

## **2021 REDISTRICTING ORDINANCE**

An ordinance to provide for the apportionment of members of the County Board of Supervisors, to establish boundary lines of Election Districts, to provide for precincts, to name each precinct, and to establish a polling place for each precinct.

### **Section One**

This ordinance is adopted pursuant to authority conferred on the County by the General Assembly.

### **Section Two**

The boundaries of the Election Districts shall be as follows:

#### ***Election District #1:***

Starting at the Buckingham/Cumberland line, travel Petersville Church Road (VS 613) in a westerly direction to Trents Mill Road (VS 622) then in a westerly direction, following Trents Mill Road (VS 622) to North James Madison Hwy (US 15). Continue North onto N. James Madison Hwy (US 15) to Slate Hill Road (VS 610). In a generally west direction, follow Slate Hill Rd (VS 610) to the intersection of Ridge Road (VS 676). Take Ridge Road (VS 676) in a northerly direction to intersection of Ridge Road (VS 676) and Penlan Road (VS 671). Take Penlan Road (VS 671) in a westerly direction to the intersection of the eastern banks of the Slate River. As the Slate River travels in a North easterly direction, follow the river to the intersection of Ridge Road (VS 676). Following Ridge Road (VS 676) in a generally northwest direction to Bridgeport Road (VS 652). Left onto Bridgeport Road (VS 652) in a westerly direction to an area identified as HydroFLG H3010 by the U.S. Census Bureau, and located approximately .13 miles east of Snoddy Ln, following a northerly direction to the James River. From the outlet on the James River, follow the James River in an easterly direction back to the Buckingham/Cumberland line, following Buckingham/Cumberland line to Petersville Church Road (VS 613).

#### ***Election District #2:***

Starting at Buckingham/Cumberland line at Jim Birch Forest Ln., follow Jim Birch Forest Ln in a westerly direction to Claybank Road (VS 626) Turn right following Claybank Rd (VS 626) in a westerly direction to intersection of Bell Road (VS 650). Turn left onto Bell Rd (VS 650) and then follow Bell Road (VS 650) in a westerly direction to Old Tower Hill Road (VS 668). Turn right onto Old Tower Hill Road (VS 668), then following Old Tower Hill Road (VS 668) in a northerly direction to Thomas Road (VS 669). Turn left onto Thomas Road (VS 669) and then follow Thomas Road (VS 669) in a generally northwest direction to North James Madison Hwy (US 15). Turn south onto N. James Madison Hwy (US 15) towards the Town of Dillwyn limits. Following the Town limits in a westerly direction to the intersection of N. James Madison Hwy (US 15), continue traveling south onto N. James Madison Hwy (US 15) to the intersection of S. James Madison Hwy (US 15). Continue south onto South James Madison Hwy (US 15) until the

intersection of S. James Madison Hwy (US 15) and Evans Mill Road (VS 621). Turn left onto Evans Mill Road (VS 621) and follow in an easterly direction to the intersection of Plank Road (VS 600). Turn Right and follow Plank Rd (VS 600) in a southeasterly direction to the Buckingham/Cumberland line. Follow Buckingham/Cumberland line in a northerly direction to Jim Birch Forest Ln.

### ***Election District #3:***

Starting at Buckingham/Cumberland line at Plank Road (VS 600), follow Plank Rd in a northwesterly direction to Evans Mill Road (VS 621). Turning left, travel Evans Mill Road (VS 621) in a westerly direction to intersection of S. James Madison Hwy (US 15). Right onto S. James Madison Hwy (US 15) traveling North, until the intersection of Andersonville Rd (VS 640). Turn left onto Andersonville Road (VS 640) and follow in a westerly direction until the intersection of Dixie Hill Road (VS 638). Turn Right onto Dixie Hill Road (VS 638) following a northerly direction until the intersection of Garrett Mill Road (VS 641). Turn left and travel in a westerly direction until the intersection of Perkins Mill Road (VS 642). Turn left and travel in a northwesterly direction until the intersection of Mt. Rush Hwy (VS 24). Turn left and travel in a southwesterly direction until the Buckingham/Appomattox County Line. Following the Buckingham/Appomattox County Line in a southerly direction to the Buckingham/Prince Edward County Line. Continue along the Buckingham/Prince Edward line south-easterly direction to the Buckingham/Cumberland Line. Follow the Buckingham/Cumberland line in a north-easterly direction to Plank Road (VS 600)

### ***Election District #4:***

Starting at intersection of N. James Madison Hwy (US 15) and S. Constitution Rte. (VS 20) follow S. Constitution Rte (VS 20) approximately 6 miles in a northerly direction until reaching the southern bank of the Slate River. Follow the Slate River in a westerly direction towards a creek branch identified as Waltons Fork. Turn right at the fork and follow in a northerly direction until Spencer Road (VS 657) is reached. Turn Right and follow in a northerly direction to Ranson Road (VS 658). Turn left and follow in a westerly direction on Ranson Road (VS 659) until the intersection of Saint Andrews Road (VS 658). Turning left on Saint Andrews Road (VS 658) and traveling in a south-easterly direction until the intersection of Watoga Road (VS 659). Turning right on Watoga Road (VS 659) and traveling in a westerly direction reaching the intersection of Watoga Road (VS 659) and Howardsville Road (VS 602). Turning left on Howardsville Road (VS 602) and traveling approximately 2.3 miles to the intersection of Howardsville Rd (VS 602) and Mulberry Grove Rd (VS 649). Turning right on Mulberry Grove Road (VS 649) and heading in a south westerly direction approximately 2.25 miles reaching the intersection of Mulberry Grove Road (VS 649) and S. James River Hwy (VS 56). Turning right on S. James River Hwy (VS 56) heading in a north-westerly direction approximately one (1) mile to Woods Rd (VS 663). Turn left at the intersection of S. James River Hwy (VS 56) and Woods Rd (VS 663) and travel on Woods Rd (VS 663) to the intersection of Forest Clay Road (VS 661), keep straight onto Forest Clay Rd (VS 663) following it for approximately 2 miles reaching the intersection of Greenway Road (VS 607). Turn left onto Greenway Rd (VS 607) traveling in a south-easterly direction reaching the intersection of W. James Anderson Hwy (US 60). Turn right onto W. James Anderson Hwy (US 60) and travel approximately one (1) mile to

the intersection of Union Church Road (VS 646). Turn left onto Union Church Road (VS 646) and follow in a southerly direction until it reaches the Intersection of Mount Rush Hwy (VS 24). Turning left onto Mount Rush Hwy (VS 24) and traveling approximately 2.5 miles to the intersection of Perkins Mill Rd. (VS 642). A right turn onto Perkins Mill Road (VS 642), traveling in a south-easterly direction until reaching the intersection of Garrett Mill Rd. (VS 641). Turn left onto Garrett Mill Rd (VS 641) and follow in a northerly direction for approximately 1.4 miles reaching the intersection of Garrett Mill Rd. (VS 641) and Dixie Hill Rd. (VS 638). A right turn onto Dixie Hill Rd. (VS 638) and traveling in a southerly direction for approximately two (2) miles reaching the intersection of Dixie Hill Rd. (VS 638) and Andersonville Rd. (VS 640). Turning left onto Andersonville Rd. (VS 640) continue following in a north-easterly direction until it intersects with S. James Madison Hwy (US 15). Left turn onto S. James Madison Hwy (US 15) following in a northerly direction until the intersection of S. James Madison Hwy (US 15) and N. James Madison Hwy (US 15) at an area commonly referred to as Sprouse's Corner. Continue straight through the intersection onto N James Madison Hwy (US 15) in a northerly direction for approximately 1.5 miles reaching the starting point and intersection of N. James Madison Hwy (US 15) and S. Constitution Hwy (VS 20).

### ***Election District #5:***

Starting at the Buckingham/Appomattox County line at Mt. Rush Highway (VS 24), follow Mt Rush Highway (VS 24) in a north-easterly direction for approximately 3.5 miles to the intersection of Union Church Rd (VS 646). Turn left onto Union Church Rd (VS 646) following in a northerly direction for approximately 4 miles to the intersection of W. James Anderson Hwy (US 60). Turn right onto W. James Anderson Hwy (US 60) and travel 1 mile to the intersection of Greenway Rd. (VS 607). Turning left onto Greenway Rd. (VS 607) and traveling approximately 2 miles to the intersection of Greenway (VS 607) and Forest Clay Rd. (VS 661). Turn right onto Forest Clay Rd. (VS 661) traveling in a northerly direction, continue through the intersection to Woods Rd. (VS 663). Following Woods Road (VS 663) in a north-westerly direction approximately .27 miles to Mathews Creek (Lat. 37 Degrees 34 minutes 09.51 seconds N Long. -78 degrees 39 minutes 33.61seconds W). Follow Mathews Creek in a north-westerly direction approximately 1.0 mile to the pipeline. Follow pipeline in a northeasterly direction approximately 0.66 miles to S. James River Hwy. (VS 56). Following S. James River Hwy. (VS 56) in a north-westerly direction to Sheltons Store Road (VS 660). Follow Sheltons Store Road (VS 660) in a northerly direction to Sycamore Creek Road (VS 664). Follow Sycamore Creek Road (VS 664) in a northerly direction approximately 1.49 miles to a woods road. Following the woods road in a easterly direction approximately 2.19 miles to Pond Road (VS 738). Follow Pond Rd. (VSR 738) to Patti Rd. (VRS 601). Turning left onto Pattie Rd (VS 601) traveling approximately .32 miles to Jerusalem Church Road (VS 655). Follow Jerusalem Church Road (VS 655) to Glenmore Rd. (VRS 655). Follow Glenmore Road (VRS 655) in a easterly direction for approximately 1.6 miles to Little Rock Island Creek (Lat. 37 degrees 40 minutes 50.83 seconds N Long. -78 degrees 32 minutes 04.75 seconds W). Follow Little Rock Island Creek in a northerly direction approximately 3.5 miles to Babers Circle. Take Babers Circle in a northeasterly direction to Blackwell Road (VS 739). Follow Blackwell Road in an easterly direction to Rock Island Road (VS 678). Take Rock Island Road (VS 678) in a southeasterly direction to White Rock Road (VS 695). Take White Rock Road (695) in a generally northern direction to Hatton Ferry Road (VS 625). Take Hatton Ferry Road (VS 625) in a northerly direction to the James River. Follow the James River in a south-westerly direction around the

county line to the Buckingham/Appomattox line following the Buckingham/Appomattox line to Mt. Rush Highway (VS 24).

### ***Election District #6:***

Starting at the James River and Hatton Ferry Rd. (VS 625) travel south onto Hatton Ferry Rd. (VS 625) to White Rock Rd. (VS 695). Turn right onto White Rock Rd (VS 695) to Rock Island Rd. (VS 678). Turn right onto Rock Island Rd. (VS 678) and follow to Blackwell Rd. (VS 739). Follow Blackwell Rd. (VS 739) to Babers Circle Rd. Turn left onto Babers Circle Rd. and travel to Little Rock Island Creek (Lat. 37 degrees 40 minutes 50.83 seconds N Long. -78 degrees 32 minutes 04.75 seconds W). Follow Little Rock Island Creek in a southerly direction approximately 3.5 miles to Glenmore Rd. (VS 655). Turn right onto Glenmore Rd. (VS 655) is a south-westerly direction to Jerusalem Church Road (VS 655). Follow Jerusalem Church Road (VS 655) to the intersection of Patti Rd.(VS 601) Turn left onto Patti Rd (VS 601) and travel approximately .38 miles to Pond Rd. (VS 738). Follow Pond Rd. for approximately 1.19 miles to a woods rd. Follow the woods in an westerly direction approximately 0.82 miles to Sycamore Creek Rd (VS 664). Turning left onto Sycamore Creek Rd (VS 664) and traveling it to Shelton Store Rd (VS 660). Turning right onto Shelton Store Rd (VS 660), and traveling .7 miles to the intersection of S. James River Hwy (VS 56). Turn left onto S. James River Hwy (VS 56) and travel approximately .80 miles to the pipeline. Follow pipeline in a southwesterly direction approximately 0.66 miles to Mathews Creek. Follow Mathews Creek in a southeasterly direction approximately 1.0 mile to Woods Rd (VS 663). Turning left and following Woods Rd (VS 663) approximately 1 mile to S. James River Hwy (VS 56). Turn right and follow S. James River Hwy (VS 56) to Mulberry Grove Rd (VS 649). Follow Mulberry Grove Rd (VS 649) to Howardsville Rd (VS 602). Turn left onto Howardsville Rd (VS 602) and follow to Watoga Rd (VS 659). Follow Watoga Rd (VS 659) to Saint Andrews Rd (VS 658). Turn left onto Saint Andrews Rd (VS 658) and travel for approximately .6 miles to Ranson Rd (VS 659). Turn right onto Ranson Rd (VS 659) and follow to Spencer Rd (VS 657). Follow Spencer Rd (VS 657) in a southerly direction for approximately 1 mile to Ripley Creek. Follow Ripley Creek for approximately 1 mile to the Slate River. Follow the Slate River in a north-easterly direction for approximately 19.6 miles to the intersection of Ridge Rd. (VS 676). Turning left of Ridge Rd (VS 676) and follow in a northerly direction to you reach Bridgeport Rd. (VS 652). Turn Left on Bridgeport Rd (VS 652) and follow for approximately .30 miles to the area identified as HydroFLG H3010 by the U.S. Census Bureau, and located approximately .13 miles east of Snoddy Ln and following that out to the James River. Follow the James River in a northwesterly direction along the county line back to the starting point of the intersection of Hatton Ferry Rd (VS 625) and the James River.

### ***Election District # 7:***

Starting at the Buckingham/Cumberland line and Petersville Church Rd (VS 613), travel Petersville Church Rd (VS613) in a westerly direction towards Trents Mill Rd (VS 622) and continuing onto Trents Mill Rd (VS 622) to the intersection N. James Madison Hwy (US 15). Continue north onto N. James Madison Hwy (US 15) to Slate Hill Road (VS 610). Turn left onto Slate Hill Rd (VS 610). Follow Slate Hill Rd (VS 610) to the intersection of Ridge Road (VS 676). Turn right onto Ridge Road (VS 676) until you reach Penlan Road (VS 671). Take Penlan Road (VS 671) in a westerly direction to the intersection of the southern banks of the Slate River. Follow the Slate River in a south-westerly direction until it intersects with S. Constitution Rt.

(VS 20). Follow S. Constitution Hwy (VS 20) in a southern direction for approximately 6 miles to the intersection of N. James Madison Hwy (US 15). Turn left onto N. James Madison Hwy (US 15) traveling in a north-easterly direction approximately .40 miles to Goldmine Street (VS 1010). Follow Goldmine Street (VS 1010) in a north-westerly direction .13 miles to Staton Ln (VS 1014). Follow Staton Ln (VS 1014) approximately .08 miles to the boundary of the town boundary of Dillwyn. Follow the Town of Dillwyn boundary until it intersects with N. James Madison Hwy (US 15), and continue following in a northerly direction for 2.3 miles to Thomas Rd. (VS 669). Follow Thomas Rd. (VS 669) in a south-easterly direction to the intersection of Old Tower Hill Rd (VS 668). Follow Old Tower Hill Rd (VS 668) for approximately 1.18 miles to Bell Rd (VS 650). Follow Bell Rd (VS 650) in a easterly direction until the intersection of Claybank Rd. (VS 626). Follow Claybank Rd. (VS 626) approximately .05 miles to the intersection of Jim Birch Forest Ln. Follow Jim Birch Forest Ln. to the Buckingham/Cumberland County Line. Follow the Buckingham/Cumberland Line in a northerly direction until the starting point of Petersville Church Rd (VS 613).

## **Section Three**

The precincts for each election district and the polling place for each precinct shall be as follows:

1. Election District One (1) shall consist of one precinct, the New Canton Precinct, and all of the New Canton Precinct shall vote at the Arvonias Fireman's Building located at 46 Boxwood Dr. Arvonias, VA 23004.
2. Election District Two (2) shall consist of one precinct, the White Hall Precinct, and all of the White Hall Precinct shall vote at Buckingham County Community Center located at 16268 N. James Madison Hwy Dillwyn, VA 23936.
3. Election District Three (3) shall consist of two precincts, the Curdsville Precinct located at 122 School Rd. Dillwyn, 23936 and New Store Precinct located 2490 Chestnut Grove Rd. Appomattox, VA 24522.
  - A. All of the Curdsville Precinct shall vote at the Curdsville Community Center building and the Curdsville Precinct shall consist of those voters living in the following area: South of New Store Rd. (VS 609) to the intersection of Francisco Rd. (VS 636). Those voters living South of Francisco Rd. (VS 636) approximately .08 miles from the intersection of New Store Rd. (VS 609) to the Intersection of Crumpton Rd. (VS 609). Those voters on the eastern side of Crumpton Rd. (VS 609) all of which live in Election District Three.
  - B. All of the New Store Precinct shall vote at the Chestnut Grove Baptist Church Fellowship Hall building and the New Store



Precinct shall consist of those voters living in the following area: North of New Store Rd. (VS 609) to the intersection of Francisco Rd. (VS 636). Those voters living North of Francisco Rd. (VS 636) approximately .08 miles from the intersection of New Store Rd. (VS 609) to the Intersection of Crumptown Rd. (VS 609). Those voters on the western side of Crumptown Rd. (VS 609) all of which live in Election District Three.

4. Election District Four (4) shall consist of one precinct, the Maysville Precinct, and all of the Maysville Precinct shall vote at the County Agricultural Center Building located at 54 Administration Ln. Buckingham, VA 2392.

5. Election District Five shall consist of two precincts, the Glenmore Precinct located at 17 Firehouse Rd. Buckingham, VA 23921 and Wrights Precinct located at 1779 Mt. Rush Hwy Dillwyn, VA 23936.

A. All of the Glenmore Precinct shall vote at the Glenmore Firehouse Building and shall consist of those voters living north of S. James River Hwy (VS 56) in Election District Five.

B. The Wrights precinct shall vote at Toga Firehouse building and shall consist of those voters living south of S. James River Hwy (VS 56) in Election District Five

6. Election District Six (6) shall consist of two precincts, the Georgia Creek Precinct located at 12247 S. Constitution Rte. Scottsville, VA 24590 and the Slate River Precinct located at 1620 Sharon Church Rd. Arvonnia, VA 23004.

A. All of the Georgia Creek Precinct shall vote at the Centenary United Methodist Church building at Centenary and shall consist of those voters living west of S. Constitution Rte. (VS 20) in Election District Six

B. All of the Slate River Precinct shall vote at the Sharon Baptist Church building and shall consist of those voters living east of S. Constitution Rte. (VS 20) in Election District Six

7. Election District Seven (7) shall consist of one precinct, the Gold Hill Precinct and all of the Gold Hill Precinct shall vote at the Baptist Union Baptist Church building located at 127 Baptist Union Rd. Dillwyn, VA 23936.

8. In addition to the foregoing precincts, there shall be a Central Absentee Voter Election Precinct in the "Registrar's Office Annex" of Buckingham County, Virginia, the address for which is 13360 W. James Anderson Highway, Buckingham, Virginia 23921, for the purpose of receiving, counting, and recording absentee ballots in all elections.

## **Section Four**

The Registrar shall notify all registered voters whose polling place has been changed by this ordinance in accordance with State law.

## **Section Five**

One supervisor and one school board member shall be elected from each district. Only persons who reside in a district and otherwise qualify according to law shall be eligible for election or appointment to the Board of Supervisors and the School Board from such district.

## **Section Six**

Only voters who are residents of a district and are otherwise qualified to vote according to law shall be eligible to vote in any election of a supervisor or school board member from such district.

## **Section Seven**

If any portion or provision of this ordinance be declared invalid or unconstitutional, such decision shall not affect the validity or constitutionality of any other portion of this ordinance.

## **Section Eight**

This ordinance shall become effective May 1, 2022 if no objection has been made by the Attorney General for the State of Virginia.

## SALES TAX ORDINANCE

An ordinance to impose a local County sales tax in Buckingham County, Virginia, pursuant to Chapter 8.1, Title 58 of the Code of Virginia (Chapter 151, Acts of Assembly of 1966) at the rate of one percent to provide revenue for the General Fund of Buckingham County; such tax to be added to the rate of the State sales tax imposed by Chapter 8.1, Title 58 of the Code of Virginia, and to be subject to all the provisions of Chapter 8.1, Title 58 of the Code of Virginia, all the amendments thereto, and the rules and regulations published with respect thereto.

Be it ordained, by the Board of Supervisors of Buckingham County, Virginia, as follows:

### SECTION 1. GENERAL RETAIL SALES TAX FOR THE COUNTY OF BUCKINGHAM

Pursuant to Title 58, Chapter 8.1, Section 58-441.49 of the Code of Virginia, a local general retail sales tax at the rate of one percent to provide revenue for the General Fund for the County of Buckingham, is hereby levied. Said tax shall be added to the rate of the State sales tax imposed by Chapter 8.1, Title 58 of the Code of Virginia. It shall be subject to all provisions of Chapter 8.1 of Title 58 of the Code of Virginia, all the amendments thereto, and the rules and regulations published with respect thereto.

## **Solid Waste Management Ordinance #20**

An ordinance providing for the health and welfare of the County of Buckingham by regulating the management of solid waste, the licensing of commercial solid waste collectors, and providing penalties for the violations thereof.

**BE IT ORDAINED** by the Buckingham County Board of Supervisors of the County of Buckingham this 10<sup>th</sup> day of December, 1990, as follows:

### **Section 1.     Short Title**

This ordinance shall be known as the “Solid Waste Disposal Ordinance”

### **Section 2.     Definitions**

- A. “Ashes” shall mean the residue resulting from the burning of wood, coal, or other combustible material. Example: Wood stove ashes or ashes from the burning of solid waste.
- B. “Brush” shall mean grass, shrubs, trees, plants, or other vegetative material in which the woody parts do not exceed 4 inches in diameter and three feet in length.
- C. “Business” shall mean any commercial corporation, firm, partnership, activity, or practice excluding any and all commercial collectors as defined in this ordinance.
- D. “Commercial Collector” shall mean persons charging a fee to collect residential or commercial refuse.
- E. “Commercial Station” shall mean any facility, equipment, or space provided by Buckingham County for the collection of wastes including but not limited to residential and business refuse, white goods, tires, recyclables, brush, construction, and demolition wastes.
- F. “Construction and “Demolition Waste” shall mean waste, including building materials and rubble, from construction, remodeling, repairs, and demolition of houses, commercial buildings, pavements, and other structures.
- G. “Dispose” shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or any constituent thereof.
- H. “Furniture” shall mean those objects which make an office or dwelling habitable and functional, excluding appliances, but including mattresses. Examples: sofas, chairs, desks, bookcases, and tables.
- I. “Garbage” shall mean all animal and vegetable wastes generated by the culinary preparation of same.
- J. “Hazardous Waste” shall mean a solid waste or combination of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:
  - 1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or

- 2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- K. "Non-Resident" shall mean any person not classifying as a resident as defined in this ordinance.
- L. "Open dump" shall mean a site on which any solid waste is placed, discharged, deposited, injected, dumped, or spilled so as to create a nuisance or present a threat of a release of harmful substances into the environment or present a hazard to human health.
- M. "Other" the singular shall include the plural and the masculine shall include the feminine and the neuter.
- N. "Person" shall mean any natural person, association, partnership, firm, or corporation.
- O. "Premises" shall mean land, building or other structure, vehicle, watercraft, or parts thereof, upon or in which refuse is stored.
- P. "Refuse" shall include garbage, ashes, or rubbish other than body waste.
- Q. "Resident" shall mean any individual who displays a valid County of Buckingham vehicle tag on his/her motor vehicle.
- R. "Rubbish" shall include glass, metal, paper, plant growth, wood, mattresses, furniture, appliances, or any other like waste or discharged materials.
- S. "Sludge" shall mean any solid, semi-solid, or liquid wastes with similar characteristics and effects generated from any waste producing facility.
- T. "Solid Waste" shall mean any garbage, refuse, rubbish, sludge or ashes as defined herein.
- U. "Solid Waste Collection Site" shall mean a site approved by the County and the State for the purpose of disposing of solid waste in accordance with the County Solid Waste Disposal Ordinance.
- V. "White Goods" shall mean household appliances including but not limited to refrigerators, oven, washers, and dryers.

### **Section 3. Purpose**

The purpose of this ordinance is to secure and promote the health, safety, and general welfare of the citizens of Buckingham County; to protect and preserve the environment and natural resources from pollution and contamination; and to prevent the creation of threats to persons, lands, and waters posed by improperly managed solid waste by regulating the disposal of solid waste in the County.

### **Section 4. Licensing of Commercial Collectors**

- A. It shall be unlawful for any person who does not possess an unrevoked permit from Buckingham County to collect or dispose of solid waste or refuse for compensation in the County. The County shall issue permits for such applicants, provided that such permits shall be limited to persons having proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of this ordinance and provided further that the method of disposal used is in accordance with all applicable State and Federal laws, rules, regulations, and other governing provisions.

- B. The fee for such license shall be \$100.00 per annum and all licenses shall be issued for the calendar year, or such part thereof as shall remain after the issuance. There shall be no reduction in the fee for a license issued after the beginning of any calendar year.
- C. Every person who shall apply for a license under this section shall state the type(s) of refuse to be collected, the manner of collection, and the place and method of disposal.
- D. No license shall be granted if the place and method of disposal shall not conform to the requirements of this ordinance, the ordinance of any municipal or quasi-municipal corporation, wherein disposal of refuse is to be made, and to all applicable laws, statutes, rules, and regulations of the State and Federal governments.

#### **Section 5. Commercial Collection Vehicle**

- A. All vehicles used for collection of refuse shall be equipped with compacting devices of equivalent types of closed bodies and shall have enclosed cargo space.
- B. It shall be unlawful to collect, haul, transport, or convey solid waste in open, unenclosed vehicles.

#### **Section 6. Collection Site**

- A. It shall be unlawful for any person other than a resident to dispose of any solid waste at County operated collection sites. Nonresidential real estate owners, upon receipt and display of a Solid Waste Decal affixed to the vehicle entering the solid waste site, may dispose of solid waste at County Operated Collection Sites.
- B. All collection sites located within the boundaries of Buckingham County Shall be kept clean and free from any and all threats to health, safety, and welfare of the residents of Buckingham County.
- C. The number and locations of County operated collection sites and the number and location of collection containers shall be determined by the Board of Supervisors or its designated representative.
- D. Items unacceptable for collection or disposal at collection sites shall be determined by the County Administrator or his designated representative with the approval of the Board of Supervisors.

#### **Section 7. Other Solid Waste Collection/Disposal Facilities**

The County may, at its sole discretion, develop other solid waste collection sites or any other County solid waste collection/disposal facility for household and commercial use. The County Administrator, with the approval of the Board of Supervisors, shall establish reasonable rules and regulations for the use and governance of such sites.

#### **Section 8. General Provisions**

- A. Scavenging is prohibited on any part of the County operated collection sites or any other County Solid Waste collection/disposal facility.

- B. It shall be unlawful for any person, other than those specifically allowed herein to collect or dispose of any solid waste in County operated collection sites and collection/disposal facilities.
- C. It shall be unlawful for any collection or disposal of wastes to be performed in County operated sites outside of County provided containers, except for those specific exceptions made at specially designed sites for certain types of wastes.
- D. It shall be unlawful to dump, destroy or otherwise dispose of solid waste on public property within the jurisdictional limits of the County of Buckingham, except at a County approved solid waste collection site or facility.
- E. Littering is unlawful in the following areas:
  - 1. Roadside-State or County Roads, and
  - 2. Public Places-as defined by Virginia Code Section 10.1-1414.
- F. It shall be unlawful for any owner or occupant of premises to place, deposit, or allow to be placed or deposited on his premises any solid waste with the exception of agricultural waste, organic debris, and woodstove ashes generated by the owner or occupant of the premises or used by said owner or occupant for agricultural or horticultural purpose. Burning of solid waste as permitted by the Virginia Division of Forestry is allowed.
- G. No vehicles shall be driven or moved on any highway unless such vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom. Provided, however, that sand or any substance for increasing traction, or water, or other substances may be sprinkled on a roadway in the cleaning or maintenance of such roadways by the State or local Government agency that has responsibility for such. Any person operating a vehicle from which any glass or objects have fallen or escaped which could constitute an obstruction or damage to a vehicle or otherwise endanger travel shall immediately cause the highway to be cleared of all glass or objects and shall pay any cost therefore.

## **Section 9. Permitting of Private Landfills**

It shall be unlawful for any person to establish, construct, maintain, own, base or operate any private or commercial landfill within the jurisdictional boundaries of the county which is not permitted by the County. The County shall issue permits for such applicants at the sole discretion of the Board of Supervisors, according to all applicable laws, ordinances, statutes, and rules and regulations of all government entities having jurisdiction there over. No open dump shall be permitted in the County.

## **Section 10. Reporting of Nonresidential Solid Waste Generators**

All nonresidential solid waste generators and companies that manage solid waste or recycle materials generated within the jurisdictional boundaries of Buckingham County shall annually report such nonproprietary information regarding waste generation, waste management, and recycling as is deemed necessary to the County Administrator to facilitate compliance with State regulations governing regional and local solid waste management plans. Any report required under this section shall be based on volume or weight, provided that where such measurements cannot be accurately determined, the report may be based on carefully estimated data.

**Section 11. Penalties**

Any person who shall violate any provision of this ordinance shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 or serve not more than 12 months in jail, or both.

**Section 12. Severability**

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of such ordinance shall not be affected thereby.



## **Solid Waste Fee Ordinance**

### **AUTHORITY**

This ordinance is adopted pursuant to authority granted in §15.2-2159 of the 1950 Code of Virginia, as amended.

### **PURPOSE**

To collect a fee to help cover the cost for the management of solid waste.

### **RESTRICTIONS**

- A. The fees collected for the management of solid waste shall not exceed the actual cost incurred by the County in removing and disposing of solid waste.
- B. Such fees collected shall be deposited in a special account to be expended only for the purposes for the management of solid waste.
- C. Such fee shall not be used to purchase or subsidize the purchase of equipment used for the collection of solid waste.

### **SOLID WASTE FEE**

- A. The initial solid waste fee shall be \$ 25.00.
- B. The Board of Supervisors may change this fee at any time by resolution.
- C. The fee shall become effective immediately upon adoption.
- D. Every nonresident of the County, who owns real estate in the County and who desires to dispose of "Solid Waste" as defined in the Solid Waste Ordinance at the collection sites shall pay the solid waste fee for each vehicle the resident desires to enter the collection site.
- E. Every resident of the County who desires to dispose of "Solid Waste" as defined in the Solid Waste Ordinance at the collection sites and who is exempt from having to purchase a County issued decal, shall pay the solid waste fee for each vehicle the resident desires to enter the collection site.
- F. The payment of the fee shall entitle the payee to one (1) solid waste decal, which shall permanently be affixed to the vehicle entering the collection sites.
- G. No decal shall be issued to any individual whose taxes or fees due Buckingham County are delinquent.
- H. The solid waste fee shall be an annual fee and will not be prorated.
- I. The holder of the solid waste decal shall not transfer the sticker to another vehicle or individual.
- J. The holder of the solid waste decal shall abide by all the rules and regulations relating to disposal at the collection sites.
- K. The solid waste sticker may be revoked or suspended by the Solid Waste Director for failing to follow the disposal rules and regulations.

Adopted by the Buckingham County Board of Supervisors on March 14, 2022

## **Solid Waste Disposal Ordinance**

### **Section 1. Authority**

This ordinance is enacted pursuant to the authority granted to the County of Buckingham, Virginia, by Section 14.1-510 of the Code of Virginia, 1950, as amended.

### **Section II. Short Title**

This ordinance shall be known as the “Solid Waste Management and Disposal Ordinance”.

### **Section III. Definitions**

- 3.1 “County” shall mean Buckingham County
- 3.2 “Landfill” shall mean any property or facility located in the County which is used or intended for use for the establishment, construction, maintenance, or operation of any system, technique, method, devise, or facility involving the disposal, burying, containment, burning, incinerating, or other accumulation or placement of solid waste.
- 3.3 “Person” shall mean a private individual, a private corporation, partnership, association, any other private legal entity, or any combination thereof.
- 3.4 “Solid Waste” shall mean any of those materials defined as “solid waste” in Part III of the proposed regulations, Solid Waste Management Regulations, VR 672-20-10, July 1, 1988, issued by the Virginia Waste Management Board pursuant to Section 10-266 of the Code of Virginia.

### **Section IV. Purpose**

The purpose of this ordinance is to secure and promote the health, safety, and general welfare of the citizens of Buckingham County, to protect and preserve the waters of the County, including surface water, ground water, and other natural water courses from pollution or contamination and prevent the creation of nuisances by regulating the disposal of waste in the County.

### **Section V. Private Landfills Prohibited**

- 5.1 It shall be unlawful for any person to establish, construct, maintain, own, base, or operate any private or commercial landfill within the jurisdictional boundaries of the County which is not owned, leased, or operated under a contractual arrangement with the Buckingham County Board of Supervisors or some other governmental entity, agency, or commission.
- 5.2 It shall be unlawful to operate or maintain any landfill facility as an open dump.

## **Section VI. Transportation, Storage, and Collection Practices**

- 6.1 It shall be unlawful for any person to collect, transport, or convey waste within the jurisdictional boundaries of the County, except from such person's own residence or place of business to a County owned, leased, or approved bulk container or to a landfill owned, leased, or operated under contractual agreement with the County or some other governmental entity, agency or commission.
- 6.2 Bulk containers shall for the purpose of collection be placed at locations designated by the Board of Supervisors.
- 6.3 The following acts shall be unlawful:
  - a. To place dead animals, manure, or rubbish in bulk containers; (for the purpose of this sub-section rubbish shall include, but not be limited to large metal objects such as old stoves, refrigerators, auto parts, etc.), wood, brush, building demolition, or other non-putrescible, solid wastes;
  - b. To litter bulk container sites ;
  - c. To place solid waste outside bulk containers;
  - d. To set fire, turn over, or in any other manner damage bulk containers; or
  - e. To place solid waste on any roadway, park, building, grounds, or any other public or private property.
- 6.4 It shall be unlawful to collect, haul, transport, or convey waste in or on any vehicle not specifically designed for such conveyance except persons may transport by other means of conveyance when such transportation is from such person's own residence or place of business to a landfill.
- 6.5 Bulk containers shall be emptied in accordance with the contractual arrangements made with the Board of Supervisors.
- 6.6 It shall be unlawful for any person who is not a resident and/or property owner of Buckingham County to place solid waste in County Operated Collection Sites unless such nonresidential real estate owner displays a Solid Waste Decal affixed to the vehicle entering the solid waste site.
- 6.7 It shall be unlawful for commercial or business outlets to use bulk containers— They may make their own contractual arrangements with the landfill contractor.
- 6.8 It shall be unlawful for a person to remove solid waste from bulk containers and place it outside the said containers.

## **Section VII. Disposal of Solid Waste**

- 7.1 It shall be unlawful for any person to dispose of or deposit waste in the County except in a County owned or leased bulk container or in a landfill owned or operated under a contractual arrangement with the County, or by some other governmental entity, agency or commission.
- 7.2 The Board of Supervisors shall not authorize any person to collect, remove, convey, store, or dispose of any waste until such person has proven it is fit, Willing, and able to engage in such activity and has entered into a contractual agreement with the Board to perform such services or for some other governmental, entity, agency, or commission.

## **Section VIII. Penalties for Violations**

- 8.1 Any person who shall violate any provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$1,000 and/or up to twelve (12) months imprisonment as provided in Section 15.1-505 of the Code of Virginia, 1950, as amended. Each day that a person violates this ordinance shall constitute a separate offense and such violation shall additionally be subject to injunctive relief in a State Court of competent jurisdiction.

## **Section IX. Landfills in Existence**

- 9.1 Landfills in existence and in operation at the time of the adoption of this ordinance may continue to operate unless and until the Board of Supervisors shall find that they are a threat to human health; further provided no such landfill shall be enlarged or expanded until the board of Supervisors shall have approved of the construction and operational plans of facility or facilities.

## **Section X. Severability**

- 10.1 Should a section, subsection, paragraph, clause, or other provision of this ordinance be held invalid by a court of competent jurisdiction the remaining portions of this ordinance shall not be affected thereby and shall continue to be in full force and effect.
- 10.2 All ordinances or parts of ordinances in conflict with any provisions of this ordinance are hereby repealed.
- 10.3 This ordinance shall be in full force and effect on the date of adoption by the Board of Supervisors of Buckingham County.

Adopted by the Buckingham County Board of Supervisors on November 15, 1988.

Revised by the Buckingham County Board of Supervisors on August 9, 2010.

Revised by the Buckingham County Board of Supervisors on March 14, 2022

# SUBDIVISION ORDINANCE

BUCKINGHAM,  
VIRGINIA

Revised and Approved by the Board of Supervisors on 8/13/2012

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Board of Supervisors:  
Joe N. Chambers, Jr. – Vice Chairman  
I. Monroe Snoddy – Chairman  
Danny R. Allen  
Danny LeSueur (F.D.)  
E. A. “Bill” Talbert  
John D. Kitchen, Jr.  
Brian D. Bates

Planning Commission  
John E. Bickford - Chairman  
Cassandra Stish – Vice Chairman  
Henry Hagenau  
Royce E. Charlton III  
James D. Crews, Sr.  
R. “Pat” Bowe  
Alice Gormus  
Danny R. Allen. – Board Representative

Rebecca Carter – County Administrator      E. M. Wright – County Attorney  
Rebecca S. Cobb – Zoning Administrator/Planner

Subdivision Ordinance – Adopted – 10/30/97, Amended - 5/10/99, Amended 5/9/05, Emergency Ordinance - 6/13/05 – Amended – 7/11/05 – Amended - 6/26/06 – Amended – 12/11/06 – Amended as emergency ordinance - 2/12/07 – Amended – 5-8 & 6-3-4 – 3/12/07

## **SUBDIVISION ORDINANCE**

### **SECTION 1 PURPOSE AND TITLE**

- 1-1      PURPOSE AND CHAPTER** The purpose of this ordinance is to establish certain subdivision standards and procedures for Buckingham County, Virginia, as provided for by the 1950 Code of Virginia, as amended.

The provisions of this ordinance are part of a long-range plan to guide and facilitate the orderly beneficial growth of the community, and to promote the public health, safety, convenience, comfort, prosperity, and general welfare. More specifically, the purposes of these standards and procedures are to provide a guide for the change that occurs when lands and acreage become more urban in character as a result of development for residential, business, or industrial purposes, to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provisions of public services in a safe, adequate, and efficient manner. Subdividing land carries with it a responsibility for the proper creation and maintenance of roads and streets serving the subdivision and for the provision of numerous public services customary to urban areas. This ordinance is to assist the community in meeting these responsibilities.

- 1-2      SHORT TITLE.** This ordinance is known and may be cited as the "Subdivision Ordinance of Buckingham County, Virginia," or simply as the "Subdivision Ordinance."

### **SECTION 2 DEFINITIONS**

For the purpose of this ordinance, certain words and terms are interpreted or defined as follows:

- 2-1      AGENT:** The representative of the governing body who has been appointed to serve as agent of the governing body in approving the subdivision plats.
- 2-2      ALLEY:** A permanent service way providing a secondary means of vehicular access to abutting properties.
- 2-3      APPROVE:** To render a favorable decision.
- 2-4      BLOCK:** An area enclosed by adjacent and usually by intersection streets.
- 2-5      BUILDING LINE:** The distance which a building is from the front lot line or front boundary line
- 2-6      COMMISSION:** The Planning Commission of Buckingham County, Virginia.
- 2-7      CUL-DE-SAC:** A street with only one outlet and having an appropriate turn-around for safe and convenient reverse traffic movement.
- 2-8      DEVELOPER:** An owner of property being subdivided, whether or not presented by an agent.
- 2-9      DISAPPROVE:** To render an unfavorable decision.
- 2-10     DIVISION:** The act of splitting into two (2) parcels, lots or tracts. Division(s) is/are considered under the rule of the subdivision ordinance and shall comply with lot size, road frontage, etc.
- 2-11     EASEMENTS:** A grant by a property owner for the use of land for limited purposes.
- 2-12     ENGINEER:** An engineer licensed by the Commonwealth of Virginia.

- 2-13 Family Division:** The division of land for the sole purpose of sale or gift to any person who is a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent or parent of the owner.
- 2-14 GOVERNING BODY:** The Board of Supervisors of Buckingham County, Virginia.
- 2-15 HEALTH OFFICIAL:** The health officer or sanitarian of Buckingham County, Virginia.
- 2-16 HIGHWAY ENGINEER:** The residency administrator employed by the Virginia Department of Transportation (VDOT) or his agent.
- 2-17 JURISDICTIONS:** The area of territory subject to the legislative control of the governing body.
- 2-18 LOT:** A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width, and lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.
- 2-19 LOT, CORNER:** A lot abutting upon two or more streets at their intersection the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.
- 2-20 LOT, DEPTH OF:** The mean horizontal distance between the front and rear lot lines.
- 2-21 LOT, DOUBLE FRONTAGE:** An interior lot having frontage on two streets.
- 2-22 LOT, INTERIOR:** A lot other than a corner lot.
- 2-23 LOT OF RECORD:** A lot which has been recorded in the Office of the Clerk of the appropriate court.
- 2-24 LOT, WIDTH OF:** The mean horizontal distance between the side lot lines.
- 2-25 PERFORMANCE BOND:** A bond with surety and/or cash deposit approved by the governing body or its agent in the amount equal to the full cost of improvements required by these regulations and providing for completion of said improvements within a definite term.
- 2-26 PLAT:** A diagram or map drawn to scale showing tracts, parcels, lots, subdivisions, which can be legally recorded in the Clerk's Office, together with all data essential to the description of several elements shown thereon.
- 2-27 PROPERTY:** Any tract, lot, parcel, or several of the same collected together
- 2-28 STREET, COLLECTOR:** Providing for traffic movement between major arterial and local streets, and direct access to abutting property.
- 2-29 STREET, MAJOR:** A heavily traveled thoroughfare or highway that carries a large volume of through traffic or anticipated traffic, exceeding 500 vehicles per day.
- 2-30 STREET, OTHER:** A street that is used primarily as a means of public access to the abutting properties with anticipated traffic of less than 500 vehicles per day.
- 2-31 STREET PRIVATE:** Any road, street, highway, or other means of vehicular access to property that the public is restricted from using by a landowner or landowner organization.
- 2-32 STREET PRIVATELY MAINTAINED:** Any road, street, highway, or other means of vehicular access that is maintained by the landowner(s) served. *Amended – 7/11/05*



- 2-33 **STREET, PUBLIC:** A dedicated right-of-way, unrestricted to public use, that serves as the principal means of access to abutting properties, which is presently a portion of the VDOT street or road system, or is a proposed addition to the VDOT street and road system.
- 2-34 **STREET OR ALLEY, PUBLIC USE OF:** The unrestricted use of a specified area of right-of-way for ingress or egress to two or more abutting properties.
- 2-35 **STREET, SERVICE DRIVE:** A public right-of-way generally parallel to a major highway primarily designed to promote safety by eliminating promiscuous ingress and egress to right-of-way by providing safe and orderly points of access to the highway.
- 2-36 **STREET WIDTH:** The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks, and planting strips.
- 2-37 **SUBDIVIDE:** The process of dividing or re-dividing any tract, parcel, or lot into three or more parts. *Amended – 8/13/07*
- 2-38 **SUBDIVIDER:** An individual, corporation or partnership, or any combination or multiple thereof owning any tract, lot or parcel of land to be subdivided, as defined in this ordinance.
- 2-39 **SUBDIVISION:** The division of any tract, parcel or lot of land into three(3) or more parts. If a new street is involved in any subdivision, any division of a parcel, tract, or lot of land into three(3) or more parts shall be considered a subdivision. The word “subdivision” shall be taken to include re-subdivision and , when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. *Amended – 8/13/07*
- 2-40 **SUBDIVISION, MAJOR:** Any subdivision of land of 4 or more lots.
- 2-41 **SUBDIVISION, MINOR:** Any subdivision consisting of three (3) lots.
- 2-42 **SURVEYORS:** An individual who is licensed by the Commonwealth of Virginia as a land surveyor.
- 2-43 **ANY REFERENCE TO THIS ORDINANCE:** Includes all ordinance amending or supplementing the same; all distances and areas refer to measurement on a horizontal plane.
- 2-44 **STREET, ROAD, RIGHT OF WAY, EASEMENT FOR ACCESS OR EGRESS AND INGRESS:** Any way designated as access for lots, tracts or parcels of land, whether labeled as fee right of way, dedicated right of way, or reserved as an easement. *Amended – 8/13/07*

### **SECTION 3 EXEMPTIONS**

- 3-1 The following are exempt from the provisions of this ordinance:

**3-1-1 Agriculture** A bonafide division or partition of agricultural land for agricultural purposes provided that such division does not involve the creation of a new street or road, is more than five acres, is platted and carries the following certification, and the deed contains covenant to the same effect:

"It is certified that the division of land shall be for no purpose other than agricultural purposes and shall not be used as a building lot." *Amended – 7/11/05*

If an existing private road is used for access, the plat and each deed of subdivision made after the effective date of this ordinance shall include the following statement: *Amended – 7/11/05*

**“Any and all streets that are not constructed to meet the standards necessary for inclusion in the system of state highways will be privately maintained and will not be eligible for**

**acceptance into the system of state highways unless improved to current Department of Transportation standards with funds other than those appropriated by the General Assembly and allocated by the Commonwealth Transportation Board. Chapter 566 – State Code – Amended - 12/11/06”**

**3-1-2 Family** A single division of a lot or parcel for the purpose of sale or gift to any member of the immediate family of the property owner. Only one such division shall be allowed per family member during his or her life time, and shall not be for the purpose of circumventing this subsection. All family lots shall have reasonable right-of-way of not less than ten feet or more than twenty feet providing ingress and egress to a dedicated recorded public street or thoroughfare. All family lots shall be platted and the following statement shall be included on all plats of such lots of land served by such access and by covenant in each deed in a subdivision with private streets: *Amended – 7/11/05*

**“The streets in this subdivision do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Department of Transportation or the county and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.**

*Amended – 12/11/06 – Chapter 566 – State Code*

Please reference the Zoning Ordinance concerning additional regulations that would apply to a family subdivision. *Amended – 11/14/06*

**3-1-3 Boundary Adjustments** A division of land where adjoining land owners desire to convey ownership by sale or exchange provided the buyer certifies that the property is not conveyed for the purpose of subdivision and does not involve a new street or road. The intent of this section is to allow for the adjustment of boundary lines only and that such adjustments will not create non-conforming lots under this ordinance. *Amended – 7/11/05*

## **SECTION 4 ADMINISTRATION**

**4-1 AGENT:** The agent appointed by the governing body is hereby delegated the power and authority to administer this ordinance. In so acting, the agent shall be considered the agent of the governing body.

The agent shall consult with the Planning Commission on the preliminary plats which division consists of 4 or more parcels. *Amended 6/26/06*

**4-2 DUTIES:** The agent shall perform his duties regarding subdivisions and subdividing in accordance with this ordinance.

**4-3 TO CONSULT:** In the performance of their duties, the agent and the Planning Commission may request opinions or decisions in writing from various departments and agencies of the Commonwealth of Virginia and other departments of the Buckingham County government. This authority includes, but is not limited to, the VDOT, the State Health Department, and the State Water Control Board.

**4-4 ADDITIONAL AUTHORITY:** In addition to the regulations herein contained for the platting of subdivisions, the agent may, from time to time, establish any reasonable additional administrative procedures deemed necessary for the proper administration of this ordinance or such other authority as the Board of Supervisors might delegate.

**4-5 APPEAL:**

**4-5-1** Any person aggrieved by the decision of the Planning Commission in its advisory capacity, or of the agent, or of any administrative official whose decision is required by the provisions of this ordinance, may appeal the decision to the Board of Supervisors as whole by written notice filed with the agent within 15 days of the date of the decision.

**4-5-2** Any person aggrieved by the final decision of the Board of Supervisors as a whole may appeal the decision of the Board of Supervisors to the Circuit Court of Buckingham County or other court having jurisdiction over the land involved.

**4-6**     **RELATION OF ORDINANCE TO PRIVATE CONTRACTS** This ordinance bears no relation to any private easement, covenant, agreement, or restriction, nor is the responsibility of enforcing a private easement, covenant, agreement, or restriction implied herein to any public official. When this ordinance calls for more restrictive standards than are required by private contract, the provisions of this ordinance shall control. In case of any plat on which is shown any sewage, or water supply system, or other feature, improvement, facility or element, not to be maintained by any public agency, which is designed to serve or to be used by more than two lots on such plat, the agent shall require, as a prerequisite to approval of such plat, that provision be made for the payment of costs of construction, maintenance, upkeep, or replacement of such facilities to be borne ratably by the owners of lots to be served by or to use the same. Such provision shall be made by instrument of record in the Office of the Clerk of the Circuit Court of Buckingham County and shall plainly state on its face that the costs of construction, maintenance, upkeep or replacement of such facilities will not be borne by Buckingham County, the Commonwealth of Virginia, or any other public agency.

**4-7**     **FINAL PLAT APPROVAL BY THE PLANNING COMMISSION SHALL BE CONSIDERED THE EFFECTIVE DATE FOR THE APPLICATION.** *Amended – 12/12/05*

## **SECTION 5 DESIGN STANDARDS**

### **5-1     GENERAL**

**5-1-1**   **MUTUAL RESPONSIBILITY** There is a mutual responsibility between the sub-divider and Buckingham County to divide the land so as to improve the general use pattern of the land being subdivided.

**5-1-2**   **SUBSTANDARD SUBDIVISIONS** A subdivision recorded or developed prior to the adoption of and not in conformity with this Subdivision Ordinance may be re-subdivided and redeveloped in whole or in part, by the sub-divider or owner; but every such re-subdivision shall conform to this chapter and all other County ordinances currently applicable.

**5-1-3**   **UTILITY EASEMENTS** Adequate easements may be required for drainage on any lot. Adequate easements shall be required for electricity, telephone, and other utilities if available. Minimum easement width of eight (8) feet and their dedication may be required for drainage and shall be required for electricity and telephone and any other utilities, if available.

### **5-2     IMPROVEMENTS**

#### **5-2-1   GENERAL REQUIREMENTS**

**5-2-1-1** **INSTALLATION COSTS** All required improvements shall be installed at the cost of the sub-divider. The sub-divider's performance bond shall not be released until construction of the improvements has been inspected and accepted by the agent or his representative. Where cost-sharing or reimbursement arrangements between Buckingham County and the sub-divider are appropriate, the arrangements shall be entered into by formal agreement prior to final plat approval and construction of the improvements shall be subject to review and acceptance by the agent or his representative.

**5-2-1-2 BONDING REQUIREMENTS** Prior to the approval of any final plat, the Board of Supervisors or the agent shall require the bonding of any improvements which are intended to be dedicated to public use. When bonding has been required by the Board of Supervisors or the agent, the sub-divider shall:

- A. certify to the Board of Supervisors or the agent that the construction costs have been paid to the person constructing such facilities; or
- B. furnish to the Board of Supervisors or the agent a certified check in the amount of the estimated cost of construction; or a bond, with surety satisfactory to the Board of Supervisors or the agent, in an amount sufficient for and conditioned upon the construction of such facilities; or a contract for the construction of such facilities, and the contractor's bond, with like surety, in like amount and so conditioned.

The sub-divider shall set a time subject to the approval of the Board of Supervisors or the agent by which it is estimated the improvements shall be installed and completed. Unless an extension of that time is approved by the Board of Supervisors or the agent, and a new estimated date of completion established by the agent shall take the necessary steps to proceed with the accomplishment and completion of the improvements, making use of the certified check or calling on the surety of the bond. No building permits shall be issued until final approval of the plat and all inspections have been made.

Upon written request by the sub-divider or developer, the County body or its designated administrative agency shall make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no less than ninety percent of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken, and may make partial releases to such lower amounts as may be authorized by the governing body or its designated administrative agency based upon the percentage of public facilities completed and approved by the governing body, local administrative agency, or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least thirty percent of the public facilities covered by any bond, escrow, letter of credit, or other performance guarantee.

The County or administrative agency shall not be required to execute more than three periodic partial releases in any twelve-month period. Upon final completion and acceptance of the public facilities, the County or administrative agency shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the sub-divider or developer. For the purpose of final release, the term "acceptance" means: when the public facility is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and operating such public facility upon acceptance.

*Amended – 7/11/05*

For the purposes of this section, a certificate of partial or final completion of such public facilities from either a duly licensed professional engineer or land surveyor, as defined in and limited to § 54.1-400 of the 1950 Code of Virginia, or from a department or agency designated by the locality may be accepted without requiring further inspection of such public facilities. *Amended – 7/11/05*

There shall a periodic partial and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by this ordinance within thirty days after receipt of written notice by the sub-divider or developer of completion of part or all of any public facilities required to be constructed hereunder unless the governing body or its designated administrative agency notifies the sub-divider or developer in

writing of non-receipt of approval by an applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty-day period. Any inspection of such public facilities shall be based solely upon conformance with the terms and conditions of the performance agreement and the approved design plan and specifications for the facilities for which the performance guarantee is applicable, and shall not include the approval of any person other than an employee of the governing body, its administrative agency, the Virginia Department of Transportation or other political subdivision or a person who has contracted with the governing body, its administrative agency, the Virginia Department of Transportation or other political subdivision. *Amended – 7/11/05*

## **5-2-2 STREAMS AND DRAINAGE**

**5-2-2-1 FLOOD PLAIN AND DRAINAGE COURSES** When any stream or substantial surface drainage course is located in the area being subdivided, provision shall be made for an adequate easement along the stream or drainage course for the purpose of widening, deepening, relocating, improving, or protecting the streams or drainage courses for drainage purposes. Such easements shall not be considered part of required street width. No plat of a subdivision shall be approved without provision for adequate drainage.

To insure development of lots containing sufficient land upon which to place structures without impeding natural drainage, the sub-divider shall provide elevation and flood profiles as may be required. When property lies within the 100-year flood plain, the extent of the flood plain shall be shown on the plat.

No subdivision shall be approved that fails to provide for adequate provisions for drainage and flood control and other public purposes, and for light and air, and for identifying soil characteristics. *Amended – 7/11/05*

**5-2-2-2 EROSION CONTROL** No final subdivision plat shall be approved until the sub-divider has obtained an erosion control permit if required by the Buckingham County Soil Erosion and Sediment Control Ordinance.

## **5-2-3 WATER AND SEWER**

**5-2-3-1 INDIVIDUAL WATER AND SEPTIC SYSTEM** No subdivision shall be approved where individual water or septic tank systems are to be used until a written report prepared by the Buckingham County Health Sanitarian, approved by the agent has been furnished the agent; such report shall approve or certify that the lots contained in the subdivision are adequate to support the necessary septic tank systems.

**5-2-3-2 CENTRAL WELL AND/OR SEWER SYSTEMS** No subdivision shall be approved where central water supply and/or sanitary sewer systems are to be used until written approval of the Health Department has been obtained. Central water supply and sanitary sewer system, either of which serve more than five (5) parcels or lots, shall be approved by the Virginia Department of Health and the Water Control Board prior to approval of the Board of Supervisors of Buckingham County.

## **5-2-4 FIRE PROTECTION**

**5-2-4-1 FIRE HYDRANTS** Where public water is available the installation of adequate fire hydrants by the developer shall be required. The agent will designate the location of fire hydrants.

**5-2-5** **STREETS** It is the joint responsibility of the sub-divider, the County and Virginia Department of Transportation to be involved in the proper establishment of new streets. *Amended – 7/11/05*

**5-2-5-1** **GENERAL STANDARDS** The following general standards of design shall apply to streets:

- A. **Street alignment** provisions shall be made for the continuation of planned, existing, or platted streets into adjoining areas as outlined in VDOT's Secondary Street Acceptance Requirements (SSAR).
- B. **Service drives** Whenever a proposed subdivision contains or is adjacent to a multi-lane, divided highway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way. Except where impractical by reason of topographic hardship, the area between the drive and the divided highway shall be sufficient to provide for scenic planting and screening.
- C. **Entrance to Public Road** Each entrance onto any public road for vehicular traffic to and from such subdivision shall be subject to the approval of the agent and the highway engineer and shall be designed and constructed in accordance with Virginia Department of Transportation's SSAR. *Amended – 7/11/05*
- D. **Names** Proposed streets which are obviously in alignment with already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane, or court. Street names shall be indicated on the preliminary and final plats and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the agent. Road signs shall be placed in the subdivision and street addresses assigned as directed by the County and in accordance with Virginia Department of Transportation regulations. The applicant is responsible for the cost of all signs and address markers. *Amended – 7/11/05*
- E. **Alleys** Alleys not less than 20 feet in right-of- way width may be provided in the rear of commercial industrial properties. No dead-end alleys of any kind shall be allowed.
- F. **Reserved strips** Reserved or spite strips restricting access to streets or alleys, shall not be permitted, provided that nothing herein shall prohibit areas for scenic planting and landscaping where adequate access is otherwise available.
- G. **Sidewalks, curbs, and gutters** In subdivisions where sidewalks, curbs, and gutters are to be built, sidewalks, curbs, and gutters shall be built to the standards of the VDOT SSAR.
- H. **Right of way, easements for egress and ingress** **If** a right of way, easement for access or egress is a part of the division, it shall be the divider's responsibility for the construction of the right of way. With the exception of family right of ways, all right of ways shall be fifty (50) feet.
- I. **Permanent monuments** Permanent monuments shall be placed by the sub-divider in the ground at all corners and angle points of angle and curvatures in the right-of-way lines of all streets, and at all lot corners within the subdivision a minimum of at least two monuments located in the subdivision shall be constructed of stable material not less than four (4) inches square or four (4) inches in diameter and at least 30 inches long and such monuments to be placed in different localities within the subdivision. All other such monuments shall be iron or steel pipe not less than one-half

(½) inch nor more than one (1) inch in diameter at least 24 inches long. The top of all stone and concrete monuments shall be set not less than four (4) inches above the finished grade at their respective locations. When rock is encountered, a hole shall be drilled four (40) inches deep in the rock into which shall be cemented a steel rod one half (½) inch in diameter, the top of which shall be flush with the finished grade line.

**5-2-5-2 Public streets** Any road which serves four (major subdivision) or more lots or parcels shall be designed and constructed in accordance with VDOT's Subdivision Street requirements unless otherwise indicated in section 5-3 of this ordinance

**5-2-5-3 Private Streets** Private streets will be permitted in minor subdivisions which meet the minimum lot size requirements and those subdivisions meeting lot size, lot quantity and lot restrictions as outlined in section 5-3 of this ordinance. Private streets shall be allowed, provided that: (1) the internal private or external access streets adjoins a street or road maintained by VDOT; (2) the private street is clearly distinguished on the plat; (3) a sign approved by the agent, and purchased by the owner is posted at the entrance (s) to the private street (s) indicating that it is a private street and the sign included a statement relieving the County of Buckingham and the State of Virginia of responsibility for present or future maintenance, expansion, or extension of such street; such sign to be permanent and in place at the time of final plat approval. *Amended 7/23/07*

The following statement shall be included in each deed and on the final plat stating: *Amended 12/11/06*

"The streets in this subdivision do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Department of Transportation or the county and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board." *Amended 12/11/06 State Code – Chapter 566*

**5-2-5-4** The following shall be minimum specifications for any private road in a minor subdivision: *Amended – 7/23/07*

- A Right-of-Way *Amended – 12/11/06*
  - a Minimum of 50' Right-of-way *Amended 12/11/06*
  - b Minimum of 30' clearing *Amended 12/11/06*
  - c Minimum of 22' ditches, as needed, including culverts *Amended 12/11/06*
- B Road Surface *Amended 12/11/06*
  - a Minimum 18' road surface width *Amended 12/11/06*
  - b Minimum 4" base stone compacted and rolled in 2" increments *Amended 12/11/06*
  - c Minimum 2" stone (57's) compacted and rolled with a vibratory compactor *Amended 12/11/06*
- C Erosion and Sediment Control *Amended 12/11/06*
  - a Erosion control including silt fence and silt dams *Amended 12/11/06*
  - b Seed all banks and disturbed areas *Amended 12/11/06*
  - c Other erosion and sediment control as required by county or state law *Amended 12/11/06*

**5-2-5-5: Private Street(s) and Open Space(s) Maintenance** *Amended August 13, 2007*

**5-2-5-5-1 Year Developments Responsibility**

The developer shall be responsible for the continued maintenance of the private street(s) and/or open space(s) for a period of five (5) years from the date of the agent's signature on the final plat.

**5-2-5-5-2 Certification by Licensed Engineer**

The developer shall certify by a certified engineer in the Commonwealth of Virginia that the private street(s) is built to County standards as set forth in the Buckingham County Subdivision Ordinance. The report shall contain the seal of the engineer with the engineer's signature, the date of the inspection by the engineer and the findings. If the street is built to VDOT standards then VDOT must submit in writing that the street(s) is built to VDOT standards.

**5-2-5-5-3 Yearly Certification by Developer**

The developer shall certify on a yearly basis by a certified engineer in the Commonwealth of Virginia that the private street(s) continues to meet the minimum standards as set forth in the Buckingham County Subdivision Ordinance. The report shall contain the seal of the engineer with the engineer's signature, the date of inspection by the engineer and the findings.

**5-2-5-5-4 Estimate of Costs**

Two estimates on their respective letterheads from two different contractors shall be furnished the agent from the developer and the estimates shall show the total cost of:

- (a) The annual maintenance of the private street(s) that meets or exceeds the county subdivision road standards for five (5) continuous years
- (b) Shall include the cost of a Certified Engineers Report that the private street(s) meets or exceeds the subdivision standards for a private street on an annual basis for a five (5) year period, and
- (c) The cost of maintenance of any open space(s) for a five (5) year period
- (d) This shall also include any costs that a certified engineer in State of Virginia may charge for the above services
- (e) A-D shall be itemized on the bid sheet
- (f) A performance guarantee shall be furnished the agent at a cost of 1.5 times the higher of the two estimates

**5-2-5-5-5 Failure by Developer**

- 1. If the Developer fails to keep the private street(s) at the minimum standards as set forth in the Subdivision Ordinance on a yearly basis or;
- 2. Fails to furnish a certified report on the maintenance of the private street(s) standards as set forth in the Subdivision Ordinance on a yearly basis or;
- 3. Fails to maintain the open space(s) on a yearly basis

The Agent shall use the performance guarantee(s) to:

- (a) hire a certified engineer for a report that the private street(s) meets or exceeds the standards as set forth in the Subdivision Ordinance for a private street(s) and as set forth in the Subdivision Ordinance for a private street or streets in any of the five (5) continuous years, and;
- (b) hire contractors that will bring the private street(s) to the minimum standards as set forth in the Subdivision Ordinance for a private street or streets in any of the five (5) continuous years, and;
- (c) maintain the open space(s) maintenance costs for five (5) continuous years; and
- (d) cover the cost that the certified engineer may charge for the above reports

The yearly date shall be considered the day that the final plat is signed by the Agent.

**5-2-5-5-6 Return of Performance Guarantee**

The performance guarantee or that part thereof shall be returned to the developer



by the agent at the end of the five(5) year period. The developer shall pay into the Homeowners Association, Road Board, Lot Owners Association, etc, a fee of one years estimated amount for:

- (a) The maintenance of the road for one year
- (b) The cost of certified engineers report and
- (c) Maintenance costs of open spaces for one year

The estimated amount shall be the higher of the two estimates as furnished for the original performance guarantee(s)

#### **5-2-5-5-7 Continued Responsibility**

The developer at the time of submittal of a preliminary subdivision for approval and which contains a private street(s) and/or open space(s) shall submit a document to be recorded with each lots deed that provides for an ongoing maintenance agreement beyond the developers five (5) years of annual private road(s) open space(s) maintenance responsibility and the document shall address, regardless of the developer having any ownership in the subdivision or not:

5-2-5-5-7-1 A private street(s) open space(s) maintenance agreement shall be addressed:

5-2-5-5-7-2 A Lot Owners Association, A Road Board, Homowners Association or some Association or Board of some kind shall be in place at the end of the five (5) year period of responsibility by the Developer for the continued maintenance of the private street(s) and open space(s);

5-2-5-5-7-3 The document shall also address the following:

- A. Financing of the ongoing maintenance
- B. Frequency of ongoing maintenance
- C. Enforcement of maintenance and financing and
- D. The developer shall not be excluded from any burden placed upon any lot owner as long as the developer is a lot owner or owner of lots beyond the five year period as addressed in this section.

The Developer shall state on each deed and on the final plat that the County of Buckingham Virginia shall be held free of responsibility for the enforcement of any covenants, road maintenance agreements, easements, conditions, restrictions, etc. or any other binding obligations that the developer or lot owners bind upon themselves.

### **5-3 LOT SIZE:**

**5-3-1** The subdivision of land into 4 or more lots may be classified in the following manners:

*Amended – 6-26-06*

#### **5-3-1-1 Creating lots of between 1/4 acre and 2.99 acres:**

**5-3-1-1-1** Re-zone residential-2 (R-2) or Village Center (VC-1)

#### **5-3-1-2 Creating lot sizes of between 3 acres and 6.99 acres** *Amended – 6-26-06*

**5-3-1-2-1** Re-zone residential-1 (R-1)

#### **5-3-1-3 Creating lot sizes between 7 acres and 19.9 acres:**

**5-3-1-3-1** Any subdivision of more than 3 lots within this lot-size range may be re-zoned RSA-1 so long as each lot has a deed restriction barring further subsequent sub-dividing, and a statement on the final plat

stating: “This subdivision shall have no further subsequent division of land”.

- 5-3-1-3-2**      **Any subdivision of more than 3 lots within this lot-size range without deed restrictions barring further subsequent sub-division may be rezoned R-1.**

**5-3-1-4 Creating lot sizes between 20 acres and 39.9 acres:**

- 5-3-1-4-1**      May be exempt from rezoning if the division is ten (10) or fewer lots and each lot has deed restrictions barring further subsequent subdivision, and a statement on the final plat states: “This subdivision shall have no further subsequent division of land”. Subdivisions meeting these requirements may also be exempt from the VDOT standard roads and may build County standard roads.

- 5-3-1-4-2**      Divisions including 11 or greater lots and including deed restrictions barring further subsequent subdivision shall rezone to RSA-1 and a statement on the final plat stating: “This subdivision shall have no further subsequent division of land.”

- 5-3-1-4-3**      Divisions including 11 or greater lots and not including deed restrictions barring further subsequent division may rezone to R-1

**5-3-1-5 Creating lot sizes greater than 40 acres** *Amended – 6-26-06*

- 5-3-1-5-1**      May be exempt from rezoning if the division is fifteen (15) or fewer lots and each lot has deed restrictions barring further subsequent subdivision, and a statement on the final plat states: “This subdivision shall have no further subsequent division of land”. Subdivisions meeting these requirements may also be exempt from the VDOT standard roads and may build County standard roads.

- 5-3-1-5-2**      Divisions including 16 or greater lots and including deed restrictions barring further subsequent subdivision shall rezone to RSA-1 and put a statement on the final plat stating: “This subdivision shall have no further subsequent division of land.”

- 5-3-1-5-3**      Divisions including 16 or greater lots and not including deed restrictions barring further subsequent division may rezone to R-1

(Refer to Appendix A for maps relating to the Comprehensive Plan and locations of suggested subdivision zoning)

**5-4      Road Frontage**

- 5-4-1      LOT SIZE-PUBLIC WATER AND SEWER:** Residential-2 (R-2) and Village Center (VC-1) lots served by both public water or sewer systems shall have frontage on a street of 80 feet or more in width and be one-quarter (1/4) acre or more in area.

- 5-4-2      LOT SIZE- PUBLIC SEWER OR ALTERNATIVE SEWER SYSTEMS:** Residential-2 (R-2) and Village Center (VC-1) lots served by only public sewer or an alternative sewer system shall have frontage on a street of 100 feet or more in width and be one-half (1/2) acre or more in area

- 5-4-3      LOT SIZE-PUBLIC WATER OR CENTRAL WATER ONLY:** Residential-2 (R-2) and Village Center (VC-1) lots served by only one of public water or central water

systems shall have frontage on a street of 125 feet or more in width and be one (1) acre or more in area.

**5-4-4 LOT SIZE-NEITHER PUBLIC WATER NOR SEWER:**

**5-4-4-1** Residential-2 (R-2) and Village Center (VC-1) lots served by neither public water nor public sewer systems shall have frontage on a street of 200 feet or more in width and be a minimum of 2 acres in area.

**5-4-4-2** Residential-1 (R-1) lots served by neither public water nor public sewer systems shall have frontage of 200 feet or more on an existing road or 200 feet at the building line for all new constructed roads that meet VDOT's SSAR (building line shall be parallel to the frontage) and be a minimum of 3 acres in area.

**5-4-4-3** Rural Small Farm (RSA-1) lots served by neither public water nor public sewer systems shall have frontage on a street of 300 feet or more and be a minimum of seven (7) acres in area.

**5-4-5 EXCEPTIONS:** Greater lot areas may be required where individual septic tanks or individual wells are used if the health official determines that there are factors, such as: drainage, soil conditions, or other conditions, which would cause potential health problems. The agent must require that data from percolation tests be submitted as a basis for passing upon subdivisions dependent upon septic tanks as a means of sewage disposal.

**5-5 LOT SHAPE:** The lot arrangement, design, and shape shall be such that lots will provide satisfactory and desirable sites for building, and be properly related to topography, and conform to requirements of this ordinance. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes. Flag and pipe stem lots are discouraged and subdivision conservation design principals are preferred.

**5-6 LOCATION:** Every subdivision lot shall front either on an existing public road, or an approved private street dedicated by the subdivision plat. Amended – 2/12/07 – Emergency ordinance – Amended – 3/12/07

**5-7 CORNER LOTS:** Corner lots shall have extra width sufficient for maintenance of any required building line on both streets as determined by the agent.

**5-8 SIDE LOT LINES:** Side lot lines shall be approximately at right angles or radial to the street line, except cul-de-sac terminal points.

**5-9 REMNANTS OR OUTLOTS:** All remnants of lots or out-lots below the minimum size remaining after subdividing a tract must be added to adjacent lots rather than allowed to remain as un-build-able parcels.

**5-10 BLOCKS**

**5-10-1 WIDTH** Blocks shall be wide enough to allow two tiers of lots of minimum depth fronting on all streets unless prevented by topographical conditions of size of the property in which case the agent may approve a single tier of lots of minimum depth.

**5-10-2 ORIENTATION:** Where a proposed subdivision will adjoin a major highway, the agent may require that the greater dimension of the block shall front or back upon such major highway to avoid unnecessary ingress or egress as the case may be. Any blocks designed for business or industrial purposes shall be designed specifically for such purposes with adequate space set aside for both off-street loading and delivery facilities.

**5-11 Any attempt to circumvent the intent of this ordinance by piecing together** smaller subdivisions into what effectively amounts to a subdivision with the number of lots that would have otherwise required rezoning shall nullify the lesser subdivisions in favor of the requirements of the larger subdivision.

**5-12 Each lot-size range within the A-1, RSA, and R-1 districts allow the number of permanent residences specified**

**below:** *Amended – 6-26-06*

**5-12-1** Lots less than 6.9 acres may have only one permanent dwelling.

**5-12-2** Lots of 7 acres may contain no more than 2 permanent residences and one additional residence may be added with each increase of 25 acres. ie. 32 acres – 3 residences, 57 acres – 4 residences.

**5-13 The R-2 and VC-1 districts allow the following number of permanent residences**

5-13-1 Lots with public water and public sewer or packaged water and packaged alternative sewer systems allow four (4) single-family residences, six (6) townhouses, or 12 apartments per acre.

5-13-2 Lots with private water and public or packaged alternative sewer systems allow two (2) single-family residences, three (3) townhouses, or six (6) apartments per acre.

5-13-3 Lots less than 6.9 acres without public or packaged alternative sewer systems may contain no more than one permanent residences.

5-13-4 Lots of 7 acres without public or packaged alternative sewer systems may contain no more than 2 permanent residences and one additional residence may be added with each increase of 25 acres.

#### **5-14 SET BACKS**

All buildings on Rural Small Farm (RSA) and Residential (R-1) lots shall maintain the following minimum set back limits:

From the front property line - 50 feet  
From the side property lines – 25 feet  
From the back property lines - 25 feet

Principal structures on Residential R-2 and Village Center (VC-1) lots shall maintain the following set back limits:

25 feet from any existing VDOT maintained road's right of way.  
35 feet from the centerline of any proposed and/or private road  
Side setbacks shall be a minimum of 10 feet with the total of both sides equaling 25 feet or greater.  
15 feet for rear setbacks without right of ways

Accessory structures on Residential R-2 and Village Center (VC-1) lots shall be 25 feet for any existing VDOT maintained road and 35 feet from the centerline for any proposed and/or private road and shall be a minimum of 10 feet from all other property lines.

### **SECTION 6 PLATTING**

#### **6-1 PLATTING GENERALLY**

- 6-1-1 APPROVAL REQUIRED** No tract of land situated within Buckingham County shall be subdivided unless the sub-divider shall cause a plat of subdivision 'with reference to known or permanent monuments to be made, submitted, and approved pursuant to the terms of this ordinance and recorded among the land records in the Office of the Clerk of the Circuit Court of Buckingham County. No plat shall be recorded unless or until the plat shall have been approved and certified by the governing body or its authorized agent in accordance with the regulations set forth in this ordinance.

No lot shall be conveyed in any subdivision before the plat shall have been recorded.

The Board of Supervisors retains unto itself the authority of final approval of plats, which authority the Board of Supervisors hereby delegates to its agent.

- 6-1-2 CHANGES:** No change or erasure or revision shall be made on any preliminary or final plat, nor on any accompanying data sheets unless authorization for such change has been granted in writing by the agent.

- 6-1-3 FEES:** See Fee Schedule (Zoning Office) as approved by the Board of Supervisors (12/12/05)  
All fees shall be paid in full before the agent shall be allowed to sign off on the final plat.  
*Amended – 6-26-06*

## **6-2 PRELIMINARY PLAT**

- 6-2-1 GENERALLY** Fifteen (15) copies of a preliminary plat or plan prepared by a person qualified to do such work, including but not limited to land planners, urban planners, architects, landscape architects, professional engineers, and surveyors, shall be filed with the agent. The preliminary plat or plan shall be in the office of agent by the first day of the month to be considered on that month's Planning Commission agenda. The plat shall be drawn at a scale of 100 feet to the inch. Where conditions warrant, the agent may permit preliminary plats at a scale of 200 feet to the inch and of 300 feet to the inch. *Amended – 6-26-06*

- 6-2-2 DECISION OF THE PLANNING COMMISSION, TIME LIMIT** A decision on the preliminary plat shall be rendered by the Planning Commission within 60 days of the filing.

- 6-2-3 APPROVAL NOT GUARANTEED** The approval of the preliminary plat and plans and/or rezoning by the Planning Commission does not guarantee approval of the final plat and plans, and does not constitute approval or acceptance of the subdivision by the Board of Supervisors or authorization to proceed with the construction or improvements within the subdivision. *Amended 12/11/06*

- 6-2-4 TIME LIMIT ON FILE, FINAL PLAT AFTER APPROVAL OF PRELIMINARY PLAT** Sub-dividers shall have not more than six months after receiving official notification concerning the preliminary plat to file in this office of the agent a final subdivision plat in accordance with this ordinance. Failure to do so shall render preliminary approval null and void. The agent may, on written request by the sub-divider, grant an extension of this time limit.

- 6-2-5 DECISION OF THE PLANNING COMMISSION, NOTIFICATION OF THE SUBDIVIDER** The sub-divider shall be advised as to the recommendations and decisions of the Planning Commission. Such notification may be by formal letter or legible marking in red on

the sub-divider's copy of the preliminary plat showing the Planning Commission's recommendations.

**6-2-6 DECISION OF THE PLANNING COMMISSION, RECOMMENDATION OF THE AGENT**

At the time of the hearing before the Planning Commission, the agent shall present to the Planning Commission his recommendation concerning the preliminary plat and plans, including but not limited to compliance with the applicable ordinance.

**6-2-7 CONTENTS OF PRELIMINARY PLAT** The preliminary plat shall show the following:

A. The title under which the subdivision is proposed to be recorded and the names and addresses of the record owner and sub-divider and holders of any easements affecting the property. The plat shall also show the name of the individual who prepared the plat, the date of drawing, number of sheets, the north point, and the scale. If the north is used, the method of determination shall be shown.

B. A vicinity sketch map at a scale of not less than one inch to two miles shall be included on the plat showing the relationship of the proposed subdivision to the adjoining property and the area within two miles showing all adjoining roads, their names and numbers, and other landmarks.

C. A topographic map with a contour interval of not greater than 10 feet showing all the area covered by the subdivision property related to Coast and Geodetic Survey data with the boundary lines of the tract to be subdivided and the 100-year flood plain limits delineated where applicable.

D. The location, width, and names of all existing or platted streets within or adjacent to the subdivision easements, railroad rights-of-way, and land lot lines, total acreage in each use, both proposed and existing, including utilities and water courses, and existing buildings within the boundaries of the subdivision.

E. Location and dimensions of proposed streets, alleys, lots, building lines, and easements, including a boundary survey or existing survey of record with a closing a error not in excess of one foot in 5,000.

F. All parcels of land intended to be dedicated or reserved for public use, or to be reserved in the deed for the common use of property owners in the subdivision.

G. The number, approximate dimensions, and area of all lots.

H. Preliminary sketch plans indicating the provisions for all utilities, including but not limited to the proposed method of accomplishing drainage, water supply, and sewage disposal. Preliminary sketch plans for any bridges or culverts that may be required shall be submitted. Proposed connections with existing sanitary sewers and existing water supply systems shall be indicated.

I. When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts shall be placed on the plat

**6-2-8** If a commission or other agent disapproves a preliminary plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within sixty days of the written disapproval by the commission or other agent. *Va. Code – 15.2-2260*

### 6-3 **FINAL PLAT**

**6-3-1 GENERALLY** The subdivision plat submitted for final approval shall be clearly and legibly drawn on scale true material at a scale of 100 feet to the inch. Where conditions warrant, the agent may permit plats at a scale of 1 inch to 200 feet and 1 inch to 300 feet. The plat shall be prepared by a licensed surveyor or certified professional engineer, who shall affix upon each plat a certificate signed by him, stating the source of the title of the owner of the land subdivided, and the place of record of the last instrument in the chain of title. Three copies and the original plat shall be submitted to the agent. Final plat details shall meet the standard for plats as adopted under § 42.1-82 of the Virginia Public Records Act

**6-3-2 DECISION ON FINAL PLAT** A decision shall be rendered by the agent on the final plat within 60 days after it has been officially submitted for approval.

**6-3-3 RECORDING THE FINAL PLAT** Unless a plat is filed for recordation within six months after final approval thereof or such longer period as may be approved by the County, such approval shall be withdrawn and the plat marked void and returned to the approving official; however, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the County or its designated administrative agency, or where the developer has furnished surety to the governing body or its designated administrative agency by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the governing body or its designated administrative agency, whichever is greater

**6-3-4 CERTIFICATION OF PLAT** The plat shall be accompanied by certification from: (1) the VDOT resident engineer that the plat meets the VDOT requirements of the State of Virginia for a subdivision in Buckingham County, Virginia, (2) the Virginia Department of Health Sanitarian that the lots meet sanitation laws, rules, and regulations, and (3) the Health Department listing conditions set forth by their review of the subdivision which shall be recorded in conjunction with the plat. The final plat shall not be approved until the sub-divider has met all other requirements and standards in accordance with this ordinance. Amended – 2/12/07 – Emergency ordinance Amended – 3/12/07

**6-3-5 APPROVAL NOT REQUIRED** Nothing herein shall require the approval of an subdivision or any part or feature thereof which shall be found to constitute a nuisance or which shall be found to constitute a danger to the public health, safety, or general welfare.

**6-3-6 OTHER REQUIREMENTS FOR FINAL PLAT** In addition to the requirements of preliminary plat, the final plat shall include the following:

**6-3-6-1** A statement that:

"the subdivision of the land described herein is with the free consent and in accordance with the desire of the undersigned owner, proprietors, and trustees." The statement shall be signed by such persons and duly acknowledged before an official authorized to take acknowledgments of deeds.

**6-3-6-2** Signature panels shall be provided for the designated agent of the Board of Supervisors. Also, signature panels shall be provided for the health official and the resident engineer of Virginia Department of Transportation to attest to the review and appropriate approval by the health official and Virginia Department of Transportation.

**6-3-6-3** The boundary lines of the area being subdivided shall be determined by an accurate field survey with bearings shown in degrees, minutes, and seconds to the nearest 10 seconds and dimensions to be shown in feet to the nearest hundredth of a foot. Total acres in each proposed use, plus 100-year plain delineation shall be shown.

- 6-3-6-4** Lot numbers in numerical order and block identification.
- 6-3-6-5** Location of all minimum building setback lines with the area, in square feet, of lots indicated for each individual parcel.
- 6-3-6-6** Location and materials of all permanent reference monuments. Monuments found or installed prior to plat recordation may be referred to if permanent and undisturbed.
- 6-3-6-7** A definite bearing and distance tie shown between the two permanent monument required by Section 5-2-5 J and further tie to an existing street intersection where possible and reasonably convenient.
- 6-3-6-8** The accurate location and dimensions by bearing and distances with all curve data on all lots and streets, boundaries of all proposed or existing easements, parks, school sites, all existing public streets, their names, numbers and widths, existing utilities, and those to be provided such as sanitary sewers, storm drains, water mains, manholes and underground conduits including their size and type, water courses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining said boundaries.
- 6-3-6-9** A profile or contour map showing the proposed grades for the streets and drainage facilities including elevations of existing and proposed ground surfaces at all street intersections and at points of major grade change along the center line of streets, together with the proposed grade lines connecting therewith,  
  
A cross-section showing the proposed street construction must be provided for all streets which are required by this ordinance to be built to standards of the VDOT.
- 6-3-6-10** All dedicated easements, including easements for electricity, telephone, and other utilities.

## **SECTION 7     ENFORCEMENT**

- 7-1     EXCEPTION** Where the sub-divider can show that a provision of these standards would cause unnecessary hardship if adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the agent a departure may be made without destroying the intent of such provisions, the agent may authorize an exception. Any exceptions thus authorized is to be stated in writing in the report of the agent with the reasoning on which the departure was justified. In no case shall any exception or exemption be granted for the quality and/or width of the road required under this ordinance.
- 7-2     PERMITS** No permit will be issued by any administrative Agent of the County for the construction of any building or development or other improvements requiring a permit, upon any land for which a plat is required unless and until the requirements of this ordinance have been complied with.
- 7-3     PENALTIES** Any person who violates any of provisions of this ordinance shall be guilty of a misdemeanor or any person who makes a false certification required by this ordinance shall be guilty of a misdemeanor, punishable by a fine of \$500.00.
- 7-4     VALIDITY** Should any article, section, subsection, or provision of this subdivision ordinance be declared by a court or competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this subdivision ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.
- 7-5     REPEAL and REPLACEMENT** Upon adoption the previous subdivision ordinance is repealed



and this ordinance shall be its replacement. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed the extent of their conflict.

- 7-6**     **AMENDMENTS** This ordinance may be amended in whole or in part by the governing body provided that any such amendment shall either originate with or be submitted to the Planning Commission for recommendations; Public hearings are to be held in accordance with state law.

**SECTION 8     ORDINANCE OF THE TOWN OF DILLWYN**

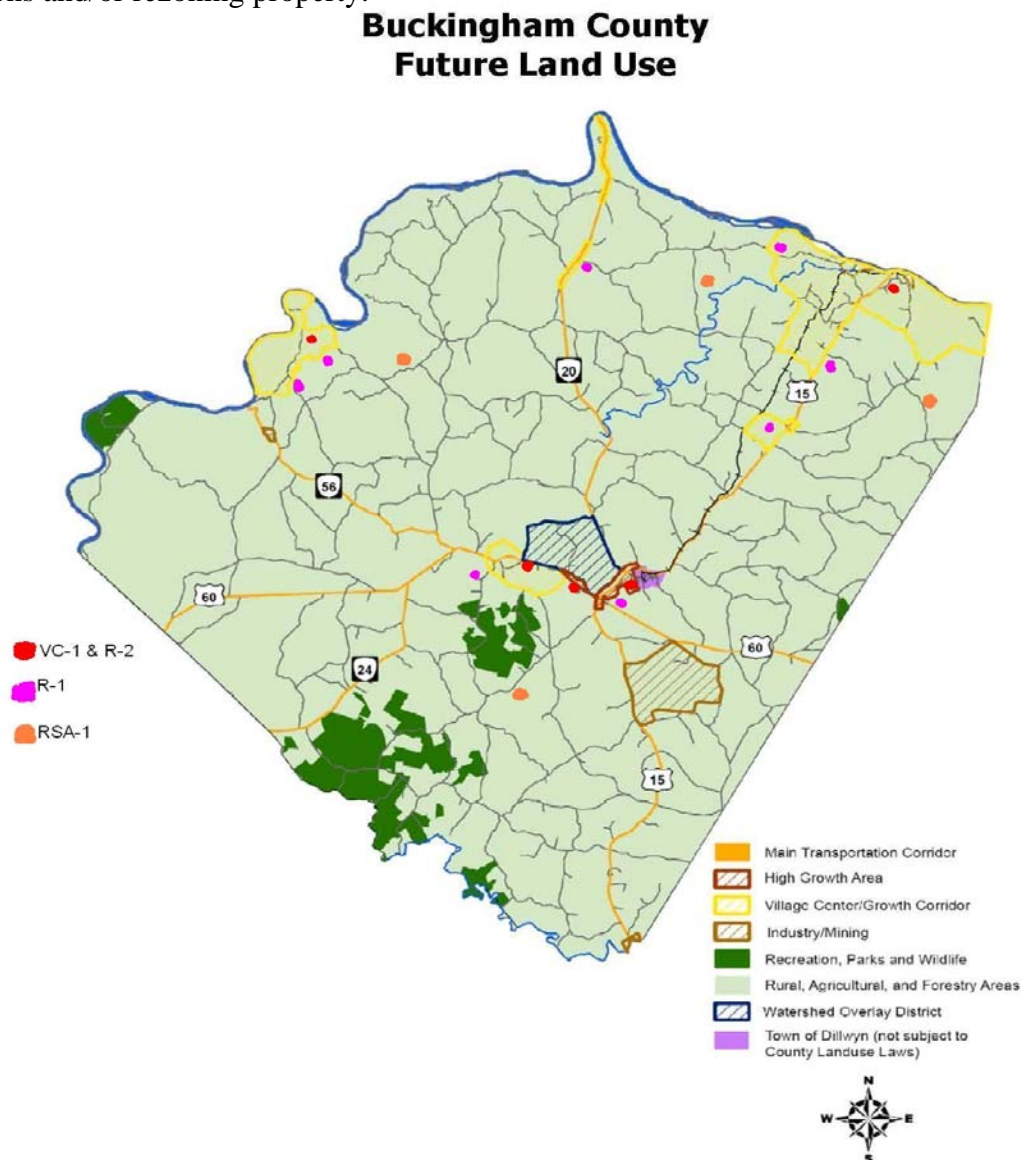
Notwithstanding the provisions of any part of this ordinance, the Subdivision Ordinance of the Town of Dillwyn shall have precedence over the Subdivision Ordinance of the County within the corporate limits of the Town of Dillwyn, provided, however, that the ordinance of said Town shall comply fully with minimum requirements of the VDOT for roadway improvements and of the Health Director or State Health Department Sanitarian for the County of Buckingham. Provided, also, that the ordinance of said Town as it applies to the recordation of subdivision with the Clerk of the appropriate court, shall fulfill the requirements of said court.

This ordinance shall become effective upon adoption and the Clerk of the Board of Supervisors shall transmit a copy to the Clerk of the Circuit Court of Buckingham County, Virginia.

## Appendix A

The map below is taken from the Buckingham County Comprehensive Plan. Colored dots have been added to indicate possible locations of subdivisions and their suggested zoning. Village Center (VC-1) and Residential-2 (R-2) are suggested within the yellow hashed areas. Residential-1 (R-1) is suggested in close proximity to the yellow hashed areas. Rural Small Farm (RSA-1) is suggested from the yellow hashed area out to the more rural areas of the county.

In no way is this Appendix intended to be all inclusive and a final determination for approved subdivisions and/or rezoning property.



## PARKS REGULATIONS ORDINANCE

### SECTION 1: AUTHORITY AND PURPOSE

This ordinance is adopted pursuant to Section 15.1-526 of the Code of Virginia as amended to provide for the safe and orderly operation of public parks for Buckingham County. The title of the ordinance is PARKS REGULATIONS ORDINANCE.

### SECTION 2: RULES AND REGULATIONS

It is hereby declared to be unlawful for any person or corporation to do any of the acts hereinafter specified within the limits of the facilities and lands located within any of the public parks and/or parkways or lands used by the County for related purposes within the limits of the County of Buckingham.

A. To carry or discharge any firearms, firecrackers, rockets, torpedoes, or fireworks of any kind without written consent of the Recreation Director.

B. To catch, injure, destroy, or interfere in any way with fish, rabbits, birds, squirrels, or any animals located in the park, except fishing in permitted areas.

C. To cut or remove any wood, turf, grass, soil, rock, sand, gravel, or any other material without the consent of the Recreation Director.

D. To make or kindle a fire for any purpose except in places provided thereof.

E. To destroy or carry away any flag, sandbox, tool, implement, equipment, bridge, or other property located in the parks and related facilities.

F. To indulge in riotous, boisterous, threatening, or indecent conduct; or abusive, threatening, profane, or indecent language.

G. To camp or lodge therein, except by special written permit granted by the Recreation Director.

H. To sell or offer for sale any merchandise, article, or thing, whatsoever, without the consent of the Recreation Director.

I. To drive or operate any motor vehicle in excess of 25 miles per hour, unless otherwise posted.

J. To drive on any area except the paved park roads or parking areas. This includes all types of powered motor vehicles, except those engaged in work in the parks.

K. To park in other than an established or designated parking area unless approved by the Recreation Director.

L. To ride a motor bicycle or motorcycle, or any other like piece of equipment on other than a paved vehicular road or patch designated for that purpose.

M. To fail to comply with Virginia State Motor Vehicle Laws in all park areas.

N. To repair or wash vehicles unless authorized by the Recreation Director.

O. To ride a horse except on designated bridle trails.

P. To cut, break into, injure, deface, or disturb any tree, shrub, plant, rock, building, wall, fence, bench, sign, or other structures, apparatus or property; or to pluck, pull up, cut, take, or remove any shrub, plant, flower, or signs; or to mark or write upon any building, fence, bench, sign, or any other structure; or to climb any tree, stand, or sit upon monuments, vases, fountains, railings, fences, or any other property not designated for such purposes; or to tie or hitch a horse or other animal to any tree or plant.

Q. To distribute any handbills or circulars, or to post, place, or erect any bill, notice, paper, or advertising device or matter of any kind, except as approved by Recreation Director.

R. To poison, feed animals spoiled food, or allow any substance to pollute the land or streams within the park.

S. To practice, carry on, conduct, or solicit for any trade, occupation, business, or profession without written permission of the Recreation Director.

T. To construct or erect any building or structure, run, or string any public service utility, except on special approval by the Board of Supervisors.

U. To throw or leave paper or other rubbish anywhere except in the receptacles provided for that purpose or to place any refuse therein brought from private property.

V. To use restrooms and washrooms designated for the opposite sex. No person over the age of 6 years shall be permitted except in designated restrooms.

W. To picnic or lunch in a place other than those designated for that purpose, or leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage, and other refuse is placed in the disposal receptacles where provided.

X. To play games involving thrown or otherwise propelled objects except in areas set apart for such forms of recreation. Dangerous games, football, baseball, and golf are not permitted, except on the fields and courts provided therefor.

Y. To park, loiter, trespass, or assemble for any purpose whatsoever between the hours of 11:00 p.m. and 9:00 a.m. on weekdays and between the hours of 11:00 p.m. and 7:00 a.m. on Saturdays and Sundays, March to November, without the consent of the Recreation Director. park will be closed to all use during the months of December, January, and February, unless authorized and supervised by the Recreation Director.

Z. To throw stones, sticks, cans, or rubbish of any kind into the lakes, streams, and ponds.

i. To use any facility or building for the following purposes without first obtaining a permit:

- (a) Use of recreational buildings.
- (b) Use of ball diamonds and pavilions.
- (c) Special events when held on park property.
- (d) Lectures, such as concerts, political rallies, speeches, or addresses.

ii. To enter or participate in or on those facilities and/or programs which have a fee schedule established by the Board of Supervisors. All persons shall pay the designated fee.

iii. To drive vehicles where signs are erected giving notice thereof. it shall be unlawful for any person to drive or cause to be driven any truck larger than 3/4 of a ton whether loaded or unloaded.

iv. To swim, bathe, or wade in any County lake, pond, or fountain in the County parks without written permission.

v. To use tennis courts for more than one hour while other parties are waiting to use court.

vi. To use tennis courts unless properly attired with soft-soled tennis shoes.

vii. To bring any vehicle or equipment onto tennis courts.

viii. To tamper or bypass coin meters on tennis court lighting.

ix. To consume, use, or have alcoholic beverages on the park grounds.

x. To loiter in the vicinity of or abuse public restroom facilities.

### **SECTION 3. VIOLATION AND PENALTY**

Violation of the rules and regulations specified in Section 1. shall be considered a Class I Misdemeanor and shall carry the corresponding penalty.

### **SECTION 4. EFFECTIVE DATE**

This ordinance shall be effective immediately upon adoption by the Buckingham County Board of Supervisors.

### **SECTION 5. SEVERABILITY.**

If a court of competent jurisdiction shall find any portion of this ordinance to be unconstitutional, such finding shall not render other portions

unconstitutional; and for such purpose, the parts of this ordinance shall be deemed to be severable.

**SECTION 6.     CONTROL AND ASSIGNMENT OF USE OF FACILITIES**

The Buckingham County Board of Supervisors may by duly adopted resolution assign or lease use of park and recreation facilities to other parties. Any use of park and recreation facilities may be temporarily terminated by a duly adopted resolution of the Board of Supervisors.

### INDUSTRIAL DEVELOPMENT AUTHORITY

An ordinance to create the Industrial Development Authority of the County of Buckingham, Virginia, pursuant to the Industrial Development and Revenue Bond Act constituting Chapter 33 of Title 15.1 of the Code of Virginia of 1950, as amended.

A. There is hereby created a political subdivision of the Commonwealth of Virginia with such public and corporate powers as are set forth in the Industrial Development and Revenue Bond Act, constituting Chapter 33 of Title 15.1 of the Code of Virginia as amended.

B. The name of the political subdivision hereby created shall be the Industrial Development Authority of Buckingham County, Virginia.

C. This ordinance shall be in full force and effect from and after its passage as provided by law.

During discussion of this ordinance, Mrs. Sandra Moss, Chairman, Buckingham County Committee for Safety, who along with the other committee members presented the Board with petitions signed by Buckingham citizens requesting the following action:

We the undersigned residents of Buckingham County, petition the Board of Supervisors, to take immediate and forceful action, to prevent waste of any kind from being brought into the County for disposal by any means.

#### KILN, FURNACE, BOILER, AND FUEL CONTROL ORDINANCE

#### SECTION 1. TITLE - KILN, FURNACE, BOILER, AND FUEL CONTROL ORDINANCE

#### SECTION 2. AUTHORITY

1950 Code of Virginia, as amended, Section 15.1-510; 15.1-510.4.

#### SECTION 3. DEFINITIONS

A. Furnace - shall include any furnace, kiln, boiler, or other device fired by the introduction of external material.

B. "Waste Materials" - shall be any solid waste which meets the definition of "toxic substance" in paragraph E of Section 32.1-239 of the Code of Virginia, as in force on January 1, 1981, or Hazardous Waste as defined in paragraph 3 of Section 32.1-177 of the 1950 Code of Virginia, as in effect on January 1, 1981.

C. Solid wastes - shall have the meaning as given it in Section 32.1-177(14) of the 1950 Code of Virginia in effect as of January 1, 1981.

D. Site - shall mean all contiguous property owned by an individual, organization, or corporation on June 1, 1981.

#### SECTION 4. CONTROLLED BURNING AND STOKING ACTIVITIES AND PENALTY

A. It shall be unlawful to burn or cause to be burned any waste material in a furnace which is located in Buckingham County, Virginia.

B. A violation of this section shall be punished as a Class I misdemeanor as defined in Section 18.2-11 of the 1950 Code of Virginia in effect January 1, 1981.

#### SECTION 5. FURNACE CONSTRUCTION CONTROL

A. it shall be unlawful to construct a furnace in Buckingham County, Virginia, that disposes of a waste material by heating or burning except as is herein provided.



B. Violation of this section shall be a Class I misdemeanor as defined in Section 18.2-11 of the 1950 Code of Virginia, as amended, in effect on January 1, 1981.

C. No building permit shall be issued for construction of such a furnace in Buckingham County, Virginia.

**SECTION 6.** The provisions of Section 4 shall not apply to furnaces in existence on June 1, 1981.

**SECTION 7.** The provisions of Sections 4 and 5 shall not apply to furnaces constructed after June 1, 1981, on sites where there were furnaces existing on June 1, 1981.

**SECTION 8.**

A. Anyone desiring to construct a furnace that would burn a waste material where such furnace is an incidental or auxiliary part of a process or refinement of material may apply for a permit from the Buckingham County Board of Supervisors.

B. The Board of Supervisors shall, upon the approval of such request, regulate and control:

1. the hours of burning;
2. the substance to be burned; and
3. the quantity of material to be burned.

C. The criteria for granting such a permit shall be:

1. whether the furnace is an incidental or auxiliary part of the operation and not primarily a waste disposal method;
2. the safety design in handling the waste material;
3. any by-products that may be entitled; and
4. the impact upon the surrounding area including but not limited to traffic, smoke, noise, dust, water run-off, and health.

D. The County shall cause to be inspected on a periodic basis any sites that have permits.

E. The County shall charge a fee for the permits so as to support the implementation, maintenance, and inspection of this permit system.

F. Upon violation of the terms of the permit, the permit may be revoked and a fine of \$1,000 imposed for each violation, either or both.

**SECTION 9.     SEVERABILITY**

Should any portion of this ordinance be held invalid, such declaration shall not affect or impair the remainder of this ordinance.

# **ORDINANCE PROHIBITING LOITERING AT WAYSIDE AND/OR ROADSIDE PICNIC AREAS**

## **SECTION 1. AUTHORITY, PURPOSE, AND TITLE**

This ordinance is adopted pursuant to Section 15.1-514 of the 1950 Code of Virginia, as amended, to prohibit loitering at public wayside and/or roadside picnic areas in Buckingham County. This ordinance will be entitled **WAYSIDE AND/OR ROADSIDE LOITERING ORDINANCE**.

## **SECTION 2. LOITERING AT WAYSIDE AND/OR ROADSIDES PROHIBITED**

All publicly maintained wayside and/or roadside picnic areas along the public highways of Buckingham County shall be available for public use only between one half hour prior to sunrise and one half hour after sunset of each day. Public wayside and/or roadside picnic areas within the County shall include all areas maintained by the Virginia Department of Transportation and/or owned and operated by The County of Buckingham for such purposes. Specifically, the public picnic areas at Robert E. Lee Wayside on Route 60; the Dillwyn Park and Shelter (adjacent to the Dillwyn Primary School) located on Route 1003 unless otherwise pre-scheduled.

## **SECTION 3. EFFECTIVE DATE**

This ordinance shall be effective immediately upon adoption by the Buckingham County Board of Supervisors.

## **SECTION 4. SEVERABILITY**

If a court of competent jurisdiction shall find any portion of this ordinance to be unconstitutional, such finding shall not render other portions unconstitutional; and for such purposes, the parts of this ordinance shall be deemed to be severable.

## **SECTION 5. VIOLATIONS**

Penalty for violations of this ordinance shall be a fine of not more than \$100.00.

**THIS ORDINANCE WAS ADOPTED BY THE BOARD OF SUPERVISORS ON  
DECEMBER 13, 1982 AND AMENDED SEPTEMBER 13, 2010.**

## LINE OF DUTY ORDINANCE FOR FIRE AND RESCUE PERSONNEL

### SECTION 1. AUTHORITY, PURPOSE, AND TITLE

This ordinance is adopted pursuant to Section 15.1-136.2(a) of the 1950 Code of Virginia, as amended, to allow benefits of the Line of Duty Act of the Commonwealth of Virginia to the Buckingham County Fire and Rescue Personnel.

### SECTION 2. DEFINITIONS

A. "Deceased" shall mean any member in good standing of a fire company or rescue squad recognized by the Buckingham County Board of Supervisors as an integral part of the County's safety program whose death occurs as a result of performance of duty as provided by Section 15.1-136.2(a) of the Code of Virginia.

B. "Beneficiary" shall be defined as in Section 15.1-136.2(b) of the 1950 Code of Virginia, as amended.

C. "Line of Duty Act" shall mean Article 1.1, Chapter 3, Title 15.1 of the 1950 Code of Virginia, as amended.

D. "Buckingham County Emergency Services Coordinator" shall mean that person appointed by the Buckingham County Board of Supervisors to coordinate emergency services delivery.

### SECTION 3. RECOGNITION OF FIRE AND RESCUE PERSONNEL

The Buckingham County Board of Supervisors recognizes the following as an integral part of the County's safety program:

Buckingham County Volunteer Rescue Squad  
Arvon Division, Buckingham County Volunteer Fire Department  
Dillwyn Division, Buckingham County Volunteer Fire Department  
Glenmore Division, Buckingham County Volunteer Fire Department  
Toga Division, Buckingham County Volunteer Fire Department  
Lower Francisco Fire Association

### SECTION 4. PAYMENT AND CLAIM PROCEDURE

Claims for payments shall be presented to the Buckingham County Emergency Services Coordinator who shall file such claims for payment from the State Treasury as provided in the Line of Duty Act.

### SECTION 5. EFFECTIVE DATE

This ordinance shall be effective upon its adoption on January 11, 1982.

### SECTION 6. SEVERABILITY

If a court of competent jurisdiction shall find any portion of this ordinance to be unconstitutional, such finding shall not render other portions unconstitutional and for such purpose, the parts of the ordinance shall be deemed to be severable.

## SERVICE CHARGE ON TAX EXEMPT PROPERTY ORDINANCE

### SECTION 1. AUTHORITY, PURPOSE, AND TITLE

This ordinance is adopted pursuant to Section 58-16.2 of the 1950 Code of Virginia, as amended, to provide a service charge on certain real property exempt from local real estate taxation to provide for the cost of providing police and fire protection and the collection and disposal of refuse for said exempt property.

### SECTION 2. DEFINITIONS (RESERVED)

### SECTION 3. SERVICE CHARGE LEVIED

Pursuant to Section 58-16.2 of the 1950 Code of Virginia, as amended, a service charge for the provision of police and fire protection and for the collection and disposal of refuse is hereby charged on all property exempt from real estate taxation in Buckingham County, except for that property specifically exempted by Section 58-16.2, paragraph A of the 1950 Code of Virginia, as amended. The service charge shall be levied against property owned by the Commonwealth of Virginia pursuant to paragraph B of Section 58-16.2 of the 1950 Code of Virginia, as amended. The service charge levied shall be determined by the method indicated in Section 58-16.2 of the 1950 Code of Virginia.

### SECTION 4. SERVICE CHARGE DUE AND PAYABLE

The service charge shall be due and payable to the Treasurer of Buckingham County on or before February 1st of each year for the service charge levied for the County's expenditures for the preceding County fiscal year. The first County fiscal year for which such service charge shall be levied is the fiscal year ending June 30, 1982.

### SECTION 5. EFFECTIVE DATE

This ordinance shall be effective upon its adoption by the Buckingham County Board of Supervisors on February 8, 1982, except that the effective date applicable to property owned by the Commonwealth of Virginia subject to a service charge shall be February 18, 1983.

### SECTION 6. SEVERABILITY

If a court of competent jurisdiction shall find any portion of this ordinance to be unconstitutional, such finding shall not render other portions unconstitutional; and for such purpose, the parts of the ordinance shall be deemed to be severable.

### SECTION 7. VIOLATION

Penalty for violation of this ordinance will not exceed the maximum provided in Section 15.1-505 of the 1950 code of Virginia, as amended.

## **BUCKINGHAM COUNTY UTILITY TAX ORDINANCE**

### **SECTION 1: NAME**

This ordinance is to be known as the Buckingham County Utility Tax Ordinance and is based on Section 58.1-3812, 58.1-3814, and 58.1-3815 of the code of Virginia, as amended.

### **SECTION 2: DEFINITIONS**

The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the following respective meanings, except where the context clearly indicates a different meaning:

A. Person: The word "person" shall include individuals, firms, partnerships, associations, corporations, and combinations of individuals of whatever form and character.

B. Utility Service: The phrase "utility service" as used in this ordinance shall include local telephone service (excluding long distance message charges), electrical energy service, and natural gas service furnished within the boundaries or partially within the boundaries of Buckingham County, Virginia.

C. Purchaser: The word "purchaser" shall include every person who purchases a utility service.

D. Seller: The word "seller" shall include every person who sells or furnishes utility service.

E. Residential User: The term "residential user" shall mean the owner or tenant of private residential property or the tenant of an apartment who pays for utility service in or for said property.

F. Commercial or Industrial User: The term "commercial or industrial user" shall mean the owner or tenant of property used for commercial or industrial purposes including the owner of master metered apartment buildings or trailer courts who pay for utility service for said property.

### **SECTION 3: TAX IMPOSED**

#### **A. ELECTRIC ENERGY SERVICES**

There is hereby imposed and levied by the County of Buckingham upon each and every purchaser of electric energy services a tax which shall be computed as follows:

Subject to the minimums and maximums:

The tax on Residential customer \$0.015094 per kilowatt-hour delivered;



the tax on Commercial customers shall be \$0.014109 per kilowatt hour delivered; and the tax on Industrial customers shall be \$0.14109 per kilowatt hour delivered.

Provided, however, that in no case for residential users shall the minimum tax be less than \$1.40 per month nor the maximum tax be more than \$3.00 per month and that in no case for commercial and industrial users shall the minimum tax be less than \$2.29 per month nor the maximum tax be more than \$20.00 per month..

In case bills are submitted by any seller for two months' service, then for residential users the minimum tax shall be \$2.80 and the maximum tax shall be \$6.00; for commercial and industrial users the minimum tax shall be \$4.58 and the maximum tax shall be \$40.00.

There shall be no tax computed on bills submitted for unmetered service.

There shall be no tax computed on bills submitted on sales of electric utility service for resale.

**B. UTILITY SERVICES OTHER THAN ELECTRICAL ENERGY SERVICES**

There is hereby imposed and levied by the County of Buckingham upon each and every purchaser of a utility service, other than the purchase of electrical energy services, a tax in the amount of twenty percent (20%) of the charge made by the seller against the purchaser with respect to each utility service. However, in the case any monthly bill submitted by any seller to residential users of utility sources other than electrical energy services shall exceed fifteen dollars (\$15.00), there shall be a tax computed on so much of said bill as shall exceed fifteen dollars (\$15.00). Further, in the case of utility bill submitted by any seller to a commercial or industrial user of utility services, other than the electrical energy service, shall exceed one hundred dollars (\$100.00), there shall be no tax computed on so much of said bill as shall exceed one hundred dollars (\$100.00). In case bills are submitted by any seller for two months' service of utility service other than the production of electrical energy services, there shall be no tax computed on so much of said bill or shall exceed thirty dollars (\$30.00) for residential users of utility services other than electrical energy services or two hundred dollars (\$200.00) for commercial or industrial users of utility services.

**C. PAYMENT OF TAX**

All utility taxes shall be collected by the seller from the purchaser and shall be paid by the purchaser into the seller for the use of the County of Buckingham at the time the purchase price or such charge shall become due and payable under the agreement between the purchaser and the seller.

**SECTION 4:     COLLECTION**

It shall be the duty of every seller acting as the tax collecting medium or agency for the County of Buckingham to collect from the purchaser for the use of the County the tax hereby imposed and levied at the time of collection the purchase price charged therefore and the taxes collected during each calendar month shall be reported by each seller to the Treasurer of Buckingham County and each seller shall remit the amount of tax shown by said report to the Treasurer of Buckingham County on or before the last day of the second calendar month thereafter, together with the name and address of any purchaser who has refused to pay this tax. The required reports shall be in the form prescribed by the Treasurer of Buckingham County. The taxes levied or imposed under this amended ordinance with respect to the purchase of any electric energy services shall become effective on the first bills rendered for meter readings taken on or after January 1, 2001, and with respect to other utility services on charges first appearing on bills rendered on January 1, 2001.

**SECTION 5:     RECORDS**

Each and every seller shall keep complete records showing all purchases in the County of Buckingham, which records shall show the price charged against purchaser with respect to each purchase, the date thereof, and the date of payment thereof, and the amount of tax imposed hereunder, and such record shall be kept open for inspection by the duly authorized agents of the County of Buckingham at reasonable times, and the duly authorized agents of the County of Buckingham shall have the right, power, and authority to make such transcripts thereof during such times as they may desire.

**SECTION 6:     EXEMPTIONS**

The United States of America, the State of Virginia, and the political subdivisions, boards, commissions, and authorities thereof, the Buckingham County Fire Department buildings, the Buckingham County Rescue Squad buildings, the Buckingham County Church Sanctuary buildings, and the Central Virginia Community Health Center are hereby exempted from the payment of the tax imposed and levied by this ordinance with respect to the purchase of utility services used by such governmental agencies and entities.

**SECTION 7:     PAY TELEPHONES**

The tax imposed and levied on purchasers with respect to local exchange telephone service shall apply to all charges made from local exchange telephone service, except local messages, which are paid for by inserting coins into coin-operated telephones.

**SECTION 8:     FLAT-RATE SERVICE**

With respect to flat-rate service, the tax shall apply only to the amount payable for local area service and shall not apply to any specific charge for calls to points outside the local free telephoning area or to any general charge or rate differential payable for the privilege of calling points outside the County and local area.

**SECTION 9:           MESSAGE-RATE SERVICE**

When purchasers of telephone service are charged on a message-rate basis, the tax shall apply only to the basic charge for such service and shall not apply to any charge for additional message units.

**SECTION 10:       ENFORCEMENT AUTHORITY**

The Treasurer of Buckingham County is charged with the authority and responsibility to enforce the provisions of this ordinance. The Treasurer is authorized to make and establish such rules and regulations not inconsistent with this ordinance or the Code of Virginia for the enforcement of the provisions of this ordinance.

**SECTION 11:       ROUNDING OFF**

When the tax charged shall be a fraction of a cent, the charge shall be rounded off to the nearest whole cent.

**SECTION 12:       EFFECTIVE DATE**

The taxes levied or imposed under this amended ordinance with respect to the purchase of any electric energy services shall become effective on the first bills rendered on meter readings taken on or after January 1, 2001, and with respect to utility services on charges first appearing on bills rendered on or after January 1, 2001.

Until that time the ordinance in place prior to the effective date of this ordinance shall continue in full force and effect.

**SECTION 13:       SEVERABILITY**

If a court of competent jurisdiction shall find any portion of this ordinance to be unconstitutional, such finding shall not render other portions unconstitutional; and for such purpose the parts of this ordinance shall be deemed to be severable.

**SECTION 14:       PENALTIES**

Any purchaser failing, refusing, or neglecting to pay the tax hereby imposed or levied and any seller violating the provisions hereof, and any officer, agent or employee or any seller violating the provisions hereof, shall upon conviction, be subject to a fine not more than \$100.00. Each failure, refusal, neglect, or violation and each day's continuance thereof, shall constitute a separate offense.

**THIS ORDINANCE WAS ADOPTED AS AMENDED ON  
SEPTEMBER 11, 2000, AFTER A PUBLIC HEARING HELD ON THAT DATE  
TO BECOME EFFECTIVE AS SET FORTH IN SECTION 12.**

BUCKINGHAM  
COUNTY  
ZONING  
ORDINANCE

BUCKINGHAM,  
VIRGINIA

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Board of Supervisors

Joe N. Chambers, Jr.

I. Monroe Snoddy

Danny R. Allen

John Staton

Cassandra Stish

Donald Bryan

E.A. "Bill" Talbert

Planning Commission

John E. Bickford

Sammy Smith

Chet Maxey

Royce E. Charlton III

R. "Pat" Bowe

Alice Gormus

James D. Crews, Sr

Danny Allen, Board Representative

Rebecca S. Cobb - Zoning Administrator

Rebecca S. Carter - County Administrator

E. M. Wright - County Attorney

This Ordinance was adopted on 10/30/97.

The date on the front indicates the last revision date.

## **ZONING ORDINANCE OF BUCKINGHAM COUNTY**

### **AUTHORITY**

Authority is granted to local governing bodies by the General Assembly in Section 15.2-2280 of the Code of Virginia to divide the territory under its jurisdiction or any substantial portion thereof into districts of such number, shape, and area as it may deem best to carry out the purposes of zoning. Local governing bodies are granted the authority to regulate, restrict, permit, prohibit, in determine the following:

- (a) The use of land, buildings, structures. and other premises, agricultural, commercial, industrial, residential, flood plain and other specific uses:
- (b) The site, height, area, location. Construction, repair, maintenance or removal of structures;
- (c) The area and dimensions of land, water, and air space to be occupied by uses and structures; and;
- (d) The excavation or mining of soils or other natural resources.

### **ARTICLE 1: PURPOSE AND TITLE**

Pursuant to the authority granted by the General Assembly of the Commonwealth of Virginia, and pursuant to the goals of promoting the health, safety, convenience, and general welfare of the public and of further accomplishing the objectives of Section 15.2-2280 of the Code of Virginia, the Board of Supervisors of Buckingham County does hereby ordain and prescribe the following to be the Zoning Ordinance of Buckingham County.

#### **Relation to the Comprehensive Plan**

In drawing the Zoning Ordinance and districts with reasonable consideration of the Comprehensive Plan, it is a stated and expressed purpose of the Zoning Ordinance to create land use regulations which shall encourage the realization and implementation of the Comprehensive Plan. To this end, development is: to be encouraged to take place in clusters to promote efficient and cost effective use of land; to be situated so as to make possible future economies in the provision of services by the public and private sections; and to be so located as to protect the watershed, protect surface and groundwater supplies, discourage development in flood plains, wetlands, and conservation areas.

#### **Official Zoning Map**

The incorporated areas of Buckingham County, Virginia, are hereby divided into districts as indicated on a set of map sheets entitled "Zoning Map of Buckingham County,

Virginia," which together with all explanatory matter is hereby adopted by reference and declared to be part of this ordinance. The zoning map shall be identified by the signature of the Chairman of the Board of Supervisors together with the date of adoption of the ordinance

The Zoning Administrator shall be responsible for maintaining the zoning map which shall be located in that office together with the current status of land areas, buildings and other structures of the County.

The Zoning Administrator shall be authorized to interpret the current zoning status of land areas, buildings, and other structures in the County. .

No changes of any nature shall be made on the zoning map or any matter shown thereon except in conformity with the procedures and requirements of this ordinance. It shall be unlawful for any person to make unauthorized changes on the official zoning map.

## **ARTICLE 2: DISTRICTS**

The regulations set by this ordinance within each district shall be minimum or maximum limitations as appropriate to the case and shall apply uniformly to each class or kind of structure or land.

### **DISTRICT 1 - AGRICULTURAL DISTRICT (A-1)**

#### **Purpose**

This district is established for the purpose of preserving and promoting rural land uses. These include forestal lands, areas significant for the environment such as lakes, reservoirs, streams, parks, and less intensive farming operations that are more traditional in character. This district is established for the purpose of facilitating existing and future farm operations traditionally found in Buckingham County; preserving farm and forest lands; conserving water and other natural resources; reducing soil erosion; preventing water pollution; protecting watersheds; and reducing hazards from flood and fire.

This district includes the unincorporated portions of the County. It is expected that certain rural areas of this district may develop with residential land-uses of a low density. It is the intent, however, to discourage the random scattering of residential, commercial, or industrial uses in this district. Special use permits will be utilized to seek the appropriate locations and compatibility between uses.

**Permitted Uses** - Within the Agricultural District (A-I) the following uses are permitted by right:

Major subdivisions are permitted where authorized in the Buckingham County Subdivision Ordinance.  
Minor subdivisions are permitted where authorized in the Buckingham County Subdivision Ordinance.

Dwellings located on a recorded lot or parcel that complies with area regulations.

. For the purpose of this article, a dwelling is:

One Family Dwelling

Manufactured and Mobile Homes as per the Mobile Home Ordinance

Accessory Buildings: Personal Use Garages, Pole Sheds, Utility Buildings Agricultural uses and all buildings necessary to such use and the repair, storage, and operation of any vehicle or

machinery necessary to such use excluding the intensive farming activities and related uses found in the A-C Comprehensive District

Cemeteries, family only for currently existing, upon additional interments, an affidavit signed by the owner of the land which shall be recorded in the Circuit Court Clerk's Office, indicating the existence of the cemetery and its approximate location.

Cemeteries - newly established - a plat indicating the specific location of the grave will accompany the affidavit

Churches, and Other Places of Worship Including Parish Houses and Sunday School

Conservation Areas, Private

Adult/Child Day Care Facilities - not medical

Greenhouses ,Garden shop, Nurseries

Home-base service business

Non-Intensive Dairying, and Raising of and Breeding of Livestock, Poultry and Other Livestock as Defined in this Ordinance

Off-Street Parking for Permitted Uses (Includes Adjacent Zoning Districts)

Hunting Preserves, Kennels

Public Forests, Public Wildlife Preserves and Public Conservation Areas

Public Schools, Colleges, Libraries, Museum and Administration Buildings

Public and Private Roads and Streets

Public-Operated Parks, Playgrounds and Athletic Fields, Including Customary, Accessory Buildings and Facilities

Residential Group Homes

Residential Swimming Pools

Signs - non-illuminated and less than 8 x 8

Silvicultural Activities

Solid Waste Facilities, County-Owned Such as Convenience and Recycling Centers

Stable, Private

Subdivision, Minor

Timber Harvesting Which May Include Temporary Chipping/Sawmills used only for Cutting Timber Onsite

WaterSystems, Publicly-Owned and Operated

Wayside Stands selling Items Produced or Grown on the Premises

Commercial Core Drilling \* see note on Page 263

### **Special Use Permits**

Within the A-I Agricultural District, the following uses may be permitted by the Buckingham County Board of Supervisors by a Special Use Permit following recommendation by the Planning Commission in accordance with this ordinance and the Code of Virginia. The Planning Commission may recommend and the Board may impose conditions to ensure protection of the district if the Special Use Permit is approved.

Adult or Juvenile Jails, Detention Facilities, or Correctional Facilities Operated or Owned by Local

or Regional Governmental Entities  
 Manufacturing and Sales of Ammunition, Firearms and Accessories  
 Equipment Rental Yard  
 Agricultural Based Businesses - not classified as Intensive or manufacturing in nature by the definition of  
 this Ordinance such as: feed mills, livestock markets, tack, feed and supplies  
 Airport, Airstrip, Heliport  
 Antique Shops/ Thrift Stores/ Flea Markets  
 Adult Retirement Community/Assisted Living  
 Auto and Truck Sales and Agricultural/Industrial Equipment - 3/22/99  
 Automobile Junkyard or Graveyard  
 Bed & Breakfast  
 Bulk Storage Tanks  
 Commercial Garage or Shop - housing a business not classified as Industrial or manufacturing in nature by the  
 definition of this Ordinance  
 Convenience/General Store - Maximum 2000s.f. and no more than 4 petroleum pumps  
 Fairgrounds, Country Clubs, Golf Courses, Athletic Fields, Swimming Pools,  
 Equine Facility/Activities, Commercial  
 Dog Businesses - Kennels, Grooming, Boarding, Training, Trials  
 Community Centers, Lodge Halls  
 Lumberyard, Sawmill, Planing, or Chipping Facility  
 Mining and Quarrying with Federal and /or State License  
 Motorsports - raceways, car shows  
 Music Festivals or Similar Large Events - 4/23/01  
 Private Recreational Facilities/Clubs/Events - archery, shooting, pools, day & summer camps,  
 campgrounds  
 Private Schools and Colleges,  
 Public utility generating plants, public utility booster or relay stations, transformer substations, meters and  
 other facilities, including railroads and facilities, and water and sewage facilities.  
 Radio stations, Television Station and cable TV facilities, communication station and/or tower or related  
 facilities in accordance with Article 9 of this Ordinance  
 Reservoir  
 Restaurants  
 Shooting Ranges, including all firearms  
 Sewage Treatment Plants, Private  
 Veterinary Hospitals and Clinics  
 Water Systems, Privately Owned Serving the Public  
 Wayside Stand with Food Preparations - No Indoor Seating  
 Privately owned Parks and Playgrounds Non-retail office space

### **Area Regulations**

Minimum lot size: Lots in this district shall have a minimum area of two acres.

Setback requirements: The minimum distance from the nearest point of the house or other structure to the edge of the front yard property line shall be fifty (50) feet. The minimum side yard and rear setback shall be the distance from the side or rear property line or a lot to the nearest point on the house or principal structure shall be twenty- five (25) feet.

**Setbacks for the Land Application of Manure and Animal Waste from Intensive Livestock Facilities**

Waste from lagoons or other liquid waste: the greater of the distance set forth in the Nutrient Management Plan or:

Dwellings or commercial establishments ..... 300 feet  
Property Lines ..... 50 feet  
Surface waters ..... 200 feet  
Drinking Water Sources ..... 200 feet

Chicken litter or other dry waste:

Dwellings or commercial establishments ..... 100 feet  
Property lines ..... 10 feet  
Surface waters ..... 100 feet  
Drinking water sources ..... 100 feet

**Inspection**

The Zoning Administrator or designees for the County shall have the right to visit and inspect any facility on-site at any time, without prior announcement, with due consideration for bio-security practices.

**A-C AGRICULTURAL-COMPREHENSIVE DISTRICT**

**Purpose**

The purpose of the Agricultural Comprehensive District is to provide a district for all forms of agricultural, forestal and rural activities and to preserve, protect, and promote the more intensive forms of agricultural, forestal, and other rural land uses. In doing so, the intent is to protect the public health, welfare, and environment of Buckingham County and its citizens, while providing for the harmonious, orderly, and responsible growth of the agricultural industries.

**Permitted Uses**

Within the Agricultural District (A-C) the following uses are permitted by right:

Dwellings located on a recorded lot or parcel that complies with area regulations.

Major subdivisions are not permitted. For the purpose of this article, a dwelling is:

One Family Dwelling

Manufactured and Mobile Homes as per the Mobile Home Ordinance

Accessory Buildings: Personal Use Garages, Pole Sheds, Utility Buildings

Agricultural Uses and all Buildings Necessary to Such Use and the Repair, Storage, and Operation

of any Vehicle or Machinery Necessary to Such Uses

Cemeteries, family only for currently existing, upon additional interments, an affidavit signed by the owner of the land which shall be recorded in the Circuit Court Clerk's Office, indicating the existence of the cemetery and its approximate location.

Cemeteries - newly established - a plat indicating the specific location of the grave will accompany the affidavit

Agricultural Based Businesses - Commercial Livestock Market, Feed Mills, Tack, Feed and Supplies

Conservation Areas, Private

Greenhouses Garden Shop, Nurseries, private

Home Occupations

Intensive Dairy Facility - with an approved Development Plan

Intensive Livestock Facility - with an approved Development Plan

Intensive Poultry Facility- with an approved Development Plan

Intensive Swine Facility- with an approved Development Plan

Intensive Swine Breeding Facility- with an approved Development Plan

Lumberyard - not milling

Off-Street Parking for Permitted Uses (Includes Adjacent Zoning Districts)

Private Hunting Preserves, Kennels

Public Forests, Public Wildlife Preserves, and Public Conservation Areas

Public and Private Roads-and Streets

Residential Group Homes

Signs - non-illuminated and less than 8 x 8

Silvicultural Activities which may include temporary Chipping/ Sawmill used *only* for cutting timber onsite

Solid Waste Facilities, County-Owned, Such as Convenience and Recycling Centers

Stable, Private

Subdivisions, Minor

Swimming Pools for Single Family Residences

Veterinary Hospitals and Clinics

Wayside Stands Selling Items Produced or Grown on the Premises

Commercial Core Drilling \* See note on Page 263

### **Special Use Permits**

Within the A-C Agricultural Comprehensive District, the following uses may be permitted by the Board of Supervisors by a Special Use Permit following recommendation by the Planning Commission in accordance with this ordinance and the Code of Virginia. The Planning Commission may recommend and the Board may impose conditions to ensure protection of the district if the Special Use Permit is approved.

Adult/Child Day Care Facilities - non medical

Adult or Juvenile Jails, Detention Facilities, or Correctional Facilities Operated or Owned by Local or Regional Governmental Entities

Airport, Airstrip, Heliport

Automobile Junkyard or Graveyard

Equine Facility/Activities, Commercial

Private Recreational Facilities/Clubs/Events - archery, shooting, turkey shoots

Public utility generating plants, public utility booster or relay stations, transformer substations, meters and



other facilities including railroads and sewage facilities  
Shooting Ranges - All Firearms  
Sawmill, Planing, or Chipping Facility, permanent  
Sewage Treatment Plants, Private

### **Area Regulations**

#### **Acreage Requirements - Intensive Livestock Facility**

The minimum parcel size on which an initial livestock facility may be placed shall be 60 acres for up to 300 beef cattle, 3,000 sheep, or 150 horses. For each subsequent increase in the number of livestock, 10 acres shall be required for each increase of 50 cattle, 500 sheep, or 25 horses, provided that all other requirements of this chapter are met.

#### **Acreage Requirements - Intensive Dairy Facility**

The minimum parcel size on which an initial dairy facility may be placed shall be 60 acres for up to 200 cattle. For each subsequent increase in the number of livestock, 10 acres shall be required for each increase of 35 cattle.

#### **Acreage Requirements - Intensive Poultry Facility**

The minimum parcel size on which an initial poultry facility may be placed shall be 20 acres for up to 30,000 chickens, or 16,500 turkeys. For each subsequent increase in the number of livestock, 10 acres shall be required for each increase of 15,000 chickens and 8,250 turkeys.

#### **Acreage Requirements - Intensive Swine Facility**

The minimum parcel size on which an initial swine facility may be placed shall be 50 acres for up to 1,000 pigs. For each subsequent increase in the number of livestock, 10 acres shall be required for each increase of 500 pigs.

#### **Acreage Requirements - Intensive Swine Breeding Facility**

The minimum parcel size on which an initial swine breeding facility may be placed shall be 100 acres for up to 500 sows. For each subsequent increase in the number of livestock, 10 acres shall be required for each increase of 75 sows up to a total of 1,250 sows, after which 2 acres shall be required for each sow over 1,250.

### **Other Land Uses**

Lot sizes for all other uses in this district shall have a minimum area of two acres. *Amended*  
- 5/9/05

### **Minimum Setbacks for Houses and Other Non-Agricultural Structures**

The minimum distance from the nearest point of the house or non-agricultural structure to the edge of the front yard property line shall be fifty (50) feet. The minimum side yard and rear

yard setback shall be twenty-five (25) feet from the side or rear property line.

### **Minimum Setback Requirements for the Various Types of Intensive Livestock Facilities**

(All setback distances are listed in feet and are measured from the nearest point of the facilities as defined in the various definitions for intensive livestock as found in Article 11.)

Type	Property Lines*	Property Line in Adj. Zoning District	Roads	Other Setbacks**	" Surface. & Drinking Water Sources
Livestock	150	300	150	1,000	100
Dairy	150	300	150	1,000	100
Poultry	150	300	150	1,000	100
Swine	1,500	2,000	500	3,000	250
Swine Breeding	1,500	2,000	500	3,000	250

\*Of existing parcels not held between same individual or entity.

\* \* From the nearest property line of incorporated towns; any subdivision of ten or more lots from a common source; mobile/manufactured home parks, public or private schools, churches or other religious institutions; publicly-owned buildings; publicly-owned and community-owned recreational areas; public-owned wells, public springs, and water intake sites.

### **Setbacks for the Land Application of Manure and Animal Waste from Intensive Livestock Facilities**

Waste from lagoons or other liquid waste: the greater of the distance set forth in the Nutrient Management Plan or:

Dwellings or Commercial Establishments	300 feet
Property Lines	50 feet
Surface Waters	200 feet
Drinking Water Sources	200 feet

Chicken litter or other dry waste: the greater of the distance set forth in the Nutrient Management Plan or:

Dwellings or Commercial Establishments	100 feet
Property Lines	10 feet
Surface Waters	100 feet
Drinking Water Sources	100 feet

The Nutrient Management Plan shall be reviewed and updated at a frequency not more than five (5) years or less if established by other regulatory authorities or by an agent of the Virginia Cooperative Extension Service or other appropriate agency and by the Zoning Administrator, and more frequently if deemed necessary by the County or its agent.

#### **Certified Plat Required**

New or expanding intensive agricultural operations shall file with the Zoning Administrator a certified plat showing the entire parcels on which the facility is located and also showing the location of the facility within the parcel or parcels. With this plat the owner shall submit a written statement, sworn to and subscribed before a notary public, by which the owner certifies to the Zoning Administrator that the intensive facility shown on the plat meets all applicable setback requirements of this ordinance.

#### **Livestock, Dairy, Poultry, Swine, or Swine Breeding Facility Development**

In the Agricultural Comprehensive (A-C) District, an operator or a potential operator shall file with the Zoning Administrator a Development Plan which indicates - the number, size, and location of livestock, dairy, poultry, swine, or swine breeding structures planned for the subject parcel. When such Development Plan has been approved by and filed with the Zoning Administrator and during the period in which it remains in effect the planned structures shall be obliged to meet setbacks only for those dwellings and uses existing at the time the development is approved. The Zoning Administrator shall approve within thirty (30) days of receipt of the Development Plan, or if the Development Plan does not meet the requirements of the Ordinance, the Zoning Administrator shall return the Development Plan to the person who submitted it together with a written description of the portion (s) of the Development Plan that do not comply.

The Development Plan shall be based on the requirements of this ordinance and shall be accompanied by a certified plat verifying the accuracy of the distances shown in the Development Plan and containing all of the dates required as specified pursuant to this section.

The Development Plan shall remain in force only so long as the structures proposed are constructed in accordance with the Development Plan and are placed in service as described below.

At least one-third (1/3) of the number of head of livestock, swine, or dairy animals, subject to this section of the ordinance or one (1) poultry structure indicated in the Development Plan must be placed into service within thirty-six (36) months of the date on which the Development Plan is approved by the Zoning Administrator.

The operator shall notify the Zoning Administrator in writing within thirty (30) days of placement into service of any structure indicated in his/her plan.

In an event an operator fails to build the proposed structure or have in place the minimum number of head required in the above section within 36 months of obtaining

zoning approval or fails to obtain building permits for any structures indicated in his Development Plan with the prescribed five (5) year period, the Zoning Administrator shall revoke the Development Plan of the structure on the subject parcel shall conform to the requirements of this section.

Nothing herein shall be constructed to prohibit an operator or a potential operator from submitting amendments to his/her original Development Plan or to submitting revised Development Plans at any time. The Zoning Administrator shall approve the amended or revised Development Plan following the standards set forth above according to the terms of the Zoning Ordinance in effect at the time that the amendments or revisions are submitted to the Zoning Administrator.

### **Nutrient Management Plan**

Upon adoption of this ordinance, no facility permit shall be issued until a Nutrient Management Plan (NMP) for the proposed facility has been reviewed and accepted by the Zoning Administrator. Each facility already in operation or approved by the County prior to the effective date of this ordinance shall have' an NMP on file with the Zoning Administrator on or before twenty-four (24) months from the effective date of this ordinance or at such time an additional area devoted to livestock, dairy, poultry, or swine raising, litter storage, manure storage, composting of dead birds, or other activity which would increase nutrient output of the facility is placed into service on the same parcel, whichever shall occur first. After twenty-four (24) months from the effective date of this ordinance, no facility shall operate without such a Nutrient Management Plan.

The NMP shall provide for the safe disposal or use of all manure and animal waste produced by each facility. Disposal or use shall be accomplished by means of land application at approved locations, utilizing methods and agronomic rates as established by the Virginia Nutrient Management Standards and Criteria document of the DCR or their successor and other agencies of the Commonwealth of Virginia. Alternative methods of disposal may be used when approved by the Department of Environmental Quality and/or the Department of Recreation and Conservation (DCR). The Nutrient Management Plan shall take into account, among other things, the presence of rivers, streams, public and private wells, springs, sinkholes, and slopes and geological formation that indicate a high susceptibility to ground or surface water pollution and where applicable, to comply with the Chesapeake Bay Preservation Act. Each NMP shall be subject to review by appropriate State and County agents.

If off-site disposal is part of the Nutrient Management Plan, the operation shall provide, as part of that Nutrient Management Plan, written documentation of an agreement with the receiver of the wastes produced at the operator's facility or an affidavit, sworn and subscribed before a notary public, that states his/her intention to dispose of the waste through sale in retail establishments or otherwise marketing to consumers; Documentation shall specify the duration of the agreement and the nature of the application or: uses of the wastes. A Nutrient Management Plan containing such an agreement shall be valid only as long as the agreement remains in force and shall be reviewed whenever such an agreement expires or is terminated by either party. The

operator shall notify the Zoning Administrator whenever such agreement is terminated before its stated expiration date within fifteen (15) days of such termination.

The NMP shall also provide for a site, with or without a permanent structure, for the storage of animal wastes and that meets all applicable standards of the Commonwealth. The site shall be located on the same parcel as the facility to which it is an accessory use, meets the setback requirements of this chapter, be certified by a professional engineer registered in Virginia., or NRCS Soil Conservationists, that it is located on an impermeable base, is out of all drain ways, and has sufficient capacity to accommodate one hundred percent (100%) of the waste produced by each facility in operation on the parcel during the four consecutive months in which the maximum number of animals or poultry are on the parcel, and in the case of chicken litter or other dry wastes, it be protected from the elements within three (3) weeks.

Notwithstanding this, if an operator is unable to locate a storage site on the same parcel of land because of insufficient acreage or topographical hardship, then the Zoning Administrator after consultation with the operator's engineer, may permit the storage site to be located on adjacent land owned by the operator; or if there is a valid agreement for off-site disposal, as provided in this section, the Zoning Administrator may permit the storage site be located on a parcel specified in the agreement for off-site disposal.

Setback requirements for disposal of waste shall be at a minimum -as follows unless the NMP or other regulatory authorities require greater setbacks:

Setbacks for the land application of manure and animal waste:

Waste from lagoons or other liquid waste: the greater of the distance set forth in the Nutrient Management Plan or:

Dwellings or commercial establishments	300 feet
Property Lines	50 feet
Surface waters	200 feet
Drinking water sources	200 feet
Chicken liner or other dry waste:	
Dwellings or commercial establishments	100 feet
Property lines	10 feet
Surface waters	100 feet
Drinking water sources	100 feet

The NMP shall be reviewed and updated at a frequency not more than five (5) years or less if established by other regulatory authorities or by an agent of the Virginia Cooperative Extension Service or other appropriate agency and by the Zoning Administrator, and more frequently if deemed necessary by the County or its agent.

The Zoning Administrator or designees for the County shall have the right to visit and inspect any facility on-site at any time, without prior announcement, with due consideration for bio-security practices.

## **RURAL SMALL FARM DISTRICT (RSA-1)**

### **Purpose:**

The purpose of the Rural Small Farm District is intended to maintain Buckingham County's predominately rural character and open space, and to preserve productive "gentlemen farms and timberland operations" while accommodating limited low-density, large lot developments. The district is designed to allow a variety of less intense agricultural, forestal and rural uses that are compatible with rural residential development. The district also permits a variety of rural uses that support rural residents and smaller scale agricultural operations on lots 19.9 acres in area to seven (7) acres in area. Land in this district is generally not intended to be served with public water or wastewater or located in proximity to other public services.

### **Permitted Uses - Within the Rural Small Farm District (RSA-1) the following uses are permitted by right:**

Dwellings located on a recorded lot or parcel that complies with area regulations.

For the purpose of this article a dwelling is:

One Family Dwelling

Manufactured and Mobile Homes as per the Mobile Home Ordinance

Accessory Buildings: Personal Use Garages, Pole Sheds, Utility Buildings

Agricultural Operations but not Agricultural Comprehensive Operations

Cemeteries, family only for currently existing, upon additional interments, an affidavit signed by the owner of the land which shall be recorded in the Circuit Court Clerk's Office, indicating the existence of the cemetery and its approximate location.

Cemeteries - newly established - a plat indicating the specific location of the grave will accompany the affidavit

Church and their Accessory Uses

Community Centers

Conservation Areas, Private

Adult/Child Day Care - not medical

Home-base service business

Hunting Preserves, Kennels

Libraries

Nurseries & Greenhouses,

Off-Street Parking for Permitted Uses (Includes Adjacent Zoning Districts)

Parks

Public Forests, Public Wildlife Preserves and Public Conservation Areas

Public Service or Storage Buildings

Recreational Fields, Tennis, Baseball, Softball & Other Similar Facilities

Sawmills, Temporary or Portable

Schools, Public

Signs - non-illuminated and less than 3x4, max. height 5 ft, must be located outside of VDOT right of way

Subdivisions, See Provisions  
Swimming Pools, Private and Public  
Wayside Stands  
Wineries

### **Special Use Permits**

Within the RSA-1 District, the following but not limited to those uses may be permitted by the Board of Supervisors by a Special Use Permit following the recommendation by the Planning Commission in accordance with this ordinance and the Code of Virginia. The Planning Commission may recommend and the Board impose conditions to ensure protection of the district if the special use permit is approved.

Assisted Living/Adult Retirement Community, Nursery Home  
Agricultural Based Businesses - not classified as Intensive or manufacturing in nature by the definition of this Ordinance such as: feed mills, livestock markets, tack, feed and supplies, sales, service and rental of machinery and/or equipment  
Airports, Private  
Alternative Sewage Treatment Systems  
Antique Shops/Thrift Shops/Flea Markets  
Camps, Day, Boarding, or Seasonal  
Civic Clubs  
Commercial Equine Facilities  
Country Clubs  
Country Stores/Service Stations  
Funeral Homes  
Golf Courses & Driving Ranges  
Hotels, Inns, Motels, Lodges  
Hospitals  
House Boarding or Rooming  
Museums  
Parks, Lighted  
Playgrounds  
Restaurants  
Rural Small Businesses  
Sawmills, Permanent  
Signs - larger than 3x4, or height greater than 5 feet, or within VDOT right of way  
Tourist Homes  
Veterinary Clinics, Kennels & Hospitals  
Public Utility Trunk Lines and System Components (Electrical, Telephone, water, Sewer, & Gas)  
Wireless Communication Facilities and/or Tower

### **Area Regulations**

Minimum lot size: lots in this district shall have a minimum area of 7 acres and must be restricted from further division.

Road Frontage: 300 feet minimum

**Setback requirements:** The minimum distance from the nearest point of the house or other structure to the edge of the front yard property line shall be fifty (50) feet. The minimum side yard and rear setback shall be the distance from the side or rear property line or a lot to the nearest point on the house or principal structure shall be twenty- five (25) feet.

## **DISTRICT 2 - RESIDENTIAL SUBDIVISION (R-1)**

### **Purpose**

This district is established for the Purpose of providing for residential uses on average lot sizes 6.99 acres in area to three (3) acres in area. Areas designated for this zoning district will be for residential neighborhood which may include schools and similar public uses normally found in residential neighborhoods. Regulations are designed to maintain neighborhood stability and promote a suitable environment for family life where there are children and to maintain separation of residential uses from commercial uses.

### **Permitted Uses**

Within the Residential Subdivision District (R-1) structures to be erected or land to be used shall be permitted for one of the following uses:

Accessory Buildings: Residential Garages, Sheds

Adult/Child Day Care - not medical

Churches and Cemeteries, Manses, Church-owned Dwellings

Cemeteries, family only for currently existing, upon additional interments, an affidavit signed by the owner of the land which shall be recorded in the Circuit Court Clerk's Office, indicating the existence of the cemetery and its approximate location.

Cemeteries - newly established - a plat indicating the specific location of the grave will accompany the affidavit

Conservation Areas

Home-base service business

Off-Street Parking

Playgrounds

Signs- non-illuminated and less than 3 x 4, max. height 5 ft, must be located outside of VDOT right of way

Single-Family Dwellings

Subdivisions, Minor

Water Systems

### **Special Use Permits**



Within the R-1 District, the following but not limited to those uses may be permitted by the Board of Supervisors by a Special Use Permit following the recommendation by the Planning Commission in accordance with this ordinance and the Code of Virginia. The Planning Commission may recommend and the Board impose conditions to ensure protection of the district if the special use permit is approved.

Clubs, Public & Private  
Convenience/General Store - Maximum 2000s.f. and no more than 4 petroleum pumps  
Parks, public  
Rural Small Businesses  
Swim Clubs

Community Centers  
Public Utilities  
Schools, Public & Private  
Temporary Uses

### **Area Regulations**

Road Frontage: 200 feet minimum for all existing roads. 200 feet at the building line for all new constructed roads that meet VDOT's SSAR (building line shall be parallel to the frontage)

**Setback Requirements:** The minimum distance from the nearest point of the house or other structure to the edge of the specified right of way shall be fifty (50) feet. The minimum side setback and back setback, the distance from the side property of a lot and the back property line of a lot to the nearest point on the house or other structure shall be twenty-five (25) feet.

**Relation to Subdivision Ordinance:** All development in District R-1 must comply fully with the provisions of the Buckingham County Subdivision Ordinance.

## **District 3 - R-2 RESIDENTIAL DISTRICT**

### **Purpose**

This district is established for the Purpose of providing for medium to high concentration of residential uses on average lot sizes 2.9 acres in area to one-quarter (1/4) acre in area. The regulations of this District are designed to stabilize and protect the essential characteristics of the District, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life. The residential district is not completely residential in that it includes public and semi-public, institutional, and other related uses. However, it is basically residential in character and, as such, should not be located with commercial and industrial uses.

### **PERMITTED USES**

Single-family detached dwellings and accessory structures and uses.  
Public and semipublic uses such as schools, churches and hospitals.  
Community operated playgrounds, parks and similar recreational facilities.  
Rooming or Boarding House, Tourist or Rest Home

Parks and Playgrounds  
 Off-Street Parking  
 Adult/Child Day Care  
 Home-base service business  
 Swimming Pools, Private and Public  
 Minor Subdivision

### **SPECIAL USE PERMITS**

Multi-family Housing - Apartments, Duplexes, Triplexes, Townhouses  
 Private Schools

### **Area Regulations - Minimum Lot Size**

The following minimum areas are required dependent on sewer and water services provided to a development's lot. Greater lot sizes may be required where septic tanks and drainfields (or comparable systems) and wells are employed and State Health Department officials determine that certain factors may cause health problems. All sewage and water systems in the district shall be approved by the Health Department prior to recordation.

<b><u>Type of Service Requirement</u></b>	<b><u>Area Requirement</u></b>	<b><u>Width</u></b>
Public or Central Water & Public or Packaged Sewer	¼ acre minimum	80ft
Public or Packaged Sewer only	½ acre minimum	100ft
Public or Central Water only	1 acre minimum	125ft
Private single-user Water & Sewer	2 acre minimum	200ft

### **Setback Requirements**

Principal Structures - The minimum distance from the nearest point of the principal structure to the edge of the specified right of way shall be twenty-five (25) feet for any existing VDOT maintained road and thirty (30) feet from the centerline for any proposed and/or private road. Setbacks for side property lines without right of ways shall be a minimum of ten (10) feet with the total of both sides equaling twenty-five (25) feet or greater. Rear setbacks without right of ways shall be a minimum of fifteen (15) feet.

Accessory structures - shall be twenty-five (25) feet for any existing VDOT maintained road and thirty (30) feet from the centerline for any proposed and/or private road and shall be a minimum of ten (10) feet from all other property lines.

**Relation to Subdivision Ordinance:** All development in District R-2 must comply fully with the provisions of the Buckingham County Subdivision Ordinance.

## **District 12 - Neighborhood Commercial (NC-1)**

### **Purpose**

It is the intent to encourage cluster development of residential, commercial and public uses, thereby helping to discourage random scattering of these uses throughout agricultural and forested areas. While the primary purpose of this district is to permit business uses, some industry which will be unlikely to generate noise, light, odors, smoke or other obnoxious influences may be allowed.

### **Permitted Uses**

Antique Shops

Art, Craft and Hobby Stores (Supplies and Works)

Auto Truck Sales, Agricultural/Industrial Equipment, used & new

Barber & Beauty Shops

Cabinetmaking, furniture and upholstery shops

Caterers

Churches

Convenience Stores

Day Care Centers

Data/Technology Center

Drug Stores

Dry Cleaning & Laundry Service drop-off/pick-up stations

Emergency Service Facilities

Financial Institutions, Including But Not Limited to Banks, Savings and Loans and Credit Unions

Food and Food products - frozen food manufacturing, candy manufacturing, bakery, beverage and bottling, butcher (excluding containment of live animals and rendering)

Funeral Homes

Golf Courses & Driving Ranges

Greenhouses, Garden shop, Nurseries

Hardware Stores

Libraries

Medical Clinics, including veterinary

Manses. Church-Owned Dwellings

Motels. Hotels, Bed & Breakfast

Museums

Nursing homes and assisted living facilities

Off-Street Parking

Public Utilities

Offices, Professional

Restaurants

Retail Stores - gift/novelty shops, apparel stores, Sporting Goods Shop (without shooting range), Jewelry etc.

## Special Uses

the following uses may be permitted by the Board of Supervisors by a Special Use Permit following the recommendation by the Planning Commission in accordance with this ordinance and the Code of Virginia but are not limited to the following:

Amusement Centers - Bowling Alleys, Pool Halls, Skating Rinks, Swim Clubs, Theaters  
Assembly Halls - community centers, lodge halls  
Assembly of electrical appliances, electronic and telecommunication instruments and devices  
Auction Barns  
Automotive Wash Operations  
Automotive Sales Lot to Include the Sale of Recreational Vehicles, Trailers, and Boats  
Auto Repair & Lube shops, Towing Service  
Colleges  
Dog Businesses - Kennels, Grooming, Boarding, Training, Trials  
Dormitories  
Drive-In Restaurants  
Drive-in Theatres  
Flea Markets  
Laboratories (pharmaceutical and/or medical)  
Laundromats & Dry Cleaners  
Parks & Playgrounds  
Parking Facilities, Commercial  
Public Parking Garages  
Radio & TV Stations  
Residential Housing - including but not limited to Apartments, Condominiums, Duplexes, Townhouses, Single family dwellings  
Schools, Public & Private  
Tattoo Parlors/Galleries  
Telecommunications (See Article 9)  
Warehousing to include Mini-Storage Facilities

## Area Regulations

For uses utilizing individual sewerage systems, the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official. There is no minimum lot size for lots served by public water and sewer, but there shall be sufficient land area to support all required setbacks, parking and landscaping.

## Setbacks

Front - the minimum front setback (from the nearest point on any structure to the front property line) shall be 50 feet for any structure on a Primary Road and 25 feet from any Secondary or local road.

Side & Rear - the minimum side and rear setback shall be 25 feet from the property line adjoining an agricultural or residential district and 10 feet from the property line adjoining business or industrial districts

Exceptions may be granted by the Zoning Administrator for Elder Care Facilities, multi-family housing, condominiums and the like. The applicant must prove a reduced setback is appropriate through facility type, parking requirements and/or site design limitations.

### Parking

- *Minimum off-street parking.* There shall be provided at the time of erection of any main building or at the time any main building is enlarged or structurally altered and converted to another use, adequate minimum off-street parking spaces as follows:

Uses		Number of Spaces
1.	Dwellings:	
a.	One-family	2 per dwelling unit
b.	Two-family	4 per dwelling unit
c.	Multifamily	2 per dwelling unit
2.	Motel, motor lodge or hotel	1 per employee, plus 1 space per sleeping room or suite
3.	Rooming, boarding, or lodging house	1 per sleeping room, plus 1 space for owner/operator
4.	Theaters, churches, auditorium and other places of public assembly with fixed seats	1 per 4 seats or bench seating spaces (seats in main auditorium)
5.	Hospital	1 per patient bed
6.	Sanitarium, convalescent home, [home] for the aged, or similar institution	1 per 3 patient beds, plus one per employee

7.	Funeral home	1 per 50 square feet of floor area excluding storage and work areas, plus one reserved space for each vehicle maintained on premises, plus one space per employee
8.	Medical offices or clinics (including veterinary)	1 per 200 square feet of floor area; 5 spaces minimum
9.	Office or office building	1 per 300 square feet of floor area plus 1 space for storage of each truck or other vehicle used in connection with business or industry; 3 spaces minimum.
10.	Restaurants	1 per every 3 seats, plus one per each employee on largest shift
11.	Retail store or personal service establishment and banks	1 per 200 square feet of floor area
12.	Tennis, racquetball, squash and handball courts	2 per court
	12a. Athletic/sport/playfields	30 per field
13.	Amusement place, dance hall, skating rink, swimming pool or similar entertainment facility	1 per 50 square feet of floor area
14.	Automobile type repair	1 per employee and 4 per bay (working station)
15.	Shopping center	5 spaces for each 1,000 square feet of rental floor area for shopping centers with less than 25,000 square feet; 4 spaces per 1,000 sf greater than 25,000 net sf
16.	Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale or similar establishment	2 per each 3 employees on maximum working shift plus space for storage of trucks or other vehicles used in connection with business or industry
17.	Warehouse	1 per 1,000 square feet of gross floor area of warehouse, plus 1 space for storage of each company truck or other vehicle used in connection with the business or industry. (Parking for

		office/sales area shall be calculated separately and required in addition to the spaces required herein).
	17a. Mini-warehouse/self storage facility	1 space per 10,000 square feet of floor area devoted to self storage, plus any floor area devoted to office space must meet office parking requirements.

*Off-street loading and/or unloading requirements.* Except as otherwise provided in this article, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by twenty-five (25) percent or more, or any building is hereafter converted, for the uses listed below and containing the floor area specified, accessory off-street loading and/or unloading spaces shall be provided as required below:

Use or Category	Floor Area (square feet)	Number of Spaces
1. Retail grocery stores and department stores	4,000—10,000	1
	Each 10,000 over 10,000	+1
2. Restaurants	4,000 and over	1

*Joint use of off-site parking facilities.*

1. All parking spaces required herein shall be located on the same lot with the building or use served, except that in the case of buildings other than dwellings, spaces may be located as far away as three hundred (300) feet.
2. Parking spaces required for uses with non-traditional operating hours and uses not normally open, used or operated during the same hours may be provided and used jointly; provided, however, that written agreement thereto is properly executed and recorded. (example: professional office and church)

When a use is not specifically listed above, the Zoning Administrator shall determine which of the above categories to use to determine the spaces required, based on similarities between the characteristics of the uses.

*Design standards for offstreet parking facilities.*

- (a) *Minimum area and surface.* For the purpose of this article, an offstreet parking space is an all-weather surface area consisting of gravel, stone, asphalt or concrete. With the exception of compact car spaces, offstreet parking spaces shall include an area of not less than 162 square feet (9 × 18), exclusive of driveways. Compact car spaces shall include an area not less than 128 square feet, with a width of no less than eight feet. In addition, a loading space is defined as a space within the main building or on the same lot, providing for the standing, loading or unloading of trucks having a minimum area of 420 square feet, a minimum width of 12 feet, a minimum depth of 35 feet and a vertical clearance of at least 14 feet.
- (b) A maximum of 20 percent of the total number of required offstreet parking spaces may be designed for compact cars.
- (c) Parking shall not overhang onto an adjacent lot or property.

Site Plans

A Site Plan review and approval is required for all uses. The type of site plan required is dictated by the type of use (permitted or special use) and the size of the development.

For any *Permitted Use* site meeting the following:

- 1) Building(s) total less than 4,000 sq ft.
- 2) Parking required is 5 or less spaces
- 3) Measured from the ground the height of the building is less than 25 ft.

the Administrator shall accept as the site plan an acceptable drawn to scale (normal rule scale such as 1/4" = 1' or 1/8" = 1' or engineer scale for large lots) sketch plan that includes, as a minimum, the following: size and shape of the parcel of land on which the structure is to be located; size of the existing and proposed buildings; distance of the proposed building(s) from all property lines of such parcel of land and to the right-of-way of any street or highway adjoining such parcel of land; and the name of the adjoining street or the number of the adjoining highway, parking layout, location of utilities (electric, water, sewer).

*Any other information which the Administrator may deem necessary for consideration of the application may be required.* If the proposed building is in conformity with the provisions of this chapter, approval shall be granted to the applicant by the Administrator.



For any Permitted Use that is greater than 4,000 sq ft or requires more than 5 parking spaces or is greater than 25 ft in height then a scale drawing of items 1-17 is required to be submitted to the Administrator. If the proposed building is in conformity with the provisions of this chapter, approval shall be granted to the applicant by the Administrator.

A site plan not approved by the Administrator may submit, and a Special Use must submit in the following manner: Ten (10) copies of site plan shall be drawn to scale and submitted by the applicant to the Administrator for the Planning Commission and contain, at a minimum, the following:

- (1) Vicinity map showing the location of the tract or lot showing roads, route numbers, road names, streams, and bodies of water, towns or cities, or other landmarks sufficient to clearly identify the location of the property;
- (2) Project name, landowner, owner's agent (if applicable) and contact telephone number, address and seal of licensed engineer, architect or land surveyor (if applicable);
- (3) A narrative description of the specific use on site, sufficient to determine if the proposed use is permitted by the zoning district;
- (4) Tax map number, address of the site, scale of drawing and north arrow;
- (5) A boundary survey of the tract or lot,
- (6) Existing and proposed buildings, outside display and storage areas ( only screened storage allowed) on subject property, showing the location, dimensions, including structure height, statewide uniform building code use group, number of floors, proposed floor plan and area, distances to property lines from buildings, and building restriction and setback lines;
- (7) All existing and proposed streets, including names, numbers and widths,
- (8) All on-site easements, including those for utilities and storm drainage, if applicable;
- (9) Location of existing and proposed fire hydrants within one thousand (1,000) feet of site, location of fire lanes,
- (10) Ownership, zoning, and use of all adjoining property;
- (11) Existing and proposed off-street parking, including: parking calculations showing how the numbers were generated, dimensions of the parking lot or area, loading spaces, handicap parking and type of surfacing;
- (12) Location, design, sight distance, and dimensions of all vehicular entrances and exits to the site;

- (13) Show the flood zone classification and flood plain boundaries from the flood insurance rate maps of the federal emergency management agency on site or as determined by a site survey;
- (14) Provision for landscaping.
- (15) General location of solid waste and recycling storage containers with final location approved during permitting.
- (16) Proposed location of facility lighting, to include light poles with height.
- (17) Other information needed to process the site plan application may be requested such as but not limited to - Utilities, including type, grades, (may be on separate sheet), dimensions (may be on separate sheet), pipe sizes (may be on separate sheet), and authorization to connect to existing public water and sewer systems or install private water and sewer systems; - Provisions for adequate disposition of natural and storm water (may be on separate sheet) as required by local or state code, indicating all proposed temporary and permanent control measures; - Proposed erosion and sediment control measures (may be on separate sheet) as required by local or state code, indicating all proposed temporary and permanent control measures.

#### **Site Plan Review Process.**

- (1) The Administrator shall review any Permitted Uses and forward any site plan to the Planning Commission for its consideration if requested by the Applicant or is a Special Use and may forward the site plan to other agencies and departments as needed.
- (2) There shall be no land disturbance of any site without issuance of a permit based on a grading and/or erosion and sediment control plan approval
- (3) Such plans must comply as follows: the plans must meet certain rules and regulations of the state health department; plans and specifications for construction shall comply with the standards of the state department of transportation, unless otherwise approved by that department; and plans must meet all applicable policies, ordinances, and plans of the county.
- (4) No building permit or certificate of occupancy will be issued until all provisions of the approved site plan are met to the satisfaction of the Administrator and/or Planning Commission.

### **DISTRICT 4 - BUSINESS DISTRICT (B-1)**

#### **Purpose**

This district is established to cover the portion of the County's communities intended for the conduct of general business to which the public requires direct and frequent access, but which

is not characterized either by constant heavy trucking other than stocking and delivery or retail goods or by any nuisance factors other than those, occasioned by incidental light and noise of congregations of people and passenger vehicles. The intent of these regulations is not to limit business development in the County, but to encourage it by rezoning at the specific and appropriate locations where it will not produce noise, pollution, congestion, or safety problems for quieter, residential uses.

### **Permitted Uses**

Within the Business District (B-1) the following uses are permitted:

Antique Shops

Apartments as a secondary use (i.e. apartment above businesses)

Art, Craft and Hobby Stores (Supplies and Works)

Auto Truck Sales, Agricultural/Industrial Equipment, used & new

Barber & Beauty Shops

Caterers

Cemeteries, family only for currently existing, upon additional interments, an affidavit signed by the owner of the land which shall be recorded in the Circuit Court Clerk's Office, indicating the existence of the cemetery and its approximate location.

Cemeteries - newly established - a plat indicating the specific location of the grave will accompany the affidavit

Churches

Convenience Stores

Day Care Centers

Drug Stores

Dry Cleaning & Laundry Service drop-off/pick-up stations

Emergency Service Facilities

Financial Institutions, Including But Not Limited to Banks, Savings and Loans and Credit Unions

Food Stores - Bakery, Butcher, Candy

Funeral Homes

Garages, Private

Golf Courses & Driving Ranges

Greenhouses, Garden shop, Nurseries

Hardware Stores

Libraries

Lube Shops , Auto Repair, Towing Service

Medical Clinics

Manses. Church-Owned Dwellings

Motels. Hotels, Bed & Breakfast

Museums

Off-Street Parking

Parks & Playgrounds

Offices, Professional

Restaurants - Some Indoor Seating - no Alcoholic Beverage Consumption-7/12/99

Retail Stores - gift/novelty shops, apparel stores, Sporting Goods Shop (without shooting range), Jewelry etc.

### **Special Use Permits**

The following uses shall be permitted only by special use permit approved by the Buckingham County Board of Supervisors:

Mobile Home Sales Office/ Mobile Home Sales  
Amusement Centers - Bowling Alleys, Pool Halls, Skating Rinks, Swim Clubs, Theaters  
Assembly Halls - community centers, lodge halls  
Auction Barns  
Automotive Wash Operations - 10/9/01  
Automotive Sales Lot to Include the Sale of Recreational Vehicles, Trailers, and Boats - 8/13/01  
Clubs, Public & Private - country clubs  
Colleges  
Community Centers  
Dog Businesses - Kennels, Grooming, Boarding, Training, Trials  
Dormitories  
Drive-In Restaurants  
Drive-in Theatres  
Flea Markets  
Laundromats & Dry Cleaners  
Lodge Halls  
Parking Facilities, Commercial  
Public Facilities  
Public Garages  
Public Utilities  
Radio & TV Stations  
Restaurants - With some on Premises Alcoholic Beverage Consumption - 7/12/99  
Schools, Public & Private  
Tattoo Parlors/Galleries - 11/20/03  
Telecommunications- non-concealed attached and non-concealed freestanding towers (See Article 9)  
Warehousing to include Mini-Storage Facilities - 9/11/00  
Production of Natural Gas Storage and Distribution

### **Area Regulations**

There are no minimum areas or size except as may be required by the Board of Supervisors. Notwithstanding any definitive area requirement, the minimum permitted size of any commercial lot, parcel, or tract shall be subject to approval by the Department of Health.

### **Setback Requirements**

In Business District (B-1), a minimum front setback (from the nearest point on any structure to the front property line) of fifty (50) feet shall be allowed for any structure fronting on a Primary Road, twenty-five (25) feet shall be allowed for any structure on a Secondary Road. The Board of Supervisors may approve lower front setbacks upon request. However, all requests will be reviewed on the bases of projected traffic count and flow and the Comprehensive Plan.

In the Business District (B-1), the side and back setback shall be a minimum of:

- (1) twenty-five (25) feet from the nearest point on any structure to the property line adjoining a residential or agricultural district.
- (2) Ten (10) feet from the nearest point on any structure to the property line adjoining a business district.
- (3) Fifty (50) feet from the nearest point

## **DISTRICT 5-INDUSTRIAL DISTRICT-LIGHT M-1**

### **Purpose**

This district is established to encourage the development of manufacturing and Wholesale business establishments which do not produce high levels of smoke, smell, noise, Light, dust, and other nuisances, which operate primarily within enclosed structures, and Which do not deal with large volumes of customers on a continuous basis throughout the day. It is expected that uses in this district are to be operated from within a building. Limitations on height of building, horsepower, heating, flammable liquids or explosives, controlling Emissions of fumes, odors, or noise, and landscaping may be imposed to protect and foster Environmental desirability while permitting industries to locate near a labor supply, provided Buffering districts or buffering land is provided.

### **Permitted Uses**

Within the Light Industrial District (M-1) the following uses are permitted but not limited to the following:

Uses that are assembling in nature

Manufacturing uses are only permitted if there is no discharge other than sewer and low levels of noise, smell, light and dust.

Assembly Plants

Churches –cemeteries, manses

Data processing centers

Food and Food products -frozen food manufacturing, candy manufacturing, bakery, beverage and bottling

Furniture, Electronics, and Hardware-, upholstery, Hardware store, jewelry and watch manufacturing, Grocery, Gas and Convenience Stores-automobile wash stations -- Garages -lube shops, machine shop.

Manufacturing of the following:

- a. Electronic components and devices
  - b. Medical, drafting, metering, photographic or electronic and mechanical instruments
  - c. Musical instruments and novelties
  - d. Other manufacture/assembly operations of similar scale and intensity to the above and provided there is no air discharge requiring smoke stack approval Metal cutting and fabrications
- Commercial Core Drilling \* See note on page 263

Motels/Hotels

Professional offices - Contractors'

Retail- Hobby shop, Novelty shop,

Warehouses, storage and distribution centers

Wood/Lumber products -lumber manufacturing, pulpwood processing, and woodworking shop,  
Welding

Special Use Permit

The following uses shall be permitted only by special use permit approved by the Buckingham County Board of Supervisors but are not limited to the following:

Brick & Block Manufacturing

Butcher shop

Dry Cleaning

Flour Milling

Quarry

Meat & Poultry Processing

Mining

Vegetable Oil Processing

### **Area Regulations**

There are no minimum areas or size except as may be required by the Buckingham County Board of Supervisors. Notwithstanding any definitive area requirement, the minimum permitted size of any commercial lot, parcel, or tract shall be subject to approval by the Department of Health.

### **Setback Requirements**

In Industrial District (M-1), the minimum front setback shall be fifty (50) feet from the nearest point on any structure to the front property line.

In the Industrial District (M-1), the side and back setback shall be:

- (4) One hundred (100) feet from the nearest point on any structure to the property line adjoining a residential or agricultural district.
- (5) Fifty (50) feet from the nearest point on any structure to the property line adjoining a business district
- (6) Fifteen (15) feet from the nearest point on any structure to the property line adjoining an industrial district.

Approved 4/18/2016

## **DISTRICT 6 - INDUSTRIAL DISTRICT-HEAVY (M-2)**

### **Purpose**

This district is established to provide locations for larger scale manufacturing, processing, and warehousing which may require extensive community facilities and access to transportation facilities, which may have open storage and service areas, and which may generate heavy truck traffic. These districts may be established by amendment to the zoning map to authorize industries which have a public nuisance potential and will be subject to intensive review for locational impact on surrounding land uses and environment. This district is designed to encompass heavy manufacturing with large outside storage, warehousing, and large product display areas.

### **Permitted Uses**

Within the Heavy Industrial District (M-2) the following uses are permitted:

All of the permitted uses in District M-I are permitted in this district. In addition, the permitted uses are as follows but not limited to:

Block; Brick Manufacturing  
Cut Stone operations  
Gypsum Manufacturing  
Livestock Markets  
Lightweight Aggregate Manufacturing  
Quarrying & Mining  
Monumental Stone Works  
Smelting Operations  
Steam Generations  
Soap Manufacturing  
Commercial Core Drilling \* See Note on Page 263

### **Special Use Permit**

The following uses shall be permitted only by special use permit approved by the Buckingham County Board of Supervisors:

All of the special uses listed in the Industrial Light (M - 1) District are special uses in this district. In addition the following uses but not limited to :

Abattoirs, Rendering Plants  
Acid Manufacturing  
Animal Fats, Oil Manufacturing  
Automobile Graveyards  
Aluminum Foils and Coils - 9/27/99  
Fertilizer Mill  
Industrial Gases Manufacturing  
Incineration, Waste  
LP Gas, Natural Gas Storage  
Oil Gas Transmission Facility  
Petroleum Refining  
Poultry Processing

Paint Manufacturing  
Perfume Manufacturing  
Weaponry Manufacturing

### **Area Regulations**

There are no minimum areas or size except as may be required by the Board of Supervisors. Notwithstanding any definitive area requirement, the minimum permitted size of any commercial lot, parcel, or tract shall be subject to approval by the Department of Health.

### **Setback Requirements**

In Industrial District (M-2), the minimum front setback shall be fifty (50) feet from the nearest point on any structure to the front property line.

In the Industrial District (M-2), the side and back setback shall be:

- (7) One hundred (100) feet from the nearest point on any structure to the property line adjoining a residential or agricultural district.
- (8) Fifty (50) feet from the nearest point on any structure to the property line adjoining a business district
- (9) Fifteen (15) feet from the nearest point on any structure to the property line adjoining a industrial district.

## **DISTRICT 7 - WATERSHED DISTRICT (WS-1)**

### **Purpose**

The purpose of this district is to protect against and minimize the pollution of, and disposition of sediment in the public drinking water supply sources located in Buckingham County in order to protect the health, safety, and general welfare of the citizens using the water. This zoning district is to be superimposed over other existing districts and the special requirements of the district shall apply in addition to the requirements of the zoning use district within which a specific property is located.

### **Permitted Uses**

All permitted uses and special uses allowed in the zoning district over which the Watershed Districts are superimposed shall be allowed except as provided below:

Production or Disposal of Hazardous Waste



Storage of Hazardous Waste  
Storage of Pesticides Intended for Repackaging or Resale  
Installation of Long Distance Pipelines  
Application or Land-filling of Industrial or Residential Waste  
Relocation of Stream Beds  
Establishment of Feed Lots of More than 100 Head  
Bulk Storage of Petroleum or Asphalt  
Swimming, Skiing & etc  
Operation of Motor Vehicles on the Dam or Spillway. Except for Maintenance Purposes  
Use of Gasoline Boat Motors on the Reservoir

Clear Cutting of Timber to Within 2,000 feet of Reservoir, Unless Best Management Practices are followed in which case the Distance will be 200 feet

Livestock Access in the Reservoir  
Docks or Other Structures  
Apartment Complexes or Housing Developments within 2,000 Feet of Reservoir  
Establishments of Commercial Activities Requiring Wastewater Treatment Facilities

### **Erosion and Sedimentation**

All access roads, entrances, and building sites must meet all State and local Soil Erosion and Sedimentation Regulations.

### **District Boundaries**

The delineation of the district boundaries shall be shown on the Watershed District Maps of Buckingham County, Virginia.

### **Special Use Permits**

The following uses shall be permitted only by special use permit approved by the Buckingham County Board of Supervisors:

Exploration, Development, or Operation of Oil or Natural Gas Wells  
Development or Operation of Strip Mine or Quarry  
Establishment of any Facility Requiring Construction of Wastewater Treatment Facilities

### **Area Regulations**

The delineation of the district boundaries shall be based on technical studies specific to the water supply and approved by the Board of Supervisors

## **DISTRICT 8 -RECREATIONAL ACCESS DISTRICT (RA-1)**

## **Purpose**

The purpose of this district is to protect and preserve the natural beauty and aesthetic or cultural value of the approaches and entrances to public areas, and to prohibit uses and developments of a type that might depreciate or destroy the park-like environment.

## **Permitted Uses**

In Recreational Access District (RA-1) the following uses are permitted:

Agricultural and Forestry Operations Conservation Areas  
Lodges, Hunting, Boating, & Golf Clubs Parks & Recreation Areas  
Churches and Cemeteries Homes, Single-Family  
Playgrounds  
Public Buildings

## **Special Use Permit**

The following uses shall be permitted only by special use permit approved by the Buckingham County Board of Supervisors but shall not be limited to the following:

Public Utility Booster or Relay Stations, Transformer Substations, Transmission Lines and Towers, Pipes, Meters, and Other Facilities for the Provision and Maintenance of Public Utilities

## **Area Regulations – Minimum Lot Size**

The following minimum areas are required dependent on sewer and water services provided to a development's lot. Greater lot sizes may be required where septic tanks and drainfields (or comparable systems) and wells are employed and State Health Department officials determine that certain factors may cause health problems. All sewage and water systems in the district shall be approved by the Health Department prior to recordation.

	Water and Sewer	Water Only	Sewer Only	No Water or Sewer
Area	10,000 sq. ft.	20,000 sq. ft	40,000 sq. ft	2 to 2.99 acres
Width	80 ft.	100 ft.	125 ft.	200 ft. minimum
Area				3 to 14.99 acres
Width				300ft. minimum
Area				15 + acres
Width				400 ft. minimum

Amended - 6-26-06

## **Setback Requirements**

The minimum distance from the nearest point of the structure to the edge of the specified right of way shall be fifty (50) feet. The minimum side setback and back setback, the distance from the side property line of a lot and the back property line of a lot to the nearest point on the

structure shall be twenty- five (25) feet.

## **DISTRICT 9 - LANDFILL AND WASTE DISPOSAL DISTRICT (L-1)**

### **Purpose**

The purpose of this district is to regulate the location of landfills or other uses for the disposal of any materials regulated by the Virginia Department of Environmental Quality, including general solid waste as well as hazardous waste materials as defined in Section 32.1-239 of the Code of Virginia. For the purpose of this ordinance, all unincorporated areas of Buckingham County are included in the L-1 District. This zoning district is to be superimposed over other existing districts and the special requirements' of the district shall apply in addition to the requirements of the zoning use district within which a specific property is located.

### **Permitted Uses**

Production, Storage, or Disposal of Hazardous Waste  
Production, Storage, or Disposal of Nuclear Waste Material

### **Special Use Permits**

The following uses shall be permitted only by special use permit approved by the Buckingham County Board of Supervisors:

Disposal of Solid Waste Materials Whether through Land-filling, Incineration, or Any Other Prevailing Method of Disposal

### **Area Regulations**

All unincorporated areas of Buckingham County are included in the boundary of this district.

## **DISTRICT 10 - Residential Planned Unit Development, (RPUD-1)**

### **Purpose.**

Residential planned unit development district RPUD is designed to allow the greatest flexibility of land and site design, development and innovation while requiring conformance to the purposes of this chapter. The district is designed to provide for

medium and large scale developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. The regulations for this district are designed to protect the natural beauty of the landscape, to encourage preservation and more efficient use of open space and to encourage a more efficient use of land and public services. The following provisions shall apply:

1. The project shall use conservation design and identify conservation areas as first priority.
2. Residential and Commercial lots within the RPUD shall be a maximum of one (1) acre. However, all uses aside from residential shall be incidental to residential.
3. Residential planned unit developments shall comply with the provisions of the county subdivision ordinance and this article of the zoning ordinance. However, in case of conflicting provisions between either the subdivision ordinance or other articles of the zoning ordinance, this article shall take precedence.

### **Permitted Uses.**

In residential planned unit development district RPUD, the following uses may be permitted:

- (1) Single-family dwellings
- (2) Multiple-family dwellings.
- (3) Mobile Home Parks
- (3) Schools.
- (4) Religious activities and quarters.
- (5) Parks, playgrounds, athletic areas, play lots, tot lots, golf courses, swimming pools, lakes and undeveloped areas for passive recreation.
- (6) Recreational buildings, provided that such recreational buildings shall be not substantially larger than necessary to serve the residents who will live within the planned residential development district when it is fully developed.
- (8) Accessory uses and structures which are customarily auxiliary and clearly incident and subordinate to permitted uses and structures.
- (9) Group home.
- (11) Telecommunication Towers as defined in Article 9 of the Zoning Ordinance

### **Special uses permitted by special exception.**

1. Schools and child care centers.
2. Lodges, clubs, country clubs and golf courses.
3. Commercial uses in accordance with non-residential uses that would be of benefit to residences such as doctor's offices, café, etc.

### **Site requirement.**

For purpose of residential planned unit development, the following minimal design criteria must be met:

1. *Contiguity required.* A tract of land must be contiguous and lend itself to being improved so as to benefit the entire community with no significant adverse effect upon surrounding properties.

2. *Size limitations.* For RPUDs entailing more than fifty (50) acres a plan for staging the RPUD shall be formulated by the developer subject to the approval of the Planning Commission. Such plans shall be submitted along with the tentative plat for the RPUD.

3. *Maximum allowable residential densities.* Cluster development. Cluster development is intended to encourage creative site designs and layouts that incorporate denser groupings of lots in distinct nodes that are interconnected within a site with each cluster or node separated by large and meaningful amounts of open space. Typical curvilinear or grid pattern subdivision configurations would not qualify as a cluster development.

Cluster development shall be permitted only upon provision of either private packaged or public sanitary sewer and water systems. The preferred maximum residential density shall range from 4 to 6 units per acre (Density Guideline = 1 structure/unit per ¼ acre but not to exceed 6 dwelling units per structure). However, a greater maximum gross density may be approved at the discretion of the Board of Supervisors of Buckingham County or by achieving seventy (70) percent open space and Thirty (30) percent impervious space (see 4a and 4b below).

4. *Bulk regulations.*

a. *Residential.* Maximum land coverage by buildings, street pavement and covered parking areas: Forty (40) percent, whereas sixty (60) percent must be devoted to either required open space, uncovered parking areas or required yards.

b. *Common area.* At least thirty (30) percent of the gross land area of a RPUD shall be common open space. The area in streets, parking areas, required yards shall not be included in the required common open space; however, the area determined as acceptable open space in lakes and ponds, flood plain area and existing or proposed trunk utility line rights-of-way will be determined on the particular circumstances of each proposed planned residential development. Staff is granted administrative authority to negotiate and determine compliance with the spirit and intent of the open space regulations.

5. *Streets.* All streets located within the RPUD shall be constructed and maintained in conformance with Virginia Department of Transportation subdivision road standards.

6. *Utilities.* All onsite utilities serving the RPUD, including sanitary sewer, water, electrical transmission lines and telephone lines, shall be placed underground. The costs related to the provisions of maintenance of such utilities until acceptance of dedication by the public utility shall either be borne by the developer or the residents of the RPUD. Public sanitary sewer and water systems shall be constructed in accordance with County Code and all applicable county standards and requirements, and approved by the county utility director. Private sewer and water systems shall be constructed in accordance with Virginia Department of Health (VDH) and approved by the Virginia Department of Health. Shared utilities must be clearly indicated on the final plat and the responsibility of such shall be outlined in the nonprofit association, corporation, trust or foundation of all individuals or corporations owning property within the planned development.

7. *Buffer space.* Buffer space along the perimeter of a planned residential development district shall be clearly defined on the site plan. The planning commission will review buffer space on a case by case basis and may approve less buffer space if the perimeter contains physical or natural barriers.

8. *Building location.* In a planned residential development district, the location of buildings in relation to each other and to streets shall provide:

- (a) Adequate light and ventilation to protect the health of the occupants and users thereof.
  - (b) Necessary access for fire equipment and other emergency vehicles.
  - (c) A reasonable degree of privacy for the residents and occupants of the development.
  - (d) Whenever any nonresidential use is established in this district shown or proposed within the site plan which adjoins any other lot shown or proposed to be residentially developed within the site plan within the residential planned unit development district, a transitional yard shall be provided on such lot by the nonresidential use along such common boundary to a depth of fifty (50) feet for principal structures and thirty (30) feet for accessory structures, and screening shall be provided within such yard which shall be sufficient to insulate visually the nonresidential use from the residential property. Such transitional yard shall be landscaped and shall not contain any structures or any parking lot or driveway.
9. Lot widths and setbacks may be varied to allow for a variety of structural designs.

**Common open space--Generally.**

A minimum of thirty (30) percent of the gross land area of the development shall be reserved for common open space and recreational facilities for the residents of the development. The location and character of the common open space shall be provided in a manner to meet the needs of the planned residential development. The common open space shall be used for amenity, recreational purposes, community gardens and/or green space. The uses authorized for the common open space must be appropriate to the scale and character of the planned residential development, considering its size, density, expected population, topography and the number and type of dwellings to be provided. Flood plain areas and bodies of water may account for a portion of the required amount of common open space. The amount of a flood plain area or a body of water that may be counted towards the total common open space requirement will be determined on the particular circumstances of each proposed planned residential development.

**Common open space--Management.**

- (a) The required amount of common open space land reserved under a planned residential development district shall be managed by one or a combination of the following methods of administering common open space:
  - (1) Public dedication to the county of the open space. This method is subject to formal acceptance by the county.
  - (2) Establishment of a nonprofit association, corporation, trust or foundation of all individuals or corporations owning residential property (including vacant building lots) within the planned development to ensure the maintenance of open spaces.
  - (3) Retention of ownership, control and maintenance of open space by the developer, subject to approval of the board of supervisors.
- (b) All open space not dedicated to the public shall be made subject to restrictive covenants running with the land thereafter restricting its use as declared in the final development plan, and such restrictions shall be for the benefit of, and enforceable by, all present or future property owners who shall be entitled to the use of such open space.

(c) All open space, as well as public recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

(d) If the developer elects to administer common open space through an association, nonprofit corporation, trust or foundation, the organization shall conform to the following requirements:

(1) The developer must establish the organization prior to the sale of any lots.

(2) The organization manual must be given to any new landowners at the time of sale.

(3) Membership in the organization shall be mandatory for all property owners, present or future, within the planned community and such organization shall not discriminate in its members or shareholders.

(4) The organization shall manage all open space and recreational and cultural facilities that are not dedicated to the public, shall provide for the maintenance, administration and operation of said land and improvements and any other land within the planned residential development not publicly or privately owned, and shall secure adequate liability insurance on the land. The developer must make up the difference in cost of maintaining the open space until the lots are sold.

(e) The responsibility for the maintenance of all common open space shall be specified by the developer before approval of the final development plan.

#### **Utility requirements.**

(a) Underground utilities, including telephone, electrical systems, and fiber optics, are required within the limits of all planned residential developments. Appurtenances to these systems which can be effectively screened may be exempt from this requirements, if the county finds that such exemption will not violate the intent or character of the proposed planned residential development.

(b) All planned residential developments shall be served by public, central or shared water systems and either public, packaged, shared or private sewer systems. All shared and/or private sewer must be designed with a 100% reserve. Prior to application submittal, the systems must be approved by the state department of health and/or the Buckingham County Utility Director. The operation and maintenance of such systems will be the responsibility of the property owners organization or the responsibility of each landowner using said system.

(C) Junction boxes shall be screened and minimized.

#### **Procedure for establishing a RPUD district.**

Material submitted with the application or on subsequent request by the planning commission shall include all plans, maps, studies and reports which may reasonably be required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records (as outlined in Article 4).

#### **Approval of final development plan and reports; issuance of building permits.**

(a) After lands are rezoned to PRD status, no building permit shall be issued in such district unless and until the Planning Commission's Agent shall have approved the final

development plan and reports for the development as a whole or stages deemed satisfactory in relation to total development. No structure or use not indicated in the approved development plan and reports shall be permitted.

(b) Upon approval of the development plan and reports, building permits shall be issued in the same manner as for building permits generally; provided, that any requirements concerning the order or location in which building permits are to be issued in the particular RPUD district shall be observed. Final plans and reports approved shall be binding on the applicant and any successors in interest so long as RPUD zoning applies to the land.

### **Expiration and extension of approval periods.**

(a) The zoning permit for a planned residential development district shall be for a period not to exceed two years to allow for the preparation of a final development plan and the development of the project. If no construction has begun within two years after approval is granted, the planning commission shall review the circumstances for delay of a particular project and make a corresponding determination to either extend or void the zoning approval.

(b) An extension of the time limit or modification of the approved final development plan may be approved one (1) time for a period of time left to the discretion of the Planning Commission, if the planning commission finds that such extension or modification is not in conflict with the public interest.

## **DISTRICT 11 - VILLAGE CENTER DISTRICT (VC-I)**

### **Purpose**

The purpose of the Village Center District is to encourage cluster development of residential, commercial, and public uses to provide rural residents with convenient access to community services, shopping, and employment, and to create a sense of community identity

### **Permitted Uses**

Within the Village Center District (VC-I), the following uses are permitted:

Agriculture, Provided that no Structure Containing Poultry or Livestock and no Storage of Manure or Odor or Dust

Producing Substance Shall be Located within the District - excluding household compost

Adult Retirement Community/Assisted Living

Churches, Manses, Parish Houses, and Cemeteries

Dwellings, Single-Family, Detached

Fraternal Organizations

Garages, Residential

Home Based Service Business

Manufactured Homes (One per Residential Lot)



Multi-family Housing - Apartments, Duplexes, Triplexes, Townhouses

Parks and Playgrounds

Offices, Public and Private

Recreation Facilities

Retreat Centers, Religious and Secular Amended

Schools, Public and Private

Signs- non-illuminated and less than 3 x 4, max. height 5 ft, must be located outside of VDOT right of way

Subdivisions, Minor

Businesses allowed by right are those that; 1) do not have any outside storage or displays, 2) operate between the hours of 7 AM and 7 PM, 3) have no more than 60 trips/customers per day and 4) do not use delivery trucks with greater than 2 axels. Examples may include: Antique/Gift Shop, Barber/Beauty Shop, and Day Care. All Business that do not fit within the parameters listed above must apply for a Special Use Permit.

### **Special Use Permits**

The following uses shall be permitted only by special use permit approved by the Buckingham County Board of Supervisors:

Any use which may be permitted by special use permit in either the Agriculture (A-I) or Business (B-1) Districts and which is not set forth above as a use permitted by right in the Village Center (VC-I) District.

Any home-based service business which does not meet the definition for a home occupation permitted as of right for the reason that it is carried on in whole or in part from other than the home or principal dwelling house or employs other than family members.

### **Area Regulations - Minimum Lot Size:**

The following minimum areas are required dependent on sewer and water services provided to a development's lot. Greater lot sizes may be required where septic tanks and drainfields (or comparable systems) and wells are employed and State Health Department officials determine that certain factors may cause health problems. All sewage and water systems in the district shall be approved by the Health Department prior to recordation.

<b><u>Type of Service Requirement</u></b>	<b><u>Area Requirement</u></b>	<b><u>Width</u></b>
Public or Central Water & Public or Packaged Sewer	¼ acre minimum	80ft
Public or Packaged Sewer only	½ acre minimum	100ft
Public or Central Water only	1 acre minimum	125ft
Private single-user Water & Sewer	2 acre minimum	200ft

### **Setback Requirements**

Principal Structures - The minimum distance from the nearest point of the principal structure to the edge of the specified right of way shall be twenty-five (25) feet for any existing VDOT maintained road and thirty (35) feet from the centerline for any proposed and/or private road. Setbacks for side property lines without right of ways shall be a minimum of ten (10) feet with the total of both sides equaling twenty-five (25) feet or greater. Rear setbacks without right of ways shall be a minimum of fifteen (15) feet.

Accessory structures - shall be twenty-five (25) feet for any existing VDOT maintained road and thirty (35) feet from the centerline for any proposed and/or private road and shall be a minimum of ten (10) feet from all other property lines.

### **ARTICLE 3 - NON-CONFORMING USES**

#### **Continuation**

If at the time of enactment of this ordinance, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided, except that advertising structures that become non-conforming because of rezoning have twenty-four (24) months within which to relocate in a permitted area.

If any change in title of possession, or renewal of a lease of any such lot or structure occurs, the use existing may be continued.

If any non-conforming use (structure(s) or activity) is discontinued for a period exceeding two (2) years, after the enactment of this ordinance it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.

Wherever a non-conforming structure, lot, or activity has been changed to a more limited nonconforming use, such existing use may only be changed to an even more limited use.

Temporary seasonal non-conforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance are excluded

#### **Permits**

The construction or use of a non-conforming building or land area for which a permit was issued legally prior to the adoption of this ordinance may proceed, provided such building is completed within one (1) year, or such use of land established within thirty (30) days after the effective date of this ordinance.

#### **Repairs and Maintenance**

On any building devoted in which [whole] or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent of the current replacement

value of the structure, provided that the cubic content of the structure as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. (All building permit requirements still apply.)

### **Expansion or Enlargement**

A non-conforming structure to be extended or enlarged shall conform to the provisions of this ordinance.

A non-conforming activity may be extended throughout any part of a structure which arranged or designed for such activity at the time of enactment of this ordinance.

A nonconforming use of property or a conforming use the requirements for which are changed by this ordinance, shall comply with the requirements of this ordinance before it is expanded or enlarged or additional buildings or structures may be constructed or added to carry out or support the use

### **Restoration and Replacement**

If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed 75 percent of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this ordinance. Nonconforming residential structures may be restored; however, any expansion of the original structure must conform to the requirements of this ordinance.

Where a conforming structure devoted to a nonconforming activity is damaged and the cost of restoration is less than 50 percent of the cost of reconstructing the entire structure then the structure may be repaired or restored, provided any such repair or restoration is started within 12 months and completed within 18 months from the date of partial destruction.

The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

Mobile homes within non-conforming and/or non-permitted mobile home parks may be replaced with newer and/or larger homes as long as the number of bedrooms does not increase.

A structure on a nonconforming lot may be replaced but shall not be enlarged or expanded without complying with the requirements of this ordinance.

### **Non-Conforming Lots**

Any lot of record at the time of the adoption of this ordinance which is less in area or width than the minimum required by this ordinance may be used when the requirements of the Board of Zoning Appeals regarding setbacks and side yards are met.

## **ARTICLE 4 - GENERAL PROVISIONS**

## **Zoning Permits**

Buildings or structures shall be started, reconstructed, enlarged, or altered only after a zoning permit has been obtained from the Administrator. The application form used for a building permit shall serve as an application for a zoning permit and shall contain a certification that requirements of the zoning ordinance have been met. All zoning permit applications shall include a statement whether the proposed structure is within, or encroaches into, a Dam Break Inundation Zone (DBIZ), as noted by the Dam Break Inundation Zone maps provided by Peter Francisco Soil and Water Conservation District. Applicants shall be notified at time of permit issuance if the structure is located in a DBIZ; however, no structure shall be prohibited as a result of being located in a DBIZ. Any permit from a structure within a DBIZ shall be forwarded to Peter Francisco Soil and Water Conservation District.

A change in activity not requiring a building permit shall require a separate application for zoning permit. If the proposed use constitutes a special use permit or zoning map amendment, and then the applicant shall be responsible for reimbursement to Buckingham County for the cost of advertisement(s) of the request and any costs incurred by the County for notification of adjoining property owners as required by law or fees as set forth by the Board of Supervisors of Buckingham County. If the request is approved, such fees shall be paid prior to issuance of the zoning permit.

If in the Administrator's judgment, the proposed construction constitutes a permitted use for the district in which the construction lies, the zoning permit shall be issued in conjunction with the building permit. The Administrator may refer any application for a zoning permit to the Planning Commission. The Commission may request a review of any zoning permit approved by the Administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.

Each application for zoning permit shall be accompanied by at least one copy of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed.

## **Special Use Permit**

If in the Administrator's judgment, the proposed construction constitutes a special use for the district in which the construction lies, the application for a zoning permit shall be referred to the Planning Commission, which shall meet within 30 days to consider the application. A public hearing shall be held at which parties in interest and citizens shall have an opportunity to be heard, except that the Commission may waive a public hearing if the applicant presents satisfactory evidence of approval by the community. The Commission shall transmit a recommendation based on its consideration of the application to the Board of Supervisors not more than 30 days after the public hearing(s). The Board of Supervisors shall hold a public hearing and shall either approve or deny the application.

### **Uses Not Provided For**

If in any district established under this ordinance, a use is not specifically permitted and an application is made by a property owner to the Administrator for such use, the Administrator shall refer the application to the Planning Commission which shall make its recommendations to the governing body within sixty (60) days. If the recommendation of the Planning Commission is approved by the governing body, the ordinance shall be amended to list the use as a permitted use in that district, henceforth. Both Planning Commission and Board of Supervisors shall hold a public hearing after advertising in accordance with Section 15.2-2204, Code of Virginia.

### **Sign Placement for Notice of Public Hearings**

The applicant in any case which requires a public hearing shall post signs furnished by the agent on each parcel involved at least 21 days prior to the public hearing indicating that a public hearing is eminent, the date, a rezoning issue, and a County contact number. The signs shall be placed on the VDOT right-of-way closest to the applicant's property line and shall be clearly visible from the road with bottom of the sign not less than one and one half feet above the ground. If more than one public road abuts the property, the signs shall be placed in the same manner as above for each abutting road. If no road abuts a property, then the agent shall define an area for the signs. The agent may ask the applicant that the sign be moved to another area either on the property to achieve greater public visibility. The applicant shall be responsible for keeping the signs free from grass, weeds, and any other plants or vines that may obstruct the public's view. The applicant shall contact the Virginia Department of Transportation for any information concerning where the right-of-way is located. The applicant shall be responsible for the signs should VDOT or their contractor conduct mowing or clearing of the right-of-way in the area where the sign is located.

Any signs required shall be maintained at all times by the applicant up to the time of the final public hearing. No person, except the applicant or the agent or an authorized agent of either, shall remove or tamper with any sign furnished during the period it is required to be maintained under this section. All signs erected under this ordinance shall be removed by the applicant within 15 days following a decision at the final public hearing and shall be returned to the agent. The applicant shall purchase the signs at a fee as determined by the Board of Supervisors and shall be non-refundable. The applicant shall be responsible for the replacement of the sign(s) and shall contact the agent as soon as possible for another sign to be replaced as the manner described above. Should the sign(s) have to be replaced more than twice, this section shall no longer be forced upon the applicant.

Any person, firm, or corporation, whether as principal, agent, employed, or otherwise, destroying, stealing, or defacing any sign(s) displaying a public hearing announcement shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to five hundred dollars (\$500). Such person, firm, or corporation shall be deemed to be guilty of a separate offence for each and every day during which any portion of any sign(s) are destroyed, stolen, or defaced and is committed, continued, or permitted by such persons, firm, or corporation, and shall be punishable as herein provided.

Applicant in this section shall be defined as the Owner, Developer, or agent of the owner and/or developer.

If any notice sign is not posted as specified in this section (**Sign Placement for Notice of Public Hearings**):

1. Prior to action by Planning Commission/Board of Supervisors. The Planning Commission/Board of Supervisors may defer action on an application if it finds that the failure to comply with this section (**Sign Placement for Notice of Public Hearings**) materially deprived the public of reasonable notice of the public hearing.

2. Action is not invalid. Neither the Commission's recommendation nor the Board's approval of a zoning map amendment or special use permit will be invalidated solely because of a failure to post notice as specified in section (**Sign Placement for Notice of Public Hearings**).

## **ARTICLE 5 - PROVISIONS FOR APPEAL**

### **Board of Zoning Appeals**

A Board consisting of five (5) members shall be appointed by the Circuit Court of Buckingham County. The Board shall serve without pay other than for traveling expenses, and members shall be removable for cause upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

The term of office shall be for five (5) years, except that of the first five (5) members appointed, one (1) shall serve for five (5) years, one (1) shall serve for four (4) years, one (1) for three (3) years, one (1) for two (2) years, and one (1) for one (1) year. One of the five appointed members shall be an active member of the Planning Commission.

Members may be removed for cause by the appointing authority upon written charges and after a public hearing.

Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest.

The Board shall choose annually its own Chairman and Vice Chairman who shall act in the absence of the Chairman.

### **Powers of the Board of Zoning Appeals**

Boards of Zoning Appeals shall have the following powers and duties:

To hear and decide appeals from/any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto.

To authorize upon appeal in specific cases such variance from the terms- of the ordinance as will not be contrary to the public interest when, owing to special conditions a literal enforcement-of the provisions, will result in unnecessary hardship, provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

No such variance shall be authorized by the Board unless it finds: (1) that the strict application of the ordinance would produce undue hardships; (b) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

No such variance shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia.

No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring in nature as to make reasonable and practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

In authorizing a variance, the Board may impose such conditions regarding the location, character, and other features of the proposed structure for use as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

### **Rules and Regulations**

The Board of Zoning appeals shall adopt such rules and regulations as it may consider necessary.

The meeting of the Board shall be held at the call of its Chairman or at such times as a quorum of the Board may determine.

The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board and shall be a public record.

All meetings of the Board shall be open to the public  
A quorum shall be at least three (3) members.

A favorable vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board is required to pass.

### **Appeal to the Board of Zoning Appeals**

An appeal to the Board may be taken by any person aggrieved or by, any officer, department, board, or bureau of the County or municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceeding shall not be stayed otherwise, than by a restraining order granted by the Board or by a court of record, on application and on

notice to the Zoning Administrator and for good cause shown.

### **Appeal Procedure**

Appeals shall be made to the Board of Zoning Appeals, c/o the Zoning Administrator.

Appeals requiring an advertised public hearing shall be accompanied by a certified check for two hundred and fifty dollars (\$250) payable to the Treasurer, Buckingham County.

### **Public Hearing**

The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within sixty (60) days. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision, or determination of an administrative office or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the Office of the Board and shall be public records. The Chairman of the Board, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.

### **Decision of Board of Zoning Appeals**

Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board, or bureau of the County of Buckingham, may present to the Circuit Court of the County a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the Office of the Board.

Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the Realtor's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the Writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law,



which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted in bad faith or with malice in making the decision appealed.

## **ARTICLE 6 - VIOLATION AND PENALTY**

All departments, officials, and public employees of this jurisdiction which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of this ordinance. Any such permit, if issued in conflict with the provisions of the ordinance, shall be null and void.

Any person firm, or corporation, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to two thousand five hundred dollars (\$2,500). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued, or permitted by such persons, firm, or corporation and shall be punishable as herein provided.

## **ARTICLE 7 - AMENDMENTS**

The regulations, restrictions, and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by the governing body, provided:

The Planning Commission shall hold at least one public hearing on such proposed amendment after notice is required by Section 15.2-2204, and may make appropriate changes in the proposed amendment as a result of such hearing. Upon the completion of its work, the Commission shall present the proposed amendment to the governing body together with its recommendations and appropriate explanatory material.

Before approving and adopting any amendment, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by 'Section 15.2-2204, after which the governing body may make appropriate changes or corrections in the proposed amendment, provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice required by Section 15.2-2204. An affirmative vote shall be required to amend the Zoning Ordinance.

### **Proffers of Conditions**

Prior to any public hearing before the Board of Supervisors, any applicant for rezoning may voluntarily proffer, in writing, reasonable conditions to be applied to such rezoning as part thereof. Such conditions shall comply with the provisions of the Code of Virginia, provided that the proffering by the applicant shall be deemed prima facie evidence of such compliance.

Upon approval of any such rezoning, all conditions so proffered and accepted by the Board of Supervisors shall be deemed a part thereof and non-severable and shall remain in force until amended or varied by the Board of Supervisors in accordance with the Code of Virginia. All such conditions shall be in addition to the regulations provided for the district.

Each such rezoning shall be designated on the zoning map by the appropriate symbol designed by the Zoning Administrator. In addition, the Zoning Administrator shall keep and maintain the zoning index which shall provide ready access to the ordinance creating such conditions.

## **ARTICLE 8 - ADMINISTRATION AND INTERPRETATION**

This ordinance shall be enforced by the Administrator who shall be appointed by the governing body. The Administrator shall serve at the pleasure of that body. Compensation for such shall be filed by resolution of the governing body.

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this ordinance. However, such construction must commence within thirty (30) days after this ordinance becomes effective. If construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this ordinance for the district in which the operation is located.

### **Effective Date**

The effective date of the ordinance shall be from and after its passage and legal application and its provisions shall be in force thereafter until repealed

### **Severability**

Should any section of provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so held to be unconstitutional or invalid..

### **Conflicting Ordinances**

Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same subject, where the conflict is with respect to the height of structures or vegetation, and the use of land, or any other matter, the more stringent limitation or requirement shall govern.

**ARTICLE 9**  
**RADIO, TELEVISION AND WIRELESS COMMUNICATION TOWER**  
**AMENDMENT TO THE ZONING ORDINANCE OF BUCKINGHAM COUNTY**

**Section One: Purpose**

The purpose of this article is to facilitate collocation of radio, television, and wireless communication towers and wherever possible, minimize the impacts of wireless communication facilities (hereinafter WCF) on surrounding areas. Certification of all the following requirements must be made to the Administrator before a building permit for any tower construction, tower modification, antenna collocation, antenna attachment, or antenna modification will be issued.

**Section Two: Applicability**

The following shall apply to the development activities including installation, construction, or modification of the following wireless communications facilities:

- (1) Existing WCF.
- (2) Proposed WCF.
- (3) Public WCF.
- (4) Replacement of an existing WCF.
- (5) Collocation on existing WCF.
- (6) Modification(s) to existing collocation or antenna array
- (7) Attached WCF.
- (8) Antenna element replacement(s)
- (9) Concealed WCF.
- (10) Broadcast transmission facilities
- (11) Wireless Broadband facilities
- (12) Small Cell Facilities

**Section Three: Exempt Installations**

Notwithstanding any other provisions contained in land development regulations for the County, the following items are exempt from the provisions of this article;

- (1) Non-commercial, FCC licensed amateur radio antennas as provided for in the definition section.
- (2) Satellite earth stations that are three meters or less.
- (3) A government wireless communications facility, whether owned or leased, that is exclusively reserved for non-commercial public safety communications services, and which will not be utilized for any commercial wireless services, upon a written determination of public necessity by the county board of supervisors or designee; except that such facility must comply with all federal and state building and structural requirements. Such noncommercial public safety facility may be constructed using any available technology and may be constructed to

accommodate future anticipated public safety wireless communications needs.

- (4) A temporary, commercial wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the county board of supervisors or designee.
- (5) A temporary, commercial wireless communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the county board of supervisors or designee.
- (6) Antenna support structures, antennas, and/or antenna arrays for AM/FM/LPTV/DTV broadcast transmission facilities.
- (7) Micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes.

**Section Four: Permitted Uses (By Right with certification)**

- (1) Concealed Attached WCF
- (2) Attached, Antenna, Collocated or Combined on Existing WCF
- (3) Modification on to existing collocation or antenna array
- (4) Antenna Element Replacement
- (5) Replacement of WCF unless the replacement of an existing non-illuminated WCF is required to become illuminated
- (6) Eligible Small Cell Facilities

**Section Five: Special Use Permit Required** - listed by siting hierarchy from highest to lowest. Preference always given to publicly owned property first (see supplemental document for publicly owned property list).

- (1) Second Replacement of WCF
- (2) Replacement of existing WCF where the replacement will require an existing non-illuminated WCF to become illuminated.
- (3) Non-concealed attached WCF (only on transmission distribution poles).
- (4) Concealed freestanding WCF
- (5) Non-concealed freestanding WCF.
  - a. On publicly-owned property
    - (i). Monopole tower
    - (ii). Lattice tower
    - (iii). Guyed tower
  - b. On non publicly-owned property
    - (i). Monopole tower
    - (ii). Lattice tower

- (iii). Guyed tower

#### **Section Six: Submittal Requirements for Permitted and Special Uses**

All submittal requirements are listed in Supplemental document

#### **Section Seven: Development standards**

- (a) Height shall be 199' or less with the exception of replacement of and existing WCF ( See supplemental document for replacement details)
- (b) Setbacks according to each type of facility
  - (a) Collocated, combined WCF or antenna array and equipment
    - (1) shall be subject to the setbacks of the underlying zoning district.
    - (2) When a collocated or combined WCF is to be located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.
  - (b) Attached antenna
    - a. located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.
    - b. New equipment cabinets are subject to the underlying zoning setbacks.
- (c) Replacement WCF of an existing tower
  - a. shall not be required to meet new setback standards so long as the new tower and its equipment compound are no closer to any property lines or dwelling units as the tower and equipment compound being replaced. The intent is to encourage the replacement process, not penalize the WCF owner for the change out of the old facility.
- (4) Small Cell Facilities
  - b. shall be co-located when feasible as a first option on existing utility poles, County owned infrastructure (with the County's consent), existing wireless support structures or base stations in the immediate area;
  - c. may be developed as replacements for existing utility poles or wireless support structures provided the new facility does not exceed the size of the former facility.
- (6) New freestanding concealed and non-concealed towers and equipment compounds

- (a) shall be subject to the setbacks described below for breakpoint technology:
1. If the antenna support structure has been constructed using breakpoint design technology (see Definitions), the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure, plus the minimum side and rear yard requirements. For example, on a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district.
  2. If the tower has not been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110 percent of the height of the proposed antenna support structure.
- (7) Commercial messages shall not be displayed on any tower. The only signage that is permitted upon a tower, equipment cabinets, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
- (8) Buffers. In all allowable locations the WCF equipment compound shall be landscaped with a minimum ten-foot wide perimeter buffer containing the following planting standards:
1. One row of evergreen trees with a minimum two inches caliper, 25-foot on center.
  2. Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five feet shall be planted, minimum three gallon or 24 inches tall at the time of planting, five-foot on center.
  3. All plants and trees shall be indigenous to this part of Virginia.
  4. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Administrator.

5. Alternative landscaping plans which provide for the same buffer as 1 and 2 above but an propose alternative siting location on the entire subject property on which the proposed facility is projected may be considered and approved by the zoning administrator, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section. If in the future the property is redeveloped the property owner may be required to provide the ten-foot wide perimeter buffer around the WCF equipment compound meeting the planning standards of 1 and 2 above.
- (9) A section of fence at least six (6) feet in height shall be provided completely around the base of the tower and any associated equipment inside any required buffer area.
- (10) The facility shall not interfere with the radio, television, or communications reception of nearby property owners in residence at the time of construction. The applicant shall take steps to successfully eliminate any such interference. Compliance with American National Standards Institute (ANSI) standards for electromagnetic radiation shall be required in order to protect the public from excessive exposure to electromagnetic radiation. The WCF applicant shall certify through a written statement that the facility meets or exceeds current ANSI standards as adopted by the FCC. (see supplemental document for further information on Interference agreement)
- (11) All towers and other structures shall meet all safety requirements of all applicable building codes.
- (12) All non-concealed WCFs structures (excluding antenna and cables) greater than 50' shall be galvanized steel.
- (13) All freestanding towers up to 150 feet in height shall be engineered and constructed to accommodate no less than five (5) antenna arrays. All towers great than 150 feet shall be engineered and constructed to accommodate no less than six (6) antenna arrays.
- (14) Abandonment.

1. WCFs and the equipment compound, including the foundation(s) down to twelve inches (12”) below grade, shall be removed at the owner's expense, within 180 days of cessation of use (i.e. the termination of all radio frequency transmissions from the tower), unless the abandonment is associated with a replacement antenna structure, general submittal requirements, in which case the removal shall occur within 90 days of cessation of use.
2. An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The county may extend the time for removal or reactivation up to 60 additional days upon a showing of good cause. If the antenna support structure or antenna is not removed within this time, the county may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the county may cause removal of the antenna support structure with costs being borne by the owner.
3. Upon removal of the WCF and equipment compound, the development area shall be returned to its natural state and topography and vegetated consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal.

#### **Section Eight: Approval Factors and Process**

- (1) The approving bodies, in exercise of the County’s zoning regulatory authority, may consider an application for approval and determine: whether a WCF is in harmony with the area; the effects and general compatibility of a WCF with adjacent properties; or the aesthetic effects of the WCF as well as mitigating factors concerning aesthetics.
- (2) The approving bodies, in exercise of the County’s zoning regulatory authority, may disapprove an application on the grounds that the WCF’s aesthetic effects are unacceptable, or may condition approval on changes in WCF height, design, style, buffers, or other features of the WCF or its surrounding area. Such changes need not result in performance identical to that of the original application.
- (3) Factors relevant to aesthetic effects are: the protection of the view in sensitive or particularly scenic areas, and areas containing unique natural features, scenic roadways or historic areas; the concentration of WCFs in the proposed area; and, whether the height, design, placement or other



characteristics of the proposed WCF could be modified to have a less intrusive visual impact.

- (4) If the approving bodies determine that the proposed additional service, coverage, or capacity to be achieved by the location of the proposed new WCF can be achieved by use of one or more alternative existing wireless communications facilities, it may disapprove the proposed WCF application.
- (5) A collocation application shall be reviewed by the County within ninety days of a completed submission, and an application for a new facility shall be reviewed by the County within one hundred fifty days of a completed submission (or within some other mutually agreed upon timeframe). The County shall notify an applicant within 20 business days of initial submission if there are any deficiencies relating to the application materials, otherwise the initial submission shall be deemed complete.
- (6) Approval or denial of the application shall be in writing and shall be postmarked to the applicant by the ninetieth day from the date of final complete submission (in the case of collocation) or one hundred fiftieth day (in the case of new facilities). Denials shall identify the deficiencies in the application which, if cured, would make the application complete. Upon resubmitting of the revised site plan and paperwork the County shall follow the process identified in subsection (6) above until all deficiencies identified are deemed cured.
- (7) If the County does not respond in writing to the applicant within the specified timeframe detailed above, then the application shall be deemed approved.
- (8) Where the County deems it appropriate because of the complexity of the methodology or analysis required to review an application for a new wireless communication facility, the county may require the applicant to pay for a technical review by a third party expert, selected by the County, the costs of which \$4,000.00 shall be borne by the applicant and be in addition to other applicable fees. Further, if additional information is needed to evaluate the applicant's request, the applicant, shall make such additional information available as the County might reasonably request.
  - a. Permitted uses #1 - #5 may be technically reviewed by a third party expert, the costs of which \$1,800.00 shall be borne by the applicant and be in addition to other applicable fees. Permitted use #6 (Small Cell Facilities) will be reviewed and charged as allowed by Code of Virginia Section 15.2-2316.4

#### **Section Nine: RESERVED**

#### **Section Ten: Definitions**

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

different meaning. Where terms are not defined, they shall have their ordinarily accepted meaning, or such as the context may imply.

Generally, the words "used for" include "designed for," and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; and the word "lot" includes the word "plot." Any words pertaining to gender shall be interchangeable. The word "he" shall mean "she," and "she" shall mean "he." The word "shall" is mandatory; the word "may" or "should" is permissive.

**Administrator.** Also referred to as the zoning administrator. The official charged with the enforcement of the subdivision and zoning ordinances. He may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.

**Agent.** One who represents another, called the principal, in dealings with third persons. The agent undertakes some business by authority of the principal. The principal is the property owner.

**Alternative tower structure.** Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Amateur radio tower.** A structure on which an antenna is installed for the purpose of transmitting and receiving amateur radio signals erected and operated by an amateur radio operator licensed by the FCC.

**Ancillary structure.** For the purposes of telecommunications, means any form of development associated with a wireless communications facility, including but not limited to: foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.

**Antenna.** Any apparatus designed for the transmitting and/or receiving of electromagnetic waves including, but not limited to telephonic, radio or television communications. Types of elements include, but are not limited to: omni-directional (whip) antennas, sectorized (panel) antennas, multi or single bay (FM and TV), yagi, or parabolic (dish) antennas.

**Antenna array.** A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

**Antenna element replacement.**

The replacement of an existing antenna element with a same or like model number or another element with identical or reduced dead weight and wind load properties. In addition there can be no increase in the size or number of feed lines utilized by the facility.

**Anti-climbing device.**

A piece or pieces of equipment which are either attached to an antenna support structure, or which are free-standing and are designed to prevent people from climbing the structure. These devices may include but are not limited to fine mesh wrap around structure legs, "squirrel-cones," or other approved devices, but excluding the use of barbed or razor wire.

**Applicant.**

Any person submitting any application required or permitted pursuant to any of the provisions of this chapter, including his successors and assigns.

**Base station.**

The electronic equipment usually ground mounted, utilized by the wireless providers for the transmission and reception of radio signals.

**Broadcasting or communication tower.**

Any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A broadcasting or communication tower usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Excluded are "amateur radio towers," which are described separately. Also excluded are wireless communication antennas which fit the definition of "utility services, minor."

**Building, height of.** See "height, building."

**Building line or setback line.**

A line that establishes the area within which the principal building or structure must be erected or placed and which may be located by means of a plat of subdivision or site plan at a distance greater than, but in no case less than, the minimum setbacks or yard spaces required by the zoning ordinance.

**Code of Virginia.** The Code of Virginia of 1950, as it may be amended from time to time. ("This Code," however, refers to the Ordinances of the County of Buckingham, Virginia.)

**Collocation.** The practice of installing, mounting, maintaining, modifying, operating or replacing a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure.

**Combined antenna.** An antenna or an antenna array designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

**Commission.** The Planning Commission of the County.

**Communications service.**

Establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded from this use type are facilities classified as "utility services, major" or "broadcasting or communication towers." Typical uses include television studios, telecommunication service centers, telegraph service offices or film and sound recording facilities.

**Concealed Tower**

A tower, ancillary structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two types of concealed facilities: 1) antenna attachments and 2) freestanding. 1) Examples of concealed attached facility include, but are not limited to the following: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural

features that blend with an existing or proposed building or structure. 2) Freestanding concealed tower's usually have a secondary, obvious function which may be, but is not limited to the following: church steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree.

**County.** Buckingham County, Virginia, a political subdivision of the State of Virginia.

**Easement.** A grant by a property owner of the use of land for a specific purpose.

**Equipment cabinet.** Any structure above the base flood elevation including: cabinets, shelters, pedestals, and other similar structures. Equipment cabinets are used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

**Equipment compound.** The fenced area surrounding a wireless communication facility including the areas inside or under the following: an antenna support structure's framework and ancillary structures such as equipment necessary to operate the antenna on the WCF that is above the base flood elevation including: cabinets, shelters, pedestals, and other similar structures.

**FAA.** The Federal Aviation Administration.

**FCC.** The Federal Communications Commission.

**Feed lines.** Cables used as the interconnecting media between the transmission/receiving base station and the antenna.

**Geographic search area.** An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

**Governing body.** The Board of Supervisors of the County.

**Guyed structure.** A style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a

series of wires that are connected to anchors placed in the ground or on a building. (see "antenna support structure")

**Handoff candidate.** A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

**Height.** The measurement of any freestanding and guyed WCF as measured at ground level to the top of the WCF structure, excluding antenna(s) and lightning rods.

**Height, building.** The vertical distance measured from the adjoining grade at the front entrance of the building or structure to the highest point of the structure. For corner lots, the building height shall be the average of the front height defined above and the building side height adjacent to the street. The building side height shall be defined as the vertical distance measured from the lowest adjoining grade on the side adjacent to the street to the highest point of the structure.

**Height, structure.** The distance between the highest point of any structure, and the lowest grade adjacent to the structure.

**Height, tree.** The measurement taken from the top of the root ball to the top of the canopy area at full foliage.

**Historical area.** An area containing buildings places, either or both, in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the area, of such significance as to warrant conservation and preservation. An historic area may not currently lie in nor constitute an historic district.

**Historic district.** A site, structure, landmark, one or more of them, or a group of them, which have unique architectural, historic, cultural, or archaeological importance to the county, the commonwealth, or the nation, and which are designated on the official zoning map as constituting an historic district.

**Historic site.** A site or structure which may not be included in an historic district, but which has an important historic, architectural or cultural significance to the County, Commonwealth, or nation. An historic site is registered with the Virginia

Landmarks Registry or the National Register of Historic Places.

**Historic structure.** Any structure that is:

- (1) Listed individually in the Virginia Landmarks Registry or the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

**Intermodulation distortion.**

The preventable and avoidable results of the mixture of two certain and specific radio frequencies (3rd Order); or more certain or specific radio frequencies (5th Order), that creates at least one other unwanted, undesirable, and interfering radio frequency (3rd Order), or multiple other unwanted, undesirable, and interfering radio frequency signals (5th Order).

**Lattice structure.** A tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross-bracing, and metal crossed strips or bars to support antennas. (see also "antenna support structure").

**Least visually obtrusive profile.**

The design of a wireless communication facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.

<b>Lot.</b>	A parcel of land intended to be separately owned, developed, or otherwise used as a unit, established by plat, subdivisions or as otherwise permitted by law.
<b>Macro wireless facility.</b>	Any wireless facility exceeding the size dimensions defined as a small cell facility.
<b>Micro-wireless facility.</b>	A small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.
<b>Master telecommunications plan.</b>	A plan developed to enforce applicable development standards, state statutes and federal regulations related to the deployment of wireless telecommunications infrastructure.
<b>Monopole structure.</b>	A style of free-standing antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. (see also "antenna support structure")
<b>National Register of Historic Places.</b>	The official list, maintained by the National Park Service of the United States Department of the Interior, of historic resources considered by that agency to be worthy of preservation.
<b>Non-Concealed Tower</b>	A wireless communication facility that is readily identifiable as such and can be either freestanding or attached.
<b>Person.</b>	An individual, firm, corporation, or association.
<b>Personal wireless service.</b>	



Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

**Plat.** A map or plan of a parcel of land that is to be, or has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

**Property.** Any tract, lot, parcel or several of such tracts, lots or parcels collected together.

**Radio frequency emissions.**

Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, antenna support structure, building, or other vertical projection.

**Replacement.** In the context of telecommunications, means a modification of an existing antenna support structure to increase the height, or to improve its integrity, or to replace or remove one or several antenna support structure(s) located in proximity to a proposed new antenna support structure in order to encourage compliance with this ordinance or improve aesthetics or functionality of the overall wireless network.

**Replacement cost.** The cost of restoring a damaged building or structure to its original condition. Replacement cost shall include reasonable estimates of the cost of materials and labor and shall be compared with the assessed value as determined by the county assessor to determine the percentage of the cost of improvements.

**Right-of-way.** A legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.

**Road.** See "street."

**Satellite earth station.**

A single or group of parabolic (or dish) antennas are mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include

the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

<b>Shrub.</b>	A woody plant producing multiple shoots or stems from the base height, with a total height of 15 feet or less. Also, when used to meet the landscaping criteria of the zoning ordinance, a perennial planting that, at the time of planting, has a minimum height of two feet measured from the ground elevation after planting.
<b>Sign.</b>	Any display of letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, or attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the display is made. A display of less than one square foot in area is excluded from this definition.
<b>Site</b>	That portion of property on which a personal wireless service facility is to be placed
<b>Small cell facility.</b>	A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no mote than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the FCC. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
<b>Special exception.</b>	A special use exception or yard, area or height exception specifically listed in this chapter which may be permitted by the board of zoning appeals in a specified district or in

all districts in accordance with the provisions of this chapter.

**Stealth.** (See "concealed wireless communications facility").

**Street.** A public or private thoroughfare which affords access to abutting property.

**Structure.** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.

**Surveyor.** A certified land surveyor licensed by the commonwealth.

**Tower.** (See "wireless communication facility").

**Vegetative buffer.** Deciduous and evergreen plants, shrubs, or trees that are mature enough to act as an effective visual and audible buffer.

**Virginia Landmarks Register.**

The official list, maintained by the Department of Historic Resources, of historic resources considered by the Board of Historic Resources to be worthy of historic preservation.

**WCF.** (See "wireless communication facility").

**Wireless Broadband Facility.**

An unstaffed location for the wireless transmission and/or reception of broadband data services exclusively, usually consisting of a tower, an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure.

**Wireless communications.**

Any personal wireless service, which includes but is not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing devices described in Part 15 of the FCC rules and regulations (i.e., wireless internet services and paging).

**Wireless communication facility (WCF).**

Any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure. The following developments shall be considered as a WCF: developments containing new, mitigated, or existing antenna support structures, public antenna support structures, replacement antenna support structures, collocation on existing antenna support structures, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities. Excluded from the definition are: non-commercial amateur radio, amateur ham radio and citizen band antennas, satellite earth stations and antenna support structures, and antennas and/or antenna arrays for AM/FM/LPTV/DTV broadcasting transmission facilities.

Specific types of WCFs includes:

Attached wireless communication facility means an antenna or antenna array that is secured to an existing building or structure with any accompanying pole or device which attaches it to the building or structure, together with transmission cables, and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site.

Concealed wireless communications facility, sometimes referred to as a stealth or camouflaged facility, means a wireless communications facility, ancillary structure, or WCF equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two types of concealed WCFs: 1) attached and 2) freestanding. 1) Examples of concealed attached facility include, but are not limited to the following: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure. 2) Freestanding concealed WCFs usually have a secondary, obvious function which may be, but is

not limited to the following: church steeple, windmill, bell tower, clock tower, cupola, light standard, flagpole with or without a flag, or tree). (See "non-concealed wireless communication facility").

Freestanding wireless communication facility means any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, feed lines, and equipment cabinets, and may include an antenna support structure. A freestanding wireless communication facility includes, but is not limited to the following: guyed, lattice, or monopole towers.

Non-concealed wireless communication facility means a wireless communication facility that is readily identifiable as such and can be either freestanding or attached.

**Zoning administrator.** also referred to as the "administrator" in this portion of the zoning ordinances.

## **ARTICLE 10 - AIRPORT SAFETY ZONING**

### **Preamble**

This article regulates and restricts the height of structures and objects or natural growth, and otherwise incidentally regulating the use of property in the vicinity of the Farmville Municipal Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; providing for enforcement; and imposing penalties.

This article is adopted pursuant to the authority conferred by Title 15.1-427 through 15.1-503 of the Code of Virginia, 1950, as amended. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the airports and residents in Buckingham County; and that an obstruction may reduce the size of are available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the airports and the public investment therein.

Accordingly, it is declared:

1. That it is necessary in the interest of the public health safety, and general welfare that the creation or establishment of obstructions that are hazards to air navigation be prevented;
2. That the creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airports;
3. That Buckingham County derives economic development and enhanced interstate commerce from the Farmville Municipal Airport that are held strictly to the highest possible safety standards; and
4. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

### **SECTION 1- SHORT TITLE**

**Sub-Section 1-1** - This article shall be known and may be cited as the Buckingham County Airport Safety Zoning Article.

### **SECTION 2 - DEFINITIONS**

**Sub-Section 2-1** - As used in this article, the following terms shall have the meanings respectively ascribed to them, unless the context clearly requires otherwise.

**Sub-Section 2-2** - "Administrator": The official charged with the enforcement of this article.

**Sub-Section 2-3** - "Airport": Farmville Municipal Airport.

**Sub-Section 2-4** - "Airport Elevation": The highest point on any usable landing surface expressed in feet above mean sea-level.

**Sub-Section 2-5** - "Approach Surface": A surface, whose design standards are referenced in Section 3 of this article, longitudinally centered on the extended runway centerline extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in Section 4 of this article. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

**Sub-Section 2-6** - "Approach, Transitional, Horizontal, and Conical Zones": The airspace zones are set forth in Section 3 of this article.

**Sub-Section 2-7** - "Conical Surface": A surface, whose design standards are referenced in Section 3 of this article, extending and sloping horizontally and vertically

from the periphery of the horizontal surface.

**Sub-Section 2-8** - "Hazard to Air Navigation": An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.

**Sub-Section 2-9** - "Height": For the purpose of determining the height limits in all zones set forth in Section 4 of this article and shown on the zoning map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.

**Sub-Section 2-10** - "Horizontal Surface": A horizontal plane 150 feet above the established airport elevation, whose design standards are referenced in Section 3 of this ordinance, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

**Sub-Section 2-11** - "Non-conforming Use": Any preexisting structure or object of natural growth which is inconsistent with the provisions of this article or any amendment to this ordinance.

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**Sub-Section 2-12** - "Obstruction": Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in Section 4 of this ordinance.

**Sub-Section 2-13** - "Permit": A document issued by Buckingham County allowing a person to begin an activity which may result in any structures or vegetations exceeding the height limitations provided, for in this article.

**Sub-Section 2-14** - "Person": Any individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. The term includes a trustee, a receiver, an assignee, or a similar representative of any of them

**Sub-Section 2-15** - "Primary Surface": A surface, whose design standards are referenced in Section 3 of this article, longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**Sub-Section 2-16** - "Runway": A specified area on an airport prepared for landing and takeoff of aircraft.

**Sub-Section 17** - "Structure": Any object, including a mobile object constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formation, towers, poles, and electric lines of overhead transmission routes, flag poles, and ship masts.

**Sub-Section 2-18** - "Transitional Surfaces" Surfaces whose design standards are referenced in Section 3 of this article, which extend outward perpendicular to the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

**Sub-Section 2-19** - "Vegetation": Any object of natural growth.

**Sub-Section 2-20** - "Zone": All areas provided for in Section 3 of this article generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in Article 4 of this ordinance.

### **SECTION 3 - AIRPORT SAFETY ZONES**

**Sub-Section 3-1** - In order to carry out the provisions of this article, there are hereby established certain zones which include all of the area and airspace of Buckingham County lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Farmville Municipal Airport. These zones are established as overlay zones, superimposed over the existing base zones, being more specifically zones of airspace that do not affect the uses and activities of the base zones except as provided for in Sections 4 and 5 of this article. An area located in more than one of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

**Sub-Section 3-2** - "Airport Zone": A zone that is centered about the runway and primary surface, with the floor set by the horizontal surface.

**Sub-Section 3-3** - "Approach Zone": A zone that extends away from the runway ends along the extended runway centerline, with the floor set by the approach surfaces.

**Sub-Section 3-4** - "Transitional Zone": A zone that fans away perpendicular to the runway centerline and approach surfaces with the floor set by the transitional surfaces.

**Sub-Section 3-5** - "Conical Zone": A zone that circles around the periphery of and outward from the horizontal surface, with the floor set by the conical surface.

**Sub-Section 3-6** - The source of the specific geometric standards for these zones are to be found in Part 77.25, 77.28 and 77.29, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor Federal regulations. A copy of these standards is found in the Appendix of this ordinance.

### **SECTION 4-AIRPORT SAFETY ZONE HEIGHT LIMITATIONS**

**Sub-Section 4-1** - Except otherwise provided in this article, in any zone created by



ordinance no structure shall be erected, altered, or maintained and no vegetation shall be allowed to grow to a height so as to penetrate any reference surface, known as the floor, of any zone provided for in Section 3 of this article at any point.

**Sub-Section 4-2** - The height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces in Parts 77.25, 77.28, and 77.29, Subchapter E (Airspace), of title 14 of the Code of Federal Regulations, or in successor Federal regulations. A copy of these standards is found in the Appendix of this ordinance.

## **SECTION 5 - USE RESTRICTIONS**

**Sub-Section 5-1** - Notwithstanding any other provision of this article, and within the area below the horizontal limits of any zone established by this ordinance, no use may be made of land or water in such a manner as to:

**Sub-Section 5-2** - Create electrical interference with navigational signals or radio communication between the airport and airborne aircraft;

**Sub-Section 5-3** - Diminish the ability of pilots to distinguish between airport lights and other lights;

**Sub-Section 5-4** - Result in glare in the eyes of pilots using the airport;

**Sub-Section 5-5** - Impair visibility in the vicinity of the airport;

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**Sub-Section 5-6** - Create the potential for bird strike hazards; and

**Sub-Section 5-7** - Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

## **SECTION 6 - NON-CONFORMING USES**

**Sub-Section 6-1** - Except as provided in Sub-Sections 6-2 and 7-2 of this article, the regulations prescribed by this article shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this ordinance shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.

**Sub-Section 6-2** - Notwithstanding the provision of Sub-Section 6-1, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed

necessary by the, Federal Aviation Administration, the Virginia Department of Aviation., or the Administrator to indicate to operators of aircraft the presence of that airport - obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the airport owners, and not the owner of the non-conforming structure in question.

## **SECTION 7 - PERMITS**

**Sub-Section 7-1** - Except as provided in Sub-Sections 7-1, 7-2,,and 7-3 of this section, no Structure shall be erected or otherwise established in any zone created by this article unless a permit therefore shall have bee applied for and granted. Each application for a permit shall indicate the purpose for which desired with all sufficient geometric specificity to determine whether the resulting structure would conform to the regulator prescribed in this ordinance. No permit for a structure inconsistent with this ordinance shall be granted unless variance has been approved as provided in Sub-Section 7-4.

**Sub-Section 7-2** - No permit shall be granted that would allow the establishment or creation of a obstruction or permit a non-conforming use or structure to become a greater hazard to air navigation than it We on the effective date of this article or any amendments thereto other than with relief as provided for in Sub-Section 7-4.

**Sub-Section 7-3** - Whenever the Administrator determines that a non-conforming structure has bee abandoned or more than fifty percent (50%) destroyed, physically deteriorated, or decayed, no permit shall b granted that would enable such structure to be rebuilt, reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this ordinance, except with the relief as provided for in Sub-Section 7-4.

**Sub-Section 7-4** - Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this article may apply for a variance from such regulations to the Board of Zoning Appeals. Such application shall be properly advertised and be reviewed and considered through a public hearing. Prior to being considered by the Board of Zoning Appeals the application for variance shall be accompanied by a determination from the Virginia Department of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Sue] variances shall only be allowed where it is duly found that a literal application or .enforcement of the regulation will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create: hazard to air navigation., will do substantial justice, and will be in accordance with the spirit of this ordinance Additionally, no application for a variance to the requirements of this ordinance may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the airport owner for advice as to the aeronautical effects of the variance. If the airport owner does not respond to the application within fifteen (15) days after receipt, the Board of Zoning Appeals may act independently of the airport owner's position to grant or deny the variance.

**Sub-Section 7-5** - Any permit or variance granted may if such action is deemed

advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the Administrator. If deemed proper with reasonable cause by the Board of Zoning Appeals, this condition may be modified to require the owner of the structure in question to permit the airport owner, at his own expense, to install, operate, and maintain the necessary markings and lights.

## **SECTION 8 - ENFORCEMENT**

**Sub-Section 8-1** - The Administrator shall administer and enforce the regulations prescribed in this article. He or she shall be vested with the police power incumbent to carry out and effectuate this ordinance, including the action of injunction, prosecution and other available means through the Circuit Court Applications for permits and variances shall be made to the Administrator on a form published for that purpose.

## **ARTICLE 11 - DEFINITIONS**

For the purpose of this ordinance, certain words and terms are defined as follows: Words used in the present tense include the future, words in the singular include the plural, the plural includes the singular, and the masculine include the feminine.

**Abattoir** - A commercial slaughter house:

**Accessory Use or Structure** - A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.

**Acreage** - A parcel of land, regardless of area, described by metes and bounds *which* is not a numbered lot on any recorded subdivision plat.

**Administrator, The** - The official charged with the enforcement of the Zoning Ordinance. He/she may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He/she may serve with or without compensation as determined by the governing body.

**Agriculture** - The tilling of the soil, the raising of crops, horticulture, forestry, and gardening including the keeping of animals and fowl, and including any agricultural industry or business such as fruit packing, plants, dairies, or similar uses.

**Alteration** - Any change in the total floor area, use adaptability, or external appearance of an existing structure.

**Apartment House** - A building used or intended to be used as the residence of three (3) families living independently of each other.

**Automobile Junkyard** - Also known as an automobile graveyard. Any lot or place which is exposed to the weather upon which five (5) or more motor vehicles of any kind, incapable of being operated are placed.

**BED AND BREAKFAST INN**- A dwelling unit occupied by its owners where no more than seven (7) rooms are rented out to travelers for compensation without a provision for cooking in the rooms and where meals may be served to those guests who are renting rooms.

**Building** - Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or chattels.

**Building, Height of** - The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof. to the deck line of a mansard roof, or the mean height level between the eaves and ridges of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

**CAMPER** - Any individual who occupies a campsite or otherwise assumes charge of or is placed in charge of a campsite.

**CAMPGROUND** - A plot of land on which three (3) or more campsites are located established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

**CAMPING UNIT** - Any tent, travel trailer, cabin, lean-to, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.

**CAMPSITE** - Any plot of ground in a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

**CLUBS AND LODGES** - Buildings and facilities owned or operated by a charitable chartered non-profit corporation, fraternal organization or civic services' associations primarily for social, educational or recreational purposes and which may not be operated primarily for a profit.

**Commission, the** - The Planning Commission of Buckingham County, Virginia.

**Confinement Livestock or Poultry Operations** - The confinement in houses or parlors of chickens, turkeys, cattle, or pigs, requiring the use of storage lagoons or other methods or storing and disposing of animal waste.

**COUNTRY GENERAL STORE/CONVENIENCE STORE** - A single store, which offers for sale primarily, most of the following articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, paper and magazines, and general hardware articles. Gasoline may also be offered for sale and living quarters for owner or manager may be allowed but only as a secondary activity of the country general store.

**Dairy** - A commercial establishment for the manufacture and sale of dairy products.

**Day Care Center** - A facility other than a public or private school that is utilized for the care during a part of the day only for senior adults or more than five (5) children for compensation. Such facilities must meet State licensing requirements.

**District** - Districts as referred to in the Code of Virginia, Section 15.1-486.

**Dwelling** - Any structure which is designed for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, apartments, and automobile trailers

**Dwelling, Multiple-Family** - A structure arranged or designed to be occupied by more than one (1) family.

**Dwelling, Two-Family** - A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

**Family** - One or more persons occupying premises and living in a single dwelling unit, as distinguished from an related group occupying a boarding house, tourist home, or hotel.

**Family Day Care Facility** - A private dwelling where care is provided as an accessory use for one through five children, exclusive of the provider's own children and any children residing in the home. In accordance with the Code of Virginia such use shall be considered residential occupancy by a single family.

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**Front** - An open space on the same lot as building between the front line of the building (excluding steps) and the front lot or street line and extending across the full width of the lot.

**Golf Course** - Any golf course, publicly or privately owned, on which the game of golf is played, including accessory uses and building customary thereto, but excluding golf driving ranges as defined herein.

**Governing Body** - The Board of Supervisors of Buckingham County, Virginia.

**GREENHOUSE/NURSERY** - Any building or structure that is used to grow plants, flowers, shrubs or trees on a year-round basis for retail, commercial production or sale.

**Home Based Business** - a business located on the same property with the owner's primary dwelling, which may be located within the home or in a separate building, may employ those residing on the premises and no more than three persons that do not reside at the property and that does not create noise, vibration, glare, fumes or electrical interference detectable and sustained to the normal senses off the lot. If business is not a permitted use then must apply for Special Use Permit. (All home-based businesses must comply with any covenants and restriction that have been recorded with the land). However, home offices which have no outside presence; including but not limited to signs, storage,

customers, production, manufacturing; shall be exempt from the requirement of a Special Use Permit.

**HOTEL** - A building designed or occupied as the temporary abiding place for individuals who are lodged for compensation, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

**Intensive Dairy Facility** - A facility for the production of milk or other dairy products with accessory uses or structures including feed storage bins, litter storage bins, litter storage sites, manure storage sites, and/or manure storage pits which at any time has 200 dairy cattle.

**Intensive Livestock Facility** - A facility for the raising of cattle, sheep, or horses with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, and/or manure storage sites, which at any time has 300 cattle, 3,000 sheep or lambs, or 150 horses.

**Intensive Poultry Facility** - A poultry house with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, disposal pits, and/or cold storage chests used for collection of dead birds which at any time has 30,000 chickens or 16,500 turkeys.

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**Intensive Swine Facility** - A facility for the confinement, feeding, and maintenance of pigs with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, manure storage sites including pits and/or lagoons which at any time has 500 sows and any number of pre-weaned offspring.

**Intensive Swine Breeding Facility** - A facility for the breeding and birthing of pigs with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, manure storage sites including pits and/or lagoons which at any time has 500 sow and any number of pre-weaned offspring.

**Lightweight Aggregate Manufacturing:** - The manufacture of lightweight aggregate by the rotary kiln method, including associated quarrying, crushing, screening, and storage operations, the recovery of energy from waste derived fuel, and associated transportation, storage, blending, and processing facilities at the same or adjacent site

**Livestock market** - means a commercial establishment wherein livestock is collected for sale and auctioned off.

**Livestock Raiser, Dairy Operator, Poultry Grower, Swine Raiser (also stated as "Operator" within the ordinance)** - The owner operator of the livestock facility, dairy, poultry, swine or swine breeding facility, or the land on which the livestock, dairy, poultry, swine or swine breeding facility is located.

**Lot** - A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width, and

lot areas as are required by this ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

**Lot, Corner** - A lot abutting on two more streets at their intersection. Of two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

**Lot Depth of** - The average horizontal distance between the front and rear lot lines

**Lot, Double Frontage** - An interior lot having frontage on two (2) streets

**Manufacture and/or manufacturing** - means the processing and/or converting of raw, unfinished materials, products, into articles or substances of different character, for a different purpose.

**Mobile home park** - means any area designed to accommodate 3 or more manufactured homes and/or mobile homes intended for residential purposes. A mobile home park may include a rental office but may not include mobile home sales.

**Music Festival/Large Event** - Any event which is (A) open to the public; (B) expecting 300 or more persons; (C) admission may or may not be required; (D) music may or may not be present. Exceptions include religious events, private ceremonies, and events held by Buckingham County or associated agents there of.

**Non-Conforming Activity** - The otherwise legal use of a building or structure or a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.,.

**Non-Conforming Lot** - An otherwise legal platted lot that does not conform to the minimum area or width requirements of the ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

**Non-Conforming Structure** - An otherwise legal building or structure that does not conform with the lot area., yard, height, lot, coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the ordinance.

**Non-Intensive Dairying and Raising and Breeding of Swine, Poultry, and Other Livestock Facilities** Dairying, raising and breeding of livestock, poultry, and other livestock operations not meeting the definitions of a intensive livestock facility, intensive dairy facility, intensive poultry facility, intensive swine facility, or intensive swine breeding facility.

**Parcel** - For the purposes of the A-C Agricultural-Comprehensive District, a parcel is a measured portion of land separated from other portions of land by a metes and bounds surveyor: described as a

separate, discrete tract in an instrument of conveyance or device and recorded in the offices of the Clerk of Court of Buckingham County. Notwithstanding the foregoing separate, contiguous, parcels as defined above shall be treated as one parcel if held by the same person or entity.

**Professional office** - means any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals and is not located within a residence, including but not limited to, land surveyors, artists, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, and other related fields. Veterinarian offices and animal hospitals are excluded from this definition.

**Proffer** - Condition voluntarily offered by an applicant for a rezoning.

**Rear** - An open unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.

**Recreational vehicle** - A vehicle which is (A) built on a single chassis; (B) designed to be self-propelled or permanently towable; and (C) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use; (D) plumbing, heating and electrical systems contained in the vehicle may be operated without connection to outside utilities. Recreational vehicles are not to be inhabited as permanent residences but may be established for temporary occupations, within designated recreational vehicle parks that comply with all county codes and ordinances.

**Residential Group Home** - A residential facility having no more than eight (8) mentally ill, mentally-retarded or developmentally disabled persons with one or more resident counselors or other staff

**Retail stores and shops** - means buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards), such as the following, but not limited to: drugstore, newsstand, food store, drygoods and notions store, hardware store, household appliance store, furniture store, florist, tailor shop, barbershop and beauty shop.

**Setback** - The minimum distance by which any building or structure must be separated from the lot line. Side setback distances listed in this ordinance also apply to rear lot lines.

**Side** - An open unoccupied space on the same lot as a building between the sidelines of the building (excluding steps) and extending from the line to the rear yard line.

**Service or Gas Station** - An area of land including buildings and devices used for the sale and direct delivery of motor fuel to motor vehicles and for minor motor vehicle repair .

**Street, Road** - A public thoroughfare which affords principal means of access to abutting property.

**Telecommunications Tower** - A free standing or guided structure fifty (50) feet or greater in height utilized for transmission and receiving of electronic signals.



**Veterinarian offices and Animal Hospitals** - Any establishment rendering surgical and medical treatment of animals. Boarding of domestic animals and livestock such as horses and cows shall only be on a short term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as a commercial kennel.

**Wayside stand, roadside stand, wayside market** - means any structure or land used for the sale of agricultural or horticultural produce, or agricultural merchandise produced by the owner or his family on their property.

**Yard** - An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

## APPENDIX

\*77.25 - Civil Airport Imaginary Surfaces - The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

*Horizontal surfaces* A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which is constructed by swinging arcs of specific radii from the center of each end of the primary surface of each airport and connecting the adjacent arcs by lines tangent to those arc. The radius of each arc is:

Five thousand feet (5,000') for all runways designated as utility or visual:

Ten thousand feet (10,000') for all other runways the radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a five thousand foot (5,000') arc is encompassed by tangents connecting two (2) adjacent ten thousand foot (10,000') arcs, the five thousand foot (5,000') arc shall be disregarded on the construction of the perimeter of the horizontal surface.

*Conical Surface* -Shall be a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand feet (4,000'),

*Primary Surface*- a surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; but when the runway has no specifically prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

Two hundred fifty feet (250') for utility runways having only visual approaches

Five hundred feet (500') for utility runways having non precision instrument approaches for other than utility runways the width is:

Five hundred feet (500') for visual runways having only visual approaches

Five hundred feet (500') for non precision instrument runway having a having visibility minimums greater than three-fourths (3/4) statute mile

One thousand feet (1,000') for a non precision instrument runway have a non precision instrument approach with visibility minimums as low as three fourths (3/4) of a statute mile, and for precision instrument runways, The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of

that runway.

*Approach Surface* - a surface longitudinally centered on the extended runway centerline and extending outward upon the type of approach available for that runway end.

The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to width of:

One thousand two hundred fifty feet (1,250') for that end of a utility runway with only visual approaches;

One thousand five hundred feet (1,500') for that end of a runway other than a utility runway with only visual approaches;

Two thousand feet (2,000') for that end of a utility runway with a non precision instrument approach;

Three thousand five hundred feet (3,500') for that end of a non precision instrument runway other than utility, having visibility minimums greater than three fourths ( $\frac{3}{4}$ ) of a statute mile;

Four thousand feet (4,000') for that end of a non precision instrument runway, other than utility, having a non precision instrument approach with visibility minimums as low as three fourths ( $\frac{3}{4}$ ) statute mile: and

Sixteen thousand feet (16,000') for precision instrument runways

The approach surfaces extend for a horizontal distance of:

Five thousand feet (5,000') at a slope of twenty (20) to one (1) for all utility and visual runways;

Ten thousand feet (10,000') at a slope of thirty four (34) to one (1) for all non precision instrument runways other than utility; and

Ten thousand feet (10,000') at a slope of fifty (50) to one (1) with an additional forty thousand feet (40,000') at a slope of forty (40) to one (1) for all precision instrument runways

The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

*Transitional Surface* these surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven (7) to one (1) from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

#### **\*\*77-28 - Military Airport Imaginary Surfaces**

*Related to airport reference points* - these surfaces apply to all military airports. For the purpose of this section a military airport is any airport operated by an armed force of the United States.

*Inner Horizontal Surface* - a plane is oval in shape at a height of one hundred fifty feet (150') above the established airfield elevation. The plane is constructed by scribing an arc with a radius of seven thousand five hundred feet (7,500') about the centerline at the end of each runway and interconnecting these arcs with tangents.

*Conical surface* - a surface extending from the periphery of the inner horizontal surface outward and upward at a slope of twenty (20) to one (1) for a horizontal distance of five hundred feet (500') above the established airfield elevation.

*Outer Horizontal Surface* - a plane, located five hundred feet (500') above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of thirty thousand feet (30,000').

*Related to Runways* - these surfaces apply to all military airports

*Primary Surface* - a surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is two thousand feet (2,000'). However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criterion, the two thousand foot (2,000') width may be reduced to the former criteria.

*Clear Zone Surface* - a surface located on the ground or water at each end of the primary surface. It shall be a length of one thousand feet (1,000') and the same width as the primary surface.

*Approach Clearance Surface* - an inclined plane, symmetrical about the runway centerline extended. Beginning two hundred feet (200') beyond each end of the primary surface at the centerline elevation of the runway end and extending fifty thousand feet (50,000'). The slope of the approach clearance surface is fifty (50) to one (1) along the runway centerline extended until it reaches an elevation of five hundred feet (500') above the established airport elevation. It then continues horizontally at this elevation to a point fifty thousand feet (50,000') from the point

of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly and the width at fifty thousand feet (50,000') is sixteen thousand feet (16,000').

*Transitional Surfaces* - these surfaces connect the primary surfaces, the first two hundred feet (200') of the clear one surface, and the approach surfaces to the inner horizontal surface or conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is seven (7) to one (1) outward and upward at right angles to the runway centerline.,

### \*\*\*77.29 Airport imaginary surfaces for heliports

*Heliport Primary Surface*- the area of the primary surface coincides in size and shape with the designated take-off and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation

*Heliport Approach Surface* -the approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of four thousand feet (4,000') where the width is five hundred feet (500'). The slope if the approach is eight (8) to one (1) for civil heliports and ten (10) to one (1) for military heliports.

*Heliports Transitional Surfaces* - these surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of two (2) to one (1) for a distance of two hundred fifty-feet (250') measured horizontally from the centerline of the primary ad approach

BUCKINGHAM COUNTY  
Z.O.  
ARTICLE 9 -  
TELECOMMUNICATIONS  
SUPPLEMENTAL  
DOCUMENT

Approved by Board of Supervisors 5-14-2018

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Supplemental Document to Article 9 of the Zoning Ordinance

Purpose

In accordance with the County's zoning authority this document serves all county staff and potential applicants with a list of publicly owned properties and detailed submittal requirements for all applications

Section One: Uses of County-owned lands

The following Buckingham County-owned properties are available for new wireless telecommunication infrastructure subject to all the zoning requirements of this document and the Zoning Ordinance.

Property	Address	MP Site ID	Infrastructure Type	Infrastructure Maximum Height
Household Waste & Recycling Center	29420 N. James Madison Highway	5	Monopole	125'
Household Waste & Recycling Center	720 Plank Road	10	Monopole	199'
Water Tank	52 Dillwyn Primary Road	14	Concealed Antenna Attachments	n/a
Household Waste & Recycling Center	Section 138, Lot 16	15	Concealed	125'
Water Treatment Plant	1788 Troublesome Creek Road	18	Monopole	199'
Household Waste & Recycling Center	16836 W. James Anderson Highway	26	Monopole	199'
Buckingham County Courthouse	13043 W. James Anderson Highway	27	Monopole Flag Pole/concealed attached	125'
Buckingham County Administrative Offices	13360 W. James Anderson Highway	28	Monopole Flag Pole/concealed attached	125'
Undeveloped Land	Section 137, Parcel 121A	29	Concealed	125'



Undeveloped Land	Section 137, Lot 47	30	Concealed	125'
Water Tank	16830 W. James Anderson Hwy	32	Concealed Antenna Attachments	n/a
Animal Shelter	9659 Andersonville Road	34	Monopole	199'
Old landfill	Off Andersonville Road	35	Monopole	199'

- (a) If an applicant requests a permit to develop a site on County-owned property, the permit granted hereunder shall not become effective until the applicant and the County have executed a written agreement or lease setting forth the particular terms and provisions under which the permit to occupy and use the public lands of the jurisdiction will be granted.
- (b) No permit granted under this section shall convey any exclusive right, privilege, permit, or franchise to occupy or use the publicly-owned sites of the jurisdiction for delivery of telecommunications services or any other purpose.
- (c) No permit granted under this section shall convey any right, title or interest in the public lands, but shall be deemed a permit only to use and occupy the public lands for the limited purposes and term stated in the agreement between the lessor and lessee. Further, no permit shall be construed as a conveyance of a title interest in the property.

Section Two: Submittal requirements for each type of facility.

#1 For All New WCFs outside the right-of-way:

In addition to the submittal requirements of any subsection below, each applicant shall submit a completed application form and required application fees as part of its submittal package.

(1) Prior to application submittal.

- (a) The applicant shall contact the Zoning Administrator to confirm submittal requirements and Planning Commission and Board of Supervisor meeting dates.
- (b) Balloon Test for all new freestanding macro cell WCFs outside the right-of-way greater than 50 feet in height
  - 1. The applicant shall arrange to raise a balloon of a color or material that provides maximum visibility and no less than three feet in diameter, at the maximum height of the proposed WCF and within 50 horizontal feet of the center of the proposed antenna support structure.
  - 2. The applicant shall inform in writing the zoning administrator, abutting property owners, elected County Supervisor, and appointed

Planning Board Commissioner of the district of the date and times of the test at least 14 days in advance.

3. The applicant shall request in writing permission from the abutting property owners to access their property during the balloon test to take pictures of the balloon and to evaluate the visual impact of the proposed tower on their property.
4. The date, time and location of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven but no more than 14 days in advance of the test date. The advertisement shall also include an alternate inclement weather date for the balloon test.
5. Signage similar to rezoning signage shall be posted on the property to identify the location on the property where the balloon is to be launched. This signage shall be posted a minimum of seventy-two hours prior to the balloon test. If unsuitable weather conditions prevail on the date of the balloon test then cancellation of the test shall be clearly noted on the signage.
6. The balloon shall be flown for at least four consecutive hours during daylight hours on the date chosen.
7. The applicant shall record the weather during the balloon test.
8. If the wind during the balloon test is above 20 miles per hour then the balloon test shall be postponed and moved to the alternate inclement weather date provided in the advertisement

(2) Provided with application:

- (a) For all new macro facility towers, the applicant shall demonstrate that the following notice was mailed (via certified mail) to all other wireless service providers licensed to provide service within the county as well as known tower owners as indicated on the list of wireless service providers provided by the county:

"Pursuant to the requirements of the Buckingham County Zoning Ordinance, Article 9 is hereby providing you with notice of our intent to meet with the county staff in a pre-application conference to discuss the location of a free-standing wireless communications facility that would be located at \_\_\_\_\_ (physical address, latitude and longitude (NAD-83)). In general, we plan to construct a support structure of \_\_\_\_\_ feet in height for the purpose of providing \_\_\_\_\_ (type of wireless service) \_\_\_\_\_. Please inform the County Staff if you have any desire for placing additional wireless facilities or equipment within 2 miles of our proposed facility. Please provide us and Buckingham Planning Department with this information within twenty business days after the date of this letter. Your cooperation is sincerely appreciated.  
Sincerely, (pre-application applicant, wireless provider)"

- (b) An affidavit by a radio frequency engineer demonstrating: (NOTE: These documents are needed to justify a facility and to determine if the proposed

location is the only or best one in the designated geographic area of the proposed facility.)

- (1) No existing wireless communications facilities located within the geographic area meets the applicant's engineering requirements, and why.
  - (2) Existing wireless communications facilities are not of sufficient height to meet the applicant's engineering requirements, and cannot be increased in height.
  - (3) Existing wireless communications facilities do not have sufficient structural integrity to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be sufficiently improved.
  - (4) Other limiting factors that render existing wireless communications facilities unsuitable.
  - (5) Costs of concealment technology that exceed facility development costs shall not be presumed to render the technology unfeasible.
- (c) Sixteen sets (11"× 17") of signed and sealed site plans by a surveyor or engineer licensed in the State of Virginia, including antenna support structure elevations, and landscape plans if required, and one reduced copies (8 1/2"× 11"), of the foregoing preliminary grading plans may be included on site plans or separately submitted in equal quantities. The site plans shall identify adjacent land owners, land uses, height of principal building, size of lots, and existing zoning and land use designation.
- (d) An identification card for the subject property from the office of the Commissioner of the Revenue for the County or a tax bill showing the ownership of the subject parcel.
- (e) Proof that a property and/or WCF owner's agent has appropriate authorization to act upon the owner's behalf (if applicable).
- (f) For monopoles using breakpoint technology a written statement by a registered professional engineer licensed by the State of Virginia specifying the design structural failure modes of the proposed facility.
- (g) Materials detailing the locations of existing wireless communications facilities to which the proposed antenna will be a handoff candidate; including latitude, longitude, and power levels of the proposed and existing antenna is required.
- (h) A map showing the designated search ring.
- (i) Identification of the intended service providers of the WCF.
- (j) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.
- (k) The applicant shall supply a statement on applicant letterhead of compliance with all FCC rules regarding interference to other radio services.
- (l) The applicant shall supply a statement on applicant letterhead of compliance with all FCC rules regarding human exposure to radio frequency energy.
- (m) One original and two copies of a survey of the property delineating an area

equal to 200 percent (200%) of the height of the WCF as measured from the boundary of the equipment compound of the tower in all directions. This survey shall include all property lines and buildings and be completed by a professional surveyor, licensed in the State of Virginia, showing all existing uses, structures, and improvements.

- (n) A landscape plan in accordance with the provisions of Section 7 (8) of Article 9 in the Zoning Ordinance, to include without limitation, any required buffer.
  - (o) If the United States Fish and Wildlife Service require the applicant to submit any information to them concerning the proposed wireless communications facility, the applicant shall also furnish a copy of any material submitted to the United States Fish and Wildlife Service to the county as part of the application package.
  - (p) All other documentation, evidence, or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this document and the Buckingham County Zoning Ordinance.
- (3) Provide with building permit:
- (a) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace," if applicable.
  - (b) Prior to issuance of a building permit a stamped or sealed structural analysis of the proposed WCF prepared by a registered professional engineer licensed in the State of Virginia indicating the proposed and future loading capacity of the WCF.
  - (c) Prior to issuance of a building permit, proof of Virginia Department of Historic Resources (VDHR) approval and State Historic Protection and Preservation Office (SHPPPO) approval, if required.

#2 Attached, collocated, collocation modifications of existing arrays, or combined antenna on an existing WCF.

The following shall be provided in addition to the requirements listed above.

- (a) If antennas are proposed to be added to an existing structure, all existing antennas and other equipment on the structure, as well as all ground equipment, shall be identified by owner, type and size. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.
- (b) The top of the attached antenna shall not be more than twenty (20) feet above the existing or proposed building or structure.
- (c) When required, photo-simulated post construction renderings of the completed proposed antenna support structure, equipment cabinets, and ancillary structures shall at a minimum include renderings from the vantage point of any adjacent roadways and occupied or proposed non-residential or residential structures and other locations as determined by the Administrator, proposed exterior paint and stain samples for any items

to be painted or stained, and pictures of exterior building materials and roof materials.

- (d) Concealed Attached WCFs: Feed lines and antennas shall be designed to architecturally match the façade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture.
- (e) Equipment cabinets shall be located within the existing building or behind an opaque enclosure matching the architectural designs and colors of the principal building or structure. If the existing equipment compound is not sized adequately to accommodate the new proposed ground equipment, then a revised site plan of the original WCF site shall be submitted addressing the overall ground space for the WCF.
- (f) Non-concealed attachments shall only be allowed on electrical transmission towers and existing light stanchions subject to approval by the utility company, the development standards for attached WCFs, and compliance with existing legal restrictions contained in any easement granted for said transmission towers and/or light stanchions.
- (g) Provide with Building Permit: Prior to issuance of a building permit a stamped or sealed structural analysis by a registered professional engineer licensed in the State of Virginia indicating the antenna support structure and/or building or structure to which the antenna will be attached has sufficient structural integrity to support the proposed antenna and feed lines in addition to all other equipment located or mounted on the structure.

#3 Replacement of WCFs.

The following shall also be provided in addition to the requirements listed in #1. Replacement of WCFs shall accomplish a minimum of one of the following: 1) reduce the number of towers; or 2) reduce the number of nonconforming towers; or 3) replace an existing tower with a new tower to improve network functionality resulting in compliance with this ordinance. Replacement is subject to the following:

- (a) Height: The height of a tower approved for a first time replacement shall not exceed one hundred and fifteen (115) percent of the original height of the tallest tower or the maximum height permitted in district whichever is greater. (For example a 250' existing tower could be rebuilt at 287.5')
- (b) A second replacement for a tower previously replaced requires approval of a Special Use Permit.
- (c) Breakpoint technology: Replacement monopole towers shall use breakpoint technology in the design of the replacement facility.
- (d) Replacement WCFs shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots.
- (e) The existing tower being replaced, including tower base but excluding the

tower foundation, must be removed within ninety (90) days of the initial operation of the new tower.

#4 Freestanding concealed WCFs.

The following shall be provided in addition to the requirements listed in Section #1:

- (a) Height:
  - 1. Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas.
  - 2. New concealed towers shall be limited to 199' or less in height.
  - 3. For replacements of existing towers #3, entitled, "Replacement of WCF's".
- (b) New concealed freestanding towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.
- (c) Photo-simulated post construction renderings of the completed proposed antenna support structure, equipment cabinets, and ancillary structures shall at a minimum include renderings from the vantage point of any adjacent roadways and occupied or proposed non-residential or residential structures and other locations as determined by the Administrator, proposed exterior paint and stain samples for any items to be painted or stained, exterior building material and roof samples.

In addition to the requirements of Section Two, #1, the applicant shall provide simulated photographic evidence of the proposed WCFs appearance from any and all residential and village zones as identified on the zoning map that are within 1,000 feet and vantage points approved by the Administrator including the facility types the applicant has considered and the impact on adjacent properties including:

- 1. Overall height.
- 2. Configuration.
- 3. Physical location.
- 4. Mass and scale.
- 5. Materials and color.
- 6. Illumination.
- 7. Architectural design.

#5 Non-concealed WCFs.

- (a) It is intended that all new non-broadcasting towers be 199' or less in height. However, should a tower be required in excess of 199', all new non-broadcast facilities shall be subject to the following additional requirements:
  - 1. Propagation maps and corresponding data including but not limited to

topographic and demographic variables for the intended service area shall be provided for review illustrating with detail that the service area and intercoupling hand-off will be sufficiently compromised to require an additional antenna support structure(s) for network deployment, which would not otherwise be required.

2. It shall be noted on the site plan that the tower shall be designed to allow for a future reduction of elevation to no more than 199', or the replacement of the tower with a monopole type structure at such time as the wireless network has developed to the point that such a reduction in height can be justified.
- (b) Photo-simulated post construction renderings of the completed proposed antenna support structure, equipment cabinets, and ancillary structures shall at a minimum include renderings from the vantage point of any adjacent roadways and occupied or proposed non-residential or residential structures and other locations as determined by the Administrator, proposed exterior paint and stain samples for any items to be painted or stained, and pictures of exterior building materials and roof materials.
- (c) The applicant shall provide simulated photographic evidence of the proposed WCFs appearance from any and all residential and village zones as identified on the zoning map that are within 1,000 feet and vantage points approved by the Administrator including the facility types the applicant has considered and the impact on adjacent properties including:
1. Overall height.
  2. Configuration.
  3. Physical location.
  4. Mass and scale.
  5. Materials and color.
  6. Illumination.
  7. Architectural design.

#### #6 Antenna Element Replacement

For any replacement of an existing antenna element on a WCF, prior to making such replacement, the applicant, in lieu of the requirements provided in Section Two #1 shall submit and provide:

- (a) A written statement setting forth the reasons for the replacement.
- (b) A description of the proposed antenna replacement including the antenna element design, type and manufactures model number of the existing and proposed antenna.

#### #7 Small Cell Facility

For any small cell facility, in lieu of the aforementioned items a certification is required and includes an application and sketch plan with the following items:

- (a) Location of proposed structure by GPS coordinates
- (b) Location and size of existing or proposed buildings and structures
- (c) Setbacks from property lines, right-of-ways, and existing structures
- (d) Entrance/Access and parking layout

- (e) Exterior lighting if any. All illumination shall be full cutoff and pointed in a down direction.
- (f) Tax map and parcel number
- (g) Zoning district
- (h) North Point
- (i) Date of drawing and name of individual who prepared the plan
- (j) Minimum setback lines
- (k) Approximate boundary dimensions
- (l) A certification of structural integrity from a professional engineer licensed to practice in the Commonwealth of Virginia, or a certification of testing and design from a manufacturer of the pole structure
- (m) Certification that the antennas meet or exceed FCC emission and interference requirements.

Section Three : Other Submittal requirements for WCFs

- (a) Demonstration of Visual and Aesthetic Impacts:
  - 1. The applicant shall provide a statement as to the potential visual and aesthetic impact of the proposed WCF on all adjacent properties and roadways, trails, and travel ways.
  - 2. Except where the facility will be located entirely within an existing structure, a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation required by the agent, signed and sealed by an appropriate licensed professional. The plans and supporting drawings, calculations and documentation shall show:
    - i. The benchmarks and datum used for elevations. The datum shall coincide with the Virginia State Plane Coordinate System, South Zone, North American Datum of 1983 (NAD83), United States Survey Feet North American Vertical Datum of 1988 (NAVD88), and the benchmarks shall be acceptable to the County.
    - ii. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of all existing and proposed antennas and other equipment.
    - iii. Except where the facility would be attached to an existing structure or is less than fifty (50) feet, the topography within two thousand (2,000) feet of the proposed facility, in contour intervals shown on United States Geological Survey topographic survey maps or the best topographic data available.
    - iv. The height, caliper and species of all trees where the drip-line is located within fifty (50) feet of the facility that are relied upon to establish the proposed height and/or screening of the monopole. All trees that will be adversely impacted or removed during installation or maintenance of the facility shall be noted, regardless of their distances to the facility.
    - v. All existing and proposed setbacks, parking, fencing and landscaping.
- (b) The location of all existing and proposed access ways Interference with public



safety communications. In order to facilitate the regulation, placement, and construction of WCFs, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of a WCF or applicant for a WCF shall agree in a written statement to the following:

1. Compliance with "good engineering practices" as defined by the FCC in its rules and regulations.
2. Compliance with all FCC rules and regulations relating to radio frequency interference (RFI).
3. In the case of an application for collocated telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference with the county's public safety communications equipment and will implement appropriate technical measures, antenna element replacement, to attempt to prevent such interference.
4. Whenever the county has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more WCFs, the following steps shall be taken:
  - i. The county shall provide notification to all WCF service providers operating in the county of possible interference with the public safety communications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the county and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Best Practices Guide," released by the FCC in February 2001, including the "good engineering practices," as may be amended or revised by the FCC from time to time.
  - ii. If any WCF owner fails to cooperate with the county in complying with the owner's obligations under this section or if the FCC makes a determination of radio frequency interference with the county public safety communications equipment, the owner who failed to cooperate and/or the owner of the WCF which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the county for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the county to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the "Best Practices Guide" within 24 hours of county's notification.

Zoning Text Amendment: (ZTA268): add privately owned parks and playgrounds to the list of Special Uses in the A-1 zoning district (Approved on 2/10/2020)

Zoning Text Amendment: (ZTA271) to allow a nonretail office space in the A-1 District (7/13/2020)

Zoning Text Amendment: (ZTA277) to allow for Mobile Home Sales Office/Mobile Home Sales in the B-1 Zoning District (Approved 10/13/2020)

Zoning Text Amendment: (ZTA309) to allow special use in a Business B-1 zoning district for the production of natural gas storage and distribution (Approved 10/13/2022)

Zoning Text Amendment: (ZTA312) to allow for the manufacturing and sales of ammunition, firearms and accessories in the A-1 District (Approved 9/12/2022)

Zoning Text Amendment: (ZTA314) to allow for an Equipment Rental Yard in the A-1 District Approved (9/12/2022)

Commercial core drilling as a by right activity in A-1, AC, M-1 and M-2 as defined and also adopt the definition for use and accessory use.

USE: Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also,, any activity, occupation, business, or operation carried on, or intended to be carried on, in or on a structure or on a tract of land.

ACCESSORY USE: Accessory uses as permitted by this Ordinance are subjects to the provisions of Part 1 of Article 10. An accessory use is a use or building which:

1. Is clearly subordinate to, customarily found in association with, and serves a principle use; and
2. Is subordinate in purpose, area or extent to the principle use served; and
3. Contributes to the comfort, convenience or necessity of the occupants, business enterprise, or industrial operation within the principal use served; and
4. Is located on the same lot as the principal use, except any building that is customarily incidental to any agricultural use shall be deemed to be an accessory use, whether or not it is situated on the same lot with the principle building.

## WATERWORKS CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION ORDINANCE

An ordinance regulating cross-connection control and backflow prevention for waterworks.

**SECTION 1.** That the Buckingham County Board of Supervisors hereby adopts by reference Section 6. Cross-Connection and Backflow Prevention Control in Waterworks, Commonwealth of Virginia Waterworks Regulations.

### 1.01 Definitions

A. Air Gap Separation - The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying pure water to a tank, plumbing fixture, or other device and the rim of the receptacle.

B. Auxiliary Water System - Any water system on or available to the premises other than the waterworks. These auxiliary waters may include water from another purveyor's waterworks; or water from a source such as wells, lakes, or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable, or constitute a water source or system over which the water purveyor does not have control.

C. Backflow - The flow of contaminants, pollutants, process fluids, used water, untreated waters, chemicals, gases, non-potable waters into any part of a waterworks.

D. Backflow Prevention Device - Any approved device, method, or type of construction intended to prevent backflow into a waterworks.

E. Consumer - The owner or person in control of any premises supplied by or in any manner connected to a waterworks.

F. Consumer's Water System - Any water system located on the consumer's premises, supplied by or in any manner connected to a waterworks.

G. Contamination - Any introduction into pure water of micro-organisms, wastes, wastewater, undesirable chemicals, or gases.

H. Cross-Connection - Any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

I. Degree of Hazard - This is a term derived from an elevation of the potential risk to health and the adverse effect upon the waterworks.

J. Double Gate-Double Check Valve Assembly - An approved assembly composed of two single, independently acting check valves including tightly closing shutoff valves located at each end of the assembly and petcocks and test gauges for testing the watertightness of each check valve.

K. Health Hazard - Any condition, device, or practice in a waterworks or its operation that creates, or may create, a danger to the health and wellbeing of the water consumer.

L. Interchangeable Connection - An arrangement or device that will allow alternate but not simultaneous use of two sources of water.

M. Pollution - The presence of any foreign substance (chemical, physical, radiological, or biological) in water that tends to degrade its quality so as to constitute an unnecessary risk or impair the usefulness of the water.

N. Pollution Hazard - A condition through which an aesthetically objectionable or degrading material may enter the waterworks or a consumer's water system.

O. Process Fluids - Any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted which would constitute a health, pollutional, or system hazard if introduced into the waterworks. This includes, but is not limited to:

1. Polluted or contaminated waters;
2. Process waters;
3. Used waters originating from the waterworks which may be deteriorated in sanitary quality;
4. Cooling waters;
5. Contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
6. Chemicals in solution or suspension; and
7. Oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

P. Pure Water or Potable Water - Water fit for human consumption and use which is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in supply for the minimum health requirement of the persons served.

Q. Reduced Pressure Principle Backflow Prevention Device - A device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shut-off valves located at each end of the device, and each device shall be fitted with properly located test cocks. These devices must be of the approved type.

R. Service Connection - The terminal end of a service line from the waterworks. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

S. System Hazard - A condition posing an actual, or threat of, damage to the physical properties of the waterworks or a consumer's water system.

T. Used Water - Any water supplied by a water purveyor from waterworks to a consumer's water system after it has passed through the service connection.

U. Water Purveyor - An individual, group of individuals, partnership, firm, association, institution, corporation, municipal corporation, county, or authority which supplies water to any person within this State from or by means of any waterworks.

V. Waterworks - Means a system that serves piped water for drinking or domestic use of: (1) the public; (2) at least 15 connections; or (3) an average of 25 individuals for at least 60 days out of the year. The term waterworks shall include all structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water except the piping and fixtures inside the building where such water is delivered.

**SECTION 2.** That it shall be the duty of the Buckingham County Board of Supervisors to cause inspections to be made of properties served by the waterworks where cross-connection with the waterworks is deemed possible. The frequency of inspections, and reinspections, based on potential health hazards involved, shall be established by the County in the Cross-Connection Control and Backflow Prevention Program and as approved by the Virginia Department of Health.

**SECTION 3.** That the representative of the County Administrator's Office shall have the right to enter at any reasonable time properties served by a connection to the waterworks of Buckingham County for the purpose of inspecting the piping system or systems for cross-connections. Upon request, the owner or occupants, of property served shall furnish to the inspection agency pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evicence of the presence of cross-connections.

**SECTION 4.** That the water purveyor may deny or discontinue the water service to a consumer if the required backflow prevention device is not installed. If it is found that the device(s) has been removed or bypassed or if a cross-connection exists on the premises, or if the pressure in the waterworks is lowered below 10 psi gauge, the purveyor shall take positive action to insure that the waterworks is adequately protected at all times. Water service to such premises shall not be restored until the deficiencies have been corrected or eliminated in accordance with Commonwealth of Virginia Waterworks Regulations and to the satisfaction of the purveyor.

**SECTION 5.** That the potable water made available on the properties served by the waterworks shall be protected from possible contamination or pollution by enforcement of this ordinance and Buckingham County plubming code. Any water outlet which could be used for potable or domestic purposes and is not supplied by the potable system must be labeled as "Water Unsafe for Drinking" in a conspicuous manner.

**SECTION 6.** That this ordinance is a supplement to the applicable plumbing codes.

**SECTION 7.** That any person or customer found guilty of violating any of the provisions of this ordinance, or any written order of the County, in pursuance thereof, shall be deemed guilty of a Class I misdemeanor and upon conviction thereof shall be punished by the corresponding penalty. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purposes of this ordinance.

**THIS ORDINANCE WAS ADOPTED BY THE BOARD OF SUPERVISORS ON DECEMBER 13, 1982.**

**BUCKINGHAM COUNTY**  
**WATERWORKS ORDINANCE**

An ordinance to provide for the establishment, maintenance, and information of a public water supply system by the County of Buckingham for designated areas of the County; to provide for service connection fees, rates and other conditions of service; to provide for uniformity of regulations for said system; and to provide uniform penalties for violation of said provisions.

**SECTION 1. GENERALLY**

1-1 **ESTABLISHMENT OF WATERWORKS DEPARTMENT.** The County Administrator shall be responsible generally for the management and direction of the operations of the Waterworks Department and for this purpose he/she may delegate authority to the Utilities Director. The County Administrator shall coordinate the operations of the Waterworks Department in relation to utility service relating to property owners who obtained the services of the Department directly from the Department. He/she shall have general supervision and maintenance of the grounds and equipment of all utilities owned by the County.

1-2 **DEFINITIONS AND RULES OF CONSTRUCTION.** In the construction of this ordinance, the following rules shall be observed, unless otherwise specifically provided or unless such construction would be inconsistent with the manifest intent of the Buckingham County Board of Supervisors:

Applicant for Service: A person who files with the County a completed application form, for service to any unit or units, accompanied by any requisite deposit.

Board of Supervisors: Wherever the term " Board of Supervisors" is used, it shall be construed to mean the Board of Supervisors of Buckingham County, Virginia.

Bond: When a bond is required, an undertaking in writing shall be sufficient.

Computation of Time: Whenever a notice is required to be given or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day in which such proceeding is to be had shall not be counted.

County: The words "the County" shall mean the County of Buckingham in the State of Virginia.

Gender: The word importing the masculine gender only shall extend and be applied to females and firms, partnerships, and corporations as well as to males.

Health Department: The term "Health Department" shall be taken to mean the department of the public health of the County.

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Health Officer: The term “ Health Officer” shall be taken to mean the legally designated health authority of the State Board of Health for the County or his authorized representative.

Joint Authority: Words purporting to give authority to three or more public officers of other persons shall be construed as giving such authority to a majority of such officers or persons.

Month: The word “month” shall mean a calendar month.

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

Oath: The word “Oath” shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath.

Utilities Director: Wherever the term “Utilities Director” is used, it shall be construed to mean the Utilities Director duly designated as such by the Board of Supervisors of the County.

Or, And: “Or” may be read “and”, and “and” may be read “or” if the sense requires it.

Owner: The word “owner”, applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or a part of such building or land.

Person: The word “person” shall extend and be applied to associations, firms, partnerships, and bodies politic and corporate as well as to individuals.

Preceding, Following: The words “preceding” and “following” mean next before and next after, respectively.

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

Signature or Subscription: Includes a mark when a person cannot write.

State, Commonwealth: The words “State” and “Commonwealth” shall be construed as if the words “of Virginia” follow.

Streets, Highway: The word “street” shall include public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges, and the approaches thereto and all other public thoroughfares in the County, and shall mean the entire width thereof between abutting property lines; it shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the Board of Supervisors.



Swear, Sworn: The word "swear" or "sworn" shall be equivalent to the word "affirm" or "affirmed" in all cases in which by law an affirmation may be substituted for an oath.

Time: Words used in the past of present tense include the future as well as the past and present.

Written or in Writing: Shall be construed to include any representation of words, letters, or figures, whether by printing or otherwise.

Year: The word "year" shall be construed to mean a calendar year; and the word "year" alone shall be equivalent to the expression "year of our Lord".

Other Words: The rules of construction given in Sections 1-13.1 to 1-15, Code of Virginia, shall govern, so far as applicable, the construction of all other words not defined in this section.

## **SECTION 2. WATERWORKS OPERATION**

The Utilities Director/Waterworks Operator shall have direct supervision over the buildings, grounds, facilities, and personnel of the Department and shall be directly responsible to the County Administrator for the operation and maintenance of the buildings, grounds, and facilities of the Department and the performance of duty by the personnel of the Department. He shall make such tests and inspections as may from time to time be necessary for the forgoing purposes, and may issue such orders and directives as may be necessary to prevent unlawful or unauthorized practices, or to correct deficiencies in any part of the water system, and shall report promptly to the County Administrator if actions taken by him in this respect and any violation of or failure to comply with any order or directive issued by him as provided above.

The Utilities Director/Waterworks Operators shall comply with the policies and directives of the Board of Supervisors and the County Administrator, and he shall have such lawful authority as may be necessary to enforce compliance therewith by others who may be affected thereby.

## **SECTION 3. RULES AND REGULATION FOR COUNTY WATER SYSTEM**

The County Administrator, in consultation with the Utilities Director may promulgate such rules and regulations as he may deem appropriate relating to the County water system. Such regulations may include, but are not limited to, cessation of connections when available capacity is exceeded. When any such rules and regulations have been approved by resolution of the Board of Supervisors and placed on file in the Office of the County Administrator and there made available to the public for inspection and use during all regular office hours, it shall be unlawful for any person to violate or fail to comply with any such rule or regulations.

## **SECTION 4. INTERRUPTIONS OF WATER SERVICE**

If for any reason water service provided by the Waterworks Department must be interrupted, the operator shall, if such interruption is known to him in advance thereof, give notice to each customer affected thereby; provided, that notice may be given, generally to all customers through a news release to the press, by telephone, or radio stations serving the area.

In any case of prolonged interruption due to failure to electric service or failure of any pump or other apparatus to function properly, the operator may, at his discretion, disconnect water service

from all or any portion of the County water system to preserve water for fire protection or other emergency use.

In any case, no interruption of water service by the Waterworks Department shall impose any liability therefore upon the Board of Supervisors, the County Administrator, or the Utilities Director.

**SECTION 5. UNAUTHORIZED TAMPERING WITH FIRE HYDRANTS, VALVES, PIPES, OR METERS: TURNING ON OF WATER**

It shall be unlawful for any person without authorization from the County Administrator to open, disconnect, or disturb any fire hydrant, valve, pipe, or meter connected with the water main or disturb the system in any manner except for the legitimate purpose of extinguishing a fire.

**SECTION 6. OBSTRUCTING FIRE HYDRANTS**

No bushes, shrubbery, fences, or other objects obstructing free access to a fire hydrant shall be permitted within six feet of a fire hydrant, and no object either movable (including automobiles or other types of vehicles) or permanent shall be placed in front of a hydrant for a distance of six feet from either side.

**SECTION 7. EMERGENCY WATER CONSERVATION – COUNTY WATER SYSTEM**

**7-1 EMERGENCY WATER CONSERVATION**

- A. For the purposes of this section, unless the context clearly requires a contrary meaning, the term “water” shall mean potable water withdrawn from the County water distribution system.
- B. The County Administrator shall proclaim a water conservation alert in the County water system whenever the volume of water contained in the elevated storage facilities remains continuously less than  $\frac{3}{4}$  of the total design capacity for two (2) consecutive days. Such alert shall be rescinded when the volume of water contained in the elevated storage facilities becomes equal to or greater than  $\frac{3}{4}$  of the total design capacity at any time each for two (2) consecutive days.
- C. During a water conservation alert period, it shall be unlawful for any person to use water for any of the following purposes:
  - 1. The washing of automobiles, trucks, trailers, or any other type of mobile equipment, except in vehicle wash facilities operating with a water recycling system approved by the County with a prominently displayed sign in public view so stating.
  - 2. The washing of streets, driveways, parking lots, service station aprons, office buildings, exteriors of homes or apartments, or other outdoor surfaces.

3. Watering of outside shrubbery, trees, lawns, grass, plants, or any other vegetation, except from watering can or other container not exceeding three gallons' capacity. This limitation shall not apply to greenhouse or nursery stocks which may be watered in the minimum amount required to preserve plant life between 6:00 P.M. and 8:00 A.M.
  4. The operation of any ornamental fountain or other structure making a similar use of water.
  5. The filling of swimming or wading pools requiring more than five gallons of water, or the filling or refilling of swimming or wading pools requiring more than five gallons of water which were drained after commencement of a water conservation alert period, except that pools contracted prior to commencement of a water conservation alert, may be filled to a level of two feet below normal to protect the structure from hydrostatic damage.
  6. The service of drinking water in restaurants except upon request.
  7. The use of water from fire hydrants for any purpose other than fire suppression unless otherwise specifically provided by the County Administrator.
- D. It shall be unlawful for any owner of any residential unit(s) or any owner of any commercial or industrial establishment which is found to be an excessive user of water due to leakage from water lines or plumbing fixtures to fail to take immediate action to repair and stop such leakage after being so ordered by the County Administrator.
- E. Exemptions.
1. Any person subject to this section may apply to the Board of Supervisors for an exemption. Such application shall be in writing and filed with the County Administrator.
  2. The Board of Supervisors may, upon written application, permit an exemption or less than full compliance with any terms of this section when, in its judgment, full compliance or compliance to any extent would create an unjust hardship.
  3. The County Administrator shall be authorized to issue temporary waivers or exemptions within the provisions of this section for such periods of time as may be necessary for the Board of Supervisors to formally consider such of for the Board of Supervisors to take appropriate action.
- F. Every decision of the Board of Supervisors under this section shall be final, subject to such remedy as any aggrieved party might have at law or in equity.

- G. The County Sheriff shall issue summonses to effect compliance with this section.
- H. Any violation of this section shall be punishable as set forth in Section 21 of this ordinance.

**SECTION 8. CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION- COUNTY WATER SYSTEM**

**8-1 DEFINITIONS.** In the construction of this division, the following rules shall be observed, unless otherwise specifically provided or unless such construction would be inconsistent with the manifest intent of the Board of Supervisors:

Air Gap Separation: The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying pure water to a tank, plumbing fixture, or other device and the rim of the receptacle.

Auxiliary Water System: Any water system on or available to the premises other than the waterworks. These auxiliary waters may include water from another purveyor's waterworks; or water from a source such as well, lakes, or streams; or process fluids; or used water. They may be polluted or contaminated or objectionable, or constitute a water source or system over which the water purveyor does not have control.

Backflow: The flow of contaminants, pollutants, process fluids, used water, untreated waters, chemicals, gases, or nonpotable waters into any part of a waterworks.

Backflow Prevention Device: Any approved device, method, or type of construction intended to prevent backflow into a waterworks.

Consumer: The owner or person in control of any premises supplied by or in any manner connected to a waterworks.

Consumer's Water System: Any water system located on the consumer's premises, supplied by or in any manner connected to a waterworks.

Contamination: Any introduction into pure water of micro-organisms, waste water, undesirable chemicals, or gases.

Cross-Connection: Any connection or structural arrangement, direct or indirect, to the waterworks whereby backflow can occur.

Degree of Hazard: This is a term derived from an evaluation of the potential risk to health and the adverse effect upon the waterworks.

Double Gate-Double Check Valve Assemble: An approved assembly composed of two single, independently acting checkvalves including tightly closing shutoff valves located at each end of the assembly and petcocks and test gauges for testing the watertightness of each checkvalve.

Health Hazard: Any condition, device, or practice in a waterworks or its operation that creates, or may create, a danger to the health and well-being of the water consumer.

Interchangeable Connection: An arrangement or device that will allow alternate but not simultaneous use of two sources of water.

Pollution: The presence of any foreign substance (chemical, physical, radiological, or biological) in water that tends to degrade its quality so as to constitute an unnecessary risk or impair the usefulness of water.

Pollution Hazard: A condition through which an aesthetically objectionable or degrading material may enter the waterworks or a consumer's water system.

Process Fluids: Any fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted which would constitute a health, pollution, or system hazard if introduced into the waterworks. This includes, but is not limited to:

- A. Polluted or contaminated waters;
- B. Process waters;
- C. Used waters originating from the waterworks which may have deteriorated in sanitary quality;
- D. Cooling waters;
- E. Contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- F. Chemicals in solution or suspension; and
- G. Oil, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial, or other processes, or for firefighting purposes.

Pure Water or Potable Water: Water fit for human consumption and use which is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in supply for the minimum health requirement of the persons served.

Reduced-Pressure-Principle Backflow Prevention Device: A device containing a minimum of two independently acting checkvalves together with an automatically operated pressure differential relief valve located between the two checkvalves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either checkvalve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checkvalves at less than the supply pressure. The unit must include tightly closing shutoff



valves located at each end of the device, and each device shall be fitted with properly located test cocks. These devices must be on the approved type.

Service Connection: The terminal end of a service line from the waterworks. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

System Hazard: A condition posing an actual, or threat of, damage to the physical properties of the waterworks or a consumer's water system.

Used Water: Any water supplied by a water purveyor from waterworks to a consumer's water system after it has passed through the service connection.

Waterworks: All structures and appliances used in connection with the collection, storage, purification, and treatment of water for drinking or domestic use and the distribution thereof to the public or residential consumers as set forth in Title 62.1, Chapter 4, Section 62.1-45a, Code of Virginia 1950, as amended.

- 8-2      **STATE REGULATION ADOPTED:** The Buckingham County water system shall comply with Virginia Regulation VR 355-18-006, "Article 3: Cross-connection and Backflow Prevention In Waterworks," Commonwealth of Virginia State Board of Health Waterworks Regulations adopted June 23, 1993, and as amended from time to time.
- 8-3      **CROSS-CONNECTIONS PROHIBITED:** Effective March 14, 1994, except as hereinafter provided no water service connection shall be installed, maintained, or allowed to be installed by water purveyor or consumer to the County water system thereby creating a cross-connection. Cross-connections which exist and include an approved backflow prevention device as of March 14, 1994, shall comply with all provisions of this ordinance.
- 8-4      **PRE-EXISTING CROSS-CONNECTIONS:** Cross-connections which exist and do not include an approved backflow prevention device as of March 14, 1994, must, by not later than April 15, 1994, be eliminated by the consumer. Corss-connections which exist and include an approved backflow prevention device as of March 14, 1994, must, by not later than April 15, 1994, and annually thereafter, be inspected and tested at consumers' expense by a certified backflow inspector, and a written certified inspection report filed by April 15, 1994, and annually thereafter by the consumer with the Waterworks Operator or his designee. In addition to any other remedies or punishments provided in this ordinance, failure by consumer to comply with the provisions of this section shall result in the termination of water service until such time as consumer has fully complied.
- 8-5      **INSPECTION, REINSPECTION GROUNDS, SCHEDULES:** The Board of Supervisors for the County water system may cause inspections to be made of properties served by the waterworks where cross-connection with the waterworks is known or deemed possible. The frequency of inspection and reinspections, based on potential health hazards involved, and as prescribed in Section 8-4, above, shall be established by the Utilities Director in the cross-

connection control and backflow prevention program as approved by the Virginia Department of Health.

**8-6                    RIGHT OF ENTRY FOR PURPOSES OF INSPECTION:**     Utilities Director or his duly designated representative shall have the right to enter at any reasonable time properties served by connection to the waterworks of the County water system for the purpose of inspecting the piping system or systems and backflow prevention device on such property. The refusal of access to property where a cross-connection exists or is deemed possible, when requested, shall be deemed prima facie evidence of the presence of cross-connections and/or the absence of or bypass of a required backflow prevention device.

**8-7                    PROCEDURE UPON DISCOVERY OF VIOLATION:**     In addition to any remedies or punishments provided in this ordinance, the Utilities Director or his representative, may deny or discontinue water service to a consumer of the County water system if the required backflow prevention device is not installed and/or inspected and a certified test report submitted in accordance with provisions of this ordinance and the cross-connection control and backflow prevention program and/or access as provided for in Section 8-6 above is denied. If it is found that the device(s) has(have) been removed or bypassed or if a cross-connection exists on the premises, or if the pressure in the waterworks is lowered below 10 psi gauge, then positive action shall be taken to insure that the waterworks is adequately protected at all times. Water service to such premises shall not be restored until the deficiencies have been corrected or eliminated in accordance with Commonwealth of Virginia Waterworks Regulations and to the satisfaction of the Utilities Director.

**8-8                    PREVENTIVE MEASURES; LABELLING OF WATER SUPPLY:** The potable water made available on the properties served by the waterworks shall be protected from possible contamination or pollution by enforcement of this ordinance and the BOCA Basic Plumbing Code. Any water outlet which could be used for potable or domestic purposes and is not supplied by the potable system must be labeled as "Water Unsafe for Drinking" in a conspicuous manner.

## **SECTION 9.    APPLICATION FOR SERVICE CONNECTION**

**9-1                    APPLICATION:                    CONNECTION FEES:**     Applications for water service shall be made in writing on forms provided by the Buckingham County Administrator's Office. Application shall be made at the office of the Administrator by the owner or agent of the premises to be supplied, at the time of full residential service the applicant will be charged a connection fee of \$2000.00 which is to be paid in full prior to the installation of the water service. Applicants other than for residential service shall be charged a connection fee equal to the cost of the installation plus ten percent. Cost of the installation shall include material, labor, and supervisory fees. The Utilities Director shall estimate the cost which shall be made in full prior to the installation of the water service. After installation, when the full cost is known, the amount paid shall be adjusted with the County refunding the applicant.

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- 9-2            **METER SIZE:** The size of the meter installed shall be determined by the Buckingham County Utilities Director.
- 9-3            **WHEN SERVICE AVAILABLE:**     Water service shall be brought by the Waterworks Department to the property line of any premises to be supplied with water service within the area water is available whenever such property abuts on any public street or public road in existence at the time this ordinance becomes effective, which public street or public road is within the water service area and is maintained by the Virginia Department of Transportation.
- 9-4            **LOCATION AND MANNER OF CONNECTION:**   The location of all connections is to be determined by the Utilities Director. All connections shall be made with the approval and under the supervision of the Utilities Director.
- 9-5            **PLANS FOR NEW DEVELOPMENT:**         New developers, subdividers, and individuals constructing any type of industrial, commercial, housing development, or individual home or buildings where people live or congregate, within the area served by the water system, shall submit plans and specification to the Utilities Director for all main water lines and laterals necessary for connection to the public water system of the County, prior to commencement of construction. After approval of said plans and specifications by the Utilities Director, said new developers, subdividers and individuals, at their own expense and in accordance with these requirements, may proceed to construct main water lines and laterals as required for connection to the public water system. The Utilities Director may inspect during any phase of construction and may order construction stopped when not in conformity with plans and specifications previously approved. Such main water lines and laterals, when connected, may become the property of the County of Buckingham if the County so desires, and then the developer, subdivider, or individual shall execute an instrument conveying such main water lines and laterals to the County of Buckingham.
- 9-6            **CONSTRUCTION OF SECTION:**     Nothing in this section shall in any way be interpreted as a requirement that the County plan or design any system for the installation of main water lines and laterals on any private property. In addition, nothing in this section is intended or shall be interpreted as an assurance or guarantee by the County that the plans and specifications thus approved by the Utilities Director for the installation of main water lines and laterals on private property will result in a system that will function as designed or will meet the needs and requirements for connection to the public water system.

**SECTION 10. DEPOSIT REQUIRED WHEN PROPERTY OWNER NOT TO BE BILLED FOR WATER**

In the event the charge for water service is not to be billed to the owner of the premises to be supplied, then a deposit of \$45.00 is required with the application for service, which is in addition to the service connection charge, and is to be returned to the person paying the same at the termination of such water service after all charges for water service due are paid. The deposit shall not accrue interest.

**SECTION 11. SERARATE METERS FOR INDIVIDUAL BUILDINGS**

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Each individual building, be it a residence or a place of business, receiving water service shall have a separate meter whether or not owned by the same person(s) occupying the same lot(s). For the purpose of this ordinance, an outbuilding shall not be considered an individual residence unless it is used as a dwelling. (Grandfather Clause may be noted in this section.)

**SECTION 12. SINGLE SERVICE, SEPARATE METERS, PERMITTED FOR MORE THAN ONE TENANT**

Where any one building, house, or premises supplied by a single meter is rented to more than one Tenant, the owner of the property may, at his request, have separate meters for each unit, upon paying the separate connection charges and upon agreeing to be responsible for the charges therefore; however, in the event the building is used for more than one tenant, the owner of the premises may have one meter to serve all business and professional offices in any one building upon the payment of one connection fee.

**SECTION 13. FIRE HYDRANTS, METERS, PIPES, ETC., BELONGING TO THE COUNTY**

All fire hydrants, meters, meter boxes and pipes, and connections between the main water line and the meter boxes are the property of Buckingham County, whether or not the same be located on private property. This stipulation shall not require the county to provide or maintain fire hydrants, meters, meter boxes, and pipes to any location on any private property. Any such pipes and appurtenances which may be located on private property as a convenience to the County or the owner may be withdrawn to the property line at any time by the County.

**SECTION 14. GROUNDS FOR DISCONTINUANCE OF SERVICE**

Water service may be discontinued by the County for any of the following reasons:

- A. Permitting the use of water through a pipe to any other property than that described in the application;
- B. In case of vacancy of the premises;
- C. For willful waste of water from improper pipes, fixtures, or otherwise;
- D. For nonpayment of water service charges; and
- E. For introducing into any pipe connected to the County water system any water other than that supplied by the County water system.

**SECTION 15. RENEWAL OF SERVICE AFTER SERVICE DISCONTINUED**

In case water service is discontinued for violation of any of the regulations contained in this ordinance or is discontinued at the request of the property owner or tenant, a charge of \$25.00 will be made for the renewal of water service, and such charge must be paid to the Treasurer of Buckingham County before renewal of water service will be effected. Service will be renewed only upon proper application and when the conditions under which such service was discontinued are corrected and upon the payment of all proper rates and charges. No person who is delinquent for water consumed by him at any premises within the system shall have the right to water service at any other place or premises within the system, whether he is owner or tenant of such premises.

## **SECTION 16. UNAUTHORIZED USE OF WATER**

It shall be unlawful for any person to extend any pipe or to use any device or attachment to supply water to any premises other than that described in the application.

## **SECTION 17. WATER SERVICE CHARGES**

17-1 Where multiple units (such as trailer parks, apartments, businesses, or offices) are master-metered, the owner of the property will receive the bill. Each dwelling unit for which water is considered available, whether or not it is occupied or connected, shall be billed at no less than the minimum bill per unit.

17-2 In all cases where there are delinquent charges due to the County, the owner of record of the property shall be held liable for the payment of these outstanding accounts.

17-3 Pro-Rata Bills: Customers requesting discontinuance or establishing new accounts for service shall be billed on the number of months or part thereof in the billing period when the service was provided.

## **SECTION 18. WATER RATES**

(See attached rate schedule.)

## **SECTION 19. TIME OF PAYMENT**

All charges for water service levied by this ordinance shall be due and payable at the Office of the Treasurer of Buckingham County on or before the 10<sup>TH</sup> day of each month following said service. If said bill is not paid by the due date, the bill will be considered delinquent and penalized ten (10) percent. If the bill remains unpaid for an additional thirty days, then the Utilities Director or his duly designated representative shall discontinue service without further notice.

### **EXAMPLE:**

**MAY 31 – READ METERS**

**JUNE 10- SEND BILLS**

**JULY 10 – BILL DUE**

**JULY 11 – APPLY PENALTY**

**AUGUST 11- CUT OFF DATE**

## **SECTION 20. MANDATORY HOOKUP**

Persons whose houses, house trailers, places of business, manufacturers or other structures requiring a domestic water supply or potable water and are within 300 feet of a County waterline shall be required to connect to the County's water system when their existing well fails. (No new well permits will be issued to replace an existing well within 300 feet of the County water line.)

All new houses, house trailers, places of business, manufacturers or other structures requiring a domestic water supply or potable water houses, who are within 300 feet of a County waterline shall be required to connect to the County's water system.

## **SECTION 21. WATER LEAK FORMULA**

If a water leak occurs on the customers side of the water meter, the County will adjust the water bill as follows. The customer will be expected to pay his/her normal use amount plus fifty percent (50%) of the leak amount. The County will absorb the other fifty percent (50%) of the leak amount. If the said customer cannot pay all of the leak amount by the due date a payment plan may be set up for the customer. If a payment plan is established the customer will be expected to pay all of the current monthly bill plus the amount of the outstanding balance agreed upon by the County and the customer. Failure to pay this amount will result in disconnection of service. The County reserves the right to adjust the bill for water leaks in unusual circumstances.

## **SECTION 22. VIOLATIONS AND PENALTIES**

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be guilty of a class two misdemeanor as defined in the Virginia Code; each day a violation shall continue constitutes a separate offense.

Any person violating or failing to comply with any of the rules or regulations of the Waterworks Department promulgated by authority of the Board of Supervisors which are on file in the Office of the County Administrator shall be subject to the same punishment as provided above.

## **SECTION 23. VALIDITY**

Should any article, section, subsection, or provision of this Waterworks Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this Waterworks Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

## **SECTION 24. REPEAL**

All ordinances or portions of ordinance in conflict with this ordinance are hereby repealed to the extent of their conflict.



## BUCKINGHAM COUNTY BINGO ORDINANCE

### SECTION 1. DEFINITIONS

The following words shall have the following meanings:

A. Organization - means any one of the following:

1. A voluntary fire department or rescue squad or auxiliary unit thereof which operates in Buckingham County.

2. An organization operated exclusively for religious, charitable, community, or educational purposes; an association of war veterans or auxiliary units thereof organized in the United States, or a fraternal association operating under the lodge system.

B. Bingo - means a specific game or chance played with individual cards having randomly numbered squares ranging from 1-75, in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers selected at random. Such cards shall have five vertical rows headed respectively by the letters B.I.N.G.O., with each row having five randomly numbered squares.

C. Raffle - means a lottery in which the prize is won by a random drawing of the name or prearranged number of one or more persons purchasing chances.

D. Instant Bingo - means a specific game of chance played by the random selection of one or more individually prepacked cards, with winners being determined by the preprinted appearance of the letters B.I.N.G.O. in any prescribed order on the reverse side of such card.

E. Jackpot - means a bingo card played as a part of a bingo game defined in Section 1.B. in which all numbers on the card are covered, each number being selected at random, and with no free or "wild" numbers.

### SECTION 2. PERMIT REQUIRED

Prior to the commencement of any bingo game or raffle by a qualified organization as defined in this ordinance, such organization shall be required to obtain an annual permit from Buckingham County. Application for such annual permit shall be accompanied by a check in the amount of \$25.00 payable to the Buckingham County Treasurer. Such application fee may be waived by the Buckingham County Board of Supervisors. Application for such annual permit shall be made on the following form. Such application shall be a matter of public record.

COUNTY OF BUCKINGHAM

APPLICATION FOR PERMIT TO HOLD BINGO GAMES AND RAFFLES

1. Name of organization \_\_\_\_\_  
Address or Headquarters \_\_\_\_\_  
Address where bingo games will be held or raffle drawing will be conducted \_\_\_\_\_

Note: This permit is valid only at the above location. Days and times on which games are to be held \_\_\_\_\_

2. When was your organization founded? \_\_\_\_\_  
Has your organization been in existence in this town or County for two continuous years? \_\_\_\_\_ Is it a nonprofit organization? \_\_\_\_\_  
Tax Exempt Status No. (if applicable) \_\_\_\_\_  
Gross receipts from all sources related to the operation of bingo games or instant bingo by calendar quarter for 12-month period immediately prior to date of this application:  
1st quarter \_\_\_\_\_ 2nd Quarter \_\_\_\_\_  
3rd Quarter \_\_\_\_\_ 4th Quarter \_\_\_\_\_  
State the specific type and purpose of your organization: \_\_\_\_\_

3. Officers of organization:  
President: \_\_\_\_\_ Address: \_\_\_\_\_  
Secretary: \_\_\_\_\_ Address: \_\_\_\_\_  
Treasurer: \_\_\_\_\_ Address: \_\_\_\_\_

4. Type of permit applied for: Bingo Games \_\_\_\_\_ Raffles \_\_\_\_\_

5. Member authorized by your organization who will be responsible for bingo or raffle operation?

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Bus. Telephone: \_\_\_\_\_

6. Does your organization understand that it is a violation of law to enter into a contract with any person for firm, association, organization (other than another qualified organization pursuant to Section 12. of this ordinance), partnership, or corporation of any classification whatsoever, for the purpose of organizing, managing, or conducting bingo games or raffles? \_\_\_\_\_
7. Does your organization understand that it must maintain and file complete records of receipts and disbursements pertaining to bingo games and raffles and that such records are subject to audit by the Buckingham County Administrator? \_\_\_\_\_

8. Has your organization attached a check for the annual permit fee in the amount of \$25.00 payable to the Treasurer of Buckingham County? \_\_\_\_\_
9. Does your organization understand that any organization found in violation of Section 9. of this ordinance authorizing this permit is subject to having such permit revoked and any organization or person, shareholder, agent, member, or employee of such organization who violated Section 9. of this ordinance or Article 1.1 of Chapter 8 of Title 18.2 of the Code of Virginia may be guilty of a felony? \_\_\_\_\_
10. Does your organization understand that it will be required to furnish a complete list of its membership upon the request of the Buckingham County Board of Supervisors? \_\_\_\_\_
11. I hereby swear or affirm under the penalties of perjury as set forth in Section 18.2-434 of the Code of Virginia, that all of the above statements are true to the best of my knowledge, information, and beliefs. All questions have been answered.

Signed by:

\_\_\_\_\_  
(Name) (Title) (Address)

Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

### SECTION 3. REQUIREMENTS FOR ISSUANCE OF PERMIT

A. Prior to the issuance of any permit, the organization must meet the following requirements:

1. Except for recently established volunteer fire and rescue companies or departments, as defined in this ordinance, such organization shall have been in existence and met on a regular basis in the County of Buckingham for a period of at least two years immediately prior to making application for such permit. However, the Buckingham County Board of Supervisors may provide for the issuance of a bingo or raffle permit to booster clubs (a) which have been operating for less than two years, and (b) which have been established solely to raise funds for school-sponsored activities in public schools which are less than two years old.
2. A permit shall be valid only at such locations as are designated in the permit application. An organization which has obtained a permit under this ordinance to conduct a raffle may sell such raffle tickets both in and out of Buckingham County.

3. Such organization shall be operated currently and shall have always been operated in the past as a nonprofit organization and shall have been in existence as such nonprofit organization for a period of at least two years immediately prior to seeking a permit as hereinafter provided.
4. Any organization whose gross receipts from all bingo operations exceed or can be expected to exceed \$75,000 in any calendar year shall have been granted tax-exempt status pursuant to Section 501C of the United States Internal Revenue Code.

B. All permits shall be issued on a calendar basis and unless otherwise provided shall be valid for one calendar year beginning on January 1.

C. All applications for such permit shall be acted upon by the Buckingham County Board of Supervisors within 60 days from the filing thereof.

D. Upon compliance by the applicant with the provisions of this ordinance, and at the discretion of the Buckingham County Board of Supervisors, or the designated official of Buckingham County, an annual permit may be issued. All permits shall be subject to reasonable regulation by the Buckingham County Board of Supervisors to ensure the public safety and welfare in the operation of bingo games and raffles.

#### **SECTION 4.      REPORTS OF GROSS RECEIPTS AND DISBURSEMENTS**

A. Complete records of all receipts and disbursements shall be kept and shall be filed annually under oath with such local official as the Buckingham County Board of Supervisors shall designate. The annual or quarterly financial report and other items required to be filed under this section shall be a matter of public record. All such accountings shall be made on or before November 1 of each calendar year for which a permit has been issued. Such accounting shall include a record of the gross receipts and disbursements of an organization for the year period which commenced on October 1 of the previous year. However any organization whose gross receipts exceed \$50,000 during any calendar quarter shall be required to file an additional accounting of its receipts and disbursements during such quarter no later than 60 days following the last day of such quarter. "Gross receipts," as used in this section, shall mean the total amount of money received from bingo and "instant bingo" operations before the deduction of expenses or prizes.

- B. 1. All such reports of receipts and disbursements shall be made on the following form and acknowledged in the presence of a duly authorized notary public. The failure to file such reports when due shall cause the automatic revocation of the permit and no such organization shall conduct any bingo game or raffle thereafter until such report is properly filed and a new permit is obtained.
2. The financial report shall be accompanied by a certificate, verified under oath, by the Board of Supervisors that the proceeds of any bingo games or raffles have been used for those lawful, religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized and that the

operation of bingo games or raffles has been in accordance with the provisions of this ordinance and Virginia law.

C. Notwithstanding the provisions of this ordinance requiring an annual audit, the provisions of this section shall not be construed so as to prohibit any local designated official from performing unannounced audits or restrict any right of such official to secure records required to be maintained by the provisions of this ordinance any such official shall have the authority to go upon the premises on which any organization is conducting a bingo game for the purpose of carrying out the duties imposed by this ordinance. The application for the bingo permit shall constitute permission from, and authority granted by, such organization to any law enforcement officer or any official designated by the Buckingham County Board of Supervisors to enter upon such premises.

D. The organization shall maintain a record in writing for three years of the dates on which bingo is played, the number of people in attendance on each date and the amount of the receipts and prizes paid on each such day. The organization shall also maintain a record of the name and address of each individual to whom a door prize, regular or special bingo game prize or jackpot from the playing of bingo is awarded, as well as the amount of such award. The organization playing bingo shall also maintain an itemized record of all receipts and disbursements, including operating costs and use of proceeds incurred in operating bingo games.



All holders of a Bingo Game-Raffle Permit, must file a record of all receipts and disbursements in accordance with the provisions of this ordinance. FAILURE TO FILE A REPORT OF SUCH RECORDS WHEN DUE SHALL CAUSE THE AUTOMATIC REVOCATION OF PERMIT.

6

Operating Costs:		
(Excluding Bev. & Food)	\$	_____
Bingo Supplies	\$	_____
Instant Bingo Supplies	\$	_____
Other Supplies & Equipment	\$	_____
Permit Fee	\$	_____
Prizes Awarded	\$	_____
Jackpot Award	\$	_____
Instant Bingo	\$	_____
Rent	\$	_____
Audit Fee	\$	_____
Other (attach detailed explanation)	\$	_____
 TOTAL	(C) \$	_____

Use of Proceeds (Attach Detailed Schedule  
Indicating Payment, Date of Check or Invoice  
Numbers and Amounts)

TOTAL	(D) \$	_____
Ending Bank Balance from Bingo/Raffle	(E) \$	_____
Cash on Hand	(F) \$	_____
TOTAL CASH ACCOUNTED FOR (C + D + E + F)	\$	_____

OATH - I, the undersigned applicant do swear (or  
affirm) that the foregoing figures and statements  
are true, full, and correct to the best of my  
knowledge and belief.

(Authorized Agent)	(Date)
--------------------	--------

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**SECTION 5.        AUDIT OF REPORTS**

A. All such reports filed pursuant to this ordinance shall be audited by such local official as the Buckingham County Board of Supervisors shall designate. All such reports shall be a matter of public record.

B. The Buckingham County Board of Supervisors shall establish a reasonable audit fee not to exceed the actual cost of the audit if the audit is conducted by an independent auditor or accountant, or one percent of the gross receipts which an organization reports pursuant to this ordinance if the audit is conducted by a local official designated by the Buckingham County Board of Supervisors. The Buckingham County Board of Supervisors may establish a graduated scale to determine such audit fee. Such audit fee shall accompany such annual report; however, if the gross receipts of an organization are less than \$2,000 for the designated reporting period, such audit fee may be waived by the Buckingham County Board of Supervisors.

C. Such audit fee shall be payable to the local designated official who is responsible for the performance of such audit.

**SECTION 6.        FREQUENCY OF GAMES**

No organization may hold bingo games more frequently than two calendar days in any one calendar week, except that a special permit may be granted an organization which will entitle an organization to conduct similar events at its principal meeting place or any other site selected by such organization which is located in Buckingham County.

**SECTION 7.        INSTANT BINGO**

A. Any organization qualified to conduct bingo games pursuant to the provisions of this ordinance is authorized to play "instant bingo" as a part of such bingo game; provided, however, that "instant bingo" may be conducted only at such times as a regular bingo game is in progress and only at such location and at such times as are specified in the bingo application permit.

B. The gross receipts in the course of a reporting year from the playing of "instant bingo" shall not exceed 33 1/3 percentum of the gross receipts of an organization's bingo operations.

C. Any organization playing "instant bingo" shall maintain a record of the date, quantity, and card value of instant bingo supplies purchased as well as the name and address of the supplier of such instant bingo supplies. The organization shall also maintain a written invoice or receipt from a non-member of the organization verifying any information required by this subsection.

D. No organization shall sell and "instant bingo" card to any individual below 16 years of age.

**SECTION 8.        PROHIBITED PRACTICES**

In addition to those practices prohibited by this section, the following acts or practices shall also be prohibited under the provisions of this section:

A. Except for reasonable and proper operating costs and prizes, no part of the gross receipts derived by an organization, as herein defined, permitted to conduct bingo games or raffles may be used for any purpose other than: (a) those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized; and (b) expenses relating to the acquisition, construction, maintenance, or repair of any interest in real property involving the operation of the organization and used for lawful religious charitable, community, or educational purposes.

B. No organization shall enter into a contract with, or otherwise employ for compensation any person, firm, association, organization, partnership, or corporation of any classification whatsoever for the purpose of organizing, managing, or conducting bingo games or raffles. However, this ordinance shall not prohibit the joint operation of bingo games under Section 12.

C. No person, firm, association, organization, partnership, or corporation shall pay or receive for use of any premises devoted, in whole or in part, to the conduct of bingo games or raffles any consideration in excess of the current fair market rental value of such property. For purposes of this subsection, no fair market rental value consideration shall be based upon or determined by reference to a percentage of the proceeds derived from the operation of bingo games or raffles nor shall such consideration be based upon or determined by an reference to the number of people in attendance at such bingo games or raffles. Each day in violation of this subsection shall constitute a separate Class I misdemeanor as set forth in Section 9.

D. No building or other premises shall be utilized in whole or in part for the purpose of conducting bingo games more frequently than two calendar days in any one calendar week.

E. No person, except a bona fide member of any such organization who shall have been a member of such organization for at least 90 days prior to such participation, shall participate in the management, operation, or conduct of any bingo game or raffle. No person shall receive any remuneration for participating in the management, operation, or conduct of any such game or raffle.

F. No organization shall enter into any contract with or otherwise employ or compensate any member of that organization regarding the sale of bingo supplies or equipment.

G. No organization shall award any prize money or any merchandise valued in excess of the following amounts: (a) no door prize shall exceed \$25.00; (b) no regular bingo or special bingo game shall exceed \$100.00; and (c) no jackpot of any nature whatsoever shall exceed \$1,000.00, nor shall the total amount of jackpot prizes awarded in any one calendar day exceed \$1,000.00. The award of any such prize money for any bingo or raffle shall not be deemed to be part of any gaming contract within the purview of Section 11-14 of the Code of Virginia.

H. No organization shall place or cause to be placed any sign(s) advertising any bingo game within 100 yards of the exterior of the premises where such game is to be played.

I. Any bingo game in which all the gross receipts from players for that game are paid as prize money back to the players shall not be subject to the limitations of subsection G of this section, but there shall not be more than one such game per calendar day of play and prize money for any such game shall not exceed \$1,000.00.

**SECTION 9.        DENIAL, SUSPENSION, OR REVOCATION OF PERMIT: PENALTIES**

The Board of Supervisors of Buckingham County where a permit was issued may deny, suspend, or revoke the permit of any organization found not be in strict compliance with the provisions of this ordinance.

Any person violating the provisions of this ordinance shall be guilty of a Class I misdemeanor. Any person violating the provisions of Section 8.A. shall be guilty of a Class 6 felony.

**SECTION 10.       ENFORCEMENT OF ORDINANCE: INJUNCTIVE RELIEF**

In the event that an organization violates the provisions of this ordinance, then the Commonwealth's Attorney may, in addition to the foregoing criminal penalties, apply to the appropriate circuit court for an injunction restraining the continued operation of bingo games or raffles or any aspect thereof.

**SECTION 11.       HEARINGS AND APPEALS**

No permit to conduct bingo games or raffles shall be denied, suspended, or revoked except upon notice stating the proposed basis for such action and the time and place for a hearing thereon. After a hearing on the issues, the Buckingham County Board of Supervisors may refuse to issue or may suspend or revoke any such permit, if it determines that the organization has not complied with the provisions of the ordinance. Any organization aggrieved by the decision of the Board of Supervisors may appeal such decision to the circuit court.

**SECTION 12.       JOINT OPERATION OF BINGO GAMES; RESTRICTIONS; SPECIAL PERMIT REQUIRED**

A. Two qualified organizations as defined in this ordinance may jointly organize and conduct bingo games provided both have been issued a permit under the provisions of this ordinance.

B. Any two qualified organizations jointly conducting bingo games shall be subject to the same restrictions and prohibitions contained in this ordinance that would apply to a single organization conducting bingo games. Organizations jointly conducting bingo games shall not circumvent any restrictions and prohibitions which would otherwise apply if a single organization were conducting such games. These restrictions and prohibitions shall include, but not be limited to, the frequency with which bingo games may be held, the value of merchandise, money awarded as prizes, and all other practices prohibited under Section 8.

C. Any two qualified organizations which wish to jointly conduct one or more bingo games shall furnish the Buckingham County Board of Supervisors a written report setting forth the division of manpower, costs, and proceeds for each game to be jointly conducted. Upon a finding that the division of manpower and costs for each game bears a reasonable relationship to the division of proceeds, the Buckingham County Board of Supervisors shall issue a special permit for the joint conduct of all approved bingo games. No bingo game may be jointly conducted until this special permit is obtained by the organization involved for that bingo game.

**SECTION 13.        ONLY RAFFLES, BINGO, AND INSTANT BINGO GAMES PERMITTED**

This ordinance permits organizations to conduct raffles, bingo, and instant bingo games only. All games not explicitly authorized by this ordinance are prohibited.

**THIS ORDINANCE IS EFFECTIVE DECEMBER 1, 1983.**

## BUCKINGHAM COUNTY VENDOR ORDINANCE

WHEREAS, the Board of Supervisors recognizes that it is necessary and proper to enact an ordinance to provide for the control and regulation of the activities of door-to-door vendors.

SECTION 1. This Ordinance is enacted pursuant to Section 15.1-37, 3:1 and Section 15.1-37, 3:2 and shall be known as the Buckingham County Vendor's Ordinance.

### SECTION 2.

(a) No person, firm, corporation, or partnership shall, except those otherwise licensed by the State under Title 38.1, offer for sale within Buckingham County any item when such persons go from one place of human habitation to another offering an item for sale, until such person obtains a permit and pays a fee of \$20.00 to the agent of the Board of Supervisors, other than newspapers and fresh farm products.

(b) The agent shall not issue a permit to any person, firm, corporation, or partnership until the agent has satisfied himself to the best of his ability that the applicant for permit is in fact a bona fide operation.

(c) Application for permits shall be in writing and shall be filed with the Board of Supervisors or their agent 10 days before sales are begun. The agent will act upon the application within 10 days of its receipt.

SECTION 3. Any person who shall violate any provision of this Ordinance shall be

guilty of a misdemeanor and shall be subject to a fine of up to \$1,000 and/or up to 12 months imprisonment as provided in Section 15.1-505 of the Code of Virginia, 1950, as amended. Each day a person violates this Ordinance shall constitute a separate offense and such violation shall additionally be subject to injunctive relief in a State court of competent jurisdiction.

SECTION 4. The provisions of this Ordinance shall be actively enforced in order to

carry out the purpose of this Ordinance in the interest of the citizens of Buckingham County.

SECTION 5. Exemptions. Schools, churches, and other nonprofit organizations shall be exempt from this Ordinance.

ADOPTED BY THE BUCKINGHAM COUNTY BOARD OF SUPERVISORS ON SEPTEMBER 12, 1988.

Vendor's Application and Permit

Name of Applicant: \_\_\_\_\_

SS#: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/County: \_\_\_\_\_

State/Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Partnership: \_\_\_\_\_

Corporation: \_\_\_\_\_

Sole Proprietorship: \_\_\_\_\_

Name of Person who will be doing the soliciting:

\_\_\_\_\_ SS#: \_\_\_\_\_

-----  
List as many as necessary on separate sheet

References: Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_ I hereby pledge that the  
information above is true to the best of my knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Authorized: \_\_\_\_\_ Date: \_\_\_\_\_

Paid: \$ \_\_\_\_\_



# **FRANCHISE AGREEMENT**

**COUNTY OF BUCKINGHAM, VIRGINIA**

**and**

**FRONTIERVISION OPERATING PARTNERS, L.P.**

**d/b/a ADELPHIA CABLE COMMUNICATIONS**

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RESOLUTION NO. \_\_\_\_\_

**A Resolution Granting a  
Cable Television Franchise**

The Board of Supervisors of the County of Buckingham in the Commonwealth of Virginia, having determined that the financial, legal, and technical ability of FrontierVision Operating Partners, L.P., (d/b/a Adelphia Cable Communications) is reasonably sufficient to provide services, facilities, and equipment necessary to meet the future cable-related needs of the community, does hereby resolve as follows:

**SECTION 1  
Definitions**

- 1.1 Terms. For the purpose of this Resolution, the following terms, phrases, words and abbreviations shall have the meanings ascribed to them below.
- a. "Affiliate" means an entity which owns or controls, is owned or controlled by, or is under common ownership with Grantee.
  - b. "Basic Cable" is the tier of service regularly provided to all Subscribers that includes the retransmission of local broadcast television signals, which is currently referred to as "Antenna Service".
  - c. "Cable Act" means the cable Communications Policy Act of 1984, as amended.
  - d. "Cable Service" means (i) the transmission to Subscribers of video programming or other programming service, and (ii) Subscriber interaction, if any, which is required for the selection of such Video Programming.
  - e. "Cable System" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment or other communications equipment that is designed to provide Cable Service and other services to Subscribers.
  - f. "FCC" means Federal Communications Commission, or successor governmental entity thereto.
  - g. "Franchise" shall mean the initial authorization or renewal thereof, issued by the Franchising Authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, or otherwise, which authorizes construction and operation of the Cable System for the purpose of offering Cable Service or other service to Subscribers.

- h. "Franchising Authority" means the County of Buckingham or the lawful successor, transferee, or assignee thereof.
- i. "Grantee" means FrontierVision Operating Partners, L.P. (d/b/a Adelphia Cable Communications), or the lawful successor, transferee, or assignee thereof.
- j. "Gross Revenues" means revenue derived by the Grantee for the delivery of all services to subscribers within the Service Area, including but not limited to Basic Cable Service Tiers and Premium Service over the Cable System.
- k. "Person" means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity.
- l. "Premium Service" means an optional per channel program services, provided to subscribers at a charge in addition to Basic Cable.
- m. "Public Way" shall mean the surface of, and the space above and below, any public street, highway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the Franchising Authority in the Service Area which shall entitle the Franchising Authority and the Grantee to the use thereof for the purpose of installing, operating, repairing, and maintaining the Cable System. Public Way shall also mean any easement now or hereafter held by the Franchising Authority within the Service Area for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle the Franchising Authority and the Grantee to the use thereof for the purposes of installing or transmitting Grantee's Cable Service or other service over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to the Cable System.
- n. "Service Area" means the present County of Buckingham boundaries of the Franchising Authority, and shall include any additions thereto by annexation or other legal means.
- o. "Service Tier" means a category of Cable Service or other services provided by Grantee and for which a separate charge is made by Grantee.
- p. "Subscriber" means a person or user of the Cable System who lawfully receives Cable Services or other service therefrom with Grantee's express permission.
- q. "Video Programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

## SECTION 2

### Grant of Franchise

- 2.1 Grant. The Board of Supervisors of County of Buckingham, Virginia hereby grants to Grantee a nonexclusive Franchise which authorizes the Grantee to construct and operate a Cable System and offer Cable Service and other services in, along, among, upon, across, above, over, under, or in any manner connected with Public Ways within the Service Area under the control of the Franchising Authority and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, under, upon, across, or along any Public Way and all extensions thereof and additions thereto, under the control of the Franchising Authority, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the Cable System. With respect to the use of rights-of-way not within the Franchise Authority's jurisdiction, Grantee shall undertake to obtain authority for the use of such rights-of-way from each respective, controlling governmental authority.
- 2.2 Term. The Franchise granted pursuant to this Resolution shall be for a term of five (5) years, commencing on December 13, 1999.
- 2.3 Other Cable Franchises. In the event the Franchising Authority enters into a franchise, permit, license, authorization, or other agreement of any kind with any other person or entity other than Grantee to enter into the Franchising Authority's streets and public ways for the purpose of constructing or operating a cable system or providing cable service to any part of the Service Area, the material provisions thereof shall be reasonably comparable to those contained herein, in order that one operator not be granted an unfair competitive advantage over another, and to provide all parties equal protection under the law.

## SECTION 3

### Standards of Service

- 3.1 Conditions of Street Occupancy. All transmission and distribution structures, poles, other lines, and equipment installed or erected by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of Public Ways and with the rights and reasonable convenience of property owners who own property that adjoins any of said Public Ways.
- 3.2 Restoration of Public Ways. If during the course of Grantee's construction, operation, or maintenance of the Cable System there occurs a disturbance of any Public Way by Grantee, it shall, at its expense, replace and restore such Public Way to a condition reasonably comparable to the condition of the Public Way existing immediately prior to such disturbance.

- 3.3 Relocation at Request of Franchising Authority. Upon its receipt of reasonable advance notice, not to be less than ten (10) business days, the Grantee shall, at its own expense, protect, support, temporarily disconnect, relocate in the Public Way, or remove from the Public Way, any property of the Grantee when lawfully required by Franchising Authority or other governmental authority including the County of Buckingham, Commonwealth of Virginia, or agency of the federal government, by reason of traffic conditions, public safety, street abandonment, freeway or street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, or any other type of structures or improvements by the Franchising Authority, or other governmental authority including the County of Buckingham, Commonwealth of Virginia, or agency of the federal government, but the Grantee shall in all cases have the right of abandonment of its property, provided that all current Subscribers to the system are retained. If public funds are available to any company using such street, easement, or right-of-way for the purpose of defraying the cost of any of the foregoing, such funds shall also be made available to the Grantee in accordance with the applicable law.
- 3.4 Relocation at Request of Third Party. The Grantee shall, on the request of any person holding a building moving permit issued by the Franchising Authority or other governmental authority including the County of Buckingham, Commonwealth of Virginia, or agency of the federal government, temporarily raise or lower its wires to permit the moving of such building, provided: (a) the expense of such temporary raising or lowering of wires is paid by said person, including, if required by the Grantee, making such payment in advance; and (b) the Grantee is given not less than ten (10) business days advance written notice to arrange for such temporary wire changes.
- 3.5 Trimming of Trees and Shrubbery. The Grantee shall have authority to trim trees or other natural growth overhanging or otherwise interfering with any of its Cable System in the Service Area under the control of the Franchising Authority so as to prevent branches from coming in contact with the Grantee's wires, cables, or other equipment. Grantee shall be permitted to charge persons who own, or are responsible for, such trees or natural growth for the cost of such trimming, provided that similar charges are assessed by and paid to the utilities or the Franchising Authority for tree trimming.
- 3.6 Safety Requirements. Construction, installation, and maintenance of the Cable System shall be performed in an orderly and workman-like manner. All such work shall be performed in substantial accordance with applicable FCC or other federal, state, and local regulations.
- 3.7 Aerial and Underground Construction. In those areas of the Service Area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, the Grantee likewise shall construct, operate, and maintain all of its transmission and distribution facilities underground, provided that such facilities are actually capable of receiving Grantee's cable and other equipment without technical degradation of the Cable System's signal quality. In those areas of the Service Area where the transmission or distribution facilities of the respective public utilities providing telephone communications and

electric services are both aerial and underground, Grantee shall have the sole discretion to construct, operate, and maintain all of its transmission and distribution facilities, or any part thereof, aerially or underground. Nothing contained in this Section 3.8 shall require Grantee to construct, operate, and maintain underground any ground-mounted appurtenances such as subscriber taps, line extenders, system passive devices (splitters, directional couplers), amplifiers, power supplies, pedestals, or other related equipment. Notwithstanding anything to the contrary contained in this Section 3.8, in the event that all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are placed underground after the effective date of this Resolution, Grantee shall only be required to construct, operate, and maintain all of its transmission and distribution facilities underground if it is given reasonable notice and access to the public utilities' facilities at the time that such are placed underground.

- 3.8 Required Extensions of Service. Grantee is hereby authorized to extend the Cable System as necessary, as desirable, or as required pursuant to the terms hereof within the Service Area. Whenever Grantee shall receive a request for service from at least fifteen (15) households, which have agreed to pay for service for one year, within 2,640 cable-bearing strand feet (one-half mile) of its distribution cable, it shall extend its Cable System to such Subscribers at no cost to said Subscribers for system extension, other than the usual connection fees for all Subscribers, provided that such extension is technically feasible and will not adversely affect the operation, financial condition, or market development of the Cable System, or as provided for under Section 3.10 of this Resolution. When counting the number of potential subscriber households requesting service under this provision, households then subscribing to a satellite direct-to-home service shall be counted as  $\frac{1}{4}$  household.
- 3.9 Subscriber Charges for Extensions of Service. No Subscriber shall be refused service arbitrarily. However, for special circumstances (such as a Subscriber's request to locate the cable drop underground, or the need for under-highway crossings, or the existence or more than five hundred (500) feet of distance from distribution cable to connection of service to Subscribers, or a density of less than fifteen (15) households per 2,640 cable-bearing strand feet of distribution cable) Cable Service may be made available on the basis of a capital contribution in aid of construction, including cost of material, labor, and easements. For the purpose of determining the amount of capital contribution in aid of construction to be borne by Grantee and Subscribers in the area in which Cable Service may be extended, Grantee will contribute an amount equal to the construction and other costs per half mile, multiplied by a fraction whose numerator equals the actual number of potential subscribers desiring service per 2,640 cable-bearing strand feet of its trunk or distribution cable, and whose denominator equals fifteen (15) Subscribers. Potential subscribers will bear the remainder of the construction and other costs on a pro rata basis. Grantee may require that the payment of the capital contribution in aid of construction borne by such potential subscribers be paid in advance. When counting the number of potential subscriber households requesting service under this provision, households then subscribing to a satellite direct-to-home service shall be counted as  $\frac{1}{4}$  household.



- 3.10 Service to Public Buildings. The Grantee shall provide without charge, at the request of the franchising authority, Cable Service to any public building. These outlets of Cable Service shall not be used to distribute or sell Cable Services in or throughout such buildings, nor shall such outlets be located in common or public areas open to the public. Users of such outlets and facilities shall hold Grantee harmless from any and all liability or claims arising out of their use of such outlets, including but not limited to, those arising from copyright liability or those relating to technical malfunctions. Notwithstanding anything to the contrary set forth in this Section 3.11, the Grantee shall not be required to provide an outlet to such building where the drop line from the distribution cable to said buildings or premises exceeds four hundred (400) cable feet, unless it is technically feasible and so long as it will not adversely affect the operation, financial condition, or market development of the Cable System to do so, or unless the appropriate governmental entity agrees to pay the incremental cost of such drop line in excess of 400 cable feet. In the event that additional outlets of Cable Service are provided to such buildings, the building owner shall pay the usual installation fees associated therewith, including, but not limited to, labor and materials.
- 3.11.1 Subscriber Complaint Resolution. Grantee agrees to respond to all Subscriber complaints within two (2) business days of receipt. Any resolution that does not satisfy the Subscriber will be forwarded to the next level of management until it reaches the General Manager. If the complaint is still unresolved, the General Manager will contact the Grantee's Regional Manager to reach an amicable resolution. If a satisfactory resolution still cannot be reached, FrontierVision (d/b/a Adelphia) will confer in writing with the Administrator of the franchising authority within ten (10) business days of the receipt of complaint in an effort to resolve the dispute.
- 3.11.2 Parental Control Devices. Grantee shall provide to Subscribers, upon request, parental control devices that allow any channel or channels to be locked out. Grantee shall be entitled to charge a reasonable fee for these services and the installation charge.

#### **SECTION 4** **Regulation by Franchising Authority**

- 4.1 Rates and Charges. The Franchising Authority may regulate rate increases for the provision of Cable Service to the extent allowed by law.
- 4.2 Renewal and Franchise. The Franchising Authority and the Grantee agree that any proceedings undertaken by the Franchising Authority that relate to the renewal of the Grantee's Franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act, 47 U.S.C. 546, as this provision existed on the effective date of this Franchise, unless the procedures and substantive protections set forth therein shall be deemed to be preempted and superseded by the provisions of any subsequent provision of federal or state law.

In addition to the procedures set forth in said Section 626(a), the Franchise Authority agrees to notify Grantee of its preliminary assessments regarding the identity of future

cable-related community needs and interests, as well as the past performance of Grantee under the then current Franchise term. The Franchising Authority further agrees that such a preliminary assessment shall be provided to the Grantee prior to the time that the four (4) month period referred to in Subsection (c) of Section 626 is considered to begin. Notwithstanding anything to the contrary set forth in this Section 4.2, the Grantee and Franchising Authority agree that at any time during the term of the then current Franchise, while affording the public appropriate notice and opportunity to comment, the Franchising Authority and Grantee may agree to undertake and finalize negotiations regarding renewal of the then current Franchise and the Franchising Authority may grant a renewal thereof. The Grantee and the Franchising Authority consider the terms set forth in this section to be consistent with the express provisions of Section 626 of the Cable Act.

- 4.3 Conditions of Sale. Except to the extent expressly required by federal or state law, if a renewal or extension of Grantee's Franchise is denied or the Franchise is lawfully terminated and the Franchising Authority effects a transfer of ownership of the Cable System to another party, any such acquisition or transfer shall be at a fair market value, determined on the basis of the Cable System valued as a going concern.

Grantee and Franchising Authority agree that in the case of a lawful revocation of the Franchise, Grantee shall be given a reasonable opportunity to effectuate a transfer of its Cable System to a qualified third party. The Franchising Authority further agrees that during such a period of time, it shall authorize the Grantee to continue to operate pursuant to the terms of its prior Franchise; however, in no event shall such authorization exceed a period of time greater than one (1) year from the effective date of such revocation. If, at the end of that time, Grantee is unsuccessful in procuring a qualified transferee or assignee of its Cable System which is reasonably acceptable to the Franchising Authority, Grantee and Franchising Authority may avail themselves of any rights they may have pursuant to federal or state law; it being further agreed that Grantee's continued operation of its Cable System during the one (1) year period shall not be deemed a waiver, nor an extinguishment of, any rights of either the Franchising Authority or the Grantee. Notwithstanding anything to the contrary set forth in Section 4.3, neither Franchising Authority nor Grantee shall be required to take any action inconsistent with federal or state law.

- 4.4 Transfer of Franchise. Grantee's right, title, or interest in the Franchise shall not be sold, transferred, assigned, or otherwise encumbered, other than to an Affiliate, without the prior consent of the Franchising Authority, which consent shall not be unreasonably withheld or delayed more than sixty (60) days from date of notification to the Franchising Authority. Grantee shall use its best efforts to assist in the provision of relevant financial and technical information to the Franchising Authority with respect to the proposed transferee. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of Grantee in the Franchise or Cable System in order to secure indebtedness. Corporate reorganizations which do not change the ultimate controlling entity and intrafamilial transactions are not considered transfers of control for purposes of this provision.

- 4.5 Franchise Fee. Grantee shall pay to the Franchising Authority a franchise fee equal to five percent (5 %) of the Gross Revenues (as defined in Section 1.1 of this Franchise) received by Grantee on an annual basis. The Franchise Fee payment shall be due and payable ninety (90) days after the close of the annual period for each calendar year, but the first accounting period shall commence with the first month immediately following that month in which this Resolution is adopted. Each payment shall be accompanied by a statement from a representative of Grantee showing the basis for the computation.

Notwithstanding the preceding paragraph, in the event of any amendment or change in the current Federal Law which provides for limitations on the maximum franchise fee that franchising authorities may impose, the parties hereto agree that either the Franchise Authority or the cable company may request renegotiation of the franchise fee specified herein, and both parties agree to negotiate in good faith to establish a reasonable franchise fee, taking into consideration the then current circumstances, prevailing economic circumstances, other factors, and prevailing fees within the cable television industry.

## **SECTION 5**

### **Insurance and Indemnification**

- 5.1 Insurance Requirements. Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the Franchise, Comprehensive General Liability Insurance in the amount of \$3,000,000 combined single limit for bodily injury, and property damage. Said insurance shall designate the Franchising Authority as an additional named insured. Such insurance shall be noncancellable except upon thirty (30) days prior written notice to the Franchising Authority. Grantee shall additionally maintain Automotive Liability Insurance in the amount of \$1,000,000. Grantee shall provide a current Certificate of Insurance to the Franchising Authority verifying coverage, providing the Franchising Authority as an additional insured and requiring thirty (30) days notice to the Franchising Authority of cancellation.
- 5.2 Indemnification. The Grantee agrees to indemnify, save and hold harmless, and defend the Franchising Authority, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death), which arise out of the Grantee's construction, operation, or maintenance of its Cable System, including, but not limited to, reasonable attorneys' fees and costs.

## **SECTION 6**

### **Compliance and Monitoring**

- 6.1 Testing for Compliance. Grantee shall comply with testing that may be required under FCC regulations. In addition, the Franchising Authority at its own expense may perform similar technical tests of the Cable System during reasonable times and in a manner which does not unreasonably interfere with the normal business operations of the Grantee or the Cable System in order to determine whether or not the Grantee is in compliance

with the terms hereof and applicable state or federal laws. Except in emergency circumstances, such tests may be undertaken only after giving Grantee reasonable notice thereof, not to be less than five (5) business days, and providing a representative of Grantee an opportunity to be present during such tests. In the event that such testing demonstrates that the Grantee has substantially failed to comply with a material requirement hereof, the cost of such testing shall be borne by the Grantee. Except in emergency, the Franchising Authority agrees that such testing shall be undertaken no more than two (2) times a year in the aggregate, and that the results thereof shall be made available to the Grantee upon Grantee's request.

- 6.2 Books and Records. The Grantee agrees that the Franchising Authority may review such of its books and records, during normal business hours, as is reasonably necessary to monitor compliance with the terms hereof. Such records shall include, but shall not be limited to, any public records required to be kept by the Grantee pursuant to the rules and regulations of the FCC. Notwithstanding anything to the contrary set forth herein, Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature, to the extent provided by law.

## **SECTION 7**

### **Enforcement and Termination of Franchise**

- 7.1 Notice of Violation. In the event that the Franchising Authority believes that the Grantee has not complied with the terms of the Franchise, it shall notify Grantee in writing of the exact nature of the alleged noncompliance.
- 7.2 Grantee's Right to Cure or Respond. Grantee shall have thirty (30) days from receipt of the notice described in Section 7.1: (a) to respond to the Franchising Authority contesting the assertion of noncompliance, or (b) to cure such default, or (c) in the event that, by the nature of default, such default cannot be cured with the thirty (30) day period, initiate reasonable steps to remedy such default and notify the Franchising Authority of the steps being taken and the projected date that they will be completed.
- 7.3 Public Hearing. In the event that Grantee fails to respond to the notice described in Section 7.1 pursuant to the procedures set forth in Section 7.2, or in the event that the alleged default is not remedied within sixty (60) days after the Grantee is notified of the alleged default pursuant to Section 7.1, the Franchising Authority shall schedule a private meeting with the Franchise Authority Administrator and the Grantee to investigate the default. A subsequent public meeting may be held if the alleged default is not remedied within thirty (30) days after the private meeting is held with Grantee. Such public meeting shall be held at the next regularly scheduled meeting of the Franchising Authority which is scheduled at a time which is no less than five (5) business days therefrom. The Franchising Authority shall notify the Grantee of the time and place of such meeting and provide the Grantee with an opportunity to be heard.

- 7.4 Enforcement. Subject to applicable federal and state law, in the event the Franchising Authority, after such meeting, determines that Grantee is in default of any provision of the Franchise, the Franchising Authority may:
- a. Commence an action at law for monetary damages or seek other equitable relief;
  - b. In the case of a default of a provision of the Franchise, declare the Franchise Agreement to be revoked; or
  - c. Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages.

The Grantee shall not be relieved of any of its obligations to comply promptly with any provision of the Franchise by reason of any failure of the Franchising Authority to enforce prompt compliance.

- 7.5 Acts of God. The Grantee shall not be held in default or noncompliance with the provisions of the Franchise nor suffer any enforcement or penalty relating thereto, when such noncompliance or alleged defaults are caused by strikes, acts of God, power outages or other events reasonably beyond its ability to control.

## **SECTION 8**

### **Miscellaneous Provisions**

- 8.1 Documents Incorporated and Made a Part Hereof. The following documents shall be incorporated herein by this reference, and in the case of a conflict or ambiguity between or among them, the document of latest date shall govern:
- a. Any enabling legislation in existence as of the date hereof; and
  - b. Any franchise agreement between Grantee and Franchising Authority reflecting the renewal of the Franchise, if any.
- 8.2 Preemption. If the FCC or any other federal or state body or agency shall now or hereafter exercise any paramount jurisdiction over the subject matter of the Franchise, then to the extent such jurisdiction shall preempt and supersede or preclude the exercise of the like jurisdiction by the Franchising Authority, the jurisdiction of the Franchising Authority shall cease and no longer exist.
- 8.3 Actions of Franchising Authority. If any action by the Franchising Authority or representative thereof is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in the instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

- 8.4 Notice. Unless expressly otherwise agreed between the parties, every notice or response to be served upon the Franchising Authority or Grantee shall be in writing, and shall be deemed to have been duly given to the required party five (5) business days after having been posted in a properly sealed and correctly addressed envelope by certified or registered mail, postage prepaid, at a Post Office or branch thereof regularly maintained by the U.S. Postal Service.

The notices or responses to the Franchising Authority shall be addressed as follows:

Office of County Administrator  
County of Buckingham  
P. O. Box 252  
Buckingham, Virginia 23921

With copy to:

County Attorney for Buckingham County  
P. O. Box 200  
Buckingham, VA 23921

The notices or responses to the Grantee shall be addressed as follows:

FrontierVision Operating Partners, L.P.  
(d/b/a Adelphia Cable Communications)  
241 West Summer Street  
Greeneville, TN 37743  
Attn: General Manager

With copy to:

Adelphia Communications Corporation  
1 North Main Street  
Coudersport, PA 16915-1141  
Attn: Legal Department

Franchising Authority and the Grantee may designate such other address or addresses from time to time by giving notice to the other.

- 8.5 Descriptive Headings. The captions to Sections contained herein are intended solely to facilitate the reading thereof. Such captions shall not affect the meaning or interpretation of the text herein.
- 8.6 Severability. If any Section, sentence, paragraph, term, or provision hereof is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction or by any

have no effect on the validity of any other Section, sentence, paragraph, term, or provision hereof, all of which will remain in full force and effect for the term of the Franchise, or any renewal or renewals thereof.

Passed and adopted this 13<sup>th</sup> day of December, 1999, subject to applicable federal, state and local law.

By: J. Manuel Snally  
Title: Chairman, Board of Supervisors  
of Buckingham County

By: Rebecca S. Carter  
Title: County Administrator

Accepted this 25<sup>th</sup> day of September, 192000, subject to applicable federal, state and local law.

FRONTIERVISION OPERATING PARTNERS, L.P.  
(d/b/a ADELPHIA CABLE COMMUNICATIONS)

By: Michael J. Kigas  
Title: Executive VP of GP's GP's LP

## **EXHIBIT A**

Service to Public Buildings. The Grantee shall provide without charge one (1) outlet of Cable Service to the following locations:

### **Schools**

Buckingham County School Board Office  
Buckingham County High Schools  
Buckingham Primary School  
Dillwyn Primary School  
Dillwyn Elementary School  
Dillwyn Middle School

### **County Offices**

Buckingham County Administration Building  
Buckingham County Agricultural Center Auditorium  
Buckingham County Courthouse Building  
Buckingham County Attorney's Office  
Health Department  
Department of Social Services



## **Noise Ordinance**

### **Declaration of Policy**

At certain levels, noise can be detrimental to the health, welfare, safety and quality of life of inhabitants of the county, and in the public interest noise should be restricted. It is, therefore, the policy of the county to reduce, and eliminate where possible, excessive noise and related adverse conditions in the community, and to prohibit unnecessary, excessive, harmful and annoying noises from all sources subject to its police power. Nothing in this Ordinance shall be construed to limit, hinder, or in any way interfere with the normal conduct of daily work activity, either commercial or residential.

### **Definitions**

*Agricultural production* shall mean the production for commercial purposes of crops, livestock and livestock products, but not land or portions thereof, used for processing or retail merchandising of such crops, livestock or livestock products.

*Agricultural products* shall mean crops, livestock and livestock products, which shall include, but not be limited to the following:

- (1) Field crops, including corn, wheat, oats, rye, barley, hay, tobacco, peanuts, potatoes and dry beans;
- (2) Fruits, including apples, peaches, grapes, cherries and berries;
- (3) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions;
- (4) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers;
- (5) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs and furs.

*Emergency work* shall mean work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from immediate exposure to a danger, including work performed by public service companies when emergency inspection, repair of facilities, or restoration of services is required for the immediate health, safety or welfare of the community.

*Noise disturbance* shall mean any sound that may cause, or tend to cause, an adverse psychological or physiological effect on human beings or endangers or injures personal or real property.

It shall also include those acts specified herein as noise disturbances.

*Person* shall mean any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency or any legal successor, representative, agent or agency thereof.

*Plainly audible* means any sound that can be heard clearly by a person using his or her unaided hearing faculties.

### **Exceptions**

[The following noises are exempt from the provisions of this ordinance.]

- (1) The emission of sound for the purpose of alerting persons to the existence of sound in the performance of emergency work;
- (2) Music, bells, chimes or other sounds which are emanating from a church, temple, synagogue or other place of worship;
- (3) Radios, sirens, horns and bells on police, fire, or other emergency response vehicles.
- (4) Parades, fireworks displays, school-related activities, and other such public special events or public activities.
- (5) Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or person in possession of the premises served by any such alarm to turn off the alarm.
- (6) Locomotives and other railroad equipment and aircraft
- (7) Household tools, lawnmowers, and other lawn care equipment with manufacturer's recommended mufflers installed, between 7:00 a.m. and 11:00 p.m.
- (8) The production of agricultural, horticultural and forestall products, including, but not limited to sawmill operations.
- (9) Noise caused by, or arising out of, activities related to repair, maintenance, replacement or alteration of public utility systems or parts thereof, and appurtenances thereto, where such activity is reasonably necessary to further a public safety interest and/or to minimize disruption in the provision of public services, e.g., water and sewer service.

### **Specific Prohibitions**

The following acts are declared to be noise disturbances in violation of this article. The acts so specified shall not be deemed to be an exclusive enumeration of those acts which may constitute a noise disturbance.

- (1) Sounding the horn or warning device of a vehicle, except when necessary as a warning during the operation of the vehicle.
- (2) Operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph or any other device for the production of sound, between the hours of 11:00 p.m. and 7:00 a.m. of the following day, at a volume sufficient to be plainly audible across property boundaries or through partitions common to two (2) or more residences within a building.
- (3) Using a radio receiving set, an audio cassette player, a compact disc player, a loudspeaker, or other device in public for the production of sound in a motor vehicle at a volume sufficient to be plainly audible at fifty (50) feet from such vehicle.

(4) It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive unnecessary or unreasonably loud noise disturbance between the hours of 11:00 p.m. and 7:00 a.m.

#### **Penalties**

A violation of any provision of this article shall constitute a class III misdemeanor. Each separate act on the part of the person violating this article shall be deemed a separate offense, and each day a violation is permitted to continue unabated shall constitute a separate offense.

#### **Undue hardship waiver**

(1) Any person responsible for a noise source may apply to the Board of Supervisors for a waiver, or partial waiver, from the provisions of this article. The board of supervisors may grant such waiver, or partial waiver, upon a finding that compliance with the provisions of this article from which a waiver is sought would produce serious economic hardship without producing substantial benefit to the public

(2) In determining whether to grant such variance, the Board of Supervisors shall consider the time of day the noise will occur, duration of the noise, whether the noise is intermittent or continuous, its extensiveness, the technical and economic feasibility of bringing the noise into conformance with this chapter, and such other matters as are reasonably related to the impact of the noise on the health, safety and welfare of the community, and the degree of hardship that may result from the enforcement of the provisions of this chapter.

(3) No waiver or partial waiver, issued pursuant to this article, shall be granted for a period to exceed one (1) year, but any such waiver, or partial waiver may be renewed for successive like periods if the board of supervisors shall find such renewal is justified after again applying the standard set forth in this article. No renewal shall be granted except upon written application submitted thereof.

#### **Severability**

If any provision of this chapter should be determined by a court of competent jurisdiction to be invalid, such determination shall not affect the validity of the remaining provisions of this chapter.

The original ordinance was adopted by the Buckingham County Board of Supervisors in December 1990 and any revisions will go into full force and effect upon adoption.

# Buckingham County

## Mobile Home Park Ordinance

Approved January 14, 1991  
Edited and Adopted April 14, 2014

## COMMERCIAL MANUFACTURED (MOBILE) HOME PARK ORDINANCE

### ARTICLE I: Purpose

The purpose of this Ordinance is to regulate and guide the establishment of manufactured/mobile home parks in order to promote the health, safety and general welfare of the citizens of Buckingham County, Virginia. This Ordinance is designed to accomplish the following specific objectives:

- A) To further the orderly layout of manufactured/mobile home parks
- B) To provide opportunities for affordable housing
- C) To secure safety from fire, panic and other danger
- D) To provide adequate light and air
- E) To ensure that facilities for transportation, parking , water, sewage, and recreation are provided for manufactured/mobile home park residents and visitors.

All applications for new Mobile Home Parks will be reviewed with the Purpose in mind. Specifically applications may be denied based on but not limited to the following items:

- A) Location in the County
- B) Distance from State Hwy
- C) Vegetative Buffer
- D) Road Plan (emergency vehicle plan, multiply ingress and egress)
- E) Amount of Open Space
- F) Orientation of homes (perpendicular to State maintained Hwys. preferred)

This ordinance does not apply to single unit mobile homes on individual landowners' property.

### ARTICLE II : DEFINITIONS

As used in this ordinance:

1. **Accessory building or utility building** shall mean a building which is used for storage by the mobile home resident.
2. **Manufactured/Mobile Home** means a structure transportable in one or more sections which in the traveling mode is eight body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.
3. **Mobile Home Park** shall mean any place, area of land maintained for the purpose of renting a space with or without a manufactured/mobile home where four (4) or more manufactured/mobile homes will be or are used for human habitation purposes, whether the manufactured/mobile homes are owned by the Operator of the manufactured/mobile home park or owned by individual occupants. Exemptions include: those properties that are 32 acres in size or larger and have eight (8) or fewer rental homes/lots. No mobile home park shall contain more than 30 homes.

**4. Mobile Home Space/Lot shall mean that portion of land in a Mobile Home Park allotted or designated exclusively for allotment to one mobile home.**

**5. Operator** means the person who owns or is responsible for the operation of a manufactured/mobile home park.

**6. Recreation area or park** shall mean an area of land and/or water resource that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.

#### ARTICLE III: PRINCIPAL USES PERMITTED

1 Manufactured homes which conform to national standards as provided for in the National Manufactured Housing Construction and Safety Standards Act. All manufactured homes must also conform to the Building Officials and Code Administrators (BOCA) and other codes as adopted by the County, including the BOAT Mobile Home Code.

2 Swimming pools, recreational and athletic facilities, community buildings, and other similar and related improvements for the common use of park occupants and their guests.

3 A coin-operated laundry and/or drying operation may be permitted for the sole use of park occupants.

#### ARTICLE IV ACCESSORY USES PERMITTED

Accessory uses not otherwise prohibited, customarily accessory and incidental to any permitted use.

#### ARTICLE V : Minimum Design Standards

Section A: Area and Density: The area of a mobile home park shall be a minimum of three (3) contiguous acres and under one ownership or control. The overall density of any mobile home park shall not exceed two units per gross acre. Density may increase or decrease depending upon Virginia Department of Health approval for individual well and individual septic and Board of Supervisor approval. For density purposes, all areas subject to flooding and other adverse topographic features making them unsuitable for residential use shall be excluded from computations. Slope and grade will be considered and Adverse topographic features include but are not limited to cliff, marsh, swamp etc

Section B: Open Space:

A minimum of ½ acre per home shall be devoted to open space and recreational area for the residents of the park. The uses authorized for the common open space must be appropriate to the scale and character of the park, considering the size, density, and topography. Recreational areas may include facilities such as playgrounds, basketball courts, swimming pools, community buildings and play areas for small children or other recreational related uses.

#### Section C: Mobile Home Spaces

All mobile homes shall be located on individual mobile home spaces/lots. The minimum lot area for individual mobile homes shall be ½ acre unless the park is approved for cluster development and then ¼ acre may be used as the minimum lot area.

#### Section D: Flood Hazard

Mobile home parks shall not be located in areas that are susceptible to regular flooding as noted on FEMA maps. Existing manufactured/mobile home parks located in flood hazard areas shall not be allowed to add additional spaces or manufactured/mobile homes.

Manufacture/mobile home spaces shall be graded so as to prevent water from ponding or accumulating on the premises.

#### Section E: Setback Requirements

- 1 All manufactured homes/mobile homes shall be located at least 25 feet from any internal road or street measured from the closest exterior wall and at least 75 feet from any state maintained road. (buffer to be included within the 75 ft.)
- 2 All manufactured/mobile homes shall be a minimum of 50 feet from any manufactured/mobile home within the park and from any adjacent property lines (buffer to be included within setbacks).
- 3 Accessory structures must be a minimum of 75 feet, measured from any state maintained road and from the nearest point of adjacent property lines and shall be a minimum of 25 feet from any manufactured/mobile home lot line.

#### Section F: STREETS

All parks must have a minimum of 100 feet of road frontage along a State maintained roadway. All streets interior to a manufactured/mobile home park must be built to minimum construction standards required by the Virginia Department of Transportation (VDOT) and turned over for acceptance to the State Highway System prior to the issuance of any building permits.

Mobile home parks with 12 or fewer units must have a minimum of one VDOT approved commercial entrance. Those parks with 13 to 36 units must have a minimum of two VDOT approved commercial entrances.

#### Section G: VEHICLE PARKING

Off-street parking shall be provided for the use of occupants at the minimum ratio of 2.0 car spaces for each manufactured home. Each location off-street parking area shall have unobstructed access to a public street or common street and must be hard surfaced or covered with gravel, and no parking space should be more than 150 feet from the home lot which it serves.

## Section H: GARBAGE DISPOSAL SYSTEM

Each park shall provide private waste disposal and meet the requirements of the Buckingham County Solid Waste Ordinance. Quantity of disposal receptacles and pick-up schedule shall prevent the pile up of trash outside of the receptacles/on the property and the need for the use of County dumpster sites. .

## Section I: Utilities

1. All utilities shall be underground, except control instrumentation and substations which must be screened by planting or ornamental walls. No overhead wires are permitted within the park.
2. Each manufactured/mobile home must be served by a private well (no shared wells allowed).
3. Each manufactured/mobile home must be served by a private septic (no shared septs allowed).

## Section J: MARKERS FOR LOTS

- 1 Lot corners shall be clearly defined by permanent ground markers corresponding to the approved plot plan.
- 2 The operator is responsible for obtaining manufactured/mobile home park space numbers from the Buckingham County E-911 Coordinator. Each lot shall be numbered and the number clearly displayed to facilitate location by emergency vehicles.
- 3 All streets within the manufactured/mobile home park will be named. The operator shall obtain approval of all street names from the Buckingham County E-911 Coordinator.
- 4 The operator shall purchase all street signs through the Buckingham County E-911 Coordinator

## Section K: Construction Requirements

1. All construction requirements such as tie downs, crawl space, skirting, etc. must meet the Buckingham County Manufactured/Mobile Home Ordinance and the Virginia Uniform Statewide Building Code (USBC), whichever is more restrictive.
2. Construction Date: All mobile homes when placed in a mobile home park must meet the current building code requirements and not be greater than 15 years old (date established from date of seeking building permit to original construction date).

## Section L: Buffer

A buffer strip is required to be established along the entire perimeter of the manufactured/mobile home park where no natural buffer of at least fifteen (15) feet high



exists. A buffer shall consist of a combination of deciduous and/or evergreen trees and evergreen shrubs and shall be planted in two (2) staggered rows approximately three (3) feet apart. The distance between the plants shall be established so that lateral growth will provide a continuous screen to a minimum height of six (6) feet within two (2) years. Dead trees must be replaced. A single row of plants may be permitted where topographic conditions are considered extreme. A privacy fence at least six (6) feet in height may meet the planting strip requirements in such instances where the Zoning Department determines that a fence would be the most effective buffer. All required planting strips must be continually maintained by the operator.

#### Section M: Maintenance for the Operator

1. The operator shall keep all park-owned facilities, improvements, equipment and all common areas in good repair and maintained in such a manner as to prevent the accumulation of storage of materials which could constitute a fire hazard or would cause insect or rodent breeding and harborage.
2. The operator shall keep all recreational space in a clean and safe condition. (i.e. grass cut, free of debris, apparatus in working order.)

#### Section N: Miscellaneous

1. Open Parks: No park may be a “closed park” where entry is denied anyone who has not purchased his home from the dealer, park owner, or operator. No park may also serve as a general retail or wholesale, and demonstration or storage area for mobile homes.
2. Travel Trailers: There shall be no travel trailers located within the manufactured/mobile home park for the purpose of a dwelling unit.

### ARTICLE VI : PLAN FOR DEVELOPMENT

#### Section A: Platting Generally

##### 1 Approval Required

No plan for development of a Commercial Manufactured Home Park shall be approved nor shall any development transpire unless the developer shall cause a plat of development to be made, submitted, and approved pursuant to the terms of this ordinance and recorded among the land records in the Office of the Clerk of the Circuit Court of Buckingham County. No plat shall be recorded unless or until the plat shall have been approved and certified by the governing body or its authorized agent in accordance with the regulations set forth in this ordinance.

No lot or manufactured home shall be let or conveyed in any manner in any manufactured home park before the plat shall have been recorded.

The Board of Supervisors retains unto itself the authority of final approval of plats, which authority the Board of Supervisors hereby delegates to its agent, the County Administrator.

## 2 Changes

Changes on preliminary or final plats shall be authorized pursuant to [Section 6-2](#) and [Section 6-3](#) of the Buckingham County Subdivision Ordinance.

## 3 Fees

Fees associated with the review of a plat shall be assessed pursuant to [Section 6-1-3](#) of the Buckingham County Subdivision Ordinance.

### Section B: Preliminary Plat

All regulations pertaining to preliminary plats shall follow such regulations under the Buckingham County Subdivision Ordinance, specifically, [Section 6-2](#) of the same, substituting “developer” for “subdivider”; “development” for “subdivision”; “residents” for “property owners”; and other reasonable alterations of term which cause said regulations to be fully applicable to manufactured home parks.

### Section C: Final Plat

Final plat requirements and review procedures shall follow those contained in [Section 6-3](#) of the Buckingham County Subdivision Ordinance, no subdivision specific terminology withstanding. Said section is hereby considered a part of this ordinance, reasonable alterations of term which cause said section to be fully applicable hereto, assumed.

### Section D: Review Criteria

All plats submitted for review shall be evaluated as to the extent to which the proposed development:

1. Preserves the topographical features of the site
2. Preserves the environmental integrity of the site
3. Presents an aesthetically pleasing plan for development
4. Protects surrounding land use activities
5. Complies with the provisions of this ordinance, and
6. Complies with all governing State Health Department, Department of Transportation, and other Federal, State, and local regulations.

### Section E: Conformity to Plan

Any substantial deviation from the plans submitted and approved shall constitute a violation of the building permit authorizing construction and shall be considered a violation of this ordinance.

## ARTICLE VII: Compliance and Enforcement

1. If the Zoning Department shall find that any of the provisions of this ordinance are being violated, it shall notify the operator of the violation in writing, specifying the nature of the violation and what corrective actions must be taken.
2. Any attempt to circumvent the intent of this ordinance by combining manufactured/mobile home lot rental units into what effectively amounts to a mobile home park by the definition in this ordinance shall nullify the lesser lots/tracts in favor of the requirements of the mobile home park ordinance.
3. Penalties  
Any person who violated any of the provisions of this ordinance shall be guilty of a misdemeanor or any person who makes a false certification required by this ordinance shall be guilty of a misdemeanor, punishable by a fine of \$2,500.

## ARTICLE VII: Validity

Should any article, section, subsection, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutionality of this ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

## ARTICLE VIII: Repeal

All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of their conflict.

## ARTICLE IX: Amendments

This ordinance may be amended in whole or in part by the governing body provided that any such amendment shall either originate with or be submitted to the Planning Commission for recommendations, and a public hearing having been held by the governing body. Notice of the time and place of the hearing shall have been given at least once a week for two weeks, and the last notice at least five but not more than twenty-one days prior to the hearing.

## ARTICLE X: NON-CONFORMING USES

At the time of enactment of this ordinance, any current manufactured home park in operation shall be considered a non-conforming use and may continue in operation as herein provided.

### Section A: Expansion or Enlargement

A non-conforming park to be expanded or enlarged must have any such expansion or enlargement conform to the requirements of this ordinance.

### Section B: Home Replacement

Homes may be replaced within a non-conforming park if the density (number of bedrooms) is not increasing and the placement of the home will not decrease the setback by more than 50%.

Section C: Abandonment

If any non-conforming park is discontinued for a period exceeding 6 months, after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance.

THIS ORDINANCE WAS APPROVED JANUARY 14, 1991.

Edited and Adopted April 14, 2014.

## Buckingham County Concealed Handgun Permits Ordinance

The Buckingham County Board of Supervisors do ordain:

That any person who applies to the Clerk of the Circuit Court of Buckingham County, Virginia, for a concealed handgun permit shall, provide the necessary personal description and information to be forwarded through the Central Record Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history information regarding the applicant.

The applicant shall pay a fee of \$50 to the Clerk of the Circuit Court of Buckingham County, Virginia for the processing of such application. This fee shall be in addition to any other fees allowed or required by law.

This ordinance is adopted pursuant to Section 18.2-308 of the 1950 Code of Virginia, as amended, and shall be known as the Buckingham County Concealed Handgun Permits Ordinance.

This ordinance was adopted by the Board of Supervisors of Buckingham County, Virginia on September 8, 1997 and revised August 13, 2012.

## ORDINANCE

### DOMESTICATED ANIMALS OR FOWLS WHICH HAVE DIED

#### SECTION I.

This ordinance shall be pursuant to the authority granted in Section 18.2-510 of the State of Virginia Health Laws.

#### SECTION II.

This ordinance shall be known as the "Burial or Cremation of Domesticated Animals or Fowl Which Have Died."

#### SECTION III.

Any person violating this ordinance, upon conviction, shall be guilty of a Class 4 Misdemeanor.

#### SECTION IV.

Nothing in this ordinance shall be deemed to require the burial or cremation of the whole or portions of any domesticated animal or grown fowl which is to be used for food or in any commercial manner.

#### SECTION V.

When the owner of any domesticated animal or grown fowl which has died knows of such death, such owner shall forthwith have its body cremated or buried, and if he fails to do so, any judge of the General District Court, after notice to the owner, if he can be ascertained, shall cause any such dead domesticated animal or fowl to be cremated or buried by an officer or other person designated for the purpose. Such officer or other designated person shall be entitled to recover of the owner of every such animal so cremated or buried, the actual cost of the cremation or burial, not to exceed seventy-five dollars (\$75.00), and of the owner of every such fowl so cremated or buried the actual cost of the cremation or burial, not to exceed five dollars (\$5.00), to be recovered in the same manner as officer's fees are recovered, free from exemption in favor of such owner.

#### SECTION VI.

The procedure of enforcement shall be as follows:

- 6-1. Upon acknowledgement of discovered dead animals or large fowls, the Buckingham County Animal Control Officer (BCACO) shall be notified. The BCACO shall investigate the acknowledgement, and shall advise the owner, if such owner can be ascertained, of the provisions of the Virginia Health Law, Section 18.2-510 and shall request the owner to

properly dispose of the animal or fowl in accordance with Section 18.2-510 of the Virginia Health Law within a 24-hour period of time. The BCACO shall follow the verbal notice to comply with a written notice to the owner documenting the occurrence. The Buckingham County Environmental Health Specialist (BCEHS) shall be notified of this occurrence.

- 6-2. If the owner of the dead animal or large fowl does not abide by the initial notice, the BCACO shall report the violation of this ordinance to the BCEHS, upon notice of this violation, the BCEHS shall visit the site and shall advise the BCACO that according to the Virginia Health Law Section 18.2-510, the dead animal or fowl must be properly disposed.
- 6-3. The BCACO, with the assistance of the BCEHS, shall arrange for disposal of the dead animals or large fowl in accordance with Section 18.2-510 of the Virginia Health Laws.
- 6-4. The BCACO shall recover cost of such cremation or burial pursuant to Section V. of this ordinance.
- 6-5. The BCACO shall request the issuance of a warrant for violation of this ordinance.
- 6-6. The BCACO and the BCEHS shall appear in court as witnesses to violation of this ordinance.
- 6-7. In the event that the property owner on which the dead animal or fowl is discovered does not claim ownership of the dead animal or fowl, the property owner will be held liable for the burial or cremation of such dead animal or fowl. Should said property owner make claim that the dead animal or fowl is the property of a certain person, the property owner of which the dead animal or fowl is discovered may seek resolution against that person that has violated his property.
- 6-8. In the event that a dead animal or fowl is discovered on Government-owned properties or on properties of which the owner cannot be located, the BCACO, with the assistance of the BCEHS, shall make arrangements for the burial or cremation of said animal or fowl and shall investigate to attempt to identify the responsible party and shall seek resolution for violation of this ordinance.
- 6-9. In the event the BCACO is not available, the BCEHS shall be the designated person to enforce said procedures and shall make determination of violation.
- 6-10. In the event the BCEHS is not available, the BCACO has authority to enforce said procedures and shall make a determination of violation.
- 6-11. In the event of the absence of both the BCACO and the BCEHS, the

County Administrator may designate a qualified County employee to act as Agent to enforce this ordinance.

**SECTION VII.**

The Rules and Regulations Pertaining to the Disposal of Entire Flocks of Dead Poultry (VR 115-02-18) issued by the Virginia Department of Agriculture and Consumer Services, Division of Animal Health, shall apply to entire flocks of dead poultry.

**SECTION VIII.**

This Ordinance was adopted at a meeting of the Buckingham County Board of Supervisors following a public hearing on September 8, 1997.



## Law Library Assessment Ordinance

### Section 1. Authority

This ordinance is adopted pursuant to Section 42.1-70 of the 1950 Code of Virginia, as amended.

### Section 2. Amount of Assessment

There is hereby imposed, as part of the costs incident to each civil action filed in the Courts of record and the Courts not of record in the County of Buckingham, Virginia, an assessment of Four Dollars (\$4.00).

### Section 3. Collection

Such assessment shall be collected by the Clerk of the Court in which the action is filed, and shall be remitted by such Clerk to the Treasurer of Buckingham County, and shall be held by the Treasurer subject to disbursement by the Board of Supervisors for acquisition of law books, law periodicals, and computer legal research services and equipment for the use of the public at hours convenient to the public. In addition, disbursements may include compensation to be paid to Librarians and other necessary staff for the maintenance of such library and acquisition of suitable quarters for such library.

### Section 4. Maintenance

Pursuant to Section 42.1-65 of the 1950 Code of Virginia, as amended, it shall be the duty of the Circuit Court of the County of Buckingham to require its Clerk to take charge of the Law Library and to keep the same in the courthouse or the Clerk's Office building according to the rules prescribed by the bar and approved by the Court.

### Section 5. Assessment in Addition to Other Cost

Such assessment shall be in addition to all other costs provided by law, but shall not apply to any action in which the Commonwealth, or any political subdivision thereof, or the Federal government is a party and in which the costs are assessed against the Commonwealth, the political subdivision thereof, or the Federal government.

### Section 6. Effective Date

This ordinance shall become effective on July 13, 2009. (Note: This ordinance was formally adopted at a public hearing on January 9, 1995 and amended at a public hearing on July 13, 2009)

AN AMENDMENT TO ORDINANCE IMPOSING A FEE ON  
CRIMINAL AND TRAFFIC COURT CASES

WHEREAS, the Board of Supervisors of the County of Buckingham adopted, on July 9, 1990, an Ordinance Imposing a Fee on Criminal and Traffic Court Cases; and

WHEREAS, the 1992 General Assembly of Virginia amended authorizing legislation to permit the assessment of such fee also in each civil action;

NOW, THEREFORE, the Board of Supervisors of the County of Buckingham hereby amends the Ordinance Imposing a Fee on Criminal and Traffic Court Cases adopted July 9, 1990 to read as follows:

ORDINANCE IMPOSING A FEE ON CRIMINAL AND TRAFFIC COURT CASES  
AND CIVIL SUITS

WHEREAS, the ~~1990~~ General Assembly of Virginia in regular session adopted legislation permitting any county, through its local governing body, to assess, as part of the fees taxed as costs in each civil action filed in the district or circuit courts located within its boundaries and each criminal or traffic case in its district or circuit court a sum not in excess of Two Dollars (\$2.00) to be disbursed by the governing body for the construction, renovation or maintenance of courthouse or jail and court related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance;

~~WHEREAS, it is the express finding of the Board of Supervisors of Buckingham County, Virginia, that said assessment will aid and assist crime prevention, law enforcement and criminal prosecution in Buckingham County;~~

NOW, THEREFORE, BE IT ORDAINED:

1. As part of and in addition to the fees taxed as costs in each civil action filed in the district or circuit courts of Buckingham County and each criminal or traffic case in the General District Court of Buckingham County, Virginia or the Circuit Court of said county, a special fee of Two Dollars (\$2.00) shall be imposed.

2. Said fee shall be collected by the clerk of the court in which the action is filed, and remitted to the Treasurer of Buckingham County, Virginia and held by the Treasurer subject to disbursements by the Board of Supervisors of Buckingham County, Virginia, in accordance with and pursuant to the Code of Virginia.

3. This ordinance shall go into full force and effect as of July 9, 1990.

4. This ordinance is enacted pursuant to Virginia Code Section 14.1-133.2.

This Amendment shall go into full force and effect as of July 1, 1992 and is enacted pursuant to Virginia Code Section 14.1-133.2, as amended.

Adopted this 8<sup>th</sup> day of June, 1992.



Bobby H. Bryan  
Chairman



David V. Moorman  
County Administrator/Clerk

**AN ORDINANCE**  
**FOR NEW CONSTRUCTION ASSESSMENTS OF**  
**REAL ESTATE**

Pursuant to Section 58.1-3292 of the 1950 Code of Virginia, as amended, all new buildings substantially completed or fit for use and occupancy prior to November 1 of the year of completion shall be assessed when so completed or fit for use and occupancy, and the commissioner of the revenue of such county, city, or town shall enter in the books the fair market value of such building. No partial assessment as provided herein shall become effective until information as to the date and amount of such assessment is recorded in the office of the official authorized to collect taxes on real property and made available for public inspection. The total tax on any such new building for that year shall be the sum of: (i) the tax upon the assessment of the completed building, computed according to the ratio which the portion of the year such building is substantially completed or fit for use and occupancy bears to the entire year; and (ii) the tax upon the assessment of such new building as it existed on January 1 of that assessment year, computed according to the ratio which the portion of the year such building was not substantially complete or fit for use and occupancy bears to the entire year. With respect to any assessment made under this section after September 1 of any year, the penalty for nonpayment by December 5 shall be extended to February 5 of the succeeding year.

**EFFECTIVE DATE**

This ordinance was adopted following a Buckingham County Board of Supervisors public hearing held on May 14, 2001.

**AN ORDINANCE CONCERNING  
THE LAND APPLICATION OF SEWER SLUDGE  
IN BUCKINGHAM COUNTY**

**ARTICLE ONE  
NAME**

The name of the ordinance shall be The Sewer Sludge Land Application Ordinance for Buckingham County.

**ARTICLE TWO  
DEFINITIONS**

"Biosolids" means a sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing or distribution in accordance with the regulations of the Virginia Department of Health

"Biosolids Coordinator" means an employee of the County or agent designated by the County, whether full time or part time, who shall monitor the application of biosolids to the lands of the County to insure that the applications are performed in accordance with all applicable laws, rules, regulations and ordinances. Unless otherwise specifically designated by the Board of Supervisors and in absence of such designation or individual, the Zoning Administrator shall serve as the Biosolids Coordinator.

"Land application" means the distribution of either treated wastewater of acceptable quality, referred to as effluent, or supernatant from biosolids use facilities, or stabilized sewage sludge of acceptable quality, referred to as biosolids, upon, or insertion into, the land with a uniform application rate for the purpose of utilization, assimilation or pollutant removal.

"Owner" means any individual, any group of individuals acting individually or as a group, or any public or private institution, corporation, company, partnership, firm or association.

"Permit" means an authorization granted by the authority of the State of Virginia to operate, facilities and specific sites utilized for biosolids management, including land application, marketing and distribution of biosolids.

"Sewage" means the water-carried and nonwater-carried human excrement, kitchen, laundry, shower, bath or lavatory wastes, separately or together with such underground, surface, storm and other water and liquid industrial wastes as may be present from residences, buildings, vehicles, industrial establishments or other places.

"Sewage sludge" or "sludge" means any solid, semisolid, or liquid residues which contain materials

removed from municipal or domestic wastewater during treatment including primary and secondary residues. Other residuals or solid wastes consisting of materials collected and removed by sewage treatment, septage and portable toilet wastes are also included in this definition. Liquid sludge contains less than 15% dry residue by weight. Dewatered sludge contains 15% or more dry residue by weight. The liquid obtained from separation of suspended matter during sludge treatment or storage is referred to as supernatant.

"Shall" means a mandatory requirement.

"Should" means a recommendation.

### **ARTICLE THREE**

#### **PERMITTED APPLICATION**

- A. No individual, group of individuals acting individually or as a group, or no public or private institution, corporation, company, partnership, firm or association shall apply to any lands in the County of Buckingham any biosolids, sewage, sewage sludge or sludge unless permitted to do so by the laws of the Commonwealth of Virginia, the Regulations and Rules of all State and Federal Agencies and unless applied in accordance with this ordinance.
  
- B. Any individual, group of individuals acting individually or as a group, or any public or private institution, corporation, company, partnership, firm or association holding a permit issued by authority of the Commonwealth of Virginia who intends to apply or have applied to land any biosolids, sewage, sewage sludge or sludge to any lands in the County of Buckingham shall:
  - 1. Do so only in accordance with the permit issued by authority of the State of Virginia;
  - 2. Do so in accordance with this ordinance;
  - 3. Do so in compliance with all other ordinances, laws, rules and regulations of the State of Virginia, the County of Buckingham, and the United States Government;
  - 4. Notify in writing the Biosolids Coordinator at least thirty(30) days prior to the anticipated land application of the biosolids to any land in the County of Buckingham of the dates and times it is anticipated that biosolids will be applied to land in Buckingham County. The notification may give alternative dates if weather or other factors prevent the application on the anticipated date. The County shall be notified as soon as reasonably possible that the biosolids will not be applied on the anticipated date and what alternative date will be used.;
  - 5. Identify in writing to the Biosolids Coordinator the name, address and phone

- number of the applicator;
6. Identify in writing to the Biosolids Coordinator the specific land where the application will take place;
  7. Identify in writing to the Biosolids Coordinator the owner of the land, the address and phone number of the owner of the land;
  8. Identify in writing to the Biosolids Coordinator the person who will supervise the application on behalf of the owner of the land.
  9. At least 28 days prior to the land application, the owner of the land, or someone on the owner's behalf, post a sign, not smaller than 48 inches in width and 36 inches in height, with black letters at least 3 inches high and a white background, on or near the site of the application, visible to the public from the nearest public access which shall set forth the name of the owner of the land; the name of the person managing or in charge of the land, if not the owner; the fact that biosolids will be applied to the land in that area; the date of the anticipated application; the name of the applicator and the name, address and telephone number of a contact person for the applicator, and the name and telephone number of the County's Biosolids Coordinator and certify the same to the Biosolids Coordinator. Such sign shall remain posted until the application is complete.
  10. Deliver to the Biosolids Coordinator at least thirty days prior to the anticipated date of land application:
    - a. A copy of all the permits, issued by the State of Virginia, allowing the land application;
    - b. A copy of all information required to be submitted to the State of Virginia pursuant to 12 VAC 5-585-630, including the Nutrient Management Plan, if the State requires the same
  11. Allow the County to take samples of the Biosolids before application.
  12. Allow the County to take soil and water samples before and after the land application.
  13. Allow the County to inspect the site at reasonable times before, during and after the application.
  14. The applicator and the owner or the person in charge of the land, if not the owner, shall certify in writing, under oath, at the end of the application , that the application was performed in accordance with the Operational Plan, including the Nutrient Management Plan if there is one, the permit allowing the application and all applicable local, state, and federal laws, rules, regulations and ordinances.



- C. Any individual, group of individuals acting individually or as a group, or any public or private institution, corporation, company, partnership, firm or association holding a permit issued by authority of the Commonwealth of Virginia who intends to apply or have applied to land any biosolids, sewage, sewage sludge or sludge to any lands in the County of Buckingham should, wherever possible avoid or delay the application of biosolids to land in Buckingham County, Virginia if such application conflicts with known outside community or social events, such as, by way of example and not limitation, homecoming events, outdoor weddings or receptions. The Biosolids Coordinator should serve as liaison in these matters.
- D. Any individual, group of individuals acting individually or as a group, or any public or private institution, corporation, company, partnership, firm or association holding a permit issued by authority of the Commonwealth of Virginia who intends to apply or have applied to land any biosolids, sewage, sewage sludge or sludge to any lands in the County of Buckingham shall not store the biosolid's on land in Buckingham County, Virginia for future application but shall land apply the biosolid's as they are received on the date provided the County for application except as allowed by the regulations of the Virginia Department of Health.
- E. Biosolids shall not be applied to land in Buckingham County, Virginia other than the times thirty minutes before sunrise to thirty minutes after sunset.

## **ARTICLE FOUR**

### **INSURANCE**

and

### **BOND**

Any apicator shall, prior to any application of biosolids, sewage, sewage sludge, or sludge to lands in Buckingham County, Virginia, provide the Biosolids Coordinator with a certificate of insurance for any liability insurance coverage that the applicator has and if none, the applicator shall so affirmatively state in writing to the Biosolids Coordinator.

Further the applicator shall, prior to any application of biosolids, sewage, sewage sludge, or sludge to lands in Buckingham County, Virginia, provide the Biosolids Coordinator with a copy of any insurance bond that covers the applicator in regard to bio solids and if none, the applicator shall so affirmatively state in writing to the Biosolids Coordinator.

## **ARTICLE FIVE**

### **VIOLATION**

Any violation of this Ordinance shall be a class one misdemeanor as defined in the Code of Virginia, as amended from time to time. Each violation shall constitute a separate offense.



## **ARTICLE SIX**

### **FEEES**

The County may assess such fees as are allowed by State law.

## **ARTICLE SEVEN**

### **SEVERABILITY**

In the event that any portion of this ordinance is declared void for any reason whatever, such decision shall not affect the remaining portion of the ordinance, which shall remain in full force and effect, and for this purpose the provisions of this are hereby declared to be severable.

## **ARTICLE EIGHT**

### **EFFECTIVE DATE**

This Ordinance shall become effective immediately upon adoption by the Buckingham County Board of Supervisors and shall repeal the previous Sewer Sludge Land Application Ordinance for Buckingham County which was adopted on an emergency basis as provided in Section 15.2- of the 1950 Code of Virginia, as amended. Compliance with the repealed ordinance to date shall be deemed compliance with this ordinance.

# BUCKINGHAM COUNTY SEWER ORDINANCE

## SECTION I.

### Section I-1. Purpose.

The purpose of this section is to secure and promote the health, safety, and general welfare of the inhabitants of the County and further to prevent the spread of contagious diseases among persons or animals, and for the prevention of the pollution of water in the County whereby it is rendered dangerous to the health or lives of the persons residing in the County. (Code 1990, §11-1-1)

### Section I-2. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless the context of usage indicates otherwise, the terms in this section not defined in this section shall be defined as provided in the most current edition, as amended from time to time, of the glossary of *Water and Wastewater Control Engineering* prepared by the Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Waterworks Association, and Water Environment Federation, originally copyrighted in 1969.

*Act* means the Federal Clean Water Act, 33 USC 1251, et seq.

*Approval authority* means the executive director or director of the State Water Control Board.

*ASTM* means the American society for Testing and Materials.

*Authorized representative of industrial user* means:

A. A principal executive officer of at least the level of vice-president if the industrial user is a corporation;

B. A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively; or

C. A duly authorized representative of the individual designated in subsection A., or B., of this definition if such representative is responsible for the overall operation of the facility from which the discharge to the POTW originates.

The authorization must be submitted to the County Administrator or designee prior to or together with any reports to be signed by the authorized representative.

*BOD (biochemical oxygen demand)* means the quality of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

**Building sewer** means a building wastewater plumbing facility or its extension.

**Categorical pretreatment standard and categorical standard** mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(a) and 307(c) of the Act, which apply to specific categories of industrial users which appear in 40 CFR 405-471.

**Combined sewer** means a sewer intended to receive both wastewater, stormwater, or surface water.

**County Administrator or designee** means the County Administrator or designee of Buckingham County or any authorized designee.

**County Sewer System** means all pipes, lines, devices, equipment, meters, pumps, pump stations, manholes, structures, or other facilities used in connection with the County's system for collecting wastewater.

**Day** means the 24-hour period beginning at 12:01 a.m.

**Discharger** means a person, firm, company, industry, or other similar sources of wastewater who introduce such into the POTW.

**Easement** means an acquired legal right for the specific use of land owned by others.

**EPA** means the United States Environmental Protection Agency.

**Establishment** means any industrial establishment, mill, factory, tannery, paper or pulp mill, mine, colliery, breaker or coal processing operation, quarry, oil refinery, boat, vessel and each and every other industry or plant or works the operation of which produces industrial wastes or other wastes which may otherwise alter the physical, chemical, or biological properties of any state waters.

**Existing Source** means any source of discharge the construction or operation of which commenced prior to the publication or proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

**Garbage** means the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking, and serving of foods.

**Groundwater** means water beneath the land surface in the zone of saturation.

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**Indirect discharge** means the introduction of nondomestic pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

**Industrial user, commercial user, and significant discharger** mean a source of indirect discharge or a nondomestic discharge to a treatment works.

**Industrial wastes** means liquid or other wastes resulting from any process of industry, manufacturer, trade or business, or from the development of any natural resources.

**Interference** means an inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, which clearly causes, in whole or in part, a violation of any requirement of the POTW's VPDES permit, including those discharges that prevent the use or disposal of sludge by the POTW in accordance with any Federal or State laws, regulations, permits, or sludge management plans.

**Mobile home park** means any lot or premises on which three or more mobile homes are parked or located.

**Municipality** means a city, County, town, district association, authority, or other public body created under the law having jurisdiction over disposal of sewage, industrial, or other wastes.

**Natural outlet** means any outlet into a watercourse, pond, ditch, lake, or any other body of surface water or groundwater.

**New source** has the same meaning as provided in 40 CFR 403.3(k).

**O&M** means operations and maintenance.

**Owner** means the Commonwealth or any of its political subdivisions, including but not limited to sanitation district commissions and authorities, and public or private institutions, corporations, associations, firms, or companies organized or existing under the laws of this or any other state or country, or any person or group of persons Acting individually or as a group.

**Pass-through** means the discharge of pollutants through a POTW into State waters in quantities or concentrations which are a cause in whole or in part of a violation of any requirement of the POTW's VPDES permit, including an increase in the magnitude or duration of a violation.

**pH** means the logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution as determined by Standard Methods.

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**Pollutant** means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radioactive material, heat wrecked or discarded equipment, rock, sand, cellar dirt, agricultural, and industrial waste, that may influence the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

**POTW (publicly owned treatment works)** means any sewage treatment works that is owned by a state or municipality and accessed by the County. Sewers, pipes, or other conveyances are included in this definition only if they convey wastewater to a POTW providing treatment.

**Pretreatment** means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge into the County sewer system.

**Pretreatment requirement** means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than pretreatment standards.

**Pretreatment standards** means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users.

**Prohibited discharges** and **prohibited discharge standards** mean absolute prohibition against the discharge of certain substances. The prohibitions appear in Sections 66-143 and 66-144.

**Properly shredded garbage** means garbage that has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the treatment works, with no particle greater than one-half inch in any dimension.

**Residential** and **residential user** means all premises used only for human residency and which are connected to the County sewer system.

**Sanitary wastewater** means wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants, or institutions.

**Significant industrial user** means as follows:

A. Has a process wastewater flow of 25,000 gallons or more per average workday, excluding sanitary, noncontract cooling and boiler blowdown wastewater;

B. Contributes a process waste stream, which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW;

C. Is subject to categorical pretreatment standards; or

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D. Has significant impact, either singularly or in combination with other significant discharges, on the treatment works or the quality of its effluent.

**Sludge load** means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standard in Section 66-144 or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or noncustomary batch discharge.

**Standard Methods** means *Standard Methods for the Examination of Water and Wastewater*, 20<sup>th</sup> edition, published by the American Public Health Association, Water Environment Federation, and the American Water Works Association.

**Storm sewer** means a sewer for conveying stormwaters, surface waters, and other waters, which are not intended to be transported to the County sewer system.

**Surface Water** means:

A. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

B. All interstate waters, including interstate wetlands;

C. All other waters such as interstate/intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

1. Which are or could be used by interstate or foreign travelers for recreational or other purposes;

2. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

3. Which are used or could be used for industrial purposes by industries in interstate commerce;

D. All impoundments of waters otherwise defined as surface waters under this definition;

E. Tributaries of waters identified in subsections C.1., and D., of this definition.

F. The territorial sea; and

G. Wetlands adjacent to waters, other than waters that are themselves wetlands, identified in subsections A.,-F., of this definition.



**Suspended solids** means the total suspended matter that either floats on the surface of or is in suspension in water or wastewater as determined by Standard Methods.

**TKN (total Kjeldahl nitrogen)** means the total quantity of organic nitrogen and ammonia nitrogen in water or wastewater as determined by Standard Methods expressed in milligrams per liter (mg/l).

**Toxic** means any of the pollutants designated by Federal regulations pursuant to Section 307(a)(1) of the Act.

**Treatment facility** means only those mechanical-power-driven devices necessary for the transmission and treatment of pollutants (e.g., pump stations, unit treatment processes).

**Treatment works** means any devices and systems used for the storage, treatment, recycling, and/or reclamation of sewage or liquid industrial waste, or other waste necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, or alterations; and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system used for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined sewer water and sanitary sewer systems, and including the County sewer system.

**TSS (total suspended solids)** means the total amount of suspended solids.

**User** means a source of wastewater discharge into a POTW or into the County sewer system.

**User permit** means a document issued by the County to the user that permits the connection and/or introduction of wastes into the County sewer system under the provisions of this section.

**VPDES** means the Virginia Pollutant Discharge Elimination System permit program, as administered by the Commonwealth.

**Wastewater** means a combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any groundwater, surface water, or stormwater that may be present.

**WEF** means the Water Environment Federation. (Code 1990, §§11-111-2, 11-4-1, and 11-4-2) Cross reference—Definitions generally, §1-2



**Section I-3. Management vested in the County Administrator or designee.**

The County sewer system shall be under the supervision and control of the County Administrator or designee or designee.

**Section I-4. When sewer connections required; separate connections generally.**

A. When allowed by law and provided in this section any property on which is located a home, mobile home, home trailer, place of business, and manufacturing which abuts in any manner a County-owned or public designated sewer system or the owner of every house, mobile home, home trailer, place of business, and manufacturing located within three hundred feet of a County-owned or publicly-designated sewer system shall, except as otherwise provided in this section, the owner of every house, mobile home, house trailer, place of business and manufacturer located within 300 feet of a County-owned or publicly designated sewer system shall connect his premises with such sewer and discontinue the use of any outside water closet, privy, privy vault, or cesspool. As to any sewer constructed after the effective date of the ordinance from which this section derives, such owner shall connect to the County sewer system within six months after being notified by the County Administrator or designee or health official.

B. Any existing house, mobile home, house trailer, place of business, or manufacturer utilizing a properly operating private septic system on the effective date of the ordinance from which this section derives shall not be required to connect to the County sewer system unless the owner has previously agreed with the County to connect to the County sewer system; however, if any such private septic system shall fail to properly operate, the owner shall, upon notification from the County health official, connect to the County sewer system effective July 1, 2002, no new septic system permits will be issued if your dwelling is within 300 ft. of a County sewer line.

C. Every house, mobile home, house trailer, place of business, manufacturer, or building requiring a sewer connection shall be separately or independently connected with the sewer where one is provided.

D. Mobile home parks shall have either a separate sewer tap serving each mobile home; or, with the approval of the County Administrator or designee, the mobile home park may be served by one or more tapes into the County sewer system provided the owner or operator of the park supplies a hookup to each mobile home.

E. Houses, mobile homes, home trailer, place of business and manufacturing which are not required to connect to the County sewer system must be provided with a properly operating septic tank and buildings which are not within 300 feet of the County sewer system must be provided with a properly operating septic tank system which shall so dispose of human excreta as not to be accessible to flies or to animals and shall not endanger a source of drinking water and which shall be constructed and maintained in accordance with the requirements of the local board of health. (Code 1990, §11-1-3) *State law reference*—General powers of counties, Code of Virginia, §15.2-1200.

**Section I-5. Application and permit for connection.**



Any person who owns a lot and desires or is required to make a connection with the County sewer system shall first file with the County Administrator or designee an application in such form as may be prescribed by the County and provided for that purpose. The application shall set forth the location and description of the property to be connected and for what purpose the sewer is to be used. If the use to which the sewer is to be put is practicable, the County Administrator or designee shall issue a permit. It shall be unlawful to make any such connection until the required permit has been secured. (Code 1990, §11-1-4)

#### **Section I-6. Branch pipes.**

No person shall connect with the County sewer system at any other place than through the branch pipe connections laid by the County for that purpose unless special permission is given by the County. (Code 1990, §11-1-5)

#### **Section I-7. Property owners to pay expense of laying and connecting; maintenance.**

Sewer lines located within a property owner's property for connections with the public sewer shall be laid by the property owner at his expense. The construction and installation of any such sewer lines shall be inspected and approved by the County prior to connection with the County sewer system. The property owner shall be responsible for maintaining all sewer lines laid within his property. (Code 1990, §11-1-6)

#### **Section I-8. Laying private sewers.**

The written consent of the County Administrator or designee shall be secured before laying any private sewer line or facility within the County. The provisions of the Uniform Statewide Building Code and any other applicable provisions of local, State, and Federal laws, rules, and regulations shall be complied with in laying such private sewers. When the sewers are laid and the connections made, the person authorized to make the connections and to lay the sewers shall notify the County Administrator or designee, who shall inspect such work promptly as his duties permit; and if the material used and the work done meets the requirements set forth, the County Administrator or designee shall approve the work. (Code 1990, §11-1-7)

#### **Section I-9. Rainwater and stormwater, sump pump connections.**

Rainwater, stormwater, subsurface drainage, and sump pump connections handling such waters shall not be made with the County sewer system. (See the BOCA National Plumbing Code, Section P-802.0.) (Code 1990, §11-1-8)

#### **Section I-10. Use of system.**

It shall be unlawful to throw, place, or deposit or cause or permit to be thrown, placed, or deposited in any vessel or receptacle connected with the County sewer system any of the substances or materials or any garbage, hair, ashes, fruit, vegetables, peelings, refuse, rags, sticks, cinders, or any other matter or thing except human excrement, urine, the necessary toilet paper, liquid slops, and drainage of like character. (Code 1990, §11-1-9)

#### **Section I-11. Grease traps.**

Any restaurants, hotel kitchens, bars, cafeteria, or food processing operations that are connected to the County sewer system shall be required to install a grease trap in compliance with the BOCA Basic Plumbing Code and shall be properly maintained. (Code 1990, §11-1-10)

**Section I-12. Breaking sewers and sewer equipment.**

It shall be unlawful to break, damage, mark, deface, interfere with or disturb any sewer line, manhole, building, structure, equipment, machinery, apparatus, or appurtenances of the County sewer system or any part of such system belonging to the County or to commit any Act tending to obstruct or impair the intended use of this property without permission of the County Administrator or designee or excepting cases provided for in this Code or otherwise provided by ordinance. Any violation of this section shall be punishable as a Class 1 misdemeanor. (Code 1990, §11-1-11)

**SECTION II. CHARGES AND RATES**

**Section II-1. Sewer facility fee.**

A. The basic facility fee is to cover the cost of assessing the County sewer system per building unit. The basic facility fee shall be assessed all residential, commercial, and industrial connectors; and the payment shall accompany the application for sewer service as set forth in the schedule of fees below:

1.	Residential, per unit .....	\$ 500.00
2.	Commercial/industrial, per unit .....	\$1,000.00

B. Any connections constructed shall be required to pay the facility fee specified in subsection A., of this section in addition to the \$2000.00 hook-up fee for residential service. Applicants other than residential shall pay a hook up fee equal to cost of installation. Cost of installation shall include material, labor and a supervisors fee. The Utilities Director shall estimate the cost for non-residential hook ups. All fees shall be paid with the application and shall be paid in full prior to installation. In the case of non-residential users, after the hookup has been made and the exact cost are known, the amount paid with the application shall be adjusted by refund by the County or an additional payment by the applicant. In no case shall the hook up fee be less than \$2000.00. (Code 1990, §11-2-1)

**Section II-2. Sewer charge.**

A. There is imposed against each property owner utilizing the County sewer system a monthly charge as follows:

1. Sewer charges will be calculated for each user as follows: where there is a water meter the charge will be \$5.49 per 1,000 gallons or part thereof and where there is no water meter, the sewer charges will be calculated for each user based upon multiples of a billing unit which shall be called an equivalent residential connection (ERC).

2. The charge for one ERC per month is \$21.96 per 4,000 gallons. The minimum sewer charge per month is \$21.96 per 4,000 gallons. The County reserves the right to review and revise the methodology to determine sewer user charges and the monthly sewer rates after public notice and public hearing before the Board of Supervisors regarding the proposed changes.

3. The basis for an ERC shall be an average single-family unit (2.8 persons at 100 gallons per day or 280 gallons per day) and will be valued as one ERC. This value is a Virginia Sewage Regulation Standard determined by the Commonwealth Department of Health.

4. Multiple-family dwellings, schools, churches, businesses, industries, and other types of units, which are not metered, will be valued in multiples of an ERC.

5. Any sewer customer may install a water meter and with the concurrence of the County Administrator or designee and be billed according to reported water usage at the rate of \$5.49 per 1,000 gallons or part thereof, with a minimum charge of one ERC per month.

6. The following chart establishes the methodology to be used in determining user charges for the public sewer customers of the County:

<u>Facility</u>	<u>Valued ERCs</u>
Dwelling, single-family/mobile home.....	1
Multi-family dwelling, per dwelling unit.....	1
Private schools with showers, per person (Oct. 1 enrollment rate).....	0.057
Private schools without showers, per person (Oct. 1 enrollment rate)...	0.036
Motels/hotels/bed and breakfasts, per room.....	0.46
Restaurants, per seat (Actual up to 50 seats; 51+ seats est. as maximum seating at one time).....	0.18
Service stations and truck stops, full service and repair.....	7.1
Service stations and truck stops, without full service and repair.....	5.3
Auto service, per 1,000 square feet of Active space.....	0.89
Day care centers, per person (October 1 enrollment rate).....	0.057
Laundromats, per washing machine.....	1.8
Car washes, metered at owner's expense, per 280 gals/day use rate	
Estimate of 1 ERC per washing bay.....	1
Mobile home parks, per stand (regardless of occupancy).....	1
Nursing/convalescent facilities, per bed (regardless of occupancy)....	0.71
Factories/industries, per employee per shift (Heavy water using Industries may be reassessed by the Administrator.)	
Meters may Be required.....	0.07
Veterinarian clinics, per 1,000 square feet .....	1.8

Beauty shops, per washing bowl (used) .....	1
Food stores/convenience stores, per 1,000 square feet.....	1
Banks, per employee.....	0.3
Funeral homes.....	5
Businesses (except those otherwise listed), per 1,000 square feet (retail space, not storage).....	0.89
Homes for the aged, per bed (regardless of occupancy).....	0.36
Public buildings (such as fire department and rescue squad bldgs., Libraries, etc.) per employee/crew member.....	0.1
Churches/lodges.....	1
(Any church or lodge structure, which has not received a permanent certificate of occupancy prior to February 10, 1999, that utilizes more than four toilet outlets as part of its sewer facilities shall be required to install a water meter, as approved by the County, in the well serving the structure to measure the flow of water on a monthly basis. Billing charges for monthly sewer service shall be computed based upon The water meter reading as compared to the charges and usage amounts set forth in subsection A.1.-3., of this section. Any such water meter shall be installed in such manner to provide the County with a readily available and safe access for the reading of the meter. Such access shall be provided in accordance with plans approved by the County Administrator or designee. The water meter and access to the meter shall be provided and maintained At the property owner's expense.)	
Nurseries/greenhouses.....	1
Doctors and dentist offices, per 1,000 square feet.....	1.8
Offices, per employee.....	0.1

Other uses similar to these uses shall be charged according to the most similar usage rate.

B. For the purposes of this section, any property owner whose property is connected to the County sewer system or who has agreed to connect to the County sewer system shall be deemed to be utilizing the County sewer system for the purpose of paying the monthly charge whether or not any structure on the property is being occupied or used. (Code 1990, §11-2-2, app. A)

### Section II-3. Sewer surcharge.

For those users whose wastewater has a greater strength than normal domestic sewage, a surcharge in addition to the normal sewer charge shall be collected. The surcharge for operation and maintenance including replacement is:

BOD				BOD mg/l
Normal charge	x	43	x	<u>200 mg/l</u>
TSS				TSS mg/l

Normal charge	x	0.26	x	<hr/> 200 mg/l
TKN				TKN mg/l
Normal charge	x	0.17	x	<hr/> 25 mg/l

(Code 1990, §11-2-3)

### SECTION III. SEWER USE

#### Section III-1. Purpose.

The purpose of this section is to provide for the beneficial public use of the County sewer system through regulations of sewer construction, sewer use, and wastewater discharges, to provide for equitable distribution of the costs of the sewer system, and to provide procedures for complying with the requirements contained in this section. (Code 1990, §11-3-1)

#### Section III-2. Scope.

The provisions of this section shall apply to the discharge of all wastewater into the County sewer system. This section provides for use of the County sewer system, regulation of sewer construction, control of the quantity and quality of wastewater discharge, wastewater pretreatment, equitable distribution of costs, assurance that existing customers' capacity will not be preempted, approval of sewer construction plans, issuance of user permits, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of this section. (Code 1990, §11-3-2)

#### Section III-3. Administration.

Except as otherwise provided, the County Administrator or designee shall administer, implement, and enforce the provisions of this section. (Code 1990, §11-3-3)  
Cross reference—Administration, Ch. 2.

#### Section III-4. Fees and charges.

A. All fees and charges payable under the provisions of this section shall be paid to the County.

B. All user fees, penalties, and charges collected under this section shall be used for the sole purpose of constructing, operating, or maintaining the County sewer system, or the retirement of debt incurred for such purpose.

C. All fees and charges payable under the provisions of this section are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to the legal rate of interest.

D. Nonpayment within 10 days from the due date will be subject to a penalty of 10 percent of the delinquent account.

E. Interest at the rate of ten percent per annum shall be imposed on utility bills delinquent more than 30 days.

F. An administrative fee shall be imposed to cover reasonable attorney's fees and other administrative costs associated with the collection of delinquent utility fees. (Code 1990, §11-3-4)

G. Nonpayment within thirty (30) days from the due date will result in the discontinuation of sewer service to the customer's property.

#### **Section III-5. Inspections.**

A. The County Administrator or designee or authorized State or Federal officials, bearing the proper credentials and identification shall be permitted to enter all premises where an effluent source or treatment system is located at any reasonable time for the purposes of inspection, observation, measurement, sampling and/or copying records of the wastewater discharge to ensure that discharge to the County sewer system is in accordance with the provisions of this section.

B. The County Administrator or designee, bearing proper credentials and identification, shall be permitted to enter all private property through which the County holds an easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any of the County sewer system lying within the easement. All entry and any subsequent work on the easement shall be done in full accordance with the terms of the easement pertaining to the private property involved. (Code 1990, §11-3-5)

#### **Section III-6. Leak Formula**

If a water leak occurs on the customer side of the meter, the County will adjust the sewer bill back to the amount of your average monthly bill (an average of the monthly readings available up to six months).

#### **Section III-7. Vandalism.**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the County sewer system. Any person who violates this section shall be guilty of a Class I misdemeanor. (Code 1990, §11-3-6)

### **SECTION IV. USE OF COUNTY SEWER SYSTEM**

#### **Section IV-1. Waste disposal.**

It shall be unlawful for any person to place, deposit, or permit to be deposited in any condition that may be considered as an unsanitary or unhygienic manner on public or private property within the County any human or animal excrement, garbage, or other objectionable waste. (Code 1990, §11-5-1)

#### **Section IV-2. Wastewater discharge.**

It shall be unlawful under State and Federal law to discharge wastewater without a VPDES permit to any natural outlet within the County. Wastewater discharges into the County sewer system are not authorized unless permitted by the County Administrator or designee in accordance with the provisions of this section. (Code 1990, §11-5-2)

#### **Section IV-3. Wastewater disposal.**

Except as otherwise provided in this section, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater for structures within 300 feet of the County sewer system. (Code 1990, §11-5-3)

### **SECTION V. BUILDING SEWERS AND CONNECTIONS**

#### **Section V-1. Connection permit.**

A. No person shall uncover, make any connections with, use, alter, or disturb any wastewater sewer or a storm sewer without first obtaining a written permit from the County Administrator or designee.

B. There shall be two classes of permits for connections to the County sewer system:

Class I – Residential

Class II – Industrial/Commercial

In all cases, the owner shall make application for a permit to connect to the County sewer system on a form furnished by the County. The permit application shall be supplemented by wastewater information required to administer this section. A permit and inspection fee of \$25.00 for a Class I, or \$50.00 for a Class II connection permit shall be paid to the County at the time the application is filed.

C. Connections to a storm sewer shall be subject to a permit and inspection fee of \$50.00. Such connections shall be subject to the provisions of this section and the approval of the County Administrator or designee. (Code 1990, §11-6-1)

#### **Section V-2. Connection costs.**

The costs and expenses incidental to the building sewer installation and connection to the County sewer system shall be borne by the owner. The owner shall indemnify the County from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Code 1990, §11-6-2)

#### **Section V-3. Separate connections required.**

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer serving the front building may be extended to the rear building and the whole considered as one building sewer. The County assumes

no obligation or responsibility for damage caused by or resulting from any single building sewer, which serves two or more buildings. (Code 1990, §11-6-3)

**Section V-4. Building sewer design.**

The size, slope, alignment, construction materials, equipment, trench excavation, and backfill methods, pipe placement, installation methods, jointing, and testing methods used in the construction and installation of a building sewer shall conform to the Uniform Statewide Building code or other applicable requirements of any local, State, or Federal law, rule, or regulation. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF shall apply. Prior to any construction or installation of a building sewer, the owner shall submit all operating specifications to the County Administrator or designee for approval. Connections to the County sewer system shall be made by a qualified and registered plumber. The plumber making a sewer connection shall notify the County Administrator or designee when the connection is complete, and he shall leave the ditch uncovered until an inspection has been made and the connection approved. It shall be the responsibility of the plumber to provide barriers by day and flares or other appropriate lighting by night around the ditch. The plumber and property owner shall indemnify, hold harmless, and relieve the County of any responsibility and liability for damages or personal injury caused by work on the connection in question. (Code 1990, §11-6-4)

**Section V-5. Building sewer elevation for connection to gravity system.**

Whenever practicable, any building sewer connecting to the gravity portion of the County sewer system shall be brought to a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the County sewer system, wastewater carried by such building drain shall be lifted by an approved means and discharged to a building sewer draining to the County sewer system. (Code 1990, §11-6-5)

**Section V-6. Surface runoff and other unpolluted drainage; combined sewers prohibited.**

No person may discharge into the County sewer system unpolluted stormwater, surface water, groundwater, roof runoff, subsurface drainage, or other unpolluted drainage. Such stormwater, surface water, groundwater, roof runoff, subsurface drainage, or other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the County. Industrial cooling water or unpolluted process water may be discharged, upon approval of the County Administrator or designee, to a storm sewer or natural outlet. No person shall discharge or cause to be discharged any stormwater, surface water, roof runoff, or subsurface drainage into the County sewer system. Cooling waters or unpolluted process waters are excluded from discharge to the County sewer system except as approved by the County Administrator or designee. The construction of combined sewers is expressly prohibited within the County. (Code 1990, §11-6-6)

**Section V-7. Conformance to applicable codes.**

The connection of a building sewer to the County sewer system shall conform to the requirements of the building and plumbing codes or other applicable requirements of



the County or the procedures set forth in appropriate specifications of the Commonwealth of Virginia Sewerage Regulations, Virginia Uniform Statewide Building Code, and American Society for Testing and Materials. The connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the County Administrator or designee before installation. (Code 1990, §11-6-7)

**Section V-8. Connection inspection.**

The applicant for a building sewer or other drainage connection permit shall notify the County Administrator or designee when such sewer or drainage connection is ready for inspection prior to its connection to the County sewer system. Such connection inspections and testing as deemed necessary by the County Administrator or designee shall be made by the County Administrator or designee's authorized designee. (Code 1990, §11-6-8)

**Section V-9. Excavation guards and property restoration.**

Excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the County. (Code 1990, §11-6-9)

**Section V-10. Protection of capacity for existing users.**

The County Administrator or designee shall not issue a permit for any class of connection to the County sewer system unless there is sufficient capacity available to the County, not legally committed to other users, to convey and adequately treat the quantity of wastewater which the requested connection will use. The County Administrator or designee may permit such a connection if there are reasonably foreseeable commitments to provide the needed capacity. (Code 1990, §11-6-10)

**Section V-11. Special uses of treatment works.**

All discharges of stormwater, surface water, groundwater, roof runoff, subsurface drainage, or other waters not intended to be treated in a treatment facility shall be made to storm sewers or natural outlets designed for such discharges, except as authorized under Section V-6. Any connection, drain, or arrangement, which will permit any such waters to enter any other sewer, shall be deemed to be a violation of this section and this section. (Code 1990, §11-6-11)

**Section V-12. Industrial user, general prohibition upon.**

An industrial user shall not introduce any pollutants into the County sewer system, which will pass through or interfere with the operation or performance of the treatment facilities accessed by the County. (Code 1990, §11-6-12)

**Section V-13. Restricted discharges.**

A. No person shall discharge or cause to be discharged into the County sewer system or treatment facilities accessed by the County any substances or concentrations which do or are likely to:

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1. Create a fire or explosion hazard to the POTW, including but not limited to gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas, waste stream with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using test methods specified in 40 CFR 261.21;

2. Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, but in no case discharges having a pH lower than 5.0 or greater than 11.0;

3. Cause obstruction to the flow in sewers or other interference with the operation of treatment facilities accessed by the County due to accumulation of solid or viscous materials;

4. Constitute a rate of discharge or substantial deviation from normal rates of discharge (slug discharge), sufficient to cause interference in the operation and performance of the treatment facilities;

5. Contain heat in amounts which are likely to accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the treatment works or inhibit biological activity in the treatment facilities; but in no case shall the discharge of heat cause the temperature in the wastewater sewer to exceed 65 degrees Celsius (150 degrees Fahrenheit) or the temperature of the effluent to the treatment facilities to exceed 40 degrees Celsius (104 degrees Fahrenheit) unless the facilities can accommodate such heat and the County has obtained proper approval from the treatment facility being accessed by the County;

6. Contain more than 100 milligrams per liter of nonbiodegradable oils of mineral or petroleum origin;

7. Contain floatable oils, fat, or grease;

8. Contain toxic gases, vapors or fumes, malodorous gas or substance in quantities that may cause a public nuisance or cause acute human health or safety problems;

9. Contain radioactive wastes in harmful quantities as defined by applicable State and Federal regulations;

10. Contain any garbage that has not been properly shredded;

11. Contain any odor- or color-producing substances exceeding concentration limits, which may be established by the County Administrator or designee for purposes of meeting any applicable VPDES permit;

12. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through; or

13. Any trucked or hauled pollutants except at designated discharge points.

B. If in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to this section, the County Administrator or designee establishes concentration limits to be met by a user, the County Administrator or designee in lieu of concentration limits may establish mass limits of comparable stringency for an individual user at the request of such user. Upon approval by the State and the permit holder of the treatment works accessed by the County, such limits shall become pretreatment standards. (Code 1990, §11-6-13)

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**Section V-14. Categorical pretreatment standards.**

A. No person shall discharge or cause to be discharged to the County sewer system or any treatment works, wastewaters containing substances subject to an applicable categorical pretreatment standard promulgated by the EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in this section. Compliance with such applicable pretreatment standards shall be within three years of the date the standard is promulgated; however, compliance with a categorical pretreatment standard for new sources shall be required upon commencement of discharge into the County sewer system or to the treatment works accessed by the County.

B. The County Administrator or designee shall notify any industrial user affected by the provisions of this section and establish an enforceable compliance schedule for each.

C. No person shall discharge trucked hazardous wastes into the County sewer system. (Code 1990, §11-6-14)

**Section V-15. Special agreements.**

Nothing in this section shall be construed as preventing any agreement or arrangement between the County and any user of the County sewer system and treatment facility accessed by the County whereby wastewater of unusual strength or character (only in terms of BOD and/or suspended solids) is accepted into the system and specially treated subject to additional payments or user charges as may be applicable. (Code 1990, §11-6-15)

**Section V-16. Water and energy conservation.**

The County Administrator or designee shall encourage the conservation of water and energy. In establishing discharge restrictions upon users, the County Administrator or designee may take into account already implemented or planned conservation steps revealed by the user. Upon request of the County Administrator or designee, each user will provide the County Administrator or designee with pertinent information showing that the quantities of substances or pollutants have not been and will not be increased as a result of the conservation steps. Upon such a showing to the satisfaction of the County Administrator or designee, he shall make adjustments to discharge restrictions, which have been based on concentrations to reflect the conservation steps. (Code 1990, §11-6-16)

**Section V-17. Excessive discharge.**

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the County, State, or Federal government. (Code 1990, §11-6-17)

**Section V-18. Accidental discharges (slug load).**

A. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this section. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the County Administrator or designee for review and shall be approved by the County Administrator or designee before construction of the facility. No user who commences contribution to the County sewer system or the POTW after the effective date of the ordinance from which this section derives shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the County. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this section. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW accessed by the County and County Administrator or designee of the incident. The notification shall include location of discharge, type of waste, concentration, and volume, and corrective Actions.

B. Within five days following an accidental discharge, the user shall submit to the POTW accessed by the County and the County Administrator or designee a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the County sewer system or to the treatment works and treatment facility accessed by the County, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this section or other applicable law.

C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Code 1990, §11-6-18)

## **SECTION VI. INDUSTRIAL DISCHARGES**

### **Section V-1. Information requirements.**

A. All industrial dischargers shall file with the County wastewater information deemed necessary by the County Administrator or designee for determination of compliance with this section; any applicable VPDES permit conditions, and State and Federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the County Administrator or designee and by supplements to the questionnaire as may be necessary. Information requested in the questionnaire and designated by the discharger as confidential is subject to the conditions of confidentiality as set out in subsection C., of this section.

B. Where a person owns, operates, or occupies properties designated as an industrial discharger at more than one location, separate information submittals shall be made for each location as may be required by the County Administrator or designee.

C. Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the County that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this section, the Virginia Pollutant Discharge Elimination System (VPDES) permit, state disposal system permit, and/or the pretreatment programs; however, such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. (Code 1990, §11-7-1)

#### **Section V-2. User permits.**

A. All significant industrial users proposing to connect to or to contribute to the County sewer system shall obtain a user permit before connecting to or contributing to the County sewer system.

B. Significant industrial users required to obtain a permit shall complete and file with the County an application in the form prescribed by the County and accompanied by a fee of \$50.00. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

1. Name, address, and location if different from address.
2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended.
3. Wastewater constituents and characteristics as determined by a reliable analytical laboratory, sampling, and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136, as amended.
4. Time and duration of contribution.
5. Average daily and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any.
6. Site plans, floor plans, mechanical, and plumbing plans and details to show all sewers, sewer connections and appurtenances by size, location, and elevation.
7. Description of Activities, facilities, and plant processes on the premises, including all materials, which are or could be discharged.
8. The nature and concentration of any pollutants in the discharge. A statement identifying the applicable pretreatment standards and requirements, and a statement regarding whether or not the pretreatment standards are being met on a

consistent basis and if not, whether additional O&M and/or additional pretreatment is required for the user to meet applicable pretreatment standards.

9. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing final plans, executing a contract for major components, commencing construction, completing construction, etc.).

b. No increment referred to in subsection B.9.a., of this section shall exceed nine months.

c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the County Administrator or designee including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress; the reason for delay; and the steps being taken by the user to return the construction to the schedule established. In no event shall more than one-year lapse between such progress reports to the County Administrator or designee.

10. Each product produced by type, amount, process or processes, and rate of production.

11. Type and amount of raw materials processed (average and maximum per day).

12. Number and type of employees and hours of operation of the plant and proposed or Actual hours of operation of the pretreatment system.

13. Any other information as may be deemed by the County to be necessary to evaluate the user permit application.

The County will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the County may issue a user permit subject to terms and conditions provided in this section and as may be required by the permit holder of the treatment works accessed by the County or such other regulatory bodies.

C. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the user permit of users subject to such standards shall be revised to require compliance with such standard if they are more restrictive than the local limits developed by the County or the POTW within the timeframe prescribed by such standard.

Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for a user permit as required by subsection B., the user shall apply for a user permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.

D. User permits shall be expressly subject to all provisions of this section and all other applicable regulations, user charges, and fees established by the County. Permits may contain the following:

1. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
2. Limits on the average and maximum wastewater constituents and characteristics (permits must contain this item);
3. Limits on average and maximum rate and time discharge or requirements for flow regulations and equalization (permits must contain this item);
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
6. User permits are issued to a specific user for a specific operation. A user permit shall not be reassigned or transferred or sold by the user to a new owner, new user, different premises, or a new or changed operation without the approval of the County. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit in the interim prior to the issuance of the respective new permit.

E. Industrial users of the County sewer system shall be assessed industrial cost recovery charges as required by law. (Code 1990, §11-7-2)

### **Section VI-3. Reporting requirements for permittee.**

A. Within 90 days following the date for final compliance with applicable pretreatment standards or in the case of a new source, following commencement of the introduction of wastewater into the wastewater treatment facilities, any user subject to pretreatment standards and requirements shall submit to the County Administrator or designee a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. In addition, the report shall contain the results of any sampling and analysis of the discharge as specified in subsection C., of this section. This statement shall be signed by an authorized representative of the user and certified to by a qualified professional.

B. Any user subject to a pretreatment standard after the compliance date of such pretreatment standard or, in the case of a new source after commencement of the discharge into the treatment works, shall submit to the County Administrator or designee during the months of June and December, unless required more frequently in the pretreatment standard or by the County Administrator or designee, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows, which during the reporting period exceeded the average daily flow reported. At the discretion of the County Administrator or designee and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the County Administrator or designee may agree to alter the months during which the report are to be submitted.

C. The County Administrator or designee may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection A., of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, production and mass where requested by the County Administrator or designee, of pollutants which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the permit. All analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(9) of the Act and contained in 40 CFR 136, as amended, or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. All samples analyzed by this method shall be reported. Where 40 CFR 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analytical procedures approved by the County Administrator or designee may be used. (Code 1990, §11-7-3)

#### **Section VI-4. Provision for monitoring.**

A. When required by the County Administrator or designee, the owner of any property serviced by a building sewer carrying Class II wastewater discharges shall provide suitable access and such necessary meters and other devices in the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such access shall be in a readily and safely accessible location and shall be provided in accordance with plans approved by the County Administrator or designee. The access shall be provided and maintained at the owner's expense so as to be safe and accessible at reasonable times.

B. The County Administrator or designee shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, treatment facility removal capabilities and cost effectiveness in determining whether or not access and equipment for monitoring Class II wastewater discharges shall be required.

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C. Where the County Administrator or designee determines access and equipment for monitoring or measuring Class II wastewater discharges is not practicable, reliable or cost effective, the County Administrator or designee may specify alternative methods of determining the characteristics of the wastewater discharges which will, in the County Administrator or designee's judgment, provide a reasonably reliable measurement of such characteristics.

D. Measurements, tests, and analyses of the characteristics of wastewater required by this section shall conform to 40 CFR 136 and be performed by a qualified laboratory. When such analyses are required of a discharger, the discharger may, in lieu of using the County's approved laboratory, make arrangements with any qualified laboratory, including that of the discharger to perform such analyses.

E. Fees for any given measurement, test, or analysis of wastewater required by this section and performed by the County shall be the same for all classes of dischargers, regardless of the quantity or quality of the discharge, and shall reflect only direct costs. Costs of analyses performed by an independent laboratory at the option of the discharger shall be borne directly by the discharger. (Code 1990, §11-7-4)

#### **Section VI-5. Costs of damage.**

If the drainage or discharge from any establishment causes a deposit, obstruction, or damage to the County sewer system or to the treatment works or treatment facility accessed by the County, the County Administrator or designee shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision, shall be borne by the person causing such deposit, obstruction, or damage. (Code 1990, §11-7-5)

### **SECTION VII. PRETREATMENT**

#### **Section VII-1. Wastewaters with special characteristics.**

A. While the County Administrator or designee shall initially rely upon the National categorical Pretreatment Standards to protect wastewater facilities or receiving waters, if any wastewater which contains substances or possesses characteristics shown to have deleterious effects upon the County sewer system or treatment works or treatment facilities accessed by the County, processes, equipment, or receiving waters, or constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater sewers, the County Administrator or designee may require any or all of the following:

1. Pretreatment by the user or discharger to a condition acceptable for discharge to the treatment works;
2. Control over the quantities and rates of discharge;
3. The development of compliance schedules to meet any applicable pretreatment requirements;
4. The submission of reports necessary to ensure compliance with applicable pretreatment requirements;

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5. The carrying out of all inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements;

6. The obtaining of remedies for noncompliance by any user, which may include but shall not be limited to injunctive relief, a civil suit for damages, or appropriate criminal penalties; or

7. The rejection of the wastewater if evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the County sewer system or the POTW.

B. When considering the alternatives listed in subsection A., of this section, the County Administrator or designee shall ensure that conditions of the POTW's permit are met. The County Administrator or designee shall also take into consideration cost effectiveness, the economic impact of the alternatives, and the willful noncompliance of the discharger. If the County Administrator or designee allows the pretreatment or equalization of wastewater flows, the installation of necessary facilities shall be subject to the review by the County. The County Administrator or designee shall review and recommend any appropriate changes to the program within 30 days of submittal.

C. Where pretreatment or flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner. (Code 1990, §11-8-1)

#### **Section VII-2. Compliance with pretreatment requirements.**

Persons required to pretreat wastewater in accordance with Section 66-201 shall provide a statement, reviewed by an authorized representative of the user and certified by such representative, indicating whether applicable pretreatment requirements are being met on a consistent basis, and if not, describe the additional operation and maintenance or additional pretreatment required for the user to meet the pretreatment requirements. If additional pretreatment or operation and maintenance will be required to meet the pretreatment requirements, the user shall submit a plan (including schedules) to the County Administrator or designee as described in Section VI-2.B.9. The plan (including schedules) shall be consistent with applicable conditions of the POTW's permit or other local, State, or Federal laws, rules, and regulations. (Code 1990, §11-8-2)

#### **Section VII-3. Monitoring requirements.**

Discharges of wastewater to the County sewer system from the facilities of any user shall be monitored in accordance with provisions of the user's permit. (Code 1990, §11-8-3)

#### **Section VII-4. Effect of Federal law.**

If the Federal government promulgates a regulation for a given new or existing user in a specific industrial subcategory that establishes pretreatment standards or establishes that such user is exempt from pretreatment standards, such Federal regulations shall immediately supersede Section VII-1 if they are more stringent. (Code 1990, §11-8-4)

#### **Section VII-5. Certification.**

All reports and permit applications must be signed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required to meet the pretreatment standards and requirements. (Code 1990, §11-8-5)

### **SECTION VIII. ENFORCEMENT**

#### **Section VIII-1. Harmful contributions.**

A. The County may suspend the transport of wastewater and/or a user permit when such suspension is necessary, in the opinion of the County Administrator or designee, in order to stop an Actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of any person or to the environment, causes interference to the County sewer system or to the treatment works or treatment facilities accessed by the County, or causes the County to violate any condition of any VPDES permit or any agreement with the Town of Dillwyn.

B. Any person notified of a suspension of wastewater transport and/or the user permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the County shall take such steps as deemed necessary, including immediate severance of the sewer connection and/or the seeking of legal and equitable relief in the Circuit Court, to prevent or minimize damage to the County sewer system or to the wastewater treatment facilities accessed by the County or endangerment to any individuals. The County shall reinstate the user permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge and reasonable assurances of future compliance with this section. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent and future occurrence shall be submitted to the County Administrator or designee and to the holder of the permit operating the treatment facility accessed by the County within 15 days of the date of occurrence. (Code 1990, §11-9-1)

#### **Section VIII-2. Revocation of permit.**

Any user who violates the following conditions of this section, or applicable State and Federal laws, rules, and regulations, shall be subject to having his permit revoked in accordance with the procedures of this section for:

A. Failure of a user to factually report the wastewater constituents and characteristics of his discharge;

B. Failure of the user to report significant changes in operation or wastewater constituents and characteristics;

C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

- D. Violation of conditions of the permit of this section. (Code 1990, §11-9-2)

**Section VIII-3. Notification of violation.**

Whenever the County finds that any user has violated or is violating this section, user permit, or any prohibition, limitation, or requirements contained in this section, the County may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction of the violation shall be submitted to the County Administrator or designee by the user. Failure to submit a satisfactory plan may result in the suspension of sewer service as provided in Section VII-1. When in the discretion of the County Administrator or designee the public health, safety, and welfare is endangered by a violation of this section, the notification provided in this section may be waived and the immediate suspension of service shall be allowed. (Code 1990, §11-9-3)

**Section VIII-4. Legal Action.**

If any person discharges sewage, industrial wastes or other wastes into the County sewer system contrary to the provisions of this section, applicable Federal or State pretreatment requirements or any order of the County, or if any industrial user refuses access to the County Administrator or designee for purposes of inspection, the County Attorney may commence an Action for appropriate legal and/or equitable relief in the Circuit Court. (Code 1990, §11-9-4)

**Section VIII-5. Penalties.**

A. A person who violates the provisions of this section shall be guilty of a Class I misdemeanor. In the event of a violation, the County shall also have the right to terminate the sewer connection.

B. In addition to proceeding under authority of subsection A. of this section, the County is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of State statutes or other ordinances of the County against a person conducting a prohibited discharge or violating any of the provisions of this section, including, without limitation, injunctive relief.

C. Any person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this section, or a wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this section shall be guilty of a Class I misdemeanor.

D. The County shall be authorized to implement such other program and enforcement mechanisms as are consistent with regulatory guidelines and are deemed appropriate.

E. Any person who makes an erroneous request for sewer system repairs or a service call to the County and it is determined that such request or call involved a matter

that was not related to the improper functioning or operation of the County's sewer system facilities shall pay the following fine:

1. For erroneous sewer system repairs or service calls made Monday through Friday during normal County business hours (8:30 a.m. to 4:30 p.m.), \$45.00; or
2. For erroneous sewer system repairs or service calls made at any time other than those set forth in subsection E.1., of this section, or during any holiday observed by the County, \$65.00.(Code 1990, §11-9-5)

## **SECTION IX. SPECIAL PROVISIONS FOR SUBDIVISIONS**

### **Section IX-1. Definitions.**

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

**Subdivision** means any property, which is developed or improved to provide more than four building lots or dwelling units. (Code 1990, §11-10-1)

**Cross reference**—Definitions generally, §1-2.

### **Section IX-2. Application of section; required approval of subdivision.**

All future subdivision developments within the County shall conform with and will be subject to the provisions of this section and shall require approval from the County. (Code 1990, §11-10-2)

### **Section IX-3. Construction of facilities generally.**

A. Where a subdivision is to be within 1,000 feet of a County-owned water or sewer system, the developer shall construct all necessary pumping stations, gravity sewer lines, water mains, accessory equipment and storage to connect to the facilities of the County water or sewer system. The cost of any such work shall be the responsibility of the developer. Following completion of construction of the water or sewer extensions, they shall be dedicated to and shall become the property of the County; and the developer shall provide all necessary easements for access to and maintenance of the new facilities.

B. Where the construction of connecting pumping stations, force mains, lateral lines or water mains, and systems for subdivisions more than 1,000 feet from facilities of the County is deemed to be feasible by the developer, he may construct such facilities at his expense. Following completion of construction of the water or sewer extensions, they shall be dedicated to and shall become the property of the County. The developer shall provide all necessary easements for access to and maintenance of the new facilities. (Code 1990, §11-10-3)

### **Section IX-4. Standards for construction of facilities.**

A. All proposed water and sewer facilities of any new subdivision shall be designed by a civil engineer registered in the State; and his plans and specifications shall be approved by the State Department of Health, Bureau of Sanitary Engineering, the County Erosion and Sediment Control Officer, and the County Administrator or designee prior to construction.

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B. Materials, workmanship, and procedures used in the construction of water and sewer facilities within or to a subdivision shall be in conformance with the standards and specifications established or approved by the County. (Code 1990, §11-10-4)

**Section IX-5. Inspections during and upon completion of construction of facilities.**

During the progress of construction of water or sewer facilities within or to a subdivision, the County shall have access to the construction sites for the purpose of establishing that the projects are being constructed in accordance with the requirements of the County. Upon completion of the facilities and written request of the developer to the County Administrator or designee, the County will make a final comprehensive inspection of the completed project and shall be satisfied as to conformance to the County's requirements before accepting the facilities. (Code 1990, §11-10-5)

**Section IX-6. As-built plans for facilities.**

A. After completion of construction of the water and sewer facilities from approved plans on any project subject to the provisions of this section, the developer or owner responsible for the construction shall prepare as-built plans, based on accurate, field-obtained information, to show Actual conditions of the finished construction. The as-built plans shall show revisions and permanently indicated changes of the original tracings or master sheets from which were made the plans or specifications approved by the County. A reproducible copy and one set of the as-built plans shall be furnished to the County Administrator or designee.

B. The as-built plans required by this section shall show but may not be limited to the following:

1. Water line construction as follows:
  - a. Scale accuracy location in the plan of the line and all installed fittings, such as elbows, tees, crosses, and reducers, and all cradle encasement or special construction.
  - b. Exact measurement to show positive location of all house services, valve boxes, blind or blank-flanged fittings and plugged terminals of lines. The measurements for these positive locations shall be taken from at least two reasonably adjacent and available, fixed and permanent objects, such as fire hydrants, centers of sanitary or storm sewer manhole casting covers, corners, or lines extended, of buildings, power poles, and the like.
2. Sewer line construction as follows:
  - a. Scale accuracy location of manhole invert and top casting elevations and numerical notations of the exact elevations of same, as determined by a filed survey after construction. Elevations shall be in datum of the County.
  - b. Scale accuracy indication of lengths and grades of lines between manholes and numerical notation of the exact lengths and grades, as determined after construction.
  - c. Scale accuracy location of concrete cradle encasement or special construction.
  - d. Location of house services by measurement from the manhole immediately downgrade.

3. Sanitary sewage treatment plants and pumping stations, water pumping stations and all other comparable construction and building structures.

4. An accurate indication of all approved deviations from or changes in location or type of equipment installed and material used.

C. Accurate listings of the name of the manufacturer of all operating equipment installed, together with model or style numbers, ratings, capacities, and other pertinent information shall be provided as part of the as-built plans required by this section. (Code 1990, §11-10-6)

#### **Section IX-7. Connection fee.**

Any new subdivision customer shall pay the County a facility fee as prescribed in Section II., of this section if water and sewer connections are made to the facilities of the County; except that, by the approval of the County Administrator or designee, credit for facility fees may be given to the developer of the subdivision according to policies approved by the Board of Supervisors. (Code 1990, §11-10-7)

#### **Section IX-8. Subdivisions not feasibly located for connection to County facilities.**

Where a subdivision is not feasibly located for connection to facilities of the County, the provisions of this section shall still apply, as will the approval of design plans and specification by the State Department of Health for all water and sewer works which will serve the subdivision. (Code 1990, §11-10-8)

### **SECTION X. SEPTIC TANKS**

#### **Section X-1. Sanitary device required.**

Every house used as a human habitation, every warehouse, every public building, every recreation or tourist camp, transient lodginghouse, or other place where human beings congregate or are employed in the County shall be provided with a septic or sewer system built in accordance with specifications of the State Health Department. (Code 1990, §11-11-1)

#### **Section X-2. Means of disposal shall not be harmful.**

No person shall construct, maintain, or permit on any premises owned by him an arrangement for the disposal of human excrement which may possibly endanger any source of drinking water or which allows flies to have access to the human excrement. (Code 1990, §11-11-2)

#### **Section X-3. Deposits shall not be harmful.**

No person shall deposit any human excrement upon the surface of the ground or in any place where it may endanger a source of drinking water or be accessible to flies or animals. (Code 1990, §11-11-3)

#### **Section X-4. Owner shall provide means of disposal.**

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All homes or other places having flush toilets, discharging on the ground or into small streams or ditches, shall be provided by the owner with a septic tank or other approved sewage disposal. (Code 1990, §11-11-4)

**Section X-5. Permit required.**

It shall be unlawful for any person to install or have installed or repair a septic tank in the County without first obtaining a permit from the County health official. The County health official shall decide the capacity and design and approve the location of the septic tank. (Code 1990, §11-11-6)

**Section X-6. Inspection.**

Septic tanks shall be inspected by a representative of the health department and approved before they are permitted to be covered or used. (Code 1990, §11-11-7)

**Section X-7. Noncompliance with section.**

It shall be unlawful for any person to neglect, fail, or refuse to comply with the provisions of this section. If any landlord shall fail to comply with the requirements of this section or of a County health official or health inspector, the tenant may comply with such requirements and may deduct the cost from any sum due the landlord for rent. (Code 1990, §11-11-8)

**Section X-8. Penalties.**

Any person who violates any of the provisions of this section or the regulations issued under it by the County health department shall be fined the sum of not to exceed \$100.00, and each week of failure or refusal to comply with the provisions of this section shall be deemed a separate offense; and he shall be fined an additional \$150.00 for each week of failure or refusal to comply with the provisions of this section or the regulations issued under it by the County health department. (Code 1990, §11-11-10)



## **BUCKINGHAM COUNTY JAIL PROCESSING FEES ORDINANCE**

**WHEREAS**, the 2002 Session of the General Assembly enacted Senate Bill 406 as Chapter 840 of the Acts of Assembly which is codified as Section 15.2-1613.1 of the Code of Virginia, which provides that any county by ordinance may authorize a processing fee, not to exceed twenty-five dollars (\$25) on any individual admitted to county, city, or regional jail following conviction. The fund so collected shall be used by the county sheriff's office to defray the costs of processing arrested persons into local or regional jails.

**NOW, THEREFORE, BE IT ORDAINED** that on and after July 1, 2002, a processing fee of twenty-five dollars (\$25) is hereby assessed and imposed upon any individual admitted to a county, city, or regional jail following conviction within the County of Buckingham, Virginia, of a crime, misdemeanor or violation of a local ordinance of the County of Buckingham, Virginia, or any town located within this county. Said fees shall be assessed by the Clerk of the Court of the court in which the conviction occurred, with the other cost of the court proceedings and deposited with the Treasurer of this County and shall be used by the sheriff of this County to defray the cost of processing the convicted arrested persons into the local or regional jail.

**This ordinance shall be effective July 8, 2002.**

**Agenda Title: EMERGENCY ORDINANCE - To Establish Provisions Relating to Mandatory Restrictions on the Use of Surface and Ground Water in the County, Including Provisions to Restrict the Use of Water for Irrigation Purposes, to Establish Certain Other Restrictions on the Use of Water, and to Establish Penalties of Fifty Dollars for the Second Violation and One Hundred Dollars for Each Subsequent Violation of the Restrictions, Pursuant to Title 15.2, Chapter 21 of the Code of Virginia, Including Specifically Virginia Code §15.2-924(A) and Title 44, Chapter 3.2, Including Specifically Virginia Code §44-146.17(1).**

WHEREAS, stream flows and ground water have reached historic low levels that necessitate limiting use of the public water source for the protection of the health, safety and general welfare of the citizens of the County; and

WHEREAS, on August 30, 2002, the Governor of the Commonwealth of Virginia issued Executive Order Number 33, entitled Declaration of a State of Emergency Due to Extreme Drought Conditions throughout the Commonwealth (the "Executive Order"), in which he proclaimed a state of emergency throughout the Commonwealth due to drought conditions, instituted mandatory restrictions on certain uses of surface and ground water in the County and in other localities in the Commonwealth, mandated agencies of both state and local governments to render appropriate assistance to address drought conditions, and authorized local governments to establish, collect, and retain fines for violations of the water restrictions.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Buckingham County:

1. That the following Ordinance is hereby adopted to read in its entirety as follows:

**Sec. 1. Finding of an Emergency.**

It is hereby determined and found that a state of emergency exists, as proclaimed in the Executive Order of the Governor of the Commonwealth, due to extreme drought conditions in the County and throughout the Commonwealth, and that a water supply emergency continues to exist in the County, due to the current water levels of the County's water supply sources for its public water system and anticipated demand in the immediate future, which together necessitate the adoption of this Ordinance mandating restrictions on the use of water in the County under the terms and conditions set forth in this Ordinance.

**Sec. 2. Definitions.**

The following words and phrases, when used in this Ordinance, shall have the meaning ascribed to them below, except in those instances where the context clearly indicates a different meaning:

*Assessment date:* The date of the water bill on which a fine for violation of this Ordinance is imposed.

*Fountain:* A water display where water is sprayed strictly for ornamental purposes.

*Lawn:* Grass areas of any property, including residential, commercial or industrial areas, but excluding agricultural fields and athletic fields.

*Person:* Any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.

*Vegetable garden:* Any "non-commercial" vegetable garden planted primarily for household use; "non-commercial" includes incidental direct selling of produce from such a vegetable garden to the public.

### **Sec. 3. Mandatory Surface and Ground Water Use Restriction Measures.**

All persons and households in the County shall limit their use of surface water, which includes water from the public water system, and ground water consistent with the Executive Order, and in accordance with this section:

- a.) Lawns. Watering of lawns is prohibited at all times. New and replanted or resodded lawns may be watered for a period not to exceed 30 days.
- b.) Vegetable Gardens, Flowers, Trees and Shrubs. Watering is limited to three (3) days per week by address. Watering is prohibited on Mondays. Watering with buckets that have a capacity of 5 or fewer gallons is permitted at any time.
- c.) Vehicle Washing. Vehicle washing by persons other than commercial car washes is prohibited at all times. Commercial car washes, auto dealers, body shops and car rental agencies are permitted to operate under normal conditions, except that such businesses may not wash corporate fleet vehicles.
- d.) Swimming Pools. Filling is prohibited at all times, with the exception of pools used by health care facilities for patient care and rehabilitation, which are permitted to operate under normal conditions. New or repaired pools may be filled as necessary to maintain the structural integrity of the pool. Indoor pools may be filled as necessary to ensure swimmer health and safety.
- e.) Fountains. Water use is prohibited.
- f.) Paved Areas. Washing is prohibited except for health and safety requirements.
- g.) Restaurants. Water shall be served to customers only upon request.
- h.) All Other Businesses. Water use is limited to uses essential for business use and human hygiene.

**Sec. 4. When Restrictions Go Into Effect.**

- a.) The water use restrictions set forth in this Ordinance shall take effect immediately.
- b.) The water use restrictions shall remain in effect so long as the Executive Order remains in full force and effect.

**Sec. 5. Notice.**

Notice of these water use restrictions shall be published in the Farmville Herald one day each week during which the restrictions are in force.

**Sec. 6. Violation.**

It shall be a violation of this Ordinance for any person to use water, or allow or cause the use of water, in violation of the provisions of this Ordinance after the first publication required by Section 5 of this Ordinance.

**Sec. 7. Penalty.**

- a.) Any person who violates any provision of this Ordinance shall be subject to the following penalties:
  - 1.) For the first offense, violators shall receive a written warning delivered in person or posted by a representative of the Buckingham County or Sheriff's deputy.
  - 2.) For the second offense, violators shall be fined \$50.00, and in the case of users from the public water system, the fine to be imposed on the violator's next water bill.
  - 3.) For the third and each subsequent offense, violators shall be fined \$100.00 for each offense, and in the case of users from the public water system, the fine to be imposed on the violator's next water bill.
  - 4.) Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.
- b.) Persons who have been assessed a penalty shall have the right to challenge the assessment by providing a written notice to the County Administrator or designee within ten (10) days of the date of the assessment of the penalty. The County Administrator or designee shall determine whether the penalty was properly assessed and notify the complaining person in writing of his determination. Should the County Administrator or designee determine that the penalty was properly assessed; the person may appeal that determination by providing written notice to the County Administrator or designee within ten (10) days of receiving the notice of

determination. The County Administrator or designee shall determine whether the penalty was properly assessed and notify the complaining person in writing of his determination.

- c.) The County Administrator or designee may waive the penalty if he/she determines that the violation occurred due to no fault of the person.
- 2. That this Ordinance shall not be set out in the Code of the County of Buckingham, Virginia.
- 3. That the provisions of this Ordinance are severable, and the unenforceability of any provision in the Ordinance, as determined by a court of competent jurisdiction, shall not affect the enforceability of any other provision in the Ordinance.
- 4. That this Ordinance shall take effect immediately.

This ordinance was adopted at a regular meeting of the Buckingham County Board of Supervisors held on September 9, 2002.

# ***JUNIOR FIREFIGHTER ORDINANCE***

## **ARTICLE ONE**

The name of this ordinance shall be the Junior Firefighter Ordinance.

## **ARTICLE TWO**

This ordinance is adopted pursuant to Section 40.1-79.1 of the 1950 Code of Virginia, as amended.

## **ARTICLE THREE**

Youth are authorized to work with or participate fully in all activities of any volunteer fire company in Buckingham County, Virginia, so long as there is compliance by the youth and the volunteer fire department with the terms and conditions of this ordinance.

Youth are those persons who are at least sixteen (16) years of age but younger than eighteen (18) years of age.

## **ARTICLE FOUR**

Before any youth, who is so authorized to work, shall work with or participate in the activities of any volunteer fire company in Buckingham County, Virginia, the youth shall:

1. Have the written consent of the parent or legal guardian;
2. Have attained certification under National Fire Protection Association NFPA 101, Level One, firefighter standard as administered by the Virginia Department of Fire Programs; and
3. Comply with all restrictions that the volunteer fire department may adopt.

## **ARTICLE FIVE**

Before any youth, who is so authorized to work, shall work with or participate in the activities of any volunteer fire company in Buckingham County, Virginia, the volunteer fire department shall:

1. Have on file written consent of the parent or legal guardian of the youth who is working with or participating in the activities of the volunteer fire company.
2. Have on file the certificate or a copy thereof that the youth has attained certification under National Fire Protection Association NFPA 1001, Level One, firefighter standard as administered by the Virginia Department of Fire Programs;
3. Adopt whatever restrictions that the volunteer fire department might deem appropriate for the regulations of the youth who are working with or participating in the activities of the volunteer fire company; and
4. Purchase insurance which provides covered for injuries to or the death of such persons while working with or in the performance of activities with the volunteer fire departments.

#### **ARTICLE SIX**

If any youth or fire department shall violate the terms and conditions of this Ordinance, it shall be punishable as a Class Three Misdemeanor, as defined in the Code of Virginia.

#### **ARTICLE SEVEN**

To the extent allowed by law, any trainer or instructor of such minor or any member of a volunteer fire company who supervises such minor shall be exempt from the provisions of Section 40.1-103 Code of Virginia, provided the volunteer fire company has purchased insurance which provides coverage for injuries to, or the death of, such minor in the performance of activities under this ordinance.

#### **ARTICLE EIGHT**

This ordinance shall become effective immediately upon adoption by the Board of Supervisors of Buckingham County, Virginia.

# **AN ORDINANCE TO REGULATE THE OPERATION OF VEHICLES ON THE HIGHWAYS IN BUCKINGHAM COUNTY**

## **ARTICLE ONE NAME**

The name of the ordinance shall be known as "The Buckingham County Motor Vehicle and Traffic Ordinance" or "Buckingham Traffic Ordinance" and may be so cited.

## **ARTICLE TWO AUTHORITY**

This ordinance is adopted pursuant to Sections 46.2-1300 and 46.2-1313 of the 1950 Code of Virginia, as amended.

## **ARTICLE THREE MISCELLANEOUS**

A. Definition: References to "highways of the state" contained in this ordinance and such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the County.

B. Form of citation: In designating the particular violation on a County warrant, the section number as indicated by the Code of Virginia will be recognized and incorporated within the charged violation, for example: Reckless driving would be identified as BTO 1, Code of Virginia, § 46.2-852. Failure to do so on the citation shall not be fatal to the charge.

## **ARTICLE FOUR INCORPORATION BY REFERENCE**

Pursuant to Sections 46.2-1300 and 46.2-1313 of the 1950 Code of Virginia, as amended, all of the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2, of Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title 16.1, and of Article 2 of Chapter 7 of Title 18.2 (§ 18.2-266 et seq.) of the Code of Virginia of 1950, as amended, and in force on January 1, 2004, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and regulations which by their very nature can have no application to or within the County, are hereby adopted and incorporated herein by reference and made applicable within the County. Such provisions and requirements are hereby adopted mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein; provided. Amendments to such state law hereafter adopted shall be incorporated herein on their respective dates they become effective unless specifically rejected by the governing body of this County.



## **ARTICLE FIVE VIOLATION**

Any violation of Title 46.2; Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title 16.1, and of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 (§ 18.2-266 et seq.) of the 1950 Code of Virginia, as amended, or as may be amended from time to time, which sections are incorporated into this ordinance by reference in Article Three hereof, shall be a violation of this ordinance.

## **ARTICLE SIX PENALTIES**

A. The penalties for violation of this ordinance which constitute a violation of Title 46.2 of the 1950 Code of Virginia, as amended or as may be amended from time to time, which is incorporated into this ordinance by reference in Article Three hereof, shall be as specified in Section 46.2-113 of the 1950 Code of Virginia, as amended or as may be amended from time to time, which is incorporated into this Ordinance in Article Three hereof.

B. The penalties for violation of this ordinance which constitute a violation of Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the 1950 Code of Virginia, as amended, or as may be amended from time to time, which is incorporated into this ordinance in Article Three hereof, shall be as specified in Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the 1950 Code of Virginia, as amended, or as may be amended from time to time, which is incorporated into this ordinance by reference in Article Three hereof.

C. In no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under of the 1950 Code of Virginia, as amended.

## **ARTICLE SEVEN JUVENILES**

In cases involving juveniles charged under this ordinance, disposition shall be in accordance with Chapter 11 of Title 16.1 of the 1950 Code of Virginia, as amended or as may be amended from time to time, which is incorporated into this ordinance by reference in Article Three hereof.

## **ARTICLE EIGHT DISPOSITIONS OF FINES AND FEES**

Dispositions of fines and fee shall be in accordance with Section 46.2-1308 of the 1950 Code of Virginia, as amended or as may be amended from time to time, which is incorporated into this ordinance by reference in Article Three hereof.

**ARTICLE NINE  
EXCLUSION**

The provisions of this Ordinance shall not be applicable within the corporate limits of any incorporated municipality in the County.

**ARTICLE TEN  
CONFLICT**

In the event of conflict between this ordinance and the Code of Virginia, the Code of Virginia supersedes.

**ARTICLE ELEVEN  
SEVERABILITY**

In the event that any portion of this ordinance is declared void for any reason whatever, such decision shall not affect the remaining portion of the ordinance, which shall remain in full force and effect, and for this purpose the provisions of this are hereby declared to be severable.

**ARTICLE TWELVE  
EFFECTIVE DATE**

This Ordinance shall become effective January 1, 2005. However no, provision of this ordinance shall become effective before the effective date of the state law set forth in the statutes incorporated herein by reference.

## STATIONARY RIFLE HUNTING

**WHEREAS**, Buckingham County has an ordinance entitled “Buckingham County Firearms Ordinance”; and

**WHEREAS**, the Board of Supervisors desire to modify the ordinance to allow stationary rifle hunting and clarify its position on groundhog hunting.

### **NOW THEREFORE BE IT ORDAINED:**

The Buckingham County Firearm Ordinance is amended to read as follows:

1. The name of this ordinance shall be the BUCKINGHAM COUNTY RIFLE HUNTING ORDINANCE.
2. When the season is open on such species or when taking of such species is allowed under the regulations or laws of the Commonwealth of Virginia or the Virginia Department of Game and Inland Fisheries, it shall be lawful:
  - A. to hunt the following:
    1. game animals, turkey, quail, pheasant grouse, rabbit, fox, squirrel, bobcat and racoons;
    2. furbearing animals; beaver, bobcat, fox, mink, muskrat, opossum, otter, raccoon, skunk, and weasel;
    3. the following nuisance species: blackbirds, coyotes, crows, cowbirds, feral swine, grackles, English sparrows, starlings; and
    4. **Groundhog**  
with a .22 caliber rim fire or a .22 caliber centefire rifle.,
  - B **to hunt deer and bear from a stand elevated at least 10 feet from the ground or within a ten (10) foot perimeter from a stationary, pre-identified and marked point, such point having been established by an easily visible fixed marker, (such as but not limited to a ribbon around a tree or a pin placed in the ground with a ribbon or flag attached), with .23 or larger caliber . However, such rifles can only be loaded while the hunter is in the elevated tree stand, within the 10 feet of the stationary pre-identified and marked point, if ground hunting, or while attempting to recover wounded game within a 300 yard perimeter of the elevated stand or the pre-identified and marked point from which the game was shot.**
  - C. Nothing in this section shall be interpreted as limiting, in any way, the use of muzzle loading guns as provided in subsequent sections of this ordinance.
3. That muzzle loading gun hunting be permitted within the jurisdictional boundaries of Buckingham County in accordance with all laws, rules, and regulations of the Commonwealth of Virginia and the Virginia Department of Game and Inland Fisheries or its successor pertaining thereto;

4. Muzzle loading guns shall have the same meaning in this ordinance as defined by laws of the Commonwealth of Virginia and regulations of the Virginia Department of Game and Inland Fisheries or its successors as may from time to time be set forth.
5. That this ordinance shall revoke replace, and otherwise supersede any and all other ordinances or parts thereof duly adopted by the Board of Supervisors insofar as said ordinance(s) in whole or in part contradict the provisions of this ordinance.
6. Any person who violates the provisions of this ordinance shall be guilty of a Class 3 misdemeanor as defined in the laws of the Commonwealth of Virginia.

# **Buckingham County Safe Property Ordinance**

## **Article One – Authority**

This ordinance is adopted pursuant to Section 15.2-906 of the 1950 Code of Virginia, as amended.

## **Article Two – Name**

The name of this ordinance shall be the Safe Property Ordinance.

## **Article Three—Order to Remove, Repair, or Secure**

The Buckingham County Board of Supervisors, through its Building Inspector, may order any owner of property in the County to remove, repair, or secure any building, wall, or other structure which the Buckingham County Board of Supervisors determines might endanger the public health or safety of other residents of the County. Before the Buckingham County Board of Supervisors, through its Building Inspector, shall issue such order it may consult with such individuals as it, in its sole discretion, deems appropriate, including but not limited to engineers, health officials, and contractors.

A. The order shall be contained in a notice issued by the Building Inspector, at the direction of the Buckingham County Board of Supervisors, to the owner. The notice shall identify each condition of the building, wall, or other structure that constitute a danger to the public health or safety, specify the measures that must be taken to eliminate the danger, and state a reasonable time within which the measures must be taken.

B. The notice shall be in writing and mailed by certified or registered mail, return receipt requested and be sent to the last known address of the property owner. The notice shall also be published once a week for two successive weeks in a newspaper having general circulation in the County.

C. For purposes of this section, *repair* includes, but is not limited to, maintenance work to the exterior of a building to prevent deterioration of the building wall or structure or adjacent buildings

## **Article Four**

### **Authority of to Remove, Repair, or Secure**

The Building Inspector, at the direction of the Buckingham County Board of Supervisors, is authorized to remove, repair, or secure any building, wall, or any other structure which might endanger the public health or safety of other residents of the County if:

A. The Building Inspector has provided the owner of the property notice as provided in Article Three;

B. At least thirty (30) days have passed since the later of either the return of the receipt or newspaper publication, as provided in Article Three, Section B; and

C. The owner and the lienholder of the property have failed to remove, repair, or secure the building, wall, or other structure within the time period specified in the notice.

## **Article Five**

### **Recovery of Costs if Building Inspector Removes, Repairs, or Secures**

A. If the Building Inspector, at the direction of the Buckingham County Board of Supervisors, removes, repairs, or secures a building, wall, or other structure pursuant to Virginia Code §5-301, the cost or expenses thereof shall be chargeable to and paid by the owner of the property.

B. Every charge authorized by this Ordinance may be collected by the County as taxes are collected.

## **Article Six**

### **Lien**

Every charge authorized by this Ordinance with which the owner of the property has been assessed and which remains unpaid shall constitute a lien against the property. The lien shall rank on a parity with liens for unpaid local taxes and shall be enforceable in the same manner as provided in Virginia Code §§58.1-3940 et seq. and 58.1-3965 et seq. However, the final decision in each case is at the discretion of the Board of Supervisors.

## **Article Seven**

### **Penalties**

A civil penalties, not to exceed a total of \$1,000, may be imposed for a failure to comply with an Order to Remove, Repair, or Secure any building, wall, or any other structure issued pursuant to Article Three of this Ordinance.

## **Article Eight**

### **Remedies of this Article not Exclusive**

The remedies authorized by this Ordinance shall not be exclusive of any other remedy provided by law, including any remedy to abate, raze, or remove an unsafe structure or equipment as provided in the building code, or any remedy to abate, raze, or remove a building, wall, or structure that constitutes a public nuisance as provided in Virginia Code §§15.2-900 and 48-1 et seq.

## **Article Nine**

Any person aggrieved by action of the Board of Supervisors may seek relief in the Circuit Court of Buckingham County, Virginia.

**Article Ten**  
**Effective Date**

This Ordinance shall become effective upon adoption.

# **Ordinance to Provide Real Estate Tax Stabilization for Qualified Elderly and Disabled Persons in the County of Buckingham, Virginia**

## **Section 1. Purpose and Authority**

A. The purpose of this Ordinance is to provide stabilization of real estate tax for the elderly and disabled persons in Buckingham County.

B. The authority for this Ordinance is §58-1-3210 et seq. of the 1950 Code of Virginia.

## **Section 2. Definition of Real Estate Tax Stabilization as it Pertains to this Ordinance:**

If deemed eligible according to the requirements of this ordinance, the Buckingham County real estate owner would be taxed according to the real estate tax rate at the time of approval of an application for real estate tax stabilization. The qualified Buckingham County real estate owner would pay that tax rate until which time the property would change ownership. When ownership changes the new property would pay the tax rate according to the tax rates schedules of Buckingham County. If the County of Buckingham should propose a real estate tax rate change, the qualified real estate owner would not experience a real estate tax rate increase. If a new tax rate set by the Buckingham County Board of Supervisors is lower than the rate set at the Time of the initial application, the successful applicant shall be taxed at the lower rate.

## **Section 3. Eligibility:**

Real Estate Tax stabilization if provided for qualified property owners who are not less than 65 years of age or who are permanently and totally disabled and who are eligible according to this ordinance. Persons who qualify for real estate tax stabilization are deemed to be bearing an extraordinary real estate tax burden to the income and financial worth.

## **Section 4. Determination of Eligibility for Stabilization of Real Estate Tax:**

The application process shall be administered by the Commissioner of the Revenue. The Commissioner is authorized and empowered to make such inquiry of persons seeking real estate tax stabilization, requiring answers under oath, as may be reasonably necessary to determine qualifications for real estate tax stabilization applicants. The Commissioner shall require the production of certified tax returns and other appropriate documentation to establish income or financial worth.



## **Section 5. General Prerequisites to Granting:**

A. Under this ordinance, real estate tax stabilization shall be granted to any person who applies for real estate tax stabilization and meets the following criteria:

1. The applicant must own the real estate;
2. The applicant must occupy the dwelling on the real estate for which the real estate tax stabilization is sought;
3. The applicant must be at least 65 years of age or are permanently and totally disabled;
4. The total combined income received from all sources during the preceding calendar year by (i) owners of the dwelling who use it as their principal residence and (ii) owners' relatives who live in the dwelling, shall not exceed \$35,000.
5. The net combined financial worth, including the present value of all equitable interests, as of December 31 of the immediately preceding calendar year of the owners and of the spouse of any owner, excluding one family vehicle and the value of the dwelling and the land not exceeding 10 acres upon which it is situated, shall not exceed \$80,000. The applicant must reside in Buckingham County for five (5) years before qualifying.

B. Income shall mean total gross income from all sources, without regard to whether a tax return is actually filed. Income shall not include life insurance benefits or receipts from borrowing or other debt.

C. A dwelling jointly held by a husband and wife may qualify if either spouse is sixty-five or over or is permanently and totally disabled.

## **Section 6. Application for Tax Stabilization:**

A. The applicant shall file with the Commissioner of the Revenue, on forms supplied by the County, an affidavit or written statement setting forth the following:

- (i) The names of the related persons occupying such real estate;
- (ii) The total combined net worth, including equitable interests and the combined income from all sources of the persons specified in Section Five of this Ordinance does not exceed the limits set forth in Section Five.

B. The applicant shall file the affidavit or written statement on a three-year cycle but, in order to remain eligible, the claimant shall file annually a certification that no information contained on the last preceding affidavit or written statement has changed to violate the limitations and conditions of the ordinance. If such certification cannot be filed, the applicant must file a new affidavit or written statement in order to remain eligible.

C. If such person is under sixty-five years of age, such form shall have attached thereto a certification by the Social Security Administration, the Department of Veteran's Affairs, or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors who are

either licensed to practice medicine in the Commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that the person is permanently and totally disabled, as defined in §58.1-3217; however, a certification pursuant to 42 U.S.C. §423 (d) by the Social Security Administration so long as the person remains eligible for such social security benefits shall be deemed to satisfy such definition in §58.1-3217. The affidavit of at least one of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Services Commission which is relevant to the standards for determining permanent and total disability as defined in §58.1-3217.

D. The Commission of the Revenue shall also make any other reasonably necessary inquiry of persons seeking such exemption, requiring answers under oath, to determine qualifications as specified herein, including qualification as permanently and totally disabled as defined in §58.1-3217 and qualification for the exclusion of life insurance benefits paid upon the death of an owner of a dwelling.

E. Certified copies of tax returns of the applicant and others shall be produced to establish the income or financial worth of any applicant.

F. The application or certification shall be filed after **April 1, but before July 1.**

### **Section 7. Effect of Applicant's Residency in Hospital, Nursing Home, or Similar Facility:**

The fact that a person who is otherwise qualified for exemption pursuant to this ordinance is residing in a hospital, nursing home, convalescent home, or other facility for physical or mental care for extended periods of time shall not be construed to mean that the property for which tax exemption is sought does not continue to be the sole dwelling of such person during such extended periods of other residence, so long as such property is not used by or leased to others for consideration.

### **Section 8. Certification of Commissioner**

If after any audit or investigation, the Commissioner of the Revenue determines that a person is qualified or not qualified for real estate tax stabilization under this ordinance, the Commissioner of the Revenue shall make any necessary adjustments to that person's tax bill.

### **Section 9. Notification of Change in Status**

A. Changes in respect to income, financial worth, ownership of property, or the factors occurring during the taxable year for which an affidavit is filed under this ordinance and having the effect of exceeding or violating the limitations and conditions provided in this ordinance shall nullify real estate tax stabilization for the then current taxable year and the taxable year immediately following.

B. A change in ownership due to the death of the qualifying individual, or a sale of such property shall result in the property reverting to being taxed at the present real estate tax rate set in the County of Buckingham. Should this change in ownership

take place during a tax year the tax shall be prorated taxing the number of month of the year such property was not eligible for tax stabilization by the present County real estate tax rate.

## **Section 10. Violation of this Ordinance:**

Should any real estate owner be found to have knowingly provided false information to qualify for real estate tax stabilization status or fail to provide information that would change the qualification status, that property owner will be required to pay back taxes at the effective tax rate enacted by the Buckingham County Board of Supervisors. If said property owner fails to pay the back taxes, the County may put a tax lien on the property. False affidavits or written statements may be prosecuted criminally.

## **Section 11. Definitions:**

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

A. Affidavit or written statement shall mean the form supplied by the County submitted by the application under oath.

B. Commissioner means the Commissioner of the Revenue of the County or any of her duly authorized deputies or agents.

C. Dwelling means the full-time residence of the person claiming stabilization status.

D. Stabilization of Real Estate Tax means that the qualified property owner would be taxed at the tax rate that is set by the Buckingham County Board of Supervisors at which time the application is approved. If a new tax rate set by the Buckingham County Board of Supervisors is lower than the rate set at the Time of the initial application, the successful applicant shall be taxed at the lower rate.

E. Permanently and Totally Disabled means unable to engage in any substantial gainful activity because of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

F. Property means real property and manufactured homes as defined by Section 58.1-85.3 of the 1950 Code of Virginia, as amended.

G. Taxable year means the calendar year from January 1 until December 31, for which exemption is claimed.

## **Section Twelve. Advertisement:**

The Treasurer shall enclose written notice, in each real estate tax bill, of the terms and conditions of this ordinance. The Treasurer shall also employ any other reasonable means necessary to notify residents of the County about the terms and conditions of this ordinance for elderly and handicapped residents of the County.

This Ordinance will expire five years from the date of its effective date unless reauthorized by the Buckingham County Board of Supervisors.

### **CERTIFICATION OF ADOPTION:**

This ordinance was adopted by the Buckingham County Board of Supervisors on December 12, 2005, and was revised May 12, 2008 and again December 9, 2013.

By Order of the Buckingham County Board of Supervisors

Rebecca S. Carter, County Administrator

**An Ordinance to Provide for the Implementation  
of the 2004-2005 Changes to the  
Personal Property Tax Relief Act of 1998**

County Administrator Carter provided a PowerPoint presentation along with a handout and informed that this was mandatory since the General Assembly adopted SB 5005 and its budget amendments, the provision of which will drastically change the PPTR beginning in 2006. The most significant change being the method by which the Commonwealth reimburses localities for PPTR. In the future, all localities will receive a pro rata share of a fixed \$950 million pool of PPTR fund based on the amount collected by each locality on 2004 property taxes collected through December 31, 2005. Buckingham County chose the relief method that is in the best interest of the County. This proposed ordinance proposes to adopt the reduced rate method. This method requires a resolution adopting a new rate of relief each year, requires no changes to the locality's software/computer system and provides for presentation of a "reduced rate" on a taxpayer's bill. According to this method, relief with respect to qualifying vehicles shall at budget time and applied to the first \$20,000 in value of each such qualifying vehicle that is estimated fully to use all available State PPTR. The County's financial auditors recommend the method proposed in this ordinance.

The County Ordinance entitled An Ordinance to Provide for the Implementation of the 2004-2005 Changes to the Personal Property Tax Relief Act of 1998 and the text of the ordinance is as follows:

**WHEREAS**, the Personal Property Tax Relief Act of 1998, Virginia Code §58.1-3523 *et seq.* (APPTRA@), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the A2005 Appropriations Act@); and

**WHEREAS**, these legislative enactments require the County of Buckingham, Virginia, to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

**WHEREAS**, these legislative enactments provide for the appropriation to the County of Buckingham, Virginia, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax (APPT@) on such vehicles and provide the opportunity for the County of Buckingham, Virginia, to fashion a program of tax relief that serves the best interests of its citizenry.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors for the County of Buckingham, Virginia, as follows:

**1. Purpose; Definitions; Relation to other Ordinances.**

(a) The purpose of this Ordinance is to provide for the implementation of the changes to PPTRA affected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia.

(b) Penalty and interest with respect to bills issued pursuant to subsection (a) of this section shall be computed on the entire amount of tax owed. Interest shall be computed at the rate provided in the Tax Payment and Filing Ordinance from the original due date of the tax.

This ordinance was adopted by the Buckingham County Board of Supervisors on December 12, 2005.

**BUCKINGHAM COUNTY**  
**VIRGINIA TRANSIENT OCCUPANCY TAX ORDINANCE**

**WHEREAS**, Virginia Code §15.2-1427 and 15.2-1433 enable a local governing body to adopt, amend, and codify ordinance or portions thereof; and

**WHEREAS**, the 2021 General Assembly passed Senate Bill 1398 amending the Virginia Code to revise transient occupancy taxes to provide for tax reporting when a room is booked through an accommodations intermediary (e.g. Expedia); and

**WHEREAS**, the Board of Supervisors wishes to amend the Buckingham Transient Occupancy Tax to comport with state law.

**NOW, THEREFORE, BE IT ORDAINED**, THAT THE Buckingham County Code Transient Occupancy Tax is hereby amended, and this ordinance is hereby enacted as follows:

**Section 1: Name**

This ordinance shall be referred to as the “2023 BUCKINGHAM COUNTY TRANSIENT OCCUPANCY TAX ORDINANCE.”

**Section 2: Definitions**

The following words and phrases, for the purpose of this ordinance, have the following respective meanings except when the context clearly indicates a different meaning:

- (a) *Accommodations*: any room or rooms, lodgings, or accommodations in any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, house, or any other place which rooms or accommodations for lodging are regularly furnished to transients for consideration.
- (b) *Accommodations Fee*: the amount paid to or retained by the accommodations intermediary for facilitating the sale. The accommodations fee shall be distinctly set out as a separate item.
- (c) *Accommodations intermediary*: any person other than an accommodations provider who facilitates the sale of an accommodation, charges a room charge to the customer, and charges an accommodations fee, which fee it retains as compensation for facilitating the sale. For the purposes of this definition, “facilitates the sale” included 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 that person; or
- (2.) Who facilitates the sale of an accommodation if (i) the price paid by the customer to the person is equal to the price paid by the person to the accommodations provider for the accommodations, and (ii) the only compensation received by the person facilitating the sale of the accommodation is a commission paid from the accommodations provider to that person.
- (d) *Accommodations provider*: any person who 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.
- (e) *Room Charge*: the price charged for the use of lodging accommodations before taxes.
- (f) *Total price paid*: the total price charged to the customer. It will include the room charge and the accommodations fee, if any.
- (g) *Transient*: Any person who obtains accommodations for a period of less than 30 consecutive days.

### **Section 3: Levy; amount.**

Pursuant to Virginia Code Section 58.1-319, there is hereby levied and imposed, in addition to all other taxes and fees of every kind now imposed by law, a tax of two (2) percent of the total price paid by or for a customer for use or possession of any lodging accommodations for continuous occupancy for fewer than 30 consecutive days. The tax shall be collected at the time and in the manner provided by this article.

### **Section 4: Collection.**

- (a) For sales of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall collect the amount of the transient occupancy tax for the person paying for the accommodations when the accommodations are paid.
- (b) For sales of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall collect the transient occupancy tax computed on the total price paid.
- (c) The taxes collected under this article shall be deemed to be held in trust for the county by the person required to collect them until remitted as required in this article.



## **Section 5: Reports and remittance of tax collected.**

- (a) For sales of accommodations facilitated by an accommodations intermediary, the accommodations intermediary is responsible for remittance of the transient occupancy tax as follows:
  - (1.) For accommodations at a hotel, the accommodations intermediary shall remit the tax on the accommodations fee to the county, and any remaining tax to the hotel, and the hotel shall remit those taxes to the county. An accommodations intermediary shall not be liable for taxes under this article remitted to a hotel that the hotel does not remit to the locality.
  - (2.) For accommodations not at a hotel, the accommodations intermediary shall remit all the transient occupancy taxes directly to the county.
- (b) The person collecting any transient occupancy tax shall make a report of the taxes collected upon the Commissioner of the Revenue's forms, showing the total price paid, the room charge, the accommodations fee, and the tax required to be collected. The person collecting any tax shall then sign and deliver the report to the Commissioner of the Revenue and remit the collected tax to the Treasurer. The reports and remittances shall be made on or before the 20<sup>th</sup> day of each month covering the amount of tax collected during the preceding month.
- (c) Any person collecting the transient occupancy tax on transactions exempt or not taxable under these articles shall transmit to the Treasurer such erroneously or illegally collected tax unless and until the person can affirmatively show that the tax has since been refunded to the payer or credited to payer's account.

## **Section 7: Estimated assessment upon failure or refusal to collect or report tax.**

If any person fails or refuses to collect the taxes levied and imposed under this article, or to make, within the time provided in this article, the reports and remittances required in this article, the Commissioner of the Revenue shall proceed to obtain facts and information on which to base an estimate of the tax due. When facts and information are obtained upon which to base the assessment of any tax payable by any person who has failed or refused to collect it to make report, or to make remittance, the Commissioner of the Revenue shall proceed to determine and assess against that person the tax, penalty and interest as provided for in this article, and shall notify the person by registered mail, to the person's last known address, the amount of the tax, interest and penalty and the total amount shall be payable to the Treasurer within ten (10) days from the date the notice was mailed.

**Section 8: Records to be kept by person liable for collection or payment of tax.**

Every person liable for the collection or payment to the county of any transient occupancy tax is required to keep, for three years, the records necessary to determine and show accurately the basis for the transient occupancy tax collected or paid. The Treasurer and the Commissioner of the Revenue may inspect these records at any reasonable time.

**Section 9: Tax immediately due and payable upon cessation of business.**

Whenever any person required to collect or remit transient occupancy tax goes out of business, disposes of the business, or otherwise ceases to operate, all taxes collected and any tax payable under this article shall thereupon be reported to the Commissioner of the Revenue and remitted to the County Treasurer.

**Section 10: Exemptions for tax.**

No transient occupancy tax shall be payable on charges for accommodations lodging paid to any hospital, medical clinics, convalescent home, or home for the aged.

**Section 11: Penalty for violation of article.**

Any person who willfully violates or fails to comply with any of the provisions of this article shall be guilty of a Class I Misdemeanor. Each violation or failure to comply shall constitute a separate offense. Conviction of such violation shall not relieve any person from the payment, collection or remittance of the taxes imposed by this article.

**This ordinance shall be effective up adoption.**

**Adopted April 17, 2023**

# **AN ORDINANCE REGULATING GOLF CARTS AND UTILITY VEHICLES**

## **ARTICLE I**

### **AUTHORITY**

This ordinance is adopted pursuant to §46.2-916.2 of the 1950 code of Virginia, as amended.

## **ARTICLE II**

### **GOLF CART OR UTILITY VEHICLE OPERATION**

No person shall operate a golf cart or utility vehicle on or over any highway, bicycle lane, or sidewalk in the County except as provided in this article.

## **ARTICLE III**

### **DEFINITIONS**

For the purposes of this article, the following words and terms shall mean.

- A. "County" shall mean Buckingham County, Virginia.
- B. "Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.
- C. "Utility vehicle" means a motor vehicle that is designed for off-road use, powered by an engine or an electric motor, which engine or motor is less than 25 horsepower, and which restricts the speed of the utility vehicle to less than twenty-five (25) miles per hour, used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include all-terrain vehicles as defined in Section 46.2-915.1 of the Code of Virginia, 1950, as amended, riding lawn mowers, or any other vehicle whose definition is included in Section 46.2-100 of the Code of Virginia, 1950, as amended.
- D. "Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purpose of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the governing body of the County in which such private roads or streets are located and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.
- E. "Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electric powered-assisted bicycles, and mopeds.

F. "Sidewalk" means the portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

## **ARTICLE IV**

### **DESIGNATION OF COUNTY HIGHWAYS FOR GOLF CART OPERATION; POSTING OF SIGNS**

A. The County may authorize by ordinance, the operation of golf carts on designated highways within the County after (i) considering the speed, volume, and character of motor vehicle traffic using such highways, and (ii) determining that golf cart or utility vehicle operation on particular highways is compatible with State and local transportation plans and consistent with the Commonwealth's Statewide Pedestrian Policy. No County highway shall be designated for use by golf carts or utility vehicles, if such golf cart or utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic, or if the highway's posted speed limit is greater than twenty-five (25) miles per hour.

B. All requests made to have specific highways designated for golf cart use shall be directed to the County Administrator of the County. The County Administrator shall refer the matter to the Resident Engineer of the Virginia Department of Transportation for the County for information on the criteria set forth in Section A. of this Article and comment on the request.

C. Any County highway designed for golf cart or utility vehicle operations shall be posted with signs indicating this designation. The organization, individual, or entity requesting a highway designation allowing golf cart or utility vehicle operations shall reimburse the County its actual cost for the installation and continued maintenance of such signs.

D. The following County highways are approved for golf cart or utility vehicle operation in accordance with the provisions of this Article: Virginia Secondary Road 703.

## **ARTICLE V**

### **LIMITATIONS**

A. Golf cart or utility vehicle operations on designated County highways shall be in accordance with the following conditions and limitations:

(1) No person shall operate a golf cart or utility vehicle on a County highway unless that highway is designated for golf cart operations and is posted with the required sign.

(2) No golf cart or utility vehicle shall be drive across any highway at an intersection where the highway being crossed has a posted speed limit of more than twenty-five (25) miles per hour.

(3) No person shall operate any golf cart or utility vehicle on any designated County highway unless he has in his possession a valid driver's license.

(4) No golf cart or utility vehicle shall be operated on any designated County highway without displaying a slow-moving vehicle emblem in conformity with Virginia Code Section 46.2-1081.

(5) No person shall operate any golf cart or utility vehicle on any designated County highway between sunset and sunrise, unless equipped with such lights as are required in Article 3 (§46.2-1010 et seq.) of Chapter 10 of the 1950 Code of Virginia, for different classes of vehicles.

(6) Golf carts and utility vehicles operated upon the designated streets shall abide by all laws and rules of the road applicable to motor vehicles traveling on the streets of the Commonwealth.

(7) Golf carts and utility vehicles operating on designated streets pursuant to this Ordinance shall be insured by a policy of liability insurance with coverage of not less than fifty-thousand dollars (\$50,000) per accident. In lieu of coverage provided by an insurance policy, the owner of such a golf cart or utility vehicle may self-insure the liability coverage if the Commissioner of the Virginia Department of Motor Vehicles has issued a certificate of self-insurance pursuant to Section 46.2-368 of the Code of Virginia, 1950, as amended.

(8) The golf carts or utility vehicles shall not have been modified from manufacturer's specifications to specifically increase their speed.

(9) The number of passengers shall be limited to the designed seating capacity of the golf cart.

(10) Any additional conditions and limitations imposed on specific highways listed in Article IV.

B. The limitations of subdivision A.1., shall not apply to golf carts and utility vehicles being operated to the extent necessary for local government employees, operating only upon highways located within the locality, to fulfill a governmental purpose, provided the golf cart or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less.

## **ARTICLE VI**

### **PENALTY**

A violation of any of the provisions of this Ordinance shall constitute traffic infractions punishable by a fine of not more than that provided for a Class 4 misdemeanor under §18.2-11 of the 1950 Code of Virginia, as amended.

## **COYOTE BOUNTY ORDINANCE**

### **ARTICLE ONE Name of Ordinance**

The name of the Ordinance shall be the Coyote Bounty Ordinance.

### **ARTICLE TWO Authority to Adopt**

This ordinance is enacted as authorized by Section 15.2-926.1 of the 1950 Code of Virginia, as amended.

### **ARTICLE THREE Effective Date**

This ordinance shall become effective upon its enactment.

### **ARTICLE FOUR Authority to kill Coyotes**

It shall be lawful to kill coyotes within the boundaries of Buckingham County, Virginia at any time, provided that the person killing the coyote is the owner of the property on which the coyote is killed or the person killing the coyote has the permission of the owner to kill coyotes on such property.

### **ARTICLE FIVE Bounty**

A. Upon the satisfaction of the criteria set forth in Article Six, and subject to the annual limitation specified in Article Eight, a bounty of \$50.00 shall be paid by Buckingham County Board of Supervisors for each coyote killed in Buckingham County, Virginia.

### **ARTICLE SIX Criteria for Payment**

In order to qualify for the bounty, any person who kills a coyote shall present to the Animal control officer or his designee, during regular business hours, at the Buckingham County

Animal control officer or his designee, during regular business hours, at the Buckingham County Administrative Building:

- A. The carcass of the coyote;
- B. Evidence of the identity, including a photo identification, of such person claiming the bounty;
- C. A completed application on a form furnished by the animal control officer that:
  - 1. Gives the name, federal identification number and address of the person claiming the bounty;
  - 2. Gives the date on which the coyote was killed;
  - 3. Gives the approximate location where the coyote was killed and who is the owner of the land on which the coyote was killed;
  - 4. States whether the person claiming the bounty is the owner of the land on which the coyote was killed or that the claimant had permission to kill the coyote on that property; and
- D. Certification that carcass of the coyote will be properly disposed.

## **ARTICLE SEVEN**

### **Miscellaneous**

When the criteria set forth in Article Six have been satisfied, the animal control officer, or his designee, shall clip the tongue of the presented coyote carcass and return the carcass to the person claiming the bounty.

The person claiming the bounty shall properly and legally dispose of the carcass of the coyote.

The claim shall be presented to the Board of Supervisors for approval and payment.

## **ARTICLE EIGHT**

### **Fiscal Year Appropriation Limitation**

The total dollar amount of bounties to be paid under this ordinance in any physical year shall not exceed \$3,000.00, provided however, such limit may be increased or decreased in any given fiscal year by resolution adopted by the Board of Supervisors. When such appropriated sum has been expended in any fiscal year, the Board of Supervisors shall no longer be obligated to pay the bounty

## **ARTICLE NINE**

### **Violations**

A. It shall be unlawful to present a false claim or to receive payment of a bounty on a false claim as set forth in this ordinance and shall be punished as a Class One misdemeanor as defined in the 1950 Code of Virginia, as amended.

B. Any other violation of this ordinance shall be punishment as a Class One misdemeanor as defined in the 1950 Code of Virginia, as amended.

Adopted 5/11/09  
Revised 12/13/2010



## TAX PAYMENT AND FILING ORDINANCE

### **SECTION 1: AUTHORITY, PURPOSE, AND TITLE**

This ordinance is adopted pursuant to Section 58-847 of the Code of Virginia as amended to provide for the filing and payment of property taxes in Buckingham County as well as penalties for non-compliance, and shall be entitled the TAX PAYMENT AND FILING ORDINANCE. This ordinance shall supersede previous tax payment ordinances and amendments adopted by the Board of Supervisors as follows:

<u>Date of Adoption</u>	<u>Minute Book</u>	<u>Page Number</u>
June 7, 1976	9	497-498
August 2, 1976	10	5-6
June 6, 1977	10	63
January 16, 1978	10	104
June 9, 1980	10	
January 1, 1981	10	303
January 1, 1987	11	296
June 13, 1994		

### **SECTION 2: ESTABLISHING TAX LEVY AND PAYMENT DUE DATE**

Prior to the beginning of a fiscal year, the Board of Supervisors may, as provided by law, establish a levy of taxes upon real property, tangible personal property, merchants capital, and machinery and tools.

The taxes on real property, but excluding public service real property, shall be due in equal installments not later than the close of business to the Treasurer's Office of Buckingham County, Virginia, on June 5 and December 5 of the calendar year in which the levy is made.

On December 5 of the fiscal years for which the levy is made, all other taxes shall be due not later than the close of business to the Treasurer's Office of Buckingham County, Virginia.

When June 5 or December 5 falls on a non-working day of the Treasurer's Office of Buckingham County, then the due date shall be extended to the next working day of the Treasurer's Office of Buckingham County, Virginia.

### **SECTION 3: ESTABLISHING FILING DATE**

Every person, firm, corporation, or any such body which shall by this ordinance or the Code of Virginia be liable for payment of personal property, merchant's capital, mobile home, or machinery and tools levy of taxes shall file a return of such items subject to taxation on January 1st with the Commissioner of the Revenue by the close of business, May 1st of the same year. This filing of a return shall be annually. When May 1st falls on a Sunday or a Holiday, the due date shall be extended until the close of business of the next working day.

**SECTION 4: PENALTY FOR LATE PAYMENT**

For taxes not paid on the due date and thereby delinquent, the Treasurer shall impose a penalty of 10 percent of the unpaid tax due.

**SECTION 5: INTEREST ON LATE PAYMENT**

On January 1st following the month of December in which the taxes are due, the Treasurer shall begin assessing interest at the rate of 10 percent per annum upon the unpaid tax and penalty and shall continue to so assess until paid or until the third anniversary of the original due date.

**SECTION 6: PAYMENT OF ADMINISTRATIVE COSTS**

For taxes not paid on the due date and thereby delinquent, the Treasurer shall, in addition to all penalties and interest, impose a fee of twenty dollars (\$20) for taxes collected subsequent to the filing of a warrant or other appropriate legal document but prior to judgement, and twenty-five dollars (\$25) for taxes collected subsequent to judgement. Said fee shall be imposed for the purpose of covering the administrative costs associated with the collection of delinquent taxes.

**SECTION 7: EFFECTIVE DATE**

This ordinance was amended and was adopted by the Buckingham County Board of Supervisors on June 13, 1994.

**SECTION 8: SEVERABILITY**

If a court of competent jurisdiction shall find any portion of this ordinance to be unconstitutional, such finding shall not render other portions unconstitutional; and for such purpose, the parts of this ordinance shall be deemed to be severable.

BUCKINGHAM COUNTY STREET  
SIGN AND ADDRESS MARKER  
ORDINANCE

Working  
Draft

1/25/07

Look under 20A for changes since the sixth edition

**2/8/06**

**Seventh edition**

# **BUCKINGHAM COUNTY STREET SIGN AND BUILDING NUMBER ORDINANCE**

**WHEREAS**, the establishment of an Enhanced 9-1-1 emergency telephone system in Buckingham County has been approved by the Buckingham County Board of Supervisors to become effective upon necessary completion of all components of the system; and

**WHEREAS**, the establishment of such system requires the assignment of names to all streets and roads in the county, the assignment of building numbers to all addressable structures having telephones and/or occupancies, and the erection of appropriate street signs at intersections; and

**WHEREAS**, elected officials, committees, and staff have recommended the adoption of names for streets and roads after receiving public input during a duly advertised public hearing and otherwise; and

**WHEREAS**, a professional consultant experienced in comprehensive addressing has been employed to map streets and roads in Buckingham County and to assign building numbers to buildings in Buckingham County,

NOW, THEREFORE, BE IT ORDAINED:

## **SECTION 1                    BUCKINGHAM COUNTY ROAD NAME INDEX**

The “Buckingham County Road Name Index” to be adopted and filed in the office of the County Administrator shall be the official listing of names for streets and roads in Buckingham County and such streets and roads are hereby assigned the names listed herein. As used in the ordinance, the term “street” and “road” shall have the same meaning and shall also include avenues, boulevards, highways, lanes, ways, and similar street types.

## **SECTION 2                    ADMINISTRATION**

The County Administrator, or his/her duly authorized agent, is hereby authorized to assign names to any public or private road or street in the County which provides access to three or more occupied addressable structures.

## **SECTION 3                    NEGOTIATION OF STREET NAMES**

The County Administrator, or his/her duly authorized agent, is hereby authorized to negotiate with residents along streets or roads bearing duplicate or confusing similar names in the County and to change the names of such roads or streets to eliminate duplication.

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#### **SECTION 4                    OFFICIAL ADDRESS**

Upon adoption of this ordinance, the road or street name and number assigned to each addressable structure within the County shall be the official address of such property, for all purposes.

#### **SECTION 5                    RIGHT OF REFUSAL OF STREET OR ROAD NAME**

No road or street name currently shown on a plat or development filed with the County or otherwise shall be implemented by a owner/developer/agent until such name has been registered with the County Administrator or his/her duly authorized agent, approved and added to the "Buckingham County Road Name Index" provided however, that this section shall not apply to any road or street presently constructed on which signs have been placed prior to the effective date of this ordinance. The County Administrator or his/her duly authorized agent shall have the right to refuse registration of any name already in use, confusingly similar to a name already registered, or deemed confusing for the purposes of emergency response.

#### **SECTION 6                    CONFORMANCE/VARIANCE**

All new street signs erected within Buckingham County shall be in conformance with the specifications of the Specification Manual.

#### **SECTION 7                    PLACEMENT OF SIGNS AND INITIAL COSTS**

The County Administrator or his/her duly authorized agent is hereby authorized to direct the placement of street signs at intersections with the County. The initial costs of such signs and installation to be appropriated from 9-1-1 telephone taxes as approved by the Buckingham County Board of Supervisors.

#### **SECTION 8    CONTENT OF STREET SIGNS**

Each road or street sign placed pursuant to this ordinance shall display the name of the road (s) or street (s), and such other information as the agent may deem necessary, including but not limited to, secondary or other road or street numbers as prescribed by the 911 Coordinator and shall be fabricated and erected according to the Specifications Manual of the County.

#### **SECTION 9                    CONTENTS OF ADDRESS NUMBER MARKERS**

The address marker shall contain the number or numbers as assign to each lot and according to the Specifications Manual of the County.

#### **SECTION 10                  UNIFORM NUMBERING SYSTEM**

All properties or parcels of land within Buckingham County shall hereafter be identified by reference to a uniform numbering system, as shown on maps in the Office of the County Administrator. Said maps and the explanatory matter thereon are hereby adopted and made a part of this ordinance.

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## **SECTION 11 ADDRESSABLE STRUCTURE NUMBER ASSIGNMENT**

A house or building number shall be assigned to each addressable structure in the County. The combination of such numbers and the road or street name shall be the official address of such addressable structure. Such location shall serve as the official mailing address for postal patrons receiving home or rural delivery.

## **SECTION 12 RESPONSIBILITY FOR STRUCTURE/BUILDING NUMBERS IN THE TOWN OF DILLWYN**

When each addressable structure has been assigned its respective address, the owner/developer/agent shall place or cause to be placed upon each house or building controlled by him/her the number or numbers assigned under the uniform numbering system in the town of Dillwyn. Such number (s) shall be placed on each addressable structure within sixty (60) days of notification of the assigned address. Such number (s) shall be placed on new buildings prior to occupancy. The County shall bear the initial cost of the structure numbers for the Town of Dillwyn.

### **TOWN OF DILLWYN LOCATION OF ADDRESS NUMBERS INSTALLATION INSTRUCTIONS**

Each Resident or Property Owner shall display and maintain the assigned number that identifies the principal structure located in the property.

The assigned number shall be securely attached to the principal structure on the property near the front or main entrance (driveway) so it will be directly visible from the street. Screws or equivalent permanent fasteners shall be used for attachment. The number signs shall be placed in the following locations:

- Standard location: Adjacent to or on the upper left vertical doorframe providing that location provides clear visibility from the street.
- Alternate location should be used when the standard location does not provide clear visibility.

Alternate locations in order of preference:

1. On or adjacent to the upper right vertical door frame providing that visibility from the street is clear.
2. On the porch columns or other structure near the front of the doorway providing that the visibility from the street is clear.

For instances where the number sign location does not provide adequate visibility of the sign because of either distance from the street or orientation of the structure on the lot, or other factors prevent clear line of sight from the street, the owner shall affix the sign in a way that will position the sign a minimum of forty (40) inches and a maximum of fifty (50) inches from ground level. This shall be placed near the principal entrance to the property.

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The County will provide guidance and assistance in locating the number sign per property owner request.

## **DISPLAY OF ADDRESS NUMBERS**

### **12A Location of Address Numbers**

If the structure is one hundred feet (100') or less from the road or street, and the entrance door of the structure is clearly visible from the road or street, numbers shall be displayed on, above, or at the side of the main entrance door in a manner that is clearly visible from the road or street upon which it is numbered.

### **12B Display Type**

The address numbers and address marker numbers shall be displayed as numerals and shall not be spelled out.

### **12C Corner Lots**

On corner lots, the number and address marker number shall only be displayed to face the road or street upon which the property is numbered.

### **12D Address Marker Number**

Address marker numbers shall be placed according to the agents approval.

### **12E Separate Entrances**

If a building is divided into multiple units with separate entrances, and each unit has been assigned an individual number, then each number shall be displayed on or next to the main doorway. .

### **12F More Than One Building**

The address range of all individual unit numbered within a multiple unit building shall be displayed in a manner that is clearly visible from the road or street upon which the units are numbered. If more than one building shares access, then the address range shall be displayed on each building.

**SECTION 13      VISIBILITY** All address marker number (s) shall be readable to oncoming traffic regardless of travel direction and in no way shall limit the visibility of the uniform address marker number (s) used by emergency personnel. It shall be the responsibility of the land owner to keep the address marker number (s) free of grass, weeds, trees, etc for visibility. Removal of the County address number marker (s) shall not be allowed. The owner shall notify the agent of an Address Marker destroyed or damaged and the agent shall have final say on the condition of any Address Marker.

**SECTION 14                      RESPONSIBILITIES OF THE  
OWNER/DEVELOPER/AGENT OF A SUBDIVISION**

**14A    Owner/Developer/Agent of a Subdivision**

The owner/developer/agent of any subdivision or development shall be responsible for the erection and fabrication of street signs at each intersection and at other locations deemed necessary by the agent on:

**14A-1** Each road or street approved as part of a subdivision or site plan;

**14A-2** Each existing road or street in an existing subdivision or development which is bonded for future acceptance into the secondary system of state highways;

**SECTION 15                      RESPONSIBILITY OF OWNER/DEVELOPER/AGENT**

The owner/developer/agent of any subdivision or other development shall erect or cause to be erected street signs in conformance with the Specifications Manual at any and all intersections within such subdivision (s) or development (s) upon the construction of any road (s) or street (s) on or after the effective date of this ordinance and shall bear the cost for erection and fabrication of the street sign (s) and all necessary components. Where any owner/developer/agent is currently required to fabricate and erect street sign (s) per County specifications, the following shall apply;

**15A    Bonding Requirements**

Prior to the approval of any final plat, the County Administrator or its agent may require the bonding for the fabrication and erection of street sign (s) accordingly in any of the following:

**15A-1   Certification**

The owner/developer/agent shall certify to the County Administrator or its agent, that the erection and fabrication of street sign (s) have been paid to the person performing such. It shall be the responsibility of the owner/developer/agent to;

**15A-1-1**            To furnish the name, address and current telephone number of the person, company or corporation fabricating the sign.

**15A-1-2**            To furnish the name, address and current telephone number of the person, company or corporation erecting the sign.

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**15A-1-3** To furnish a notarized copy of the amount charged for the fabrication of the sign (s) to the agent and the amount paid against such;

**15A-1-4** To furnish a notarized copy of the amount charged for the erection of the sign (s) to the agent and the amount paid against such.

**15A-2 Certified Check**

The owner/developer/agent shall furnish to the County Administrator or its agent a certified check in the amount of the estimated costs of fabrication and erection of the street sign (s), or a bond, with surety satisfactory to the County Administrator or its agent, in an amount sufficient for and conditioned upon the fabrication and erection of the street sign (s); or a contract for the fabrication and erection of such sign (s), and the contractors bond, with like surety, in like amount and so conditioned.

**15A-2-1** The sub-divider shall set a time subject to the approval of the Board of Supervisors or the agent by which it is estimated the improvements shall be fabricated, installed and completed. Unless an extension of that time is approved by the Board of Supervisors or the agent, and a new estimated date of completion established, agent shall take the necessary steps to proceed with the accomplishment and completion of the improvements, making use of the certified check or calling on the surety of the bond. No building permits shall be issued until final approval of the plat and all inspections have been made.

15A-2-2

Upon written request by the sub-divider or developer, the County body or its designated administrative agency shall make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no less than ninety percent of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken, and may make partial releases to such lower amounts as may be authorized by the governing body or its designated administrative agency based upon the percentage of street signs completed and approved by the governing body, local administrative agency, or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least thirty percent of the street signs covered by any bond, escrow, letter of credit, or other performance guarantee.

The County or administrative agency shall not be required to execute more than three periodic partial releases in any twelve-month period. Upon final completion and acceptance of the street signs, the County or administrative agency shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the sub-divider or developer. For the purpose of final release, the term "acceptance" means: when the street signs are accepted by and taken over for maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining such street signs upon acceptance.

For the purposes of this section, a certificate of partial or final completion of such street sign (s) from the 911 coordinator or from a department or agency designated by the locality may be accepted without requiring further inspection of such street sing (s).

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15B-2-8        There shall a periodic partial and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by this ordinance within thirty days after receipt of written notice by the sub-divider or developer of completion of part or all of the street signs required to be fabricated and erected hereunder unless the governing body or its designated administrative agency notifies the sub-divider or developer in writing of non-receipt of approval by an applicable state agency, or of any specified defects or deficiencies in fabrication and/or erection and suggested corrective measures prior to the expiration of the thirty-day period.

Any inspection of such street signs shall be based solely upon conformance with the terms and conditions of the performance agreement and the approved design plan and specifications for the street signs for which the performance guarantee is applicable, and shall not include the approval of any person other than an employee of the governing body, its administrative agency, the Virginia Department of Transportation or other political subdivision or a person who has contracted with the governing body, its administrative agency, the Virginia Department of Transportation or other political subdivision.

**15C**            The County Administrator, or its agent shall give final approval after fabrication of the street sign (s) is complete. Approval of the street sign (s) shall be prior to any erection of any sign (s). It shall be the responsibility of the owner/developer/agent to notify the agent upon completion of the fabrication and/or erection of the street sign (s) for the final approval.

**15C-1**        The County Administrator or its agent shall notify the owner/developer/agent in writing of any deficiencies in the fabrication of the sign

**15D Responsibility**

The owner/developer/agent shall maintain road sign (s) and address marker (s) it is required to place until such time as the roads or street are taken into the secondary systems of state highways, or are taken over for maintenance by the homeowners as required pursuant to a private maintenance agreement and/or part of the covenants.

**15D-1 Maintenance Agreement**

If no maintenance agreement is issued by the owner/developer/agent of the owner or developer, then the owner/developer/agent shall bear all costs for maintenance of such sign (s) and address marker (s).

**SECTION 16**

**ADDRESS NUMBER MARKERS IN SUBDIVISIONS**

**16A**

**Address Number Marker (s) in Subdivisions**

It shall be the responsibility the owner/developer/agent after final approval of the Planning Commission to pay for the cost of fabrication of the address number marker (s).

**16A-1** The owner/developer/agent shall follow the Specifications Manual for the fabrication of the address number marker (s). The County Administrator or its agent shall give final approval after fabrication of the address number marker (s) is complete. No zoning/building permit shall be issued till the fabrication of the address marker number is approved.

**16A-2** To furnish a notarized copy of the amount charged for fabrication of the address number marker (s) to the agent and the amount paid against such.

**16B Certified Check**

The owner/developer/agent shall furnish to the County Administrator or its agent a certified check in the amount of the estimated costs of fabrication of the address number marker (s), or a bond, with surety satisfactory to the County Administrator or its agent, in an amount sufficient for and conditioned upon the fabrication of the address number marker (s); or a contract for the fabrication of such, and the contractors bond, with like surety, in like amount and so conditioned.

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**16B-1** The sub-divider shall set a time subject to the approval of the Board of Supervisors or the agent by which it is estimated the fabrication of the address markers is completed. Unless an extension of that time is approved by the Board of Supervisors or the agent, and a new estimated date of completion established, agent shall take the necessary steps to proceed with the accomplishment and completion of the improvements, making use of the certified check or calling on the surety of the bond. No building permits shall be issued until final approval of the plat, final approval of the fabrication of the address markers, and all inspections have been made.

**16B-2** Upon written request by the sub-divider or developer, the County body or its designated administrative agency shall make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no less than ninety percent of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken, and may make partial releases to such lower amounts as may be authorized by the governing body or its designated administrative agency based upon the percentage of address markers completed and approved by the governing body, local administrative agency, or state agency having jurisdiction. Periodic partial releases may not occur before the fabrication of at least thirty percent of the address markers covered by any bond, escrow, letter of credit, or other performance guarantee.

The County or administrative agency shall not be required to execute more than three periodic partial releases in any twelve-month period. Upon final fabrication and acceptance of the address markers, the County or administrative agency shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the sub-divider or developer. For the purpose of final release, the term "acceptance" means: when the address markers are accepted by and taken over for maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining such address markers upon acceptance.

For the purposes of this section, a certificate of partial or final completion of such address markers from the 911 coordinator or from a department or agency designated by the locality may be accepted without requiring further inspection of address markers

**16B-3**

There shall a periodic partial and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by this ordinance within thirty days after receipt of written notice by the sub-divider or developer of fabrication of part or all of the address markers required to be fabricated hereunder unless the governing body or its designated administrative agency notifies the sub-divider or developer in writing of non-receipt of approval by an applicable state agency, or of any specified defects or deficiencies in fabrication and suggested corrective measures prior to the expiration of the thirty-day period.

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Any inspection of such address markers shall be based solely upon conformance with the terms and conditions of the performance agreement and the approved design plan and specifications for the address markers for which the performance guarantee is applicable, and shall not include the approval of any person other than an employee of the governing body, its administrative agency, the Virginia Department of Transportation or other political subdivision or a person who has contracted with the governing body, its administrative agency, the Virginia Department of Transportation or other political subdivision.

**SECTION 17      STREET SIGNS AND ADDRESS NUMBER MARKER (s) –  
OTHER THAN SUBDIVISIONS**

The County of Buckingham will bear the cost of fabrication and erection of the street sign and address number marker for individual lots.

**17A      Assignment of Numbers**

All numbers for properties and addressable structures shall be assigned by the agent. Numbers assigned by any other person or entity shall not be recognized.

**17B      Approval of Address Number after Approval**

Numbers shall be assigned to any new addressable structure shown on a site development plan or lot created by subdivision. Numbers shall not be officially assigned until the final site development plan or subdivision plat has been approved and a building footer inspection has been approved. Numbers shall also be assigned when requested by individuals for new structures that do not require site development plan or subdivision approval after final building footer inspection approval.

**17C      Cost Responsibility**

The initial cost of the numbers for addressable structures shall be born by the County.

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**17D NEW CONSTRUCTION IN THE TOWN OF DILLWYN**

Whenever any house, building, or structure shall be erected or located after the initial establishment of the uniform numbering system as provided herein, it shall be the responsibility of the said property owner to affix said number to said building in accordance with the Specification Manual. An application for a building permit for a new building shall be considered an application for an address assignment. The building official shall coordinate the application with the designated agent of the County Administrator responsible for the assignment of addresses, and forward the assigned address to the applicant no later than thirty (30) days after initial footing inspection approval by the Building Inspector.

**17E Other Address Marker Numbers**

If a land owner erects a private address number marker (s) of their choosing, the private address marker (s) number shall in no way limit the visibility of the uniform address marker number (s) used for emergency purposes. The location, height and appearance of the private address marker (s) of the owners choosing shall be approved by the County Administrator or its agent.

**17E-1 Erection of Private Address Marker**

Submittal of a site plan of the height, location and appearance of the private address marker (s) shall be submitted to the County Administrator or its agent prior to the erection of the private address marker and shall be preliminary approved by the agent. Upon completion of the erection of the private address marker (s), the agent shall be notified and a final approval in writing be issued to the applicant.

**17E-1-1** The agent shall at his/her earliest convenience inspect the preliminary site plan and issue the necessary steps in writing for the site plan of the private address number (s) marker to come into compliance.

**17E-1-2** The agent shall at his/her earliest convenience inspect the erection of the private address marker (s) and issue in writing any necessary steps for final approval of the private address (s) number marker to the applicant.

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- 17E-1-3** The applicant shall be responsible for all costs, (including the fabrication and erection) involved in the preliminary and final approval of the private address marker (s).

**SECTION 18 COMMERCIAL/OFFICE/INDUSTRIAL/AGRICULTURAL STRUCTURE/BUILDING ADDRESS NUMBER SPECIFICATIONS**

For Commercial, office and industrial complexes, a numbering choice shall be made by the agent from several methods:

**18A Principal/Main Building**

The Agent shall assign the number to the principal/main building. Each principal/main building in the complex may be provided a separate number, and the buildings may also be named. The development name and/or building name may be included in the address.

**18B Shopping Center Development**

A separate number shall be assigned for each unit's main entrance. The shopping center name should be included in the address. Consideration should be given when assigning numbers to provide flexibility for adding stores and re-division of spaces. In the event a space is re-divided and no numbers remain available, alphabetical or numerical unit designations shall be used.

**18C Interior Shopping Mall Centers**

Interior mall shopping centers should have one number assigned for the entire mall. The shopping center name and store name should be included in the address. Individual stores should not be assigned numbers except that secondary addressing may be provided (Alphabetical suffixes are acceptable when a secondary address designation is necessary). A separate property number may be assigned for the mall business office.

**18D Multiple-Story Building**

Where deemed appropriate by the agent, a multiple-story building may be assigned one address number at its main entrance. Individual units may be provided with secondary addressing based on floor numbering together with unit appellation such as "suite" or "room". The first floor shall be assigned numbers beginning with 100 and numbers on each successive floor should increase to the next highest 100.

**18E Series**

(First Floor = 100 series, second floor = 200 series, and Etc. A basement or floor below ground level may use a 3 digit series beginning with zero.

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## **SECTION 19**

### **APARTMENTS/DUPLEXES/MOBILE/MANUFACTURED HOME PARKS/SIMILAR COMPLEXES STUCTURE/BUILDING ADDRESS NUMBER SPECIFICATIONS**

#### **19A Type of Unit**

Individual apartment units shall be numbered considering the type of unit, the individual apartment entrance and building design as follows:

##### **19A-1 Duplexes**

A number shall be provided to the front entrance of each individual unit.

##### **19A-2 Townhouse**

A number shall be provided to each individual unit at its front entrance.

##### **19A-3 Apartment**

A number shall be provided to each unit at the entrance, if the apartment unit's entrance is located on an inside foyer, a number shall be provided outside the building entrance. Each unit located on such a foyer shall be provided with a numerical suffix as a secondary method of addressing. Specifically, ground floor shall use suffixes in the 100's starting at 101, the second floor shall use 200's starting at 201 and so on to other levels (the basement level shall use 000's starting at unit 001). The building number and road name followed by the apartments unit's numerical designation shall form the address (Example: 630 Cartersville Road, Unit 101). Numerical characters shall not be combined (as in 630-101 Cartersville Road). The development name may also be used in the address whenever desirable. For single level garden apartments letters may be acceptable as a secondary method of addressing.

#### **19B Manufactured/Mobile Home Developments**

**19B-1** Within manufactured/mobile home parks all roads shall be treated as private roads unless dedicated for maintenance by the Virginia Department of Transportation and road name and road signage shall apply accordingly. Each manufactured/mobile home lot shall be numbered as approved by the agent. The manufactured/mobile home park owner shall be responsible for posting lot numbers in a manner acceptable to the agent. Such specifications shall follow the same specifications as required by a stick built building.

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## **SECTION 20 ROAD NAMING PROCESS**

### **20A Policy on Participation in Road or Street Naming**

**20A-1** The process of naming road and /or street shall be limited to those who own property served by the road or street in question.

20A-1-a The following shall apply in this order in determining who shall name the road:

20A-1-a-1 Majority people on road pick and agree to name

20A-1-a-2 Proves ownership of road, may name road

**Numbers 20A-1-a, 20A-1-a-1 & 20 A-1-a-2 were added 1/25/07 2/08/06**

### **20B Verification**

The agent shall verify with the Buckingham County Road Index and shall have the authority to refuse registration of any name already in use confusingly similar to a name already registered, or deemed confusing for purposes of emergency response.

**20B-1** Where the road or street serves several properties, the landowners shall be given the opportunity to propose the name.

**20B-1-1** The agent shall mail, phone, e-mail, fax or leave at the structure notification that the owner of the property may propose a name for the road or street in question.

**20B-1-1-1** The agent, after thirty (30) days of notification to all owners on the road or street, may name the road or street, following any of the below:

**20B-1-1-1-1** The agent shall receive all names proposed and the majority name fifty per cent plus (50% +) submitted to the agents office shall be used after confirmation with the Buckingham County Road Index.

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**20B-2-1-2** A proposed name refused for registration, the owner of the property may propose another name and the reason the proposed name was refused in writing. After thirty days (30), the agent shall review all names submitted and after confirmation with the Buckingham County Road Index the name receiving fifty per cent plus (50 %+) shall be used.

**20B-2-1-3** Should after the second proposed name be refused, the agent shall name the road or street, pending approval by the Board of Supervisors.

**20B-2-1-4** Should any of the above end without a fifty per cent plus (50% +) ratio, the agent shall pick a name between the names proposed, pending approval by the Board of Supervisors. 2/08/06 – sixth edition

**20C No Participation**

In the event that there is no participation from the landowners, the agent shall name the road or street in accordance with County procedures, pending approval by the Board of Supervisors.

**SECTION 21 PROCESSING REQUESTS FOR ROAD NAMES**

**21A Requests for Name Change**

Requests to name roads or streets shall be in writing to the agent who shall include the following information:

**21A-1** A description of the road or street location giving the direction and approximate distance from the nearest intersection of two (2) roads .

**21B List of Landowners**

A list of all landowners having property served by the road or street in question together with the certification that all such landowners have been notified of the proposed name. This to include the Subdivision name, Section, Parcel and lot (if applicable) number of all landowners on the road or street in question 1/25/07 – seventh edition

**21C Signature of Landowners**

Signatures of landowners (including a copy of the Drivers License Number or Social Security Number, address of each landowner, phone number (if available) of each landowner representing a majority (fifty per cent plus (50% +) of parcels served by the road or street in agreement of a common road or street name. When determining the percentage of the parcels served by the road or street in question, a landowner owning more than one (1) parcel served by the road or street in questions is equivalent to a landowner owning one (1) parcel.

**21D Validation**

Upon validating those landowners of more than fifty per cent (50%) of the parcels served by the road or street in question have signed the petition in favor of the common road or street name, and that the proposed name is otherwise consistent with the Buckingham County Road Index and this article, the agent shall forward the road or street name to the Board of Supervisors for final approval.

**SECTION 22 ROAD NAME RESERVATION PROCESS**

Road or street names may be reserved during the preliminary plan or plat review process by a written request to the agent. Names shall be reserved unless the project is disapproved (the day that the preliminary plan or plat was disapproved the proposed name shall not longer be reserved), abandoned (180 calendar days from the day that the preliminary plan or plat is given preliminary approval) or otherwise voided (the day that the preliminary plan or plat was otherwise voided, the name shall no longer be reserved).

**22A Road Naming in the Subdivision and Site Development Review Process**

**22A-1** A developer may contact the agent prior to submission to determine the validity of the proposed name (s). Road or street names may be reserved as provided in Section 22.

**22A-2** No final site development or final subdivision plat shall be approved by the agent until all road or street names have been approved by the agent.

**22A-3** Names approved on a preliminary plan/plat shall be reserved for the life of the preliminary plan/plat.

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**SECTION 23 FINAL AUTHORITY SHALL REST WITH THE BOARD OF SUPERVISORS TO ASSIGN ROAD NAMES**

**23A Power of Board of Supervisors**

The Board of Supervisors may name or rename any road or street at any time.

**SECTION 24 UNIFORM NUMBERING SYSTEM ESTABLISHED**

All numbers shall be determined by the uniform numbering system hereby established. This uniform system shall utilize a grid system combined with an equal-interval numbering system.

**SECTION 25 BUCKINGHAM COUNTY NUMBERING GRID DEFINED**

**25A Basis of Grid**

The Buckingham County Numbering Grid shall be based on the grid superimposed over the State having lines at 10,000 foot intervals oriented north-south and east-west. The Numbering Grid shall have lines every 1,000 feet interpolated between the 10,000 foot grid lines. The Numbering Grid thereby establishes a series of 10,000 square foot cells or blocks covering the entire County.

**25B Origin**

Numbering along the axes of the grid begins with zero at the origin and increases outward from that point with 1000 numbers allotted per 5,280 feet (thus resulting in a number every 5.28 feet). This grid shall be used to determine the direction and address range of a given road segment.

**25D Numbering Procedures Direction of road determined**

**25D-1** Before numbering along a named road or street may proceed, the direction of the road or street must be determined (east-west or north-south). Generally, a road or streets direction shall be determined as that of the Numbering Grid baseline the road or street in questions most closely parallels.

**25D-2** Consideration may also be given to the type of development involved, the relationship of the road or street in question to other roads around it, and the pattern of address numbers that result.

**25E Number Range of Road Established**

**2E-1** The number range along a named road or street shall be established by the Numbering Grid baseline which has the same direction as the road or street named.

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**25E-2** In the event that a named road or street crosses one of the baselines of the Numbering Grid, the number range of that named road or

street shall be adjusted so that no number occurs twice along the named road or street.

**25F Numbers Assigned**

- 25F-1** Even numbers shall occur on the right hand side of the road or street in the direction of increasing range. Odd numbers shall occur on the opposite sides.
- 25F-2** All addressable structures and properties shall be on the named road or street which a structure's or properties numbered primary access intersects. The specific number shall be determined by the point at which the access meets the named road or street.
- 25F-3** The number sequence for addressable structures or properties on opposite sides of the road or street should conform to each other as nearly as possible.
- 25F-4** Half numbers shall not be used. Alphabetical suffixes are acceptable when a secondary address designation is necessary.
- 25F-5** Reverse frontage or through lots shall be numbered along the local road or street which provides access to the lot.
- 2F-6** Corner lots shall be numbered on the road or street which provides access. Where the driveway for a corner lot intersects more than one road or street, the agent shall make the final determination as to which road or street to base the number, with consideration to such factors as the driveways length, orientation of the structure and other relevant factors.
- 25-7** When two (2) addressable structures share an access, they shall be numbered consecutively with adequate consideration given to possible future development between structures.
- 25F-8** Temporary numbers shall not be issued. A number may be issued to a structure that is intended to be temporary (such as a construction site trailer office), and upon removal of the temporary structure, the number shall be retired.

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**SECTION 26            ADDITIONAL SIGNAGE REQUIRED WHEN NECESSARY.**

**26 Additional Locations**

The agent may also require numbers or address ranges to be posted in additional locations as deemed necessary.

**SECTION 27 AUTHORITY**

In applying the guidelines specified herein, the County Administrator or his/her dully authorized agent shall have the authority to make minor adjustments and modifications to ensure a logical and efficient road or street address system.

**SECTION 28 CONTINUOUS ROAD/STREET**

One name shall be assign along a continuous road or street. Where a permanent break exists on the road or street, a new name may be assigned to each segment. A permanent break may consist of but is not limited to a river, stream, and/or intersecting road or street where continuous access is not available between the two (2) segments without crossing another road or street.

**SECTION 29 APPLICABLE AREAS**

The provisions of this ordinance shall be applicable in all areas of the County outside the incorporated Town of Dillwyn. The provisions of this ordinance shall be applicable within the town of Dillwyn if the Dillwyn Town Council has adopted or endorsed this ordinance by resolution. If the Town of Dillwyn has not adopted this ordinance or endorsed this ordinance, the County shall be held free of any expense for the update of street signs, house numbers, or address number markers for the incorporated Town of Dillwyn after the implementation of this ordinance.

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**SECTION 30 CONSULTATION**

In the performance of their duties, the County Administrator and/or its agent may request opinions or decisions in writing from various departments and agencies of the Commonwealth of Virginia and other departments of the Buckingham County Government; this authority includes but is not limited to the Virginia Department of Transportation.

**SECTION 31 NOTIFICATION**



The agent may notify the following agencies and departments of all approved road or street names and assigned numbers within thirty (30) working days of approval or assignment, as the case may be:

- 31A** Buckingham County Commissioner of Revenue, Buckingham County Treasure, Buckingham County Building Inspector, Buckingham County Zoning Administrator, Planner, Buckingham County Sheriff, Buckingham County Registrar, United States Postal Service Address Program
- 31B** The agent may notify any other governmental agencies or departments and utility requesting notification and any other agency or department as deemed necessary by the agent.

## **SECTION 32**

### **VIOLATION**

Whenever the County Administrator or his/her duly authorized agent, has reason to believe there has been or there exists a violation of this ordinance, he/she shall give written notice of such violation to the person failing to comply, and order said person to take corrective measures within thirty (30) days from the date of notification. If such person fails to comply with the duly issued order, the County Administrator, or his/her agent, shall initiate necessary actions to terminate the violation through criminal or civil measures.

## **SECTION 33**

### **PENALTY**

Any violation of this ordinance shall constitute a Class 4 misdemeanor. Subsequent to the thirty (30) day period following notification of violation, each day of violation shall constitute a separate violation.

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## **SECTION 34**

### **DAMAGING SIGNS**

Shall be a Class 1 misdemeanor (jail for up to twelve (12) months and/or a fine up to two thousand five hundred dollars (\$2,500)) to deface, damage, knock down, or remove any street address sign and/or address marker posted in address identification in connection with enhanced 9-1-1 service.

Reference: Code of Virginia, as amended §46.2-832

## **SECTION 35**

### **SEVERABLE**

In the event that any one or more Sections or parts of sections is declared void for any reason whatever, such decision shall not affect the remaining portion of this ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this are hereby declared to be severable.

#### **SECTION 36**

#### **REPEAL**

This ordinance as adopted shall repeal any and all previous ordinances concerning street sign and address markers in Buckingham County.

#### **SECTION 37**

#### **EFFECTIVE DATE**

This ordinance shall be effective immediately upon its adoption

### **Definitions**

**Address Number Marker** – A flat heavy duty sign with the addressable structures building number placed on it on both sides of the sign and located at the road or streets edge for E-9-1-1 emergency purposes. The address number marker shall be a permanent fixture and shall be a violation of this ordinance to tamper, destroy, remove, deface, move, cover or perform any type of vandalism against such. The address number marker shall be readable to oncoming traffic regardless of travel direction and in no way shall limit the visibility of the uniform address marker number (s) used by emergency personnel. Such address number marker shall carry only the building number assigned to the addressable structure.

**Address Number Marker (Private)** – A fabricated and erected sign with the addressable structures building number placed on it and located at the landowners choice, providing the Counties address number marker (s) is readable to oncoming traffic regardless of travel direction and in no way shall limit the visibility of the address marker number (s) used by E-9-1-1 emergency personnel.

**Addressable Structure** – Any building used for human habitation, or gathering, or for the production or sale of goods and services

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**Agent** – The representative of the governing body who has been appointed to serve as agent of the governing body for enforcement of this ordinance.

**Apartment** – A building except as otherwise defined containing three or more dwelling units.

**Building Official** – The officer or employee of the County charged with the duty of enforcing the provisions of the Building Code

**Buckingham County Road Index** – Assigned names of roads and streets that have been adopted and approved by the Board of Supervisors.

**Commercial Building/Structure** - The use of a building (s) or structure (s) for the purposes of buying and selling commodities and supplying of services for such uses as manufacturing or assembling of good, warehousing, transport terminals, construction and other similar uses.

**Covenant** – A private legal restriction on the use of the land contained in the deed to the property or otherwise formally recorded.

**Developer** – A person who is responsible for any undertaking that requires a zoning permit, special use permit, or other approval by the agent representing the County.

**Development** – The subdivision and severance of land, the erection or placing of buildings and structure: and include any improvements that can be made on land. The use of the term shall be taken to include redevelopment in all cases.

**Dwelling** – A building or part of a building occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more persons either continuously, permanently, temporarily, or transiently.

**Dwelling Unit** – One or more rooms that may be uses as a residence with each unit having sleeping, cooking and toilet facilities.

**Duplex** – A building that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule.

**Industrial Building/Structure** – The use building (s) or structure (s) for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.

**Intersection** – Intersection shall mean the juncture of two or more streets or roads at which point there are three or more legs

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**Maintenance Agreement** – An agreement between landowners that addresses the upkeep of improvements within a subdivision or development site (s)

**Manufacture/Mobile Home Park** – A site with required improvements and utilities for the long-term placement of manufactured/mobile homes for dwelling purposes. Services and facilities for residents of the development may also be included on site.

**May** – Shall mean permissive

**Occupancy** – To reside in as owner or tenant on a permanent or temporary basis

**Office Building/Structure** – A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, and may include ancillary services for office workers, such as restaurant, coffee shop, newspaper or candy stand and child care facilities

**Owner** – Shall mean any person owning land, buildings, structures or improvements upon land where such ownership is of record in the land records of the Clerk’s office of the Circuit Court of the county where the property is owned. Owner shall not include trustees or beneficiaries under a deed of trust, any person with a security interest in the property, or any person with a judgment or lien against the property.

**Plat** – A map showing the location, boundaries and ownership of individual properties and developed as a single project.

**Principal/Main Building** – Any building which is carried on the principal purpose for which the building lot is used and shall include a barn or silo used in conjunction with a farm. A building which occupies the major or central portion of the lot, is the chief or main building on a lot or constitutes, by reason of its use, the primary purpose for which the lot is used.

**Private Road/Street** – Any roads or streets which are not intended to be accepted into the secondary systems of state highways

**Public Road/Street** – Shall mean any road that the Virginia Department of Transportation has accepted in the secondary or primary road system of Virginia.

**Residence** – The use of building (s) or structure (s) for human habitation.

**Shall** - The word “shall” is mandatory.

**Site** – A plot of land intended or suitable for development

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**Site Development Plan** – A scale drawing showing the relationship between lot lines and their uses, buildings or structures, existing or proposed on a lot, including such details as parking, access points, landscaped areas, building areas, setbacks from lot lines, building heights, septic field tile fields, utility lines and currents, or a special or particular use.

**Specification Manual** – Shall contain the specifications for the fabrication of street signs and address markers, including, but not limited to, type of material, proper erection, location, color, proper fabrication, etc.

**Subdivision** – The process (and the result) of dividing a parcel of raw land into smaller build-able sites, blocks, streets, open space and public areas and the designation of the location of utilities and other improvements. A subdivision shall be the division of two (2) or more sites

**Townhouse** – A residential dwelling unit which is connected by one or more walls to a series of similar units, usually sharing the same frontage.

**Variance** – A variance is a relaxation of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

***BUCKINGHAM COUNTY  
ROAD NAME ROSTER***

***A***

ABE WHITE LANE  
ADAMS LANE  
ADMINISTRATION LANE  
AIRPORT ROAD  
ALCOMA ROAD  
ALLEN ROSEN ROAD  
ALLENS LAKE ROAD  
ALPHA ROAD

***C***

CA IRA ROAD  
CABBELL LANE  
CAMDEN STREET  
CARTER STREET  
CARTERSVILLE ROAD  
CATA ROAD  
CATTAIL CREEK ROAD

ANANDA KUTIR PLACE  
ANCHOR POINT LANE  
ANDERSON LANE  
ANDERSONVILLE ROAD  
APPLE LANE  
ARCANUM ROAD  
ARVON ROAD  
ASLAN LANE  
ASPEN GROVE ROAD  
AUSTINS ROAD  
AVALON FARM LANE  
AVON ROAD  
AXTELL ROAD

**B**

BABER CIRCLE  
BACK LANE DRIVE  
BACK MOUNTAIN ROAD  
B-A-H ROAD  
BAILEY ROAD  
BAIRD LANE  
BANTON SHOP ROAD  
BANTON SHOP ROAD  
BAPTIST UNION ROAD  
BC LANE  
BEAGLE LANE  
BEAR PAW TRAIL  
BEAVER LANE  
BEAVER PLACE  
BEES LANE  
BELL ROAD  
BELLE BRANCH ROAD  
BELLE MEADE LANE  
BELMONT LANE  
BERSCH LANE  
BETTIES BRANCH ROAD  
BIG OAKS DRIVE  
BISHOP CREEK ROAD  
BLACKWELL ROAD

**D**

DAVIS LANE  
DEANS LANE  
DEEP BOTTOM DRIVE  
DEEP HOLLOW LANE  
DEER HAVEN LANE  
DEER PATH LANE  
DEER RUN ROAD  
DESPERADO TRAIL  
DIANA MILL ROAD  
DILLWYN LAKE LANE

CEDAR TREE LANE  
CG WOODSON ROAD  
CHAPEL ROAD  
CHARLTON FARM  
CHARLTONS LANE  
CHELLOWE ROAD  
CHERRY LANE  
CHESTNUT GROVE ROAD  
CHILDRESS ROAD  
CIRCLE DRIVE ROAD  
CLAY BANK ROAD  
COATS LANE  
COBBS ROAD  
COLE COMFORT ROAD  
COLEMAN BROWN LANE  
COLEMAN ROAD  
COLES CREEK LANE  
COMFORT LANE  
COMMUNITY ROAD  
CONCORD MOUNTAIN ROAD  
CONNER STREET  
COOK FARM LANE  
COOL SPRING LANE  
COOPER LANE  
COPPER MINE ROAD  
CORRECTIONAL CENTER ROAD  
COTTON ALLEY ROAD  
COUNTRY ROAD  
COURTHOUSE ROAD  
CREASY ROAD  
CRESCENT ROAD  
CREWS LANE  
CRUMPTOWN ROAD  
CULBERTH STREET  
CUNNINGHAM ROAD

**D**

D LANE  
DANIELLE DRIVE  
DARBY TOWN ROAD  
DAVIDSON DRIVE

**G**

GAGERS ACRES LANE  
GARDEN CENTER LANE  
GARLAND TRAIL  
GARRETT MILL ROAD  
GARRISON LANE  
GEORGIA CREEK ROAD  
GIESEKE ROAD  
GILLIAM MILL ROAD  
GLEN ROAD

DILLWYN PRIMARY ROAD

DIXIE HILL ROAD

D-J-T LANE

DOGWOOD ROAD

DOWN HOME LANE

DUNGANON LANE

DUNGANON LANE

DUNKUMS COURT

DUNSFORD LANE

## **E**

EAST JAMES ANDERSON HIGHWA

EBENEZER LANE

ELCAN ROAD

ELDRIDGE ROAD

EQUESTRIAN TRAIL ROAD

EVANS MILL ROAD

## **F**

FAIR OAKS ROAD

FALLSBURG ROAD

FANNY WHITE ROAD

FELT CREEK LANE

FENDER ROAD

FINALLY FARM LANE

FIRE TRAIL ROAD

FIREHOUSE ROAD

FITZPATRICK ROAD

FLORENCE LANE

FORBES ROAD

FOREST CLAY ROAD

FOREST LANE

FOREST PASS

FOREST ROAD

FORK ROAD

FOURWHEELER ALLEY

FOXFIRE ROAD

FRANCISCO ROAD

FRANK HARRIS ROAD

## **G**

GAGERS ACRES LANE

GARDEN CENTER LANE

GARLAND TRAIL

## **H**

HOLLY DRIVE

HOLLY LANE

HOLLY TRAIL

HOLMAN LANE

HOLMESTEAD LANE

HOPE ROAD

HORNE LANE

HORSLEY LANE

GLENMORE ROAD

GLOVER HILL ROAD

GLOVER ROAD

GOLD HILL ELEMENTARY SCHOOL

GOLD HILL ROAD

GOLDMINE CHURCH ROAD

GOLDMINE STREET

GOODLOW HC ROAD

GOUGH TOWN ROAD

GRANDVIEW LANE

GRAVEL HILL ROAD

GREENERY LANE

GREENWAY ROAD

GREGORY FAMILY LANE

GROUSE RIDGE

GROVE LANE

GUN BARRELL LANE

## **H**

HALL ROAD

HANCOCK HILL ROAD

HANCOCK STREET

HAPPY HOLLOW ROAD

HARDIMAN ROAD

HARDWARE ROAD

HARTWELL LANE

HATHCOCK LANE

HATTON FERRY ROAD

HAWKES ROAD

HAWKSVIEW ROAD

HENDERSON ROAD

HEVENER DRIVE

HIDDEN SPRINGS ROAD

HIDDEN VALLEY DRIVE

HIGH ROCK ROAD

HIGH SCHOOL ROAD

HIGH VIEW ROAD

HIGHWAY OF FAITH CHURCH LANE

HILL CREST LANE

HILL TOP ROAD 8

HILLTOP VIEW DRIVE

HOLLAND ROAD

HOLLIBROOK ROAD

## **L**

LAKE TAHOE LANE

LAURAS LANE

LAURY LANE

LEE TOWN ROAD

LEE WAYSIDE ROAD

LEGRANDE LANE

LEONARDS LANE

HOWARDSVILLE ROAD  
HUGHES ROAD  
HUMMINGBIRD ROAD  
HUNDLEY BRANCH ROAD  
HUNT CAMP ROAD  
HUNTERS LANE  
HUNTING SHACK ROAD

**I**

INDUSTRIAL PARK ROAD  
ISLAND LANE  
IVY ROAD

**J**

JACKSON DRIVE  
JANIE LUTHER LANE  
JEFFAL LANE  
JEFFERSON ROAD  
JERICO ROAD  
JERUSALEM CHURCH ROAD  
JIM BIRCH FOREST LANE  
JIM BROWN LANE  
JOHNSON BROWN LANE  
JOHNSON STATION ROAD  
JOHNSONS DRIVE  
JONES LANE  
JONES TOWN ROAD

**K**

KARUNA LANE  
KING LANE  
KNIGHTON LANE  
KNIGHTS ROAD  
KNIGHTS VIEW LANE  
KOZY LANE  
KRETE LANE

**M**

MONROES LANE  
MORGANS HILL ROAD  
MORNINGSIDE LANE  
MORRIS FOREST LANE  
MORRIS RETREAT ROAD

LESUEUR STREET  
LEWIS LANE  
LIBERTY BELL LANE  
LIBERTY LANE  
LIBERTY LANE  
LIBERTY ROAD  
LINDY WAY  
LITTLE CREEK ROAD  
LITTLE HEAVEN LANE  
LITTLE SYCAMORE LANE  
LOCUST GROVE ROAD  
LOGAN ROAD  
LONE WOLF TRAIL  
LOOP ROAD  
LOTUS SHRINE LANE

**M**

MAIN STREET  
MANTEO ROAD  
MAPLE BRIDGE ROAD  
MAPLE BRIDGE ROAD  
MAPLE HILL LANE  
MAPLE TOP LANE  
MAPLE TREE LANE  
MARIONS ALLEY  
MARSHALL ROAD  
MARTIN LANE  
MAXEY BRYANT LANE  
MAXEYS ROAD  
MEADOW CREEK ROAD  
MEEK ORCHARD LANE  
MELITA ROAD  
MIDLAND ROAD  
MILL ROAD  
MILLER CAMP ROAD  
MILLER CAMP ROAD  
MILLER CAMP ROAD  
MIMOSA LANE  
MINERAL ROAD 770 0 304 39  
MITCHELL AVENUE  
MM BANKS FAMILY LANE  
MOBILE HOME LANE  
MOHANSKY LANE  
MOHAWK ROAD  
MOHELE ROAD

**P**

PAGE BUNCH DRIVE  
PARADISE ROAD  
PARK ROAD  
PATTERSON ROAD  
PATTIE ROAD



MORRIS ROAD  
MORROW SCHOOL ROAD  
MOUNT RUSH HIGHWAY  
MOUNTAIN TOP ROAD  
MOUNTAIN VIEW LANE  
MTN VIEW ROAD  
MUDDY CREEK ROAD  
MULBERRY GROVE ROAD

## **N**

NARNIA LANE  
NC MAIN LANE  
NECTAR LANE  
NEW CANTON ROAD  
NEW DOMINION LANE  
NEW STORE ROAD  
NOBLE LANE  
NORTH GOLD HILL VILLAGE  
NORTH JAMES MADISON HIGHWA  
NORTH LANE  
NUBBIN HILL ROAD

## **O**

OAK GROVE ROAD  
OAK HILL ROAD  
OAK STREET 15  
OAK TREE LANE  
OAKWOOD LANE  
OLD BARN LANE  
OLD BRYANTS LANE  
OLD CURDSVILLE ROAD  
OLD DARBY TOWN ROAD  
OLD FARM LANE  
OLD FIFTEEN ROAD  
OLD FORT ROAD  
OLD JONES ROAD  
OLD MILL ROAD  
OLD ROUTE  
OLD SHEPPARDS ROAD  
OLD THIRTEEN ROAD  
OLD TOWER HILL ROAD  
OLE SELPH LANE  
ONE HORSE ROAD  
ONION LANE  
ORANGE LANE  
ORCHARD ROAD

## **R**

RIVERVIEW DRIVE  
ROACHS LANE  
ROADHEAVER LANE

PATTON DRIVE  
PAYNE CREEK ROAD  
PAYNES POND ROAD  
PAYNES ROAD  
PEAR TREE LANE  
PEARSON DRIVE  
PEMBLETON ROAD  
PENLAN ROAD  
PERKINS DRIVE  
PERKINS MILL ROAD  
PETERSVILLE CHURCH ROAD  
PHYSIC SPRING ROAD  
PIPELINE LANE  
PLANK ROAD  
PLANTATION ROAD  
PLANTERSTOWN ROAD  
POLLYS BOTTOM LANE  
POND ROAD  
POND ROAD  
PRESTON LANE  
PRISON ROAD  
PROFFITT ROAD  
PUMP ROAD

## **Q**

QUAIL HILL LANE  
QUARTER ROAD  
QUEEN ROAD

## **R**

RAMAA ROAD  
RANCH ROAD  
RANDOLPH CREEK ROAD  
RANSON ROAD  
REBEL LANE  
RED BUD LANE  
RED ROAD  
REDWOODS ROAD  
RIDGE LANE  
RIDGE ROAD  
RIDGE ROAD  
RIDGEWAY ROAD  
RIPLEY CREEK ROAD  
RIVER BEND LANE  
RIVER RIDGE ROAD  
RIVER ROAD

## **S**

SLEEPY HOLLOW CABIN LANE  
SLEEPY HOLLOW ROAD  
SMITH LANE

ROCK CREEK LANE  
ROCK CULVERT ROAD  
ROCK ISLAND FARM LANE  
ROCK ISLAND ROAD  
ROCK MILL ROAD  
ROCK ROAD  
ROCKBRIDGE COURT  
ROCKLYN LANE  
ROCKY MOUNT ROAD  
RODEO LANE  
ROSE AND DEBRA LANE  
ROSNEY ROAD  
ROSNY LANE  
ROSSER ROAD  
ROUTE 20 VILLAGE LANE

## **S**

SAINT ANDREWS ROAD  
SALEM ROAD  
SANDERS CREEK ROAD  
SAW MILL ROAD  
SCHOOL ROAD  
SCOTTS BOTTOM ROAD  
SCRUGGS LANE  
SEAY FARM LANE  
SEAYS DRIVE  
SELF ROAD  
SELMA ROAD  
SERVICE LANE  
SETTLERS WAY ROAD  
SEVEN-ELEVEN ROAD  
SHADE TREE ROAD  
SHADY ROAD  
SHADY VIEW DRIVE  
SHARON CHURCH ROAD  
SHARPES CREEK DRIVE  
SHARPES CREEK DRIVE  
SHARPES LANE  
SHARPS CREEK ROAD  
SHELTON STORE ROAD  
SHEPPARDS DRIVE  
SHUMAKER ROAD  
SILVER WINDMILL ROAD  
SLATE HILL ROAD  
SLATE RIVER FOREST LANE  
SLATE RIVER MILL ROAD  
SLATE RIVER RANCH LANE  
SLATE RIVER RANCH LANE  
SLATE RIVER TRAIL

## **T**

TWELVE OAKS LANE

SNODDY LANE  
SNOWDEN ROAD  
SOCIAL HALL ROAD  
SOCIAL HALL ROAD  
SOGGY BOTTOM LANE  
SOLITUDE ROAD  
SOUTH CONSTITUTION ROUTE  
SOUTH GOLD HILL VILLAGE  
SOUTH JAMES MADISON HIGHWA  
SOUTH JAMES RIVER HIGHWAY  
SOUTH LANE  
SPEARS MOUNTAIN ROAD  
SPENCER ROAD  
SPREADING OAK ROAD  
SPRING MEADOW LANE  
SPOUSES CORNER ROAD  
SPOUSES GARAGE ROAD  
SPOUSES LANE  
STADON LANE  
STAGE COACH ROAD  
STALLINGS COURT  
STANTON TOWN ROAD  
STATON LANE  
STONEWALL ROAD  
STOUT HILL LANE  
SUGAR BOTTOM ROAD  
SUNNYSIDE ROAD  
SYCAMORE CREEK ROAD

## **T**

TANKS LANE  
TATUM ROAD 1  
TAYLORS LANE  
TAYLORS PARK LANE  
TERRYS DRIVE  
TEXAS SCHOOL ROAD  
THE BARN ROAD  
THE CREEK LANE  
THE WAY  
THOMAS CREEK LANE  
THOMAS ROAD  
TOGA ROAD  
TONEY LANE  
TOWER HILL ROAD  
TOWN & COUNTRY ROAD  
TOWNSEND LANE  
TRAVELERS REST LANE  
TRENTS MILL ROAD  
TROUBLESOME CREEK ROAD

## **Y**

Y DRIVE 0 42 139

TWIN CREEK ROAD

YOGAVILLE WAY 0 149 43

TYREES LANE

**U**

UNION CHURCH ROAD

UNION HILL ROAD

UNITY PLACE

**V**

VALLEY LANE

VILLAGE LANE

VIRGINIA MILL ROAD

VISTA VALLEY ROAD

VOLCANO LANE

**W**

WALNUT HILL LANE

WAREHOUSE STREET

WARMINISTER CHURCH ROAD

WARNER PLACE

WARREN FERRY ROAD

WATOGA ROAD

WAYCASTER LANE

WELL WATER ROAD

WESLEY LANE

WEST JAMES ANDERSON HIGHW

WHETSTONE LANE

WHISPERING ROAD

WHITAKER FARM ROAD

WHITE PINE LANE

WHITE ROCK ROAD

WHITE STREET

WHORLEY TOWN ROAD

WILDFLOWER LANE

WILLIAMS COURT

WILLIAMS ROAD

WILLIS MOUNTAIN PLANT LANE

WILLOW LAKE ROAD

WINDSOR PLACE

WINDY KNOLL LANE

WINFREY INEZ ROAD

WINGO ROAD

WISE RIDGE ROAD

WOOD YARD ROAD

WOODLAND CHURCH ROAD

WOODS ROAD

WOODSIDE LANE

WOOLRIDGE ROAD

WOOLRIDGE ROAD

WOOTTON ROAD

WORD ROAD

WRIGHTS LANE

WYLAND ROAD



Adopted this \_\_\_\_\_ day  
of \_\_\_\_\_, 200----

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Chairman, Board of Supervisors

ATTEST:

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Rebecca Carter, County Administrator

Board of Supervisors:

Joe N. Chambers, Jr. Chairman –  
District 6

Brian D. Bates – Vice-Chairman –  
District 5

Bobby Jones (R. C.) – District 1

Danny LeSueur (F. D.) – District 2

E. A. “Bill” Talbert – District 3

John D. Kitchen, Jr. – District 4

Jessie M. Woodson-Johnson – District 7

Planning Commission:

Harry Edward Wise, Jr. Chairman  
District 3

Henry Hagenau – Vice Chairman  
District 6

James D. Crews, Sr. - District 4

John E. Bickford – District 1

Royce E. Charlton – District 2

Barry W. Crickenberger – District 5

Bernard Booker – District 7

John D. Kitchen, Jr. – Board  
Representative

Rebecca Carter – County Administrator

E. M Wright – County Attorney

Kevin Flippen – E-911 Coordinator

Robert Luke – Zoning

Administrator/Planner

Kevin Flippen – 911 Coordinator



## **Cable Television Franchise Ordinance**

The Buckingham Cable Television Franchise Ordinance adopted December 12, 1988 shall be amended to read as follows and shall become effective upon adoption:

### **Article One-Purpose, Definitions and Authority**

1. **Purpose**  
This ordinance sets forth the conditions and restrictions under which the Board of Supervisors of Buckingham County, Virginia shall grant to one or more grantees a nonexclusive franchise to construct, operate and maintain a community antenna television system and to furnish cable television services to the citizens of Buckingham County. It shall be unlawful to operate a cable television system in Buckingham County without a franchise to do so duly granted by the Board of Supervisors of Buckingham County.

2. **Definitions**  
For the purposes of this article, the following words and phrases are defined as follows:

#### **Basic Cable Service**

Any service tier which includes the retransmission of local television broadcast signals.

#### **Board**

The Board of Supervisors of Buckingham County, Virginia

#### **Cable Service.**

The one-way transmission to subscribers of (i) video programming, or (ii) other programming service; and subscriber interaction, if any which is required for the selection of such video programming or other programming service.

#### **Community Antenna system, cable television system, or cable system**

Terms used interchangeably which mean any facility consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service, which includes video programming and which is provided to multiple subscribers within the county, except that such definition shall not include (1) any system which serves only subscribers in one or more multiple unit dwellings under common ownership, control or management, unless such facility or facilities uses any public right-of-way; (2) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (3) a facility of a common carrier which is subject in whole or in part to the provisions of title II of the Communications Act of 1934, 47 U.S.C. section 201 et seq., except that such facility shall be considered a cable system to the extent such facility is used in the transmission of video programming directly to subscribers; or (4) and facilities of any electric utility used solely for operating its electric utility systems.

#### **Converter.**

An interface device which may be furnished to subscribers in order that nonstandard television channels carried on a cable system may be received on a conventional home television receiver or to prevent interference from strong broadcast signals.

#### **County.**

The County of Buckingham, Virginia

#### **County Administrator.**

The County Administrator of Buckingham County, Virginia

#### **Fair market value.**

The price that a willing buyer would pay to a willing seller in an arms-length transaction for a going concern based on the system valuation and sale multiples prevailing in the industry at the time, but with no value allocated to the franchise itself.

#### **Franchise.**

The nonexclusive rights granted hereunder and in the franchise agreement to construct and operate a cable television system along the public ways in the county, or within specified areas in the county, and which is not intended to include any license or permit required for the privilege

of transacting and carrying on a business within the county as may be required by other ordinances of the county.

**Franchise agreement.**

The written agreement entered into directly with a grantee by the county which grants a cable system operator the right to provide cable service in the county.

**Grantee.**

The person, firm, partnership, association, corporation, company or organization of any kind, or any successor or assignee thereto, selected by the Board of Supervisors of Buckingham County to receive a franchise in accordance with the provisions of this Ordinance.

**Gross subscriber revenues.**

All cash, credits, property of any kind or nature or other consideration received directly or indirectly by a grantee, arising from or attributable to or in any way derived from the operation of the grantee's cable system within the county, as authorized by the franchise agreement between the county and the grantee including, but not limited to, all cable service fees, pay television and pay-per-view fees, leased channel fees, converter rentals or sales, studio rentals and advertising revenues, without any deduction whatsoever, except that gross revenues shall not include converter or other refundable deposits, refunds, rebates and credits, the value of reasonable free service to employees, bad debts or receipts from sales or use taxes or any other tax that a grantee collects on behalf of any taxing authority.

**Net profit.**

The amount remaining after deducting from gross revenues all of the actual, direct and indirect, expenses associated with operating the cable television system, including the franchise fee, interest, depreciation and federal or state income taxes.

**Public way.**

The surface, the air space above the surface and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive or other public right-of-way, including public utility easements or rights-of-way and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the county, which shall entitle the county and the grantee to the use thereof for the purpose of installing and maintaining the grantee's cable television system.

**3. Authority**

This ordinance is adopted pursuant to Article 1.2 of title 15.2 of the 1950 Code of Virginia, as amended.

**Article Two - Grant of authority.**

After a public hearing and upon such conditions as shall be established by the board, the board is authorized to grant one or more nonexclusive franchises conveying the right to construct and operate a cable television system within the public ways of the county. Franchises will be granted at the discretion of the board to applicants who in the board's judgment will best serve the public interest, and who have demonstrated the financial, technical and legal qualifications to fulfill the conditions set forth in this article and in a franchise agreement.

**Article Three - Acceptance of terms; limits on a grantee's recourse.**

By accepting a franchise, a grantee accepts the validity of the terms of the franchise as they exist at the time the franchise is awarded or renewed. Grantee agrees that the validity of the terms of the franchise will control as to future interpretation of the franchise.

**Article Four - Applications for franchise.**

- (a) All applications for a franchise or renewal of an existing franchise shall be submitted to the board or its designee in such form as the board may request. The application shall provide facts and information the board deems appropriate. Applications shall be accompanied by a non-



refundable application fee of \$500.00 to offset direct expenses incurred in the franchising and evaluation procedures.

- (b) Any applicant who is granted a new franchise but not the renewal of an existing franchise shall, in addition to the non-refundable fee specified above, pay to the county upon acceptance of the franchise \$15,000.00 that will be used to offset any direct costs incurred by the county and not defrayed by the application fee.
- (c) Grantee's shall reimburse the County for all costs incurred in advertising and publishing any notice(s) pertaining to the grant or renewal of a franchise to Grantee. Such reimbursement shall be made within thirty (30) days of submittal of invoice for same.
- (d) This paragraph shall not apply to any entity with which negotiations have begun for renewal of agreements.

#### **Article Five - Franchise term.**

The board may grant a franchise for a term of not more than 15 years. The board may renew the grantee's franchise for a period of time not inconsistent with the then applicable law.

#### **Article Six - Franchise fee.**

If allowed by state law:

- (a) The grantee shall pay to the county, in consideration of the franchise, five percent of its annual gross subscriber revenues during the period of its operation under the franchise.
  - (b) The grantee shall file with the county, within 45 days after the expiration of each of the grantee's fiscal quarters, a financial statement clearly showing the gross subscriber revenues received by grantee during the preceding quarter. Payment of the quarterly portion of the franchise fee shall be due to the county at the time such statement is filed.
  - (c) Within 12 months after the close of each of the grantee's fiscal years, the county shall have the right at its sole cost to inspect the grantee's income records and audit any amounts determined to be payable under this article. Any additional amount due the county as a result of the audit shall be paid within 30 days following written notice to the grantee by the county. The written notice shall include a copy of the audit report. The cost of the audit shall be borne by the grantee if it is properly determined as a result of the audit that the actual amount due exceeds the payment by more than five percent.
  - (d) If any franchise payment or re-computed amount is not made on or before the date due, the grantee shall be assessed a penalty of five percent of the amount due, and interest at the annual rate of eight percent.
  - (e) If the franchise is terminated prior to its expiration date, the grantee shall file with the county, within 45 days of termination, a financial statement clearly showing the gross subscriber revenues received by grantee since the end of the previous fiscal quarter. The grantee shall pay the franchise fee due at the time such statement is filed.
- (As of February 13, 2012, this is not available to localities)

#### **Article Seven - Renewal of franchise.**

- (a) Upon application of a grantee a franchise may be renewed by the county pursuant to procedures established by the board, provided those procedures do not conflict with applicable federal law.
- (b) If a renewal of the franchise is denied, and the county acquires ownership of the cable system or effects a transfer of ownership of the cable system.

#### **Article Eight - Insurance; indemnity.**

- (a) At all times during the term of the franchise, including the time for removal of facilities or management as a trustee pursuant to section 15-58, the grantee shall file with the county a certificate of insurance showing evidence of the following:
  - (1) A general comprehensive public liability policy indemnifying, defending and holding harmless the county, its officers, boards, commissions, agents or employees from any and all claims by any person whatsoever on account of injury to or death of a person or persons caused by the operations of the grantee under the franchise or alleged to have been so caused, with a minimum liability of \$1,000,000.00 per personal injury or death of any one person and \$2,000,000.00 for personal injury or death of any two or more

- persons in any one occurrence.
- (2) Property damage insurance indemnifying, defending and holding harmless the county, its officers, boards, commissions, agents and employees from and against all claims by any person whatsoever for property damage caused by the operations of grantee under the franchise or alleged to have been so caused, with a minimum liability of \$500,000.00 for property damage to the property of any one person and \$1,000,000.00 for property damage to the property of two or more persons in any one occurrence.
  - (3) Copyright infringement insurance indemnifying, defending and holding harmless the county, its officers, boards, commissions, agents and employees from and against all claims of any person whatsoever for copyright infringement caused by the operation of the grantee under the franchise herein granted or alleged to have been so caused (but excluding all claims based upon or arising out of programming exhibited on any public, educational and governmental access channels or any other channel provided to the county by the grantee for programming by the county and the general public) with a minimum liability of \$1,000,000.00 for the infringement of such copyrights.
  - (b) All insurance policies shall be in a form satisfactory to the county attorney and shall require 30 days' written notice of any cancellation to both the county and the grantee.
  - (c) The grantee shall, at its sole cost, indemnify and hold harmless the county, its officials, boards, commissions, agents and employees against any and all claims, suits, causes of action, proceedings and judgments for damage arising out of the grantee's operation of the cable television system under the franchise.
  - (d) The recovery by the county of any sum required in this article shall not be a limitation upon the liability of the grantee to the county under the terms of this article, except that any sums so received by the county shall be deducted from any recovery by the county against the grantee under the terms of this article.

#### **Article Nine - Letter of Credit.**

- (a) Within 30 days after the award or renewal of a franchise, the grantee shall deposit with the county an irrevocable letter of credit in a form satisfactory to the county attorney in the amount of \$25,000.00 issued by a federally insured commercial lending institution acceptable to the county. The letter of credit shall:
  - (1) Insure the grantee's compliance with the terms and conditions of this article and its franchise; and
  - (2) Insure the grantee's payment of any liabilities arising out of the construction, operation or maintenance of the cable system, including the payment of liquidated damages pursuant to section 15-50
- (b) The letter of credit shall contain the following endorsement: "At least 60 days' prior written notice shall be given to the county by the financial institution of any intention to cancel, replace, fail to renew or materially alter this letter of credit. Such notice shall be given by certified or registered mail to the county attorney."
- (c) The letter of credit may be drawn upon by the county by presentation of a sight draft on the lending institution, accompanied by a written certificate signed by the county administrator: (i) certifying that the grantee has failed to comply with this article, its franchise or any other lawful order, permit or direction of the county relating to this article or the franchise; (ii) stating the specific reasons therefor; and (iii) stating the basis for the amount being drawn.
- (d) The grantee shall agree to structure the letter of credit in such a manner so that if the county draws upon the letter of credit, the grantee will replenish the letter of credit to a minimum new balance of \$50,000.00. The grantee shall ensure that the amount of credit available to the county never falls below \$50,000.00, after the initial draw.
- (e) The letter of credit shall become the property of the county if the franchise is canceled by reason of the default of the grantee. The letter of credit shall be retained by the county and returned to the grantee at the expiration of the franchise if there is no outstanding default on the part of the grantee.
- (f) The rights reserved to the county with respect to the letter of credit are in addition to all other rights of the county, whether reserved by this article, a franchise or otherwise authorized by law, and no action, proceeding or right with respect to the letter of credit shall affect any other right the county has or may have.

#### **Article Ten - Liquidated damages.**

- (a) Notwithstanding any other remedy otherwise available, the county shall have the power to recover liquidated damages from a grantee under the conditions of this subsection.
- (b) By accepting a franchise, a grantee agrees that if it fails to comply with any time and performance requirements as stipulated in this article or the franchise, the county will suffer damage, and that it is and will be impracticable to determine the actual amount of such damage in such event. As a result, the grantee agrees that the county may assess liquidated damages against the grantee for the following:
  - (1) Failure to complete system construction or reconstruction within six months of the scheduled completion date, unless the board specifically approves the delay by resolution;
  - (2) Failure to provide, upon written request, data, documents, reports or information as required by sections 15-51, 15-52, 15-53, 15-66 and 15-67
  - (3) Failure to provide in a continuing manner the types of services proposed in an accepted application or renewal proposal, unless the board specifically approves, by resolution, a delay or change, or unless the grantee has obtained modification of its obligation, all changes in programming excluded;
  - (4) Failure of grantee to comply with operational, maintenance or technical standards as required by sections 15-62, 15-63, 15-64 and 15-69; and
  - (5) For breach of any service standards as required by section 15-65
- (c) The grantee shall pay \$200.00 for each day or part of a day that one or more of the delinquencies set forth in subsection (b) continues. Any amount owed shall be chargeable to the letter of credit required under section 15-49
- (d) The county shall provide the grantee written notice of any problem that might result in liquidated damages. If the county administrator concludes that a grantee has not corrected the problem or has failed to diligently commence and pursue corrective action within 45 days after the written notice, he shall send to the grantee by registered or certified mail a notice of intention to assess liquidated damages. The notice of intention to assess shall set forth the basis of the assessment and shall inform the grantee that liquidated damages will be assessed beginning five business days after the date of that notice unless the grantee appeals to the board or corrects the problem. A notice of appeal must be in writing and sent by registered or certified mail to the county administrator within five business days of the date of the notice of intention to assess liquidated damages. The grantee's appeal shall be heard within 30 days of the date of the notice of intention to assess liquidated damages. Unless the board indicates to the contrary, the liquidated damages shall be assessed beginning on the date of the notice of intention to assess and continue thereafter until the county administrator determines that grantee has corrected the problem.

#### **Article Eleven - Books and records.**

Within 30 days of the county's request, the grantee shall make available to the county for inspection and audit all books and records of the grantee concerning its operations within the county that are relevant to the county's regulatory authority. The grantee shall file with the director of utilities accurate maps or plats of all existing and proposed installations within the county. Such maps and plats shall conform to the requirements of the director of utilities and shall be kept up to date.

All proprietary information submitted pursuant to this section shall remain the property of the grantee and be treated as confidential to the extent permitted by law.

#### **Article Twelve - Construction schedule and reports.**

- (a) For any new construction by a current holder or any construction by a new grantee, the grantee shall submit to the county a plan of any required construction for its system. The plan shall become a part of the franchise agreement. The plan shall include cable system design details, equipment specifications, design performance criteria, a map of the entire franchise area clearly delineating areas within the franchise area where the cable system will be available to subscribers and a time schedule for construction.
- (b) The grantee shall furnish the county administrator a progress report every three months after the start of construction until the project is complete. The report shall include a map that clearly defines the areas where cable service is available.
- (c) Copies of any agreements, reports, petitions, correspondence or other documents filed with any local, state or federal government relating to the grantee's operations within the county shall be made available to the county administrator upon request.

- (d) This Article shall only apply to grantees that have projects to be constructed.

#### **Article Thirteen - Reports.**

- (a) The grantee shall file with the County Administrator within 90 days after request by the County Administrator, the following information:
- (1) A confidential report summarizing the previous year's activities in the development of the system, including, but not limited to, cable services begun or dropped, number of homes passed, number of cable plant miles, and a summary of any policy changes taking effect during the year.
  - (2) A current copy of the subscriber service agreement, a current list of all rates, charges and available services, a current channel list, a copy of all of the grantee's published rules and regulations applicable to subscribers of the cable system and a summary of the grantee's hours of operation.
  - (3) A copy of updated maps depicting the location of all trunks showing all neighborhoods, developments and public buildings served, and separately identifying those areas where there was construction in the year of the report.
  - (4) A list of all persons owning or controlling five percent or more of the stock, partnership shares or assets of the grantee; and a list of any parent corporation, parent entity or holding company that owns, or by ownership of other entities, controls the grantee.
  - (5) If the grantee is a corporation, a list of officers and members of the board of that corporation and officers and members of the board of any parent corporation; and where a parent corporation's stock is publicly traded, two copies of the parent corporation's annual report.
  - (6) A certified special report of gross revenues that shall specify the extent of operations of the grantee within the county. All special reports shall be certified by an authorized representative of the grantee and prepared in accordance with Generally Accepted Auditing Standards ("GAAS") as promulgated by the American Institute of Certified Public Accountants. All special reports shall reflect the total amount and sources of gross revenue for the period and shall be in sufficient scope to allow independent ascertainment of the grantee's compliance with the franchise fee requirements of this article.
- (b) All proprietary information submitted pursuant to this section shall remain the property of the grantee and be treated as confidential to the extent permitted by law.
- (c) Additional information determined by the county to be relevant to the county's regulatory authority shall be made available for inspection at the grantee's principal offices upon written request.

#### **Article Fourteen - Franchise transfer.**

- (a) No franchise granted by the board shall be assigned, transferred, sold or disposed of, in whole or in part, by voluntary sale, merger, consolidation or otherwise or by forced or involuntary sale, without prior consent of the board, which consent shall not be unreasonably withheld.
- (b) The grantee shall promptly notify the county administrator of any actual or proposed event which could result in a change in control of the grantee. Every change of control of the grantee shall make the franchise subject to cancellation, until the county consents to the change in control. The board shall consent to the change in control if, after a public hearing, the board determines that the proposed assignee agrees to comply with all the provisions of the franchise and the proposed assignee proves that it is legally, technically, and financially qualified to operate the system. If the county does not schedule a public hearing on the change in control within 60 days after it receives notice of the change or proposed change and a request that it consent to the change, it shall be deemed to have consented. In the event that the county adopts a resolution denying its consent and such change has been effected, the county may cancel the franchise, unless control of the grantee is restored to its status prior to the change, or to a status acceptable to the county.
- (c) Any sale, transfer or assignment of any franchise granted by the board shall be made by a bill of sale or similar document, an executed copy of which shall be filed with the county administrator within 30 days after any such sale, transfer or assignment.
- (d) The grantee does not need the board's consent for a transfer in trust, mortgage or other instrument of hypothecation, in whole or in part, to secure an indebtedness, except when such hypothecation exceeds 75 percent of the fair market value of the property used by the grantee in the operation of its cable system.

#### **Article Fifteen - Franchise revocation.**

- (a) In addition to all the rights and powers reserved to the county, the county reserves the right to terminate the franchise if:
  - (1) A grantee, by act or omission, violates any material term of the franchise, and, within 30 days following written demand by the county, fails to comply or, if compliance can not reasonably be effected within 30 days, fails to commence cure of the violation and proceed diligently to effect compliance.
  - (2) A grantee becomes insolvent, unable or unwilling to pay its debts, or is adjudged bankrupt.
  - (3) A grantee knowingly makes false statements in connection with any public filing required by this article or applicable law.
  - (4) A grantee fails to cure promptly any condition which a court of appropriate jurisdiction finds to be a violation of the Virginia Consumer Protection Act of 1977, as amended.
- (b) The grantee shall not be declared at fault or be subject to revocation under any provision of this article whenever the performance of any such provision is prevented for reasons beyond the grantee's control. A fault shall not be deemed to be beyond the grantee's control, however, if the fault is within the control of a corporation or other business entity in which the grantee holds a controlling interest, or which holds directly or indirectly a controlling interest in the grantee.
- (c) If the board determines after a public hearing that a grantee's act of noncompliance was without just cause, the board may adopt a resolution which terminates the franchise and instructs the grantee to promptly remove from the public way all of its cable television facilities within 120 days from the date the grantee receives a written copy of such resolution. In the alternative, the board may adopt a resolution authorizing the county to purchase the assets of the grantee's cable television system at an equitable price in accordance with federal law and the provisions of this article, unless the grantee complies within such reasonable period as the board may fix.

#### **Article Sixteen - Receivership.**

The county shall have the right to cancel a franchise 30 days after the appointment of a receiver or trustee, unless such receivership or trusteeship is vacated prior to the expiration of such 30 days, or unless:

- (1) Within 120 days or a mutually agreed date after his election or appointment, such receiver or trustee has fully complied with all the provisions of the franchise and remedied all defaults thereunder; and
- (2) Such receiver or trustee, within 120 days or a mutually agreed date, has executed an agreement, consented to by the county and duly approved by the appropriate court agreeing to be bound by the franchise.

#### **Article Seventeen - Transfer of ownership to county.**

- (a) If the county acquires ownership of the system in accordance with federal law and the provisions of this article, the grantee shall, upon receipt of the purchase price, immediately transfer to the county possession and title to all facilities and property, real and personal, related to its cable television system free from all encumbrances which the county has not agreed to assume.
- (b) Until the grantee transfers to the county or to a new grantee possession and title to all assets related to its cable television system, the grantee shall, as trustee for its successor in interest, continue to operate the cable television system under the terms of the franchise and to provide all of the services provided at the time of the transfer. During such interim period, the grantee shall not sell any of the system assets nor shall the grantee make any material physical, administrative or operational change that might degrade the quality of service to the subscribers, decrease income or materially increase expenses without the permission of the county or its assignee.
- (c) As compensation for its management services during this interim period, the grantee shall be entitled to receive the net profit generated during the period between the date the grantee received written notice from the county of its intent to purchase the grantee's cable television system or the expiration date of the franchise, whichever is earlier, and the payment of the purchase price. The management services shall not be continued without grantee's consent for more than 12 months. However, if it is determined that the grantee is solely responsible for any unreasonable delay in transfer of ownership and control, the grantee shall continue to operate the cable television system without compensation for its services until the sales agreement is executed and ownership

and control passes to the county or its assignee.

#### **Article Eighteen - Right of county to assign purchase rights.**

In the event the county purchases the cable system in accordance with federal law and the provisions of this article, the county shall have the right to assign its purchase rights to a successor grantee selected by the county in a manner that is not inconsistent with the provisions of this article.

#### **Article Nineteen - Initial franchise area.**

- (a) A new grantee shall furnish to the county as part of its application a map of suitable scale showing all streets and public buildings that are to be served in the initial franchise. The map shall also list the names of all neighborhoods, developments and communities served.
- (b) The initial franchise area shall be subject to approval by the county, and may be amended at any time, either by the county on its own motion or upon the request of the grantee. Notwithstanding the foregoing, no franchise area shall be reduced, unless requested by the grantee.

#### **Article Twenty - Interconnection.**

The board may require the grantee to interconnect its cable television system with other cable television systems located in contiguous communities so long as such interconnection is for the benefit of subscribers within the county, a reasonable market demand exists for interconnection; and it is financial feasible for the grantee.

#### **Article Twenty-One - Extension of service facilities.**

Extension of services shall be provided for in any agreement with a grantee.

#### **Article Twenty-Two - System description.**

- (a) The cable television system installed by the grantee shall comply in all respects with the capacity, capability and technical performance requirements set forth in applicable federal rules and regulations and amendments thereto.
- (b) The grantee's cable television system shall have the technical capacity to provide return communications.
- (c) The grantee's cable television system shall maintain at least one specially designated noncommercial public access channel which shall be available on a first-come first-serve, nondiscriminatory basis. The grantee shall maintain and make available for public use the minimal equipment, personnel and facilities necessary for the production of programming for the public access channel. The channel will be made available without charge, except that production costs may be assessed for live studio presentations exceeding five minutes. Production costs and any fees for use of other public access channels shall be consistent with the goal of affording the public a low-cost means of television access.
- (d) The grantee shall maintain without charge a specially designated access channel for local government use.
- (e) The grantee shall maintain without charge a specially designated access channel for public education use.
- (f) The grantee shall offer capacity for leased commercial access services as required by applicable federal regulation.
- (g) Whenever all of the channels described in paragraphs (c), (d), (e) and (f) of this section carry non-repetitive programming 80 percent of the weekdays Monday through Friday for 80 percent of the time during any consecutive six-hour period for six consecutive weeks, the grantee's cable television system shall, within the limits of its channel capacity and if consistent with then applicable FCC rules and regulations, have six months in which to make a new access channel available for any or all of the purposes for which such channels are designated. Nothing in this provision shall prohibit the grantee from exhibiting programming of its choice during such time as the access channels described in paragraphs (c), (d), (e) and (f) are not in use by the public. Grantee shall, however, at all times, give priority to public and governmental use of the channels over grantee's programming, provided grantee is afforded reasonable notice of such proposed use.
- (h) The grantee shall provide without charge within the initial franchise area basic standard service

to all fire stations, public and private schools, police stations, public libraries, rescue squads and other buildings used for municipal purposes and designated by the county; provided, however, that if it is necessary to extend grantee's trunk or feeder lines more than 600 feet to provide service to any such school or public building, the county shall have the option of paying grantee's direct costs for such extension, in excess of 600 feet, or of releasing grantee from the obligation to provide service to such building.

- (i) The grantee shall maintain its cable system with a level of production or other facilities, technical performance, capacity, equipment, components and service that is equal to that which at a minimum has been developed and demonstrated by existing cable television system operators and reputable equipment suppliers to be workable in the field, that is as modern and technologically advanced as that employed by comparable cable systems, that is reasonably available and economically and technologically feasible to install and for which there is reasonable market demand.

#### **Twenty-Three. - Operational requirements.**

- (a) The grantee shall construct, operate and maintain the cable television system in full compliance with all applicable federal, state and local rules and regulations, and any amendments thereto. The cable television system and all its parts shall be subject to inspection by the county upon reasonable notice.
- (b) If requested by the county, the grantee shall provide the county with copies of any correspondence, petitions, reports, applications or other documents sent or received by grantee to or from federal or state agencies regarding its cable operations in the county.
- (c) In the case of any emergency or disaster, the grantee shall, upon request of the county administrator, make available, free of charge, its facilities to the county for emergency use during the emergency or disaster period.

#### **Twenty-Four - Customer service standards.**

- (a) Except for more stringent standards set forth herein or in the franchise agreement, the grantee shall comply with the minimum customer service standards established by federal regulation which are hereby incorporated by reference.
- (b) The grantee shall credit subscribers for outages in the system which result in loss of picture or sound on one or more channels for more than 24 hours, subject to the following:
  - (1) Subscribers must have notified the grantee by phone or in writing of any such outage, unless the grantee has actual or constructive knowledge of the outage, and
  - (2) Subscribers shall receive a credit for each calendar day or part thereof during which service is out. A grantee may, at its option, provide a subscriber with a rebate rather than a credit on the subscriber's bill to fulfill the requirements of this subsection.
- (c) Excluding conditions beyond the reasonable control of the grantee, the grantee shall respond to service calls and complaints promptly. The grantee shall maintain a repair force of service personnel capable of responding to subscriber requests for service under normal operating conditions within the following time frames, unless a subscriber requests a different, more convenient date:
  - (1) For any complaints of loss of sound or a picture on one or more channels, on the same day if the grantee is notified by 2:00 p.m.
  - (2) Within 24 hours after notification for all other service calls.
- (d) Upon the request of the subscriber, the grantee shall provide the following equipment at the subscriber's reasonable cost:
  - (1) A/B (input selector) switches to allow switchover to subscriber's antenna;
  - (2) A parental lock to allow the subscriber to block a specified cable service or channel; and
  - (3) Devices to insure adequate access to cable television service for hearing-impaired persons.
- (e) The grantee shall maintain on all fully constructed or rebuilt systems equipment capable of providing standby power for headend, transmission and trunk amplifiers for a minimum of two hours.
- (f) The grantee shall complete at least 95 percent of all standard installations requiring service drops shorter than 125 feet and at least 90 percent of all standard installations requiring service drops shorter than 200 feet within seven business days after the order for the installation has been placed. At least 90 percent of all service drops that are temporarily placed above ground will be buried within ten business days of the date of installation, provided the grantee has been able to

obtain all necessary easements or other consents and has not been delayed by conditions beyond its reasonable control. All drops will be machine buried to a depth of at least six inches. If the county receives a complaint of noncompliance with this section, the grantee shall make

information available to the county which demonstrates compliance with this section upon written request from the county.

- (g) All field employees, including subcontractors, who deal directly with subscribers must carry identification to be displayed upon request indicating their employment with the grantee.
- (h) The grantee shall use equipment which is capable of monitoring and recording telephone answering standards established by federal regulations.
- (i) Customer service center and bill payment locations will be open for transactions Monday through Friday during normal business hours. Additionally, based on community needs and customer demand, the grantee will schedule supplemental hours on weekdays and/or weekends during which these centers will be open as needed.
- (j) The grantee shall provide at least five days' written notice before discontinuing service due to nonpayment and shall not terminate service for nonpayment where the nonpayment is for service not yet provided.
- (k) The grantee shall grant customers a three-day right of rescission for ordering cable services, except that such right of rescission shall end upon initiation or installation of the service, whether physically or electronically, on the customer's premises.
- (l) The grantee shall minimize system service interruptions to the greatest extent practicable.

#### **Twenty-Five - Customer service performance reports.**

The grantee, when requested by the County Administrator, shall provide the county with reports on customer service which shall provide the following information for the period:

- (1) Monthly service call rates and time off equivalents;
- (2) Percentage of calls answered within 30 seconds;
- (3) Percentage of abandoned calls;
- (4) Percentage of time all trunks were busy; and
- (5) Number of repair service requests received, by type of complaint and cause of problem.

#### **Twenty-Six - Tests and performance monitoring.**

- (a) Not later than 90 days after the grantee makes available any new or substantially rebuilt portions of the system for service to subscribers, the grantee shall perform technical performance tests to demonstrate full compliance with the technical standards of the Federal Communications Commission and this article. An engineer or other person with proper training and experience approved by the county shall perform or supervise such tests. The report shall describe test results, instrumentation, calibration and test procedures, and shall state the qualifications of the engineer responsible for the tests. A copy of the report shall be submitted to the county.
- (b) The grantee shall submit to the county a copy of the grantee's proof of performance tests which is required to be filed with the Federal Communications Commission ("FCC") at the same time that the report is submitted to the FCC.

#### **Twenty-Seven - Performance evaluation sessions.**

- (a) The county and the grantee may hold scheduled performance evaluation sessions every two year(s) from the anniversary date of the grantee's award of a franchise and as may be required by federal and state law.
- (b) The county and the grantee may hold special evaluation sessions at any time at the request of the county or the grantee, and upon 90 days' written notice.
- (c) All evaluation sessions shall be open to the public and shall be advertised in a newspaper of general circulation in the county at least ten days prior to each session. The grantee shall notify its subscribers of the evaluation sessions by announcement displayed prominently on its cable system during primetime, for five consecutive days preceding each session.
- (d) Topics which may be discussed at any scheduled or special evaluation session may include, but shall not be limited to, service rate structures, franchise fee, liquidated damages, free or discounted services, application of new technologies, system performance, services provided, programming offered, customer complaints, privacy, amendments to this article, judicial and



**Twenty-Eight - Conditions of street occupancy.**

- (a) The county grants to the grantee the right to use all public ways owned by the county for the purpose of installing cable television structures, lines, equipment and facilities, so long as such use is consistent with the legal rights owned by the county and the requirements of this article. Prior to installing any such structures, lines, equipment and facilities the grantee shall notify the county department of utilities of its plans. The department of utilities may require modifications to the plans which will protect existing utilities.
- (b) The grantee shall use existing poles, conduits and other facilities whenever possible, and all transmission and distribution structures, lines and equipment erected by the grantee within the county shall be located to cause minimum interference with the use of streets, and to cause minimum interference with property owners who adjoin such streets.
- (c) Whenever the county requires the relocation or reinstallation of any property of the grantee in any public way within the county, the grantee shall, upon notice of such requirement and as soon as reasonably possible, remove and relocate or reinstall such property as may be reasonably necessary to meet the requirements of the county. Such relocation, removal or reinstallation by the grantee shall be performed within a reasonable period of time and at the sole cost of the grantee.
- (d) Whenever the grantee refuses to allow the county or a public utility serving the county to use the poles or other wire-holding structures of the grantee, the board may require the grantee to permit such use for reasonable consideration if the board determines that the use would enhance public convenience and would not unduly interfere with the grantee's operations.
- (e) Wherever all electrical and telephone utility wiring is located underground, either at the time of initial construction or subsequently, the grantee's cable shall also be located underground, at the grantee's own expense.
- (f) The grantee shall, at its own expense and in a manner approved by the county, restore to county standards and specifications any damage or disturbance caused to the public way as a result of its operations or of construction on its behalf. The grantee shall guarantee and maintain such restoration for a period of one year against defective materials or workmanship. If the public way is not restored to the county's reasonable satisfaction, the county shall have the right to have such work performed and charge all reasonable costs to the grantee.
- (g) In case of fire or other disaster, when it becomes necessary in the judgment of the chief of the fire department or the chief of the police department to remove or damage any of the grantee's facilities, no charge shall be made by the grantee against the county for restoration and repair.
- (h) The grantee shall have the authority to trim trees on public property at its own expense when necessary to protect its wires and facilities, subject to the supervision and direction of the county. The grantee shall obtain the written consent of the county before trimming any trees within rights-of-way.

**Twenty-Nine - Protection of privacy.**

- (a) The grantee shall not permit any aural, visual or digital signal, including "polling" the channel selection, to be transmitted from any subscriber's premises without first obtaining written permission of the subscriber. This provision is not intended to prohibit the use of transmission of signals useful only for the control or measurement of system performance.
- (b) The grantee shall not permit any special terminal equipment to be installed in any subscriber's premises that will permit transmission from the subscriber's premises of two-way services using aural, visual or digital signals without first obtaining written permission from the subscriber.

**Thirty - Unlawful use of system.**

- (a) Unless otherwise provided by federal or state law, no person shall attach or cause to be attached to any premises, equipment which allows access or use of the cable television service without payment to or permission from the grantee. The presence of such equipment shall be prima facie evidence of a violation of this section.
- (b) In addition to any other remedy available to the grantee under the franchise or applicable law, any

person violating this section shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000.00.

#### **Thirty-One - Compliance with state and federal law.**

- (a) Unless required to meet more stringent standards contained in this article or in the franchise agreement, the grantee shall, at all times, comply with all laws of the state and federal government and the rules and regulations of any federal administrative agency. If any term of this article shall become prohibited by any state or federal law, rule or regulation, the board shall, as soon as possible following knowledge thereof, amend this article and franchise agreement to comply.
- (b) A grantee shall not refuse to hire, discharge from employment, or discriminate against any person regarding compensation, terms, conditions or privileges of employment because of disability, age, sex, race, color, creed or national origin. A grantee shall comply with all federal, state and county rules and regulations regarding affirmative action and other aspects of employment with respect to recruitment advertising, employment interviews, employment, rates of pay, upgrading, transfer, demotion, layoff and termination.

#### **Thirty-Two - Unlawful acts; penalties.**

- (a) No person shall provide to any persons in this county any television signals or radio signals by means other than broadcast, without first obtaining a franchise from the county.
- (b) No person shall use or install equipment for providing cable service on public property or county right of way or any property designated or delineated as a proposed public street on any tentative subdivision map approved by the county without first obtaining a franchise authorizing such use.
- (c) No person shall willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound without the consent of the owner.
- (d) Any person violating any subsection of this section shall be punished by a fine not exceeding \$1,000.00 or by imprisonment for a period not exceeding 12 months or by both such fine and imprisonment. Each day any violation of this section shall continue shall constitute a separate offense.

#### **Thirty-Three - Special license.**

The county reserves the right to issue a license, easement or other permit to anyone other than the grantee to permit that person to traverse any portion of the grantee's franchise area within the county in order to provide service outside the county. Such license or easement, absent a grant or a franchise in accordance with this article, shall not authorize or permit such person to provide a cable television service of any nature to any home or place of business within the county or to render any service or connect any subscriber within the county to the grantee's cable television system.

#### **Thirty-Four - Time deemed essence of agreement; estoppel, force majeure.**

- (a) Whenever this article or a franchise sets forth any time for any act to be performed by or on the behalf of a grantee, such time shall be deemed of the essence and the grantee's failure to perform within the time allotted, in all cases, shall be sufficient grounds for the county to invoke the remedies available under the terms and conditions of this article and the franchise.
- (b) The grantee shall not be excused from complying with any of the terms and conditions of this article or the franchise by any failure of the county, on any occasion, to insist upon the grantee's performance or to seek grantee's compliance with such terms or conditions.
- (c) Nothing herein shall be construed to require the grantee to comply with the terms of this article or the franchise if prohibited from doing so by disaster, war, civil disobedience, governmental enactment or regulation or other act of God.

#### **Thirty-Five - Rights reserved to the county.**

The county hereby expressly reserves the following rights:

- (a) To adopt, in addition to the provisions contained herein and in the franchise and in any existing applicable ordinances, such additional lawful regulations as it shall find necessary in the exercise of its police power provided, however, that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with the rights herein granted.
- (b) To amend or modify the franchise should the Federal Communications Commission, as a result of its certification or registration process, mandate that substantial sections of the article be altered or deleted.

#### **Thirty-Six - Miscellaneous**

- (a) The County shall have the right during the life of a Franchise to install and maintain free of charge upon the towers, poles and other appurtenances of the Grantee any equipment, wires and/or pole fixtures necessary for a police, fire, rescue, emergency services or civil defense alarm systems so long as such equipment, wires and/or pole fixtures do not interfere with the operation of the Grantee.
- (b) In the case of an emergency or disaster, Grantees shall, upon request of the County, through the County Administrator or the Board of Supervisors or its agent, make available any of Grantee's facilities to the County for emergency use during the emergency or disaster period.
- (c) Upon request from the County, Grantees shall provide service to any public building, if requested, at no cost to the County, provided, however, that such public building must be located within the cable service area and must be no more than four hundred (400) feet from the cable distribution line. Grantees shall provide basic service within the cable service area to all public school locations within the County and at no cost to it or to the public school system provided, however, that such public school locations must be located no more than four hundred (400)-feet from the cable distribution line. Such service shall be provided by means of a single drop cable to the outside only. However, Grantees shall advise at no charge in the engineering and arrangements for multi-outlet installations.

# **BUCKINGHAM COUNTY PARKING ORDINANCE**

## **ARTICLE ONE: NAME**

The name of this ordinance shall be **BUCKINGHAM COUNTY PARKING ORDINANCE**.

## **ARTICLE TWO: PURPOSE**

This Ordinance is established to provide for the regulation of parking, stopping, and standing vehicles within the County of Buckingham and upon County-owned or leased property. Unless otherwise specifically provided herein, the Sheriff is hereby appointed and designated as the local administrative official to administer and enforce the provisions of this Article.

## **ARTICLE THREE: AUTHORITY**

This ordinance is adopted pursuant to authority granted in Article 3 of Chapters 12 and 12.1 of Title 46.2 of the Code of Virginia of 1950, as amended, including but not limited to §46.2-1219, §46.2-1219.1, §46.2-1220, §46.2-1221, §46.2-1224, and §46.2-1242.

## **ARTICLE FOUR: GENERAL PARKING PROHIBITIONS**

The following general parking prohibitions shall be enforced in the County of Buckingham, Virginia:

No person shall park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a Sheriff's deputy or other law enforcement officer or traffic control device in any of the following places:

1. Within 15 feet in either direction of a fire hydrant or the entrance to a fire station;
2. Within any designated fire lane established and designated or marked in a public or private parking lot or travel lane open to the public;
3. At any place so as to block any fire department access to a highway;
4. Within 15 feet of the entrance to a building housing rescue squad equipment or ambulances, provided such buildings are plainly designated;

## **ARTICLE FIVE: PARKING REGULATIONS ON COUNTY-OWNED PROPERTY**

On County owned or leased property:

1. There shall be no parking except in specifically marked and designated areas.
2. Parking in such parking areas shall be limited to hours during which the County owned facility is open for use and to persons having business within the County owned facilities.
3. There shall be no parking at any time in reserved spaces, except for designated vehicles. Such spaces will be designated by signage.

Adopted August 12, 2019

4. Where parking spaces are marked off by standard paint striping, vehicles must be parked within those lines. Where spaces are not marked off, drivers shall park perpendicular to the road in such a manner as to use no more than one (1) space.

#### **ARTICLE SIX: UNAUTHORIZED PARKING IN SPACES RESERVED FOR PERSONS WITH DISABILITIES**

- A. It shall be unlawful for any person to park a motor vehicle in a parking space, in public parking areas or privately owned parking areas open to the public, reserved for the disabled or handicapped and identified by an above-grade sign, except:
  1. Any disabled person possessing and property displaying disabled parking license plates, organizational removable windshield placards, or temporary removable windshield placards issued by the Commissioner of Motor Vehicles under §46.2-731 or §46.2-1241 of the Code of Virginia, or any other person actually transporting a disabled person displaying such plate or placard; or
  2. Any disabled veteran driving a motor vehicle displaying special DV disabled parking license plates under §46.2-739(B) of the Code of Virginia, or any other person actually transporting a disabled veteran in a motor vehicle displaying such special license plates.
  3. Any disabled person whose motor vehicle is registered in any State other than Virginia, and displays such other State's license plate, placard, decal or other device, indicating that the vehicle is registered to, or is being used to transport, a disabled person.
- B. Any law enforcement officer may issue a summons or parking citation charging a person parking in violation of this Section, without the necessity of a warrant being obtained by the owner of a privately owned parking area, or if such person is not known, then the registered owner of the motor vehicle parking in violation of this Section.
- C. Violation of this provisions of this Article shall be punishable by a fine of two hundred fifty dollars (\$250.00).
- D. No violation of this Subsection shall be dismissed for a property owner's failure to comply strictly with the requirements of disabled parking signs set forth in Code of Virginia, §36-99.11, provided the parking space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.

#### **ARTICLE SEVEN: ENFORCEMENT AND PENALTY FOR PARKING VIOLATION**

The Sheriff of the County of Buckingham is hereby authorized and delegated to enforce this present article and any ordinances or amendments thereof hereinafter enacted by the Board of Supervisors of the County of Buckingham to include but not be limited to designated parking areas.

The violation of any provision of Articles Four, Five, or Six shall be a traffic infraction.

Adopted August 12, 2019

Any law enforcement officer may issue a summons or parking citation charging a person parking in violation of this Ordinance, without the necessity of a warrant being obtained by the owner of a privately owned parking area, or if such person is not known, then the registered owner of the motor vehicle parked in violation of this Section.

Any law enforcement officer who finds any vehicle in violation of this Ordinance shall have the authority to remove the vehicle at the owner's expense.

Payment of parking citation penalties will be collected and accounted for by the Treasurer;

That the contest by any person of any parking citation shall be certified on an appropriate form, to the district court for Buckingham County as is hereinafter provided in Article 8.

Every action to collect unpaid parking citation penalties imposed for violations of this ordinance shall be commenced within three years of the date upon which such penalty became delinquent.

## **ARTICLE EIGHT: PENALTY FOR PARKING VIOLATIONS**

**Section One:** The violation of any provision of Article Four or Article Five shall be punishable by a fine as follows:

- (1) If the fine is paid to the County Treasurer, prior to the issuance of the notice required by Section Four of this Article Eight, the fine shall be twenty five dollars (\$25.00)
- (2) If the fine is paid after the issuance of the notice required by Section Four of this Article Eight, but prior to the issuance of a court summons, the fine shall be paid to the County Treasurer in the amount set forth in Subsection (1) of this Section, plus five dollars (\$5.00)
- (3) If a court summons is issued, but the summons is not contested, the fine shall be paid to the Clerk of the Court in the amount set forth in Subsection (1) of this Section, plus twenty dollars (\$20.00) and court costs.
- (4) If a court summons is issued and the summons is contested, upon conviction of the violation, the fine shall be paid to the Clerk of the Court in an amount not less than twenty five dollars (\$25.00) and not to exceed one hundred dollars (\$100.00), plus court costs.

## **Section Two: Uncontested payment of fine**

- A.** Any person who receives a citation for a parking violation under Article Four or Article Five may waive his right to appear and be formally tried for the offense. The waiver shall be effective when the person: (i) voluntarily pays the specified fine to the Treasurer of Buckingham County, Virginia within fifteen (15) days of the citation date of issuance; or (ii) voluntarily places the specified fine, in the reply mail envelope on which the citation is printed and mails it to the Treasurer's office so that it is postmarked within fifteen (15) days of the citation date of issuance. Such person shall not thereafter be required to appear before the general district court for trial upon the offense set forth in the citation.
- B.** Whenever a "reply mail" envelope is used for transmitting a check or money order by mail to the County Treasurer's office, under the provisions of this Section, the registered owner of the vehicle that was parked in violation of this Section shall be responsible for ensuring that the check or money order is received by the County Treasurer.
- C.** The uncontested payment of parking citation fines shall be collected and accounted for by the County Treasurer, who shall keep the Sheriff and County Administrator informed as to the status of payments received on parking citations.

## **Section Three: Contest of parking citations**

If the defendant elects to contest a citation issued against him for parking a vehicle in violation of Article Four or Article Five, he shall, within fifteen (15) days of the citation issuance date, notify the Treasurer or her designee, in writing, of his intent to contest such citation, whereupon the Treasurer or her designated agent shall certify, in writing on an appropriate form, to the Clerk of the appropriate district court, the defendant's intention to contest such citation. The Clerk shall proceed to docket the case as provided by law.

## **Section Four: Procedure when parking violator fails to pay uncontested penalty or to contest citation**

- A.** In the event that a person receiving a citation for parking a vehicle in violation of Article Four or Article Five does not pay the fine due within fifteen (15) days of its issuance and does not notify the Treasurer or her designated agent of his intention to contest the citation within the same fifteen (15) days, both as required or permitted by other Sections of this Article, the Treasurer or her designee shall notify such person, by letter addressed to the person's last known address, or the address shown for such violator on the records of the State Department of Motor Vehicles, that the violator may pay the fine required by law for such violation within ten (10) days of mailing of such notice, and that if he fails to do so, a summons or other appropriate process may issue against him. The notice required by this Section shall be sent in an envelope bearing the words "Law-Enforcement Notice" stamped or printed thereon in letters at least one-half ( ½ ) inch in height. In the event that such person does not pay any fine required by law within the ten (10) days provided herein, the citation shall be deemed delinquent.

- B.** If a citation becomes delinquent in accordance with this Section, the officer issuing the citation shall promptly be so informed and he shall cause a summons to be issued against the person to whom the citation was issued. In the event the officer issuing the original citation does not or cannot cause a summons to be issued in accordance with this Section, the Sheriff or his designee may cause such summons to be issued. Such summons shall be in a form, and shall be served, as provided by law, and trial thereon shall be trial of the original parking citation.
- C.** In the event that a summons is issued as provided herein, the person against whom such summons shall have been issued may avoid such a summons only by paying to the Clerk of the District Court the minimum fine established for the violation, and the costs required by said Clerk. If the prepayment requirements of this Subsection are not complied with, the court shall proceed to hear and determine the case in accordance with law.
- D.** In addition to any action or prosecution authorized in this Article, the County Treasurer shall have the authority to act pursuant to an agreement with the Commissioner of the Department of Motor Vehicles of the Commonwealth under Code Virginia §46.2-752(J), and to utilize any remedy authorized by law for the collection of unpaid debts owed to the Treasurer, or both, for the collection of fines or penalties imposed under this Article.

#### **ARTICLE NINE: PRESUMPTION IN PROSECUTIONS FOR PARKING VIOLATIONS**

In any prosecution for parking a vehicle in violation of any provision of this Ordinance, proof that the vehicle described in the citation or summons was parked in violation of such provision, together with proof that the defendant was, at the time of such parking, the registered owner of the vehicle, as required by Code of Virginia, §46.2-600, et seq., shall constitute in evidence a prima facie presumption that such registers owner was the person who parked such vehicle at the place where, and for the time during which, such violation occurred.

#### **ARTICLE TEN: INCORPORATION BY REFERENCE**

Whenever the statutes of the Code of Virginia of 1950, as amended, upon which one or more of the foregoing sections is based are amended or changed, the section shall incorporate by this reference the change or amendment.

#### **ARTICLE ELEVEN: EFFECTIVE DATE**

This Ordinance shall become effective on its adoption by the Board of Supervisors.



**Emergency Ordinance to Allow for the Continuity of Government Operations During the Pandemic, including Altering the Process for Conducting Public Meetings; Restricting the Use of Public Buildings or Facilities; Providing Additional Powers to the Director of Emergency Management to Incur Costs, Waive Procedures, and Take Other Temporary Actions; and Suspending Deadlines and Procedures**

**WHEREAS**, on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency in response to the spread of the novel coronavirus (COVID-19); and

**WHEREAS**, on March 12, 2020, the Governor, in Executive Order 51, declared a state of emergency in the Commonwealth of Virginia, acknowledging the spread of COVID-19 as a disaster as defined in Virginia Code § 44-146.16; and

**WHEREAS**, Executive Order 51 authorized local governments to render appropriate assistance and to alleviate conditions, as appropriate, to prepare for and mitigate the effects of the virus; and

**WHEREAS**, on March 13, 2020, the President of the United States found and declared the outbreak of COVID-19 to constitute a national emergency, beginning March 1, 2020; and

**WHEREAS**, on March 17, 2020, in accordance with Virginia Code § 44-146.21, the Buckingham County Director of Emergency Management declared a local state of emergency in Buckingham County; and

**WHEREAS**, on March 17 and 23, the Governor requested and then directed Virginians to avoid non-essential gatherings of more than 10 people and on March 30 ordered individuals to remain at their place of residence, with limited exceptions; and

**WHEREAS**, the Buckingham County Board of Supervisors on March 18, 2020 confirmed, pursuant to Virginia Code § 44-146.21, the declaration of emergency in Buckingham County; and

**WHEREAS**, the Board of Supervisors has determined that COVID-19 constitutes a communicable disease of public health threat which has caused a disaster as those terms are defined in Virginia Code § 44-146.16; and

**WHEREAS**, while the Board of Supervisors values transparency in government and public engagement, it also finds that emergency measures are necessary to mitigate the spread of COVID-19 and to protect the health, safety, and welfare of residents and employees, while still providing for government operations to continue during this state of emergency; and

**WHEREAS**, Virginia Code § 15.2-1413 provides that the Board of Supervisors, notwithstanding any contrary provision of law, may adopt an ordinance to assure the continuity

of government operations during this disaster and for up to six months; and

**WHEREAS**, Virginia Code § 44-146.21 further provides that the locality, during a declared local emergency, may proceed without regard to time-consuming procedures and formalities prescribed by law, except for mandatory constitutional requirements; and

**WHEREAS**, Virginia Code § 15.2-1200 provides the county with authority to adopt necessary regulations to prevent the spread of contagious diseases among its residents; and

**WHEREAS**, the Board of Supervisors also has the inherent authority to vary the county's policies, procedures, and practices to assure the continuity of government operations; and

**WHEREAS**, government operations includes the work of the Board of Supervisors and other local public bodies, and the personnel who work for or on behalf of local public bodies; and

**WHEREAS**, this emergency ordinance in response to the disaster caused by the COVID-19 pandemic promotes the public health, safety, and welfare, and its adoption is consistent with the law of the Commonwealth of Virginia, the Virginia Constitution and the United States Constitution.

**NOW, THEREFORE, BE IT ORDAINED**, that this uncodified ordinance is hereby enacted as follows:

**An Emergency Ordinance Allowing for the Continuity of Government Operations During the Pandemic**

**Sec. 1. Purpose; Effective Date; Expiration**

This ordinance allows for variances from state laws and county ordinances in order to protect the health, safety, and welfare of residents and employees from the spread of COVID-19 while still providing for government operations to continue during this state of emergency.

The operation of government includes management of all county facilities, management of the school system, and the work of all local boards, including the board of supervisors, the school board, the planning commission, the board of equalization, the board of zoning appeals, and any other local or regional board, commission, committee, or authority created by the board of supervisors or to which the board of supervisors appoints or recommends for appointment all or a portion of its members (collectively "Public Bodies" and individually "Public Body"), including employees who work for or on behalf of any Public Body.

At this time, public health experts recommend against assembling groups of people in confined spaces. Accordingly, this ordinance contains modifications for public meetings which

should be followed while it is deemed unwise or unsafe to gather in one location a quorum for any Public Bodies, or to invite members of the public to physically gather together for public meetings.

Moreover, the spread of COVID-19 may make it impossible or impractical for government operations to meet all normally imposed deadlines, regulations, and time frames, or to comport, in some instances, with lengthy procedures and processes such as procurement or employment processes.

This emergency ordinance is effective immediately and will remain in effect for 60 days unless amended, rescinded, or readopted in conformity with the notice provisions of Virginia Code § 15.2-1427; however, in no event will the ordinance be effective for more than six months from the conclusion of the declared disaster. Upon repeal or expiration of this ordinance, normal government operations will resume.

## **Sec. 2. Public Meetings and Public Hearings**

A. Any regularly scheduled or regular meeting of any Public Body may be canceled by the chair if there is no essential business that needs to occur or if conditions otherwise make it impractical to meet. Notice of the cancellation must be provided to the Public Body members and the public as soon as practicable.

B. In the alternative, any regularly scheduled or regular meeting of any Public Body may be held by solely electronic or telephonic means without a quorum of members physically present and without members of the public physically present, provided the following occurs:

1) The meeting is accessible to the public through live audio or video on the County's or Public Body's website, a dial-in telephone number, or a media platform.

2) The agenda and public notice for the meeting must:

- a) include a statement that the meeting is being held using electronic means under this ordinance;
- b) contain specific information about how members of the public can access the meeting; and
- c) if there are any public hearing or public comment items, specifically identify how members of the public can provide comment, including one or more of the following: by e-mail, in writing, by telephone, through a social media platform, or via other electronic means.

3) The agenda is posted on the County's or Public Body's website at least four (4) days prior to the meeting, except that the agenda of any regularly scheduled meeting occurring within seven days of the adoption of this ordinance must be posted by two working days after adoption of this ordinance. Other materials associated with the meeting, if any, must be made available to the public at the same time they are provided to the Public Body members, unless an exemptions allowed by law.

4) For public hearings and any items for which public comment is permitted, the following rules apply:

- a) Normal rules of order apply with respect to requiring the name and home address of the commenter, that comments relate to the hearing or comment topic, that appropriate limits on the number of comments per person per item apply, and that comments be of reasonable length, not to exceed three (3) minutes if audible and five hundred (500) words, if written.
- b) Public Bodies may allow public comments to be submitted via phone call, e-mail, or in writing, up until 3 hours before the start of the meeting so long as those comments are provided to the Public Body members prior to any decision on an item.
- c) If available, members of the public may provide comments through leaving a voicemail on a dedicated phone number up until a reasonable time before the start of the meeting so long as those comments are then provided to the Public Body members prior to any decision on an item.
- d) If available, members of the public may provide comments through telephonic or interactive electronic means (call-in meeting access, media platform) during the meeting so long as those comments are received by or provided to the Public Body members prior to any decision on an item.
- e) The Public Body may choose to receive additional comments through any means for a period of time after the public hearing or public meeting, so long as it announces and publicizes that opportunity and those comments are provided to the Public Body members prior to any decision on an item.
- f) All public comments must be made a part of the record of the Public Body either by being summarized in or included with the meeting minutes.

5) Any votes taken during the meeting must be taken by roll call, individually recording each member's name and vote.

6) The minutes of any meeting under this ordinance must conform to the requirements of law, including identifying the forms of electronic communication used, the members participating and the means by which they participated, the opportunities for public access or participation, a summary of the public comments, if any, and the actions taken at the meeting.

C. Public Bodies may hold special meetings consistent with the provisions in (B) except that notice of the special meeting need only be provided at least two working days prior to the meeting, and the agenda and associated materials, if any, need to be made available to the public at the same time as they are made available to the Public Body members.

D. Public Bodies may hold emergency meetings consistent with Virginia Code § 2.2-3708.

E. Any item on an agenda for a regularly scheduled, regular, special, or emergency meeting held hereunder may be continued to a later date or time for the purpose of reviewing and considering comments from the public.

### **Sec. 3. Public Buildings, Facilities, Real Property and Events**

The Director of Emergency Management is empowered to restrict members of the public from entering or congregating around county-owned buildings, facilities, and real property as is reasonably necessary to ensure the health, safety, and welfare of the public or county staff. Moreover, the Director of Emergency Management may cancel, postpone, or reschedule any events scheduled for any county-owned building, facility or property as necessary to ensure the health, safety, and welfare of the public or county staff.

### **Sec. 4. Additional powers of Director of Emergency Management**

A. *Funding and Contracts.* To the extent of unobligated funds available in excess of appropriations in the approved budget, the Director of Emergency Management may enter into contracts and incur obligations necessary to protect the health and safety of persons and property, and to provide emergency assistance to persons affected by this disaster.

B. *Procedures.* The Director of Emergency Management may proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring obligations, employing workers, renting equipment, purchasing supplies and materials, and other expenditures of public funds.

C. *Other Temporary Actions.* The Director of Emergency Management may temporarily take any of the following actions: waive or reduce fees imposed by county ordinance; waive enforcement, in whole or in part, of any county ordinance; and modify, limit, waive, suspend, or amend any county program, service, function, process, or procedure. The director must apply the action uniformly for similar situations and not on a case-by-case basis. The director's actions will only be effective until the next regular meeting of the board of supervisors. The board of supervisors may ratify and extend the time for which the director's action remains in effect.

### **Sec. 5. Suspension of Deadlines, Time Frames, and Procedures**

County personnel are encouraged to take action as is practical and appropriate to meet deadlines or time frames established under state law or county ordinances, however, notwithstanding any provision of law, regulation, or policy to the contrary, any deadlines requiring action by the county, any Public Body, or county employees are suspended. Time frames for review or expedited reviews are also suspended. Failure to meet any deadline or time frame will not constitute a default, violation, approval, ratification, or recommendation. Any policies or procedures inconsistent with this ordinance are hereby suspended.

**This ordinance shall be effective upon adoption.**

**This ordinance shall expire after 60 days unless re-adopted by the Board of Supervisors after public notice.**

# **AMENDMENT TO THE BUCKINGHAM COUNTY COURTHOUSE SECURITY PERSONNEL ORDINANCE**

## **ARTICLE ONE**

The name of this ordinance shall be the Buckingham County Courthouse Security Personnel Ordinance.

## **ARTICLE TWO**

This ordinance is enacted as authorized by Article 53.1-120 of the 1950 Code of Virginia.

## **ARTICLE THREE**

This amendment to this ordinance shall not be effective until July 1, 2020.

## **ARTICLE FOUR**

Twenty dollars (\$20.00) shall be assessed in each criminal or traffic case in the Buckingham County District and Circuit courts in which the defendant is convicted of a violation of any statute or ordinance as part of the costs.

## **ARTICLE FIVE**

The assessment shall be collected by the Clerk of the Court in which the case is heard, and remitted to the Treasurer of Buckingham County, Virginia.

## **ARTICLE SIX**

The Treasurer of Buckingham County, Virginia, shall hold such funds, subject to appropriation by the Board of Supervisors of Buckingham County, Virginia, to the Sheriff's Office of Buckingham County, Virginia, for the funding of Courthouse Security Personnel in the County.

# **BUCKINGHAM COUNTY ORDINANCE IMPOSING A FEE ON TELEPHONE SERVICES**

**WHEREAS**, the State of Virginia is mandating that an enhanced 911 system be installed in every Virginia locality; and

**WHEREAS**, it is the express finding of said Board that the telephone companies serving this jurisdiction has central office equipment, which will permit such a system to be established.

**NOW, THEREFORE, BE IT ORDAINED** that –

1. A special fee shall be imposed upon the consumers of telephone services in Buckingham County, Virginia. The fee described in this Ordinance shall be at a rate of Three Dollars (\$3.00) per month on each telephone line in service.

2. No fee imposed by this Ordinance shall be levied on any local, State, or Federal Government agency. Nor shall any fee be imposed on any telephone line servicing any facility owned by a bona fide church or religious organization, which is used for the sole and exclusive use of a religious nature. Any facility, which is used for any commercial or residential purpose shall not be entitled to the exemption set forth in this Ordinance.

3. All funds received, as a result of the imposition of this fee shall be utilized solely for the initial capital, installation, and maintenance cost of implementing the enhanced 911 system. The fee levied by this Ordinance shall be reduced at such time as the capital and installation costs have been fully recovered. At such time, the fee described herein shall be reduced to a level necessary to offset recurring maintenance costs of the system.

4. Any telephone utility collecting and submitting the fee described herein shall receive compensation for accounting for and remitting said fee at the rate of three percent (3%) of the fee due and accounted for in the form of a deduction in submitting the return.

5. This Ordinance shall go into full force and effect as of January 1, 2002.

6. This Ordinance is enacted pursuant to Virginia Code Section 58.1-3813.

**This ordinance was adopted at a regular Board of Supervisors meeting held on December 10, 2001, to be effective on January 1, 2002.**

**AN ORDINANCE  
REGULATING OR PROHIBITING  
THE MAKING OF FIRES**

**ARTICLE ONE**

This ordinance is adopted pursuant to the authority granted in 15.2-922.1 of the 1950 Code of Virginia, as amended.

**ARTICLE TWO**

- A. No person shall at any time make a fire in the streets or in other public places.
- B. During declaration of drought, dry or parched conditions
  - 1. The County Administrator, after consultation with appropriate agencies, may declare that a drought condition exists or that forest lands, brush lands, and fields have become so dry or parched or that other conditions exist so as to create an extraordinary fire hazard.
  - 2. The County Administrator may then declare that open burning is prohibited in part or all of the county.
  - 3. Following such a declaration it shall be unlawful for any person to burn brush, grass, leaves, trash, debris or any other flammable material or to ignite or maintain any open fire within the county or within any part of the county subject to the prohibition.
  - 4. The declaration of the County Administrator shall remain effective until the County Administrator declares the condition and the prohibition to have terminated.
  - 5. When any such declaration is issued, amended or rescinded, the County Administrator shall promptly post a copy of the declaration, amendment or rescission on the bulletin board near the front of the administrative building and also post the same on the County's website. In addition, the County Administrator may publish or circulate the declaration, amendment or rescission as is deemed appropriate by the County Administrator.

**ARTICLE THREE**

The following exceptions shall apply during a declaration under Article Two.

- A. Without a permit: safety flares;
- B. With a permit, with or without conditions as the County Administrator shall determine, from the County Administrator: campfires or other fires used solely for recreational and similar purposes; or for outdoor noncommercial preparation of food; and the open burning of land clearing (the burning shall be a least seven hundred fifty (750) feet from



any occupied building other than a building located on the property on which the burning is conducted and the material to be burned shall consist only of brush, stumps, and other vegetative matter generated at the site and shall not include demolition or construction debris).

#### **ARTICLE FOUR**

Any person violating or failing to comply with the provisions of this division shall be guilty of a Class 1 misdemeanor. Each violation or failure shall constitute a separate offense and each day during which the same violation or failure is found to have existed shall constitute a separate offense.

This ordinance shall take effect upon enactment.

## **BUCKINGHAM COUNTY BOARD OF SUPERVISORS**

### **A BUCKINGHAM COUNTY ORDINANCE TO IMPLEMENT “REVENUE SHARE FOR SOLAR ENERGY PROJECTS AND ENERGY STORAGE SYSTEMS” PURSUANT TO VA. CODE ANN. §58.1-2636**

**WHEREAS**, Va. Code Ann. §58.1-2636 titled “Revenue Share for Solar Energy Projects and Energy Storage Systems” is effective July 1, 2021;

**WHEREAS**, Va. Code Ann. §58.1-2636 authorizes any locality to adopt an ordinance to assess a revenue share of up to \$1,400.00 per megawatt, as measured in alternating current (AC) generation capacity of the solar energy project or storage capacity, based on submissions by the facility owners to the interconnecting utility, on any solar photovoltaic (electric energy) project or energy storage system, and subject to certain exemptions set out in Va. Code §58.1-2636;

**WHEREAS**, the \$1,400.00 per megawatt on any solar photovoltaic (energy) project or energy storage system, shall be increased by 10 percent on July 1, 2026, and every 5 years thereafter by 10 percent; and

**WHEREAS**, the County desires to adopt this ordinance to implement the provisions of Va. Code Ann §58.1-2636, as amended.

**NOW THEREFORE BE IT ORDAINED** by the Buckingham County Board of Supervisors as follows:

1. To add an Ordinance titled “Revenue Share for Solar Energy Projects and Energy Storage Systems” among the Buckingham County Ordinance as follows:

#### **“Revenue Share for Solar Energy Projects and Energy Storage Systems”**

##### **Sec. 1. Purpose, Definition, Relation to Other Ordinances.**

- (a) The purpose of this article is to implement Va. Code Ann. §58.1-2636, as amended, titled “Revenue Share for Solar Energy Projects and Energy Storage Systems”.
- (b) Terms used in this article shall have the defined meanings found in Va Code Ann. §§58.1-2636, 58.1-3660, 58.1-3507, or 58.1-3508.6, as amended.
- (c) To the extent that the provisions of this article conflict with any prior ordinance or provision of the Buckingham County ordinances, this article shall control.

## **Sec. 2. Applicability.**

- (a) This Article shall apply to all solar photovoltaic (electric energy) systems except those:
  - (i) Described in §56-594, 56-595.02, or 56-594.2 or Chapters 358 and 382 of the Acts of Assembly of 2013, as amended;
  - (ii) 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; or
  - (iii) Five megawatts or less.
- (b) This Article shall not apply to any solar photovoltaic (electric energy) project or storage energy system for which an application was filed with the County and approved by the County prior to January 1, 2021.

## **Sec. 3. Revenue Share Rate Per Megawatt and Waiver of Machinery and Tool Tax.**

- (a) The County hereby imposes a revenue share to be assessed at a rate of \$1,400.00 per megawatt on any solar photovoltaic (energy) project or energy storage system, which rate shall be increased by 10 percent on July 1, 2026, and every 5 years thereafter by 10 percent. The generation or storage capacity shall be measured in alternating current (AC) generation or storage capacity of the facility and the determination of the generation or storage capacity shall be based on submissions by the facility owner to the interconnecting utility.
  - (b) The exemption for solar photovoltaic (electric energy) projects and energy storage systems greater than five megawatts as provided by Va. Code Ann. §58.1-3660, as amended, shall be one hundred percent (100%) of the assessed value.
  - (c) Nothing contained herein shall be construed to prevent any other tax or fee as provided by the Code of Virginia.
2. This ordinance shall become effective on adoption.

ADOPTED this 12 day of October, 2021

<u>Supervisors</u>	<u>Yea</u>	<u>Nay</u>	<u>Absent/Abstain</u>
1. Dennis Davis	X		
2. Donald E. Bryan			X
3. Donald R. Matthews, Jr.	X		
4. T. Jordan Miles, III	X		
5. Harry W. Bryant, Jr.	X		
6. Joe N. Chambers, Jr.	X		
7. Danny R. Allen	X		

The undersigned hereby certifies that the foregoing is an accurate account of the vote taken at a duly convened meeting of the Buckingham County Board of Supervisors on the 12<sup>th</sup> day of October, 2021, at which meeting a quorum was present at the time the meeting was convened and at the time said vote was taken.



\_\_\_\_\_  
Clerk, Board of Supervisors of Buckingham County, Virginia

# **ELECTRONIC SUMMONS SYSTEM FEE ORDINANCE**

## **Article One**

The name of this ordinance shall be the Electronic Summons System Fee.

## **Article Two**

Pursuant to Virginia Code §17.1-279.1, a \$5.00 fee shall be included as part of the costs assessed in each criminal or traffic case in the county's General District, Juvenile and Domestic Relation Court, and Circuit Court in which local law enforcement charges a violation of any statute or ordinance and the defendant is convicted.

## **Article Three**

The assessment shall be collected by the Clerk of the Court in which the action is filed, remitted to the Treasurer of this county, and held by such Treasurer subject to disbursements by the Governing Body.

## **Article Four**

Such disbursement shall be solely to a local law enforcement agency to fund software, hardware, and associated equipment costs for implementing and maintaining an electronic summons system.

## **Article Five**

This ordinance is adopted pursuant to §17.1-279.1 of the 1950 Code of Virginia, as amended, and shall become effective immediately upon adoption.