

BOOK 34**Board of Supervisors**

David W. Pugh, Jr., Chairman
District 4
Claudia D. Tucker, Vice Chair
District 2
Robert M. Curd, Supervisor
District 3
John A. Marks, Jr., Supervisor
District 5
Donald W. Kidd, Supervisor
District 1



County Administrator
Dean C. Rodgers

County Attorney
Ellen Bowyer

MINUTES
October 20, 2015
7:00 p.m.

AMHERST COUNTY BOARD OF SUPERVISORS
ADMINISTRATION BUILDING - 153 WASHINGTON STREET

- I. **Call to Order**
- II. **Invocation and Pledge of Allegiance**
- III. **Approval of Agenda**
- IV. **Citizen Comments**
- V. **Public Hearings**
 - A. Ordinance 2015-0008, amending §§ 15-122, 15-123, 15-124, 15-125, 15-127, 15-128, and 15-129 of Article IV of Chapter 15 of the Amherst County Code to increase water and sewer service charges and fees, and to make non-substantive corrections and changes to the Code text.
 - B. Ordinance 2015-0010, adding Article VII, comprised of Sections 4-146 through 4-156, to Chapter 4 of the Amherst County Code, to modify the requirements governing the County's implementation of the Uniform Statewide Building Code in order to strengthen the County's ability to ensure quality building construction and to remediate structures posing hazards to occupants or the public. The ordinance also amends Article I of Chapter 4 of the Amherst County Code to repeal Section 4-6, Rental inspections; rental inspection districts; exemptions; penalties, and repeals Article II of Chapter 4 as that has been replaced in whole by the new Article VII.
 - C. Special Exception 2015-07, request by Bon Secours Health System, Inc. (Townley Farm) for a special exception request in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a ministry retreat and conference center. The parcel is located at 1402 Stapleton Road and is further identified as tax map numbers 129-A-12 and 142-A-1.
- VI. **Consent Agenda**
 - A. Minutes – September 15, 2015
 - B. FY16 Appropriations – Confine Care of Juveniles True Up Cost for 2014-2015 year
 - C. FY16 Appropriation of Revenue – DMV/Forestry Service/VDOT/Fines
 - D. FY15 Request of Transfer – Solid Waste
- VII. **New Business**
 - A. Museum – December 1938 Time Capsule

B. EDA – Revised Covenants for Amelon Commerce Center

VIII. **Old Business**

A. County Administrator - Addition to HR Regulation, Chapter 5

B. County Administrator - ACR 4-1.5

IX. **County Attorney**

A. Prohibition on outdoor shooting of firearms – draft ordinance 2015-0012

X. **County Administrator Report**

A. Boards, Commissions and Committees - Quarterly Report

B. Approval of ACR 3, Financial Policy

XI. **Liaison and Committee Reports**

XII. **Departmental Reports**

A. Recreation and Parks Department – Tourism Report

B. Planning/Zoning/Purchasing – Train Depot – Phase III Bids/Financial Summary

C. Building Safety and Inspections – Monthly Report of Activities

XIII. **Citizen Comments**

XIV. **Matters from Members of the Board of Supervisors**

XV. **Adjourn**

MINUTES

At a regular meeting of the Board of Supervisors of Amherst County and held at the Administration building thereof on Tuesday, the 20th day of October 2015, at 7:00 p.m. at which the following members were present:

BOARD OF SUPERVISORS:

PRESENT: Chairman David W. Pugh, Jr.
Vice-Chair Claudia D. Tucker
Supervisor Robert M. Curd
Supervisor John A. Marks, Jr.
Supervisor Donald W. Kidd

ABSENT: None

STAFF PRESENT: County Administrator Dean C. Rodgers; Deputy County Administrator / Purchasing Agent David R. Proffitt; County Attorney Ellen Bowyer and Executive Administrative Assistant Regina Rice

OTHERS PRESENT: Dan French, Director Public Utilities; Jeremy Bryant, Director Planning /Zoning; Nate Young, Amherst County Building Official; Octavia Starbuck, Director Amherst County Museum and Historical Society; Lee Cobb, Consultant for Economic Development Authority; and Sara Lu Christian, Director Recreation and Parks.

I. **Call to Order**

Chairman Pugh called the meeting to order at 7:00 p.m.

II. **Invocation and Pledge of Allegiance**

Supervisor Marks led the Invocation and Pledge of Allegiance.

III. **Approval of Agenda**

By motion of Supervisor Tucker and with the following vote, the Board voted to amend the Agenda for October 20, 2015 by striking Item IX. County Attorney - Prohibition on outdoor shooting of firearms – draft ordinance 2015-0012.

AYE:	Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
NAY:	None
ABSENT:	None

IV. **Citizen Comments**

Chairman Pugh opened Citizen Comments.

The following citizens voiced their opposition to draft Ordinance 2015-0012, prohibition on outdoor shooting of firearms:

Richard Pentecost of Madison Heights VA; Philip Van Cleave, VCDL President; Darrell Cash of Amherst VA; Mark Ogden of Madison Heights VA; Keith Dawson of Amherst VA; Frank Dyson of Amherst VA; Betty Lou Dyson of Amherst VA; Timothy Evans of Monroe VA; Cody Bryant of Madison Heights VA; Greg Szalkowski of Amherst VA; Derin Foor of Amherst VA; Mark Labadie of Amherst VA; Phil Lotspeich of Madison Heights VA; Zane Harvey of Madison Heights VA; and Richard Lee of Amherst VA; Richard Stevens of Monroe VA; Charles Mead of Amherst VA; Vance Wilkins of Amherst VA; David Schlitter of Monroe VA; James Evans of Lynchburg VA; Curtis Knop of Monroe VA; Becky Cash of Lowesville VA; George McCormick, address not available; Edward Oliveras, address not available; Will Tyler of Madison Heights VA; David Cash of Amherst VA; Dan Summers of Amherst VA; Joe Cundiff of Amherst VA; Charles Mead of Amherst VA; Richard Leo of Amherst VA; Frank Campbell of Madison Heights Amherst VA; Brandon Door, Amherst VA; Richard Pentecost of Madison Heights VA.

Chairman Pugh closed Citizen Comments.

V. **Public Hearings**

A. Ordinance 2015-0008, amending §§ 15-122, 15-123, 15-124, 15-125, 15-127, 15-128, and 15-129 of Article IV of Chapter 15 of the Amherst County Code to increase water and sewer service charges and fees, and to make non-substantive corrections and changes to the Code text.

Dan French, Director Public Works presented the Board his report with justification to increase water and sewer service charges and fees. Mr. French stated that the Service Authority's cost for water per day is 11.4% less than the average of other Lynchburg area authorities and sewer is 20% less than other facilities in the surrounding area. Water customer fees would increase \$1.60 per month and sewer customer fees would increase by \$ 2.70 per month.

Chairman Pugh opened the Public Hearing.

Proponents: None

Opponents: Mr. Mark Labadie of Amherst, Virginia, expressed his opposition to the rate increases.

Chairman Pugh closed the Public Hearing.

By motion of Supervisor Marks and with the following vote, the Board adopted Ordinance No. 2015-0008 to increase the water and sewer increases and also making non-substantial corrections and changes to the Code text. **(See Attachment 1)**

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

B. Ordinance 2015-0010, adding Article VII, comprised of Sections 4-146 through 4-156, to Chapter 4 of the Amherst County Code, to modify the requirements governing the County's implementation of the Uniform Statewide Building Code in order to strengthen the County's ability to ensure quality building construction and to remediate structures posing hazards to occupants or the public. The ordinance also amends Article I of Chapter 4 of the Amherst County Code to repeal Section 4-6, Rental inspections; rental inspection districts; exemptions; penalties, and repeals Article II of Chapter 4 as that has been replaced in whole by the new Article VII.

Nate Young, Amherst County Building Official presented to the Board his report and advised this ordinance re-aligns County Code with the Uniform Statewide Building Code and repeals the rental inspection ordinance. This will allow the Building Inspection Office to use the property maintenance code through the Uniform Statewide Building Code to enforce complaints.

Supervisor Tucker asked Mr. Young if this ordinance would be enforceable. Mr. Young stated affirmatively and that it puts the County in line with other localities in the State who are doing property maintenance.

Proponents: Lloyd Hoilman, Jr. of Amherst, Virginia, addressed the Board and said he supported the ordinance which does make reference to an appeals board. Mr. Hoilman said if the ordinance is adopted, he would like to serve on such a board once it is put together.

Opponents: None

Chairman Pugh closed the Public Hearing.

By motion of Supervisor Curd and with the following vote, the Board adopted Ordinance 2015-0010. **(See Attachment 2)**

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

C. Special Exception 2015-07, request by Bon Secours Health System, Inc. (Townley Farm) for a special exception request in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a ministry retreat and conference center. The parcel is located at 1402 Stapleton Road and is further identified as tax map numbers 129-A-12 and 142-A-1.

Jeremy Bryant, Director Planning /Zoning presented to the Board his report and stated the construction of this facility would serve as a ministry retreat and conference center.

Mr. Bryant informed the Board on September 17, 2015 that the Planning Commission recommended approval of this request with several conditions: (1) prior to the issuance of a zoning permit, the applicant shall contact the Virginia Department of Transportation to determine if the existing entrances are safe and adequate; and (2) prior to the issuance of a zoning permit, the applicant shall contact the Virginia Department of Health to determine if the drainfield is adequate.

Chairman Pugh opened the Public Hearing.

Proponents: Mr. John Hash, Engineer with the Timmons Group, said he had prepared the site plan and other documents for the special exception and was available to answer any questions from the Board.

Mr. Mark Labadie of Amherst, Virginia, remarked he was in favor of opportunities for employment and in favor of this, however, does not believe ministries should operate under a tax exempt basis on agricultural land.

Opponents: None

Chairman Pugh closed the Public Hearing.

By motion of Supervisor Kidd and with the following vote, the Board approved Special Exception Request #2015-07 with the conditions recommended by the Planning Commission.

AYE:	Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
NAY:	None
ABSENT:	None

VI. **Consent Agenda**

A. Minutes – September 15, 2015

This record reflects that Supervisor Tucker abstained from voting on the September 15, 2015 Minutes.

B. FY16 Appropriations – Confine Care of Juveniles True Up Cost for 2014-2015 year

C. FY16 Appropriation of Revenue – DMV/Forestry Service/VDOT/Fines

D. FY15 Request of Transfer – Solid Waste

By motion of Supervisor Marks and with the following vote, the Board approved the Consent Agenda.

AYE:	Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
NAY:	None
ABSENT:	None

VII. **New Business**

A. Museum – December 1938 Time Capsule

Ms. Octavia Starbuck, Director Amherst County Museum and Historical Society, addressed the Board to request the Board authorize the retrieval of a time capsule that Mr. Paul Wailes III had witnessed being buried in December 1938 on the Court House grounds. Mr. Wailes would like to see the capsule recovered before his death.

Ms. Starbuck said the cost of the excavation and restoration of the grounds will be paid for by the Town of Amherst.

By motion of Chairman Pugh and with the following vote the Board authorized the excavation of the December 1938 Time Capsule.

AYE:	Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
NAY:	None
ABSENT:	None

By a second motion of Chairman Pugh and with the following vote, the Board authorized to allow those items, once excavated from the 1938 Time Capsule, to be displayed at the Amherst County Museum and Historical Society location.

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

B. EDA – Revised Covenants for Amelon Commerce Center

Mr. Lee Cobb, representative of the Economic Development Authority, addressed the Board regarding covenants for Amelon Commerce Center that need revision to protect the County's investment and the investments of three businesses; Quality Archery Design, Old Dominion Footwear and Englander Stove.

Mr. Cobb explained that the County owns Lot 3, Old Dominion Footwear Property, LLC owns Lot 1, RECH Properties, LLC (England's Stoves) owns Lot 13/14, Madison Realty, LLC (Quality Archery Designs) owns Lot 10, and the EDA owns Lot 2A (formerly CMC Rebar). The remainder of the property is vacant land owned by the EDA.

The covenants are based primarily on the Zoning ordinance and apply only to Amelon Commerce Center.

By motion of Supervisor Tucker and with the following vote, the Board approved the amended covenants for Amelon Commerce Center.

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

VIII. Old Business

A. County Administrator - Addition to HR Regulation, Chapter 5

Mr. Rodgers addressed the Board regarding local supplement pay for newly elected Constitutional officers. Mr. Rodgers asked the Board if those Constitutionals who are re-elected or appointed to fill an unexpired term would also be included.

Supervisor Marks stated he had a problem with the Board addressing the Constitutional officers here.

Supervisor Tucker asked if this matter would be discussed in a closed session.

Mr. Rodgers advised it would be discussed in a closed session with the newly elected and/or appointed official before he or she takes office.

Supervisor Kidd stated he wanted to treat all the Constitutionals the same.

Chairman Pugh agreed and the interim appointee should also come before the Board.

By motion of Chairman Pugh and with the following vote, the Board voted to include the bracketed language to regulation 5.4.3 as [or re-elected] and [or interim appointees fulfilling the term of another], and approved the entire Regulation 5.4.

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd and Mr. Kidd
 NAY: Mr. Marks
 ABSENT: None

B. County Administrator - ACR 4-1.5

Mr. Rodgers addressed the Board and stated he rewrote the part of the draft language that included an organizational description of the County government. The new proposed language is intended to provide a description of County government as it currently exists.

By motion of Supervisor Tucker and with the following vote, the Board accepted the changes as made to the proposed language to modify ACR 4-1.5 which provides a description of County government as it currently exists.

AYE:	Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
NAY:	None
ABSENT:	None

IX. ~~County Attorney~~

~~A. Prohibition on outdoor shooting of firearms—draft ordinance 2015-0012~~

X. County Administrator Report

A. Boards, Commissions and Committees - Quarterly Report

Mr. Rodgers presented for the Board's information the Library Board and Recreation and Parks Board have been advertised and no letters of interest were received. Mr. Rodgers asked the Board if both positions should be re-advertised and to expend the funds for the cost of advertisement.

Supervisor Marks stated both positions needed to be re-advertised.

By motion of Supervisor Marks and with the following vote, the Board voted to re-advertise the vacancies on the Library Board and Recreation and Parks Board.

AYE:	Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
NAY:	None
ABSENT:	None

Chairman Pugh asked if these positions were perpetually advertised. Mr. Rodgers stated they were not but suggested advertising all positions that will come open during the year.

Supervisor Kidd suggested all positions that will come open during each calendar year be posted on the County's website.

The second issue was the Board voted to dissolve the Sesquicentennial Committee for the American Civil War.

By motion of Chairman Pugh and with the following vote, the Board voted to allow the Sesquicentennial Committee for the American Civil War to cease existence.

AYE:	Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
NAY:	None
ABSENT:	None

B. Approval of ACR 3, Financial Policy

Mr. Rodgers addressed the Board to ask the Board to endorse the regulations and reformat of the financial policies the Board adopted in 2012.

Supervisor Marks recommended adding the word "rescue" to the Amherst County Fire to read as Amherst County Fire & Rescue.

Supervisor Marks also remarked on the accounting policy from the Brown Edwards audit and the comments on handling on capital assets, which should be reconciled on a quarterly basis. Supervisor Marks requested that should that be included into this document.

Mr. Rodgers stated he would put into writing what the Board wants the Accounting Department to do.

Supervisor Marks further commented on the budget policy and fund balances and that a provision was made that the County Administrator would provide a quarterly update on the fund balances. Supervisor Marks requested this be added.

By motion of Supervisor Marks and with the following vote, the Board approved the ACR 3, Financial Policy with the modifications that capital assets shall be reconciled on a quarterly basis and that under the Fund Balance section the County Administrator shall provide a quarterly update.

AYE:	Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
NAY:	None
ABSENT:	None

XI. Liaison and Committee Reports

XII. Departmental Reports

A. Recreation and Parks Department – Tourism Report

Mr. Rodgers presented information to the Board and advised there is \$34,000 in County tourism funds available. We are in the process of drafting an agreement with the Chamber of Commerce to set up accountability of how those funds will be spent. This will be written into the lease for the Chamber's use of the Train Depot. This is a committed fund that will grow.

Supervisor Kidd asked if the County was advertising in the Virginia Tourism Guide. Mr. Rodgers advised the County did advertise this year and last year.

Sara Lu Christian, Director of Recreation & Parks, presented her report to the Board and recommended that the County come up with a brand for the County. The current printed brochures are outdated and Ms. Christian asked how the Board would propose a popular brand for the County.

Mr. Rodgers explained the two slogans we use now are "Beauty In The Blue Ridge" and "Virginia's Most Civilized Wilderness" and the County should have a branding that focuses on the outdoors.

Supervisor Tucker suggested turning this over to the Chamber of Commerce and have them work on this.

B. Planning/Zoning/Purchasing – Train Depot – Phase III Bids/Financial Summary

Mr. David Proffitt provided the Board a report on the Train Depot, Phase III Bids and Financial Summary. On October 5, 2015, bids were due for Phase III of the Amherst County Train Depot project. This phase included completion of the interior, parking lot paving, a train signal, an exterior rail and lighting.

Mr. Proffitt informed the Board the bid from Jamerson was not accepted by VDOT due to the bond document not being included in the envelope with their bid.

Mr. Proffitt advised the Board there may be some unforeseen costs as in any project and we know there will be soil testing for the parking lot needed.

Mr. Proffitt advised one option is to re-bid and he will continue to research and get with the architect to consider the costs and will return to the Board once he has this information.

C. Building Safety and Inspections – Monthly Report of Activities

For information only.

XIII. **Citizen Comments**

Chairman Pugh opened Citizen Comments.

Mr. James Evans of Lynchburg, Virginia addressed the Board and said he works in IT and suggested the best way to market Amherst County is updating Amherst County's Facebook page. Mr. Evans said this costs nothing and that the Board should consider looking into this.

Mr. Rodgers read a statement from Alice "Nell" Bowling of Amherst, Virginia, who could not attend the meeting due to health issues. Ms. Bowling statement read she was in favor of the no-shoot zone as it pertains to her property.

Chairman Pugh closed Citizen Comments.

XIV. **Matters from Members of the Board of Supervisors**

Supervisor Kidd stated he had received a call from a constituent regarding the Virginia Blue Ridge Railway Trail. Supervisor Kidd said that Ms. Anna Moore advised him that people are trespassing onto her property and that some vandalism has occurred on her property. Supervisor Kidd asked if the boundaries on the trail are clearly marked.

Mr. Proffitt advised the boundaries are marked by a fence that delineates County property from private property.

Mr. Rodgers said he has contacted the Sheriff's Office who can increase patrol at this area and Recreation and Parks is looking into additional signage to post on the trail.

Supervisor Marks stated he had communicated with the County Administration regarding the extension of Riveredge Park and asked how much was the bid we approved?

Mr. Proffitt advised the low bid for the work was approximately \$82,000 to build trail only. This was just to build the trail and did not include any amenities and he will obtain other quotes.

Supervisor Marks asked about the lighting on the trail. Mr. Proffitt advised that solar lightening has been approved for the trail and he will research what suitable solar lightening will be used.

Supervisor Curd stated he had no issues to discuss.

Supervisor Tucker stated she received a letter from Mr. Richard Wydner concerns about weeds and debris growing between Rt 60 and Depot Street and asked the County Administrator to respond to Mr. Wydner.

Chairman Pugh stated that a car was parked at the Train Depot that had a political sign on the back of the vehicle for one of the constitutional officers and requested that this vehicle be removed from County property.

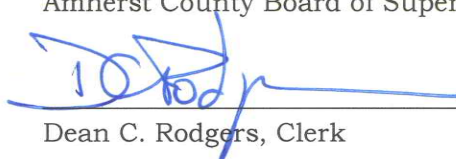
XV. **Adjourn**

By motion of Supervisor Kidd and with the following vote, the Board moved to adjourn.

AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
NAY: None
ABSENT: None



David W. Pugh, Jr., Chairman
Amherst County Board of Supervisors



Dean C. Rodgers, Clerk



Amherst County Board of Supervisors
County Ordinance No. 2015-0008

AN ORDINANCE, NO. 2015-0008

Amending §§ 15-122, 15-123, 15-124, 15-125, 15-127, 15-128, and 15-129 of Article IV of Chapter 15 of the Amherst County Code to increase water and sewer service charges and fees, and to make non-substantive corrections and changes to the Code text.

Approved as to form and legality by the County Attorney

FIRST READING: Board of Supervisors, September 1, 2015
PUBLIC HEARING: Board of Supervisors, October 20, 2015

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Sections 15-122, 15-123, 15-124, 15-125, 15-127, 15-128, and 15-129 of Article IV of Chapter 15 of the Code of the County of Amherst be and hereby are amended, as follows:

Sec. 15-122. - Water service charges.

- (a) Each premises that is supplied water by the Amherst County Service Authority shall be charged for water service as metered. The charges for the provision of water service shall be based on metered water consumption. The rate for water, per one hundred (100) cubic feet of water metered, shall be ~~three dollars and ninety-three cents (\$3.93)~~ four dollars and twenty-one cents (\$4.21).
- (b) Each billing for water service also shall include a twenty-one dollar (\$21.00) water basic service charge.
- (c) Payment is due on the first day of each billing month.

Sec. 15-123. - Sewer service charges.

- (a) All premises that dispose of sewage to the Amherst County Service Authority sewerage system shall be charged for sewer service. The system shall not accept sewage of the strength or quality prohibited either by Division 2 of Article III of this Chapter or by the City of Lynchburg, Virginia sewer use ordinance, as provided by the regional agreement between the ~~county~~ County and the City of Lynchburg. Any user whose waste effluent exceeds the limits below shall immediately stop discharging to the system and take steps to bring the waste within the following limits:

~~Waste Water~~ Wastewater Limits

Characteristic	Limits
BOD ₅	300 ppm
Suspended Solids	400 ppm
pH	6.0 to 8.0
COD	1400 ppm
Total Oil and Grease	50 ppm

~~(1)~~ (b) Premises served with water shall be charged for sewer service based on metered water consumption. The rate for sewage produced shall be five dollars and ~~forty five cents (\$5.45)~~ eighty-nine cents (\$5.89) per one hundred (100) cubic feet of water metered.

~~(2) Premises served by unmetered private or public water supplies shall be charged for sewer service based on Table 1 or Table 2. The director of public utilities or his designee shall have access at any reasonable time to inspect the premises. Before sewer service is provided, a water meter service shall be installed at the owner's expense. Such an installation must meet all of the specifications and standards of the Amherst County Service Authority in force at the time of installation. The authority shall be permitted to access the meter service at any reasonable time for purposes of monitoring the volume of water consumption and sewage production.~~

(c) Each billing for sewer service shall include a one dollar (\$1.00) sewer basic service charge.

Sec. 15-124. - Tables.

TABLE 1: COMMERCIAL AND INDUSTRIAL WATER AVAILABILITY CHARGES

a.	Hotels, motels, and motor courts, per unit	\$ 330.00
b.	Restaurants and/or eating establishments, per seat	195.00

c.	Nursing homes or hospitals, per bed	540.00
d.	Laundromat, per machine	345.00
e.	Car wash, per bay	1,975.00
f.	Service station, per bay	1,315.00
g.	Schools, nurseries or day care centers, per person	35.00
h.	Small businesses and commercial establishments (normal domestic usage)	
	shall be	2,790.00
	Plus for each additional employee over five (5)	135.00
i.	Multifamily dwelling units with a single meter up to three (3) units per	
	unit	2,790.00
	Fourth unit and each subsequent unit	2,475.00
j.	Industry (normal domestic usage) shall be	2,790.00
	Plus for each additional employee over five (5)	200.00
k.	Facilities not covered above or with high levels of consumption shall have their availability charge established on a case by case basis, by the director. The determination of this fee shall be based on flows (in residence equivalent units of two hundred seventy-five (275) gpd or fixture unit evaluation) plus the authority expense of rendering service.	

TABLE 2: COMMERCIAL AND INDUSTRIAL SEWER AVAILABILITY

a.	Hotels, motels and motor courts, per unit	\$355.00
		<u>\$385.00</u>
b.	Restaurants and/or eating establishments, per seat	255.00
		<u>275.00</u>
c.	Nursing homes or hospitals, per bed	555.00
		<u>600.00</u>
d.	Laundromat, per machine	355.00
		<u>385.00</u>
e.	Car wash, per bay	2,030.00
		<u>2,190.00</u>
f.	Service station, per bay	1,355.00
		<u>1,465.00</u>
g.	Schools, nurseries or day care centers, per person	35.00
		<u>40.00</u>
h.	Small businesses and commercial establishments (normal domestic usage) shall be	3,530.00
		<u>3,810.00</u>
	Plus for each additional employee over five (5)	135.00
		<u>145.00</u>
i.	Multifamily dwelling units with single connection up to three (3) units/unit	3,530.00
		<u>3,810.00</u>
	Four (4) or more units, per unit	3,000.00
		<u>3,240.00</u>

j.	Industry (normal domestic usage) shall be	3,530.00
		<u>3,810.00</u>
		205.00
	Plus for each additional employee over five (5)	<u>220.00</u>

- k. Facilities not covered above or with high levels of consumption, waste other than that of a normal domestic nature or extensive road crossings to provide service shall have their availability charge established on a case by case basis, by the director. The determination of this fee shall be based on flows (in residence equivalent units of two hundred seventy-five (275) gpd or fixture units evaluation) plus the authority expense of rendering service.

Sec. 15-125. - ~~Basic service charge.~~ Reserved.

~~In addition to service charges, each customer's bill shall include a basic service charge of twenty dollars (\$20.00) per bill rendered.~~

Sec. 15-127. - Connection charges.

- (a) Each premises supplied with water by, or disposing of sewage to, the authority's system shall be charged water or sewer connection fees. Separate water meter connections are required for each premises, except for manufactured home parks, multifamily housing complexes or other properties provided with water utility services by an incorporated property owners' association for the maintenance of a private water distribution system. Where a single water meter services such excepted premises or multifamily dwelling units under a common roof, the meter monitoring the service to such premises shall be designated a master meter. The account for any master meter shall be established in the name of the property owner(s), or the property owners' association and the property owner(s) or the property owners' association shall have all responsibility for payment of amounts due under this section. The establishment of water service through a master meter has no impact and shifts no responsibility as to responsible persons on the requirement that water or sewer availability fees must be paid in accordance with section 15-129 of this chapter.
- (b) Water and sewer connection charges are due and payable at the time that sewer and water availability fees are due and payable, provided in the case of existing dwellings at the time of line availability, in cases of demonstrated hardship as determined by the director of public utilities, the applicant may be permitted to pay the connection charge in twelve (12) bimonthly installments over a twenty-four-month period.
- (c) Water connection fees:

Secondary Roads		
(1)	¾ inch pipe	\$1,285.00

(2)	1 inch pipe	1,450.00
		<u>1,595.00</u>
Primary Roads		
(3)	¾ inch pipe	1,385.00
		<u>1,465.00</u>
(4)	1 inch pipe	1,655.00
		<u>1,820.00</u>
Dual Lane Highway Connections		
(5)	¾ inch pipe	1,600.00
		<u>1,690.00</u>
(6)	1 inch pipe	1,795.00
		<u>2,000.00</u>

- (d) For any larger connection, the charge shall be the actual cost of making the connection, but not less than the one-inch fee specified for secondary roads.

Sec. 15-128. - Sewer connection fees.

- (a) Whenever any sewer line designed to flow by gravity and owned by the Amherst County Service Authority runs or is installed within an easement or right-of-way, but not more than two hundred fifty (250) feet from any premises, that property is within the priority service area of the authority as determined by the director of public utilities. Any such determination that is disputed by the property owner may be appealed, in writing, to the authority board.
- (b) Any premises constructed after the availability of public sewer line, or any premises, the use of which is changed, within the priority service area must connect to the sewerage system for the fee specified in this section.
- (c) Any premises within the priority service area that has a malfunctioning private sewer system may connect to the sewerage system for the fee specified in this section.
- (d) All other premises within the priority service area may connect to the system for the fee specified in this section. No premises within the priority service area and receiving public sewer service, may disconnect from the system in favor of a septic tank, privy, or lagoon.

- (e) The sewer connection fee shall be one thousand ~~two~~ three hundred dollars (~~\$1,200.00~~) (\$1,300.00) for a four-inch connection. Larger connections shall be actual cost but not less than the four-inch connection fee.
- (f) Sewer connection charges and the determination of properties within the priority service area of the authority sewerage system are governed by this chapter, notwithstanding any conditions, fees or agreements made pursuant to the authority line extension policy maintained by the Amherst County Service Authority, as that may be amended from time to time.

Sec. 15-129. - Availability charges.

- (a) Any person or other entity applying for connection of any existing premises or any planned premises to the authority system shall be charged a water or sewer availability charge. Upon application for service, the charge is due and payable. No connection shall be activated unless availability charges are paid in full; provided in the case of dwellings existing at the time of line availability, in cases of demonstrated hardship as determined by the director of public utilities, the applicant may be permitted to pay the availability charge balance in twelve (12) bimonthly installments over a twenty-four-month period, or for such longer period as the director of public utilities may establish.

The addition of any building, facility, plant, or unit to an existing facility or land served by the authority's water or sewer lines shall constitute the creation of separate premises. Water and sewer service may be supplied to such separate premises upon the filing of an application and payment of the applicable availability fee.


- (1) Water availability charge: For residential premises, the water availability ~~fee~~ charge shall be two thousand seven hundred ninety dollars (\$2,790.00) per dwelling unit. For other premises, availability charges shall be based on Table 1 or two thousand seven hundred ninety dollars (\$2,790.00) times the quotient of the estimated flow, which calculations shall be provided on the letterhead of an engineer or architect bearing their professional seal, based on an assumed usage of two hundred seventy-five (275) gpd. If the availability charges are determined using both Table 1 and estimated flow, the public utilities director shall select the lower of the two (2) charges determined. In no instance shall the water availability charge be less two thousand seven hundred ninety dollars (\$2,790.00) for each connection to the system.
 - (2) Sewer availability charge: For any residential premises having a utilized private sewage treatment system, the sewer availability ~~fee~~ charge shall be ~~one thousand four hundred fifteen dollars (\$1,415.00)~~ forty percent (40%) of the amount specified in Section 15-129 (c) per dwelling unit, provided connection into the ~~authority's~~ Authority sewer system is made within the first twelve (12) months following availability of the public sewer line.
- (b) For any ~~other~~ nonresidential premises having a utilized private sewage treatment system, the sewer availability charge shall be based on Table 2 or be ~~one thousand four hundred fifteen dollars (\$1,415.00)~~ the fee specified in § 15-129 (a)(2) times the quotient of the flow estimate, which calculations shall be provided on the letterhead of an engineer or architect, bearing their professional seal, and two hundred seventy-five (275) gpd, but in no instance shall the sewer availability charge be less than ~~one thousand four hundred fifteen dollars (\$1,415.00)~~ the fee specified in § 15-129 (a)(2), provided connection into the authority sewer system is made within the first twelve (12) months following availability of the public sewer line. If the availability charges are determined using both Table 2 and estimated flow, the public utilities director shall select the lower of the two (2) charges determined.

- (c) After the first twelve (12) months following line availability, the fee charge shall be three thousand ~~five~~ eight hundred ~~thirty~~ ten dollars (~~\$3,530.00~~) (\$3,810.00) per unit, for all premises having a utilized private ~~sewerage~~ sewage treatment system.
- (d) For residential premises of fewer than four (4) units constructed after the availability of the public sewer line, the sewer availability charge shall be three thousand ~~five~~ eight hundred ~~thirty~~ ten dollars (~~\$3,530.00~~) (\$3,810.00) per dwelling unit.
- (e) For other premises constructed after the availability of the public sewer line, the sewer availability charge shall be based on Table 2 or three thousand ~~five~~ eight hundred ~~thirty~~ ten dollars (~~\$3,530.00~~) (\$3,810.00) times the quotient of the flow estimated, which calculations shall be provided on the letterhead of an engineer or architect, bearing their professional seal, based on an assumed usage of two hundred seventy-five (275) gpd, but in no instance shall the sewer availability charge be less than three thousand ~~five~~ eight hundred ~~thirty~~ ten dollars (~~\$3,530.00~~) (\$3,810.00).

§ 2. That this ordinance shall be in force and effect upon adoption.

§ 3. That the fees and charge established by this ordinance shall be used to calculate water and sewer bills issued January 1, 2016, and thereafter, unless and until they are amended further.

Adopted this 20th day of October, 2015.



David W. Pugh, Jr., Chairman
Amherst County Board of Supervisors

ATTEST:



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0



Amherst County Board of Supervisors
County Ordinance No. 2015-0010

AN ORDINANCE, NO. 2015-0010

Adding Article VII, comprised of Sections 4-146 through 4-156, to Chapter 4 of the Amherst County Code, to modify the requirements governing the County's implementation of the Uniform Statewide Building Code in order to strengthen the County's ability to ensure quality building construction and to remediate structures posing hazards to occupants or the public. The ordinance also amends Article I of Chapter 4 of the Amherst County Code to repeal Section 4-6, Rental inspections; rental inspection districts; exemptions; penalties, and repeals Article II of Chapter 4 as that has been replaced in whole by the new Article VII.

Approved as to form and legality by the County Attorney

FIRST READING: October 6, 2015
PUBLIC HEARING: October 20, 2015

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Chapter 4 of the Code of the County of Amherst is modified by adding Article VII, comprised of §§ 4-146 through 4-156, as follows:

ARTICLE VII. – UNIFORM STATEWIDE BUILDING CODE

Sec. 4-146. - 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:

Board of Supervisors or *Board* means the Amherst County Board of Supervisors.

Building means a combination of any materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by persons or property.

Building, existing, means a building erected prior to the adoption of this Code, or one for which a legal building permit has been issued.

Building inspector means the building official's technical assistant who inspects a structure.

Building official means the officer charged with the administration and enforcement of this article.

Contractor means building contractor, builder, air conditioning contractor, elevator contractor, electrician, heating and gas fitter, or plumber.

Condemn means to adjudge unfit for occupancy.

Department means the County building safety and inspection department.

Dwelling unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Imminent danger means a condition which could cause serious or life-threatening injury or death at any time.

Owner means a person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Permit means an official document or certificate issued by the Department authorizing performance of a specified activity.

Permit holder means the person in whose name the Department issues the permit.

Premises means a lot, plot or parcel of land, or easement or public way, and includes any structures thereon.

Structure unfit for human occupancy means an existing structure determined by the building official to be dangerous to the health, safety and welfare of the occupants of the structure or the public because (i) of the degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential requirements, or (ii) the required plumbing and sanitary facilities are inoperable.

Unsafe structure means an existing structure (i) determined by the building official to be dangerous to the health, safety and welfare of the occupants of the structure or the public, (ii) that contains unsafe equipment, or (iii) that is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is likely. A vacant existing structure unsecured or open shall be deemed to be an unsafe structure.

Uniform Statewide Building Code or *USBC* means the Virginia Uniform Statewide Building Code.

Sec. 4-147. - Adoption of Virginia Uniform Statewide Building Code.

There is hereby adopted by reference and incorporated as fully as if set out at length herein, the Virginia Uniform Statewide Building Code, Part I, The Virginia Construction Code; Part II, The Virginia Rehabilitation Code; Part III, The Virginia Maintenance Code, and all of the codes and standards

referenced therein, copies of which are on file in the County Building and Safety Inspections Department, the provisions of which shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy of all new and existing buildings.

Pursuant to the provisions of Section 1-220 of the Code of Virginia, future amendments to the Virginia Uniform Statewide Building Code and the codes and standards referenced therein are also incorporated by reference herein, and all future editions of the Virginia Uniform Statewide Building Code and all amendments thereto are hereby adopted and incorporated into the County Code.

Any requirement necessary for the strength or stability of an existing or proposed building or structure, or for the safety of the occupants thereof, not specifically covered by the USBC, shall be determined by the building official, subject to appeal to the Board of Appeals.

Sec. 4-148. - Building inspection department; liability.

A. There is hereby established a building safety and inspection department whose responsibility it is to enforce the provisions of the Virginia Uniform Statewide Building Code. The County shall defray the cost of enforcement through the levying of fees, which shall be established in accordance with the provisions of County Code § 4-154. The department shall have a building official or inspector who shall be appointed by the Board of Supervisors.

B. The building official shall be responsible for the organization and daily operation of the department. The building official and his authorized agents are hereby empowered to enforce all of the provisions of this article, to act pursuant to the authority contained herein, and to perform all of the duties required thereby. The building official may establish such administrative procedures as may be necessary for the administration and enforcement of this article, and may solicit the assistance of other local and state officials and agencies to assist with the enforcement of this article.

C. The building official is authorized to enter any structure or premises at reasonable times to make inspections under this article. No inspection shall be conducted without the consent of the tenant, occupant, property owner; or, if the property owner or managing agent have reserved a right of re-entry in order to inspect the premises, the managing agent; or pursuant to a duly issued administrative inspection warrant or as authorized by other lawful means.

D. If the building official determines that a violation of the USBC exists that is an immediate and imminent threat to the health or safety of the owner, tenant, or occupants of any building or structure, or the owner, occupant, or tenant of any nearby building or structure, and the owner, occupant, or tenant of the building or structure that is the subject of the complaint has refused to allow the building official or his agent to have access to the subject building or structure, the building official or his agent may present sworn testimony to a magistrate or a court of competent jurisdiction and request that the magistrate or court grant the local building official or his agent an inspection warrant to enable the building official or his agent to enter the subject building or structure for the purpose of determining whether violations of the USBC exist. The building official or his agent shall make a reasonable effort to obtain consent from the owner, occupant, or tenant of the subject building or structure prior to seeking the issuance of an inspection warrant under this section.

E. Any officer or employee of the department, or any member of the Board of Appeals, charged with the enforcement of the USBC and acting for the County in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his

duties. The County shall ensure that any suit brought against any officer or employee because of such act performed by him in the enforcement of any provisions of this chapter is defended in accordance with County policy.

F. The provisions of this article shall not alter the rights and obligations of landlords and tenants under Virginia law.

Sec. 4-149. – Inspection of buildings under construction.

A. *General.* It shall be the duty of any person performing work covered by Code to comply with all applicable Code provisions and to perform and complete such work so as to secure the results intended by the USBC.

B. *Inspection.* All new work, and such portions of existing systems or buildings as may be affected by new work, or any changes, shall be inspected to ensure compliance with all the requirements of this article and other applicable law and regulations to ensure that the installation and construction are in accordance with approved plans.

C. *Inspection notice.* It shall be the permit holder's duty to notify the Department when construction reaches a stage of completion that requires an inspection.

D. *Requests for inspection.* Requests for inspections shall be made before 2:00 p.m. on the day preceding the day of the requested inspection. The permit holder requesting the inspection shall state the time that his work will be ready for inspection, and the building inspector shall make such inspection as near the time stated as is practicable.

E. *Permit holder's responsibility.* It shall be the permit holder's duty to ensure that the work will stand the tests prescribed before giving notice, and to be present or represented at the location of the work when inspections are made.

F. *Postponement of inspection.* If for valid reasons the work is not ready for inspection when the building inspector visits the premises, the inspection shall be postponed to another day or hour without additional fee charges. If the building official finds that the reasons are not valid, he may charge additional fees. Such fees shall be paid prior to re-inspection.

G. *Inspection materials.* The permit holder shall supply the equipment, material, power, and labor necessary for the inspections.

H. *Failure to pass inspection, reinspection.* If on inspection the work does not conform to the requirements of this article, the building inspector shall give the permit holder written notice of the noncompliance. The permit holder shall make the necessary corrections, and the building inspector shall reinspect the property. Additional inspections shall be made until the work complies with applicable standards, and the building official may impose such additional inspection fees as he deems appropriate, which fees shall be paid prior to the inspections.

I. *Covering work prior to inspection.* No part of any installation shall be covered by any part of the building or structure, or otherwise, in such a manner as will prevent an inspection thereof until it has been inspected and approved. If such work, or part thereof, is so covered before being inspected, it shall be uncovered upon the direction of the building inspector. If on inspection, defective work or material shall be found, such defective work or material shall be replaced within three (3) days and again inspected.

Sec. 4-150. – Inspection of unfit or unsafe structures.

A. *Inspection.* The building official or his designated agent shall inspect any structure reported or discovered as unsafe or unfit for human habitation, and shall prepare a report to be filed in his records with a copy sent to the owner. The report shall describe the use of the structure and a description of the conditions which render the structure unsafe or unfit.

B. *Notice of unsafe structure or structures unfit for human occupancy.* When a structure is determined to be unsafe or unfit for human occupancy by the building official, written notice shall be issued by personal service to the owner, the owner's agent, or the person in control of such structure. Whenever possible, the notice should also be given to any tenants of the affected structure. The notice shall conform to the requirements of section 107.2 of Part III of the USBC, including specifying the corrections necessary to comply with this article, or the time period within which any demolition must occur. If the notice cannot be issued by personal service, it shall be sent by registered or certified mail to the last known address of the responsible party and a copy of the notice shall be posted in a conspicuous place on the premises.

C. *Vacating unsafe structures.* If the building official determines there is actual and immediate danger to the occupants or public, or when life is endangered by the occupancy of an unsafe structure, the building official shall be authorized to order the occupants to immediately vacate the unsafe structure.

D. *Posting of placard.* When (i) an unsafe structure is ordered to be vacated, or (ii) notice is issued that a structure is unfit for habitation, the building official shall post a notice with the following wording at each entrance of the structure: "THIS STRUCTURE IS UNSAFE OR UNFIT FOR HUMAN HABITATION AND ITS OCCUPANCY OR USE IS PROHIBITED BY THE BUILDING OFFICIAL." After posting, occupancy or use of the unsafe or unfit structure is impermissible except that the building official may authorize entry for the purposes of conducting inspections, making repairs, or demolishing the structure. The placard shall not be defaced and it shall not be removed until the building official determines that the structure is safe or fit to occupy.

E. *Vacant and open structures.* When an unsafe structure or a structure unfit for human habitation is open for public entry at the time a placard is issued under subsection (d), the building official may authorize the necessary work to make such structure secure against public entry regardless of whether legal action to compel compliance has been instituted.

F. *Terminating service for unsafe conditions.* The building official shall inspect any building for unsafe conditions at the request of a citizen or when he deems it necessary in the public interest. If the building official finds on inspection that there is danger to life or property, and the defective conditions are not immediately remedied, the building official shall immediately cause the electrical, gas, or other utility service to be disconnected from the building.

Sec. 4-151. – Repair of existing structures; termination of service for unsafe conditions.

(a) *Substantial repairs.* If, within any single period of twelve (12) months, alterations or repairs are made to a building which cost more than fifty (50) per cent of the physical value of the building prior to the events necessitating repairs, the entire building shall have to be brought into conformance with Part I or Part II of the USBC.

(b) *Less than substantial repairs.* If the cost of such alterations or repairs is more than twenty-five (25) per cent but not more than fifty (50) per cent of the physical value of the building prior to the events necessitating repairs, the building official may require that the portions to be altered or repaired be brought into conformance with Part I or Part II of the USBC.

(c) *Health and safety.* Notwithstanding any of the preceding subsections of this section, the building official may require that any needed alterations or repairs to a building be made in full compliance with the requirements of the USBC if the health or safety of the building occupants would be affected by repairs or alterations made in conformance with a lower standard.

(d) *Discretion of building official.* Physical value of a building shall be determined by the building official. If in his opinion it is impractical for repairs or alterations to a building to comply with the requirements of the building code for new buildings, he may approve modifications provided the spirit and functional intent of the building code are observed and the public health, welfare, and safety are protected.

Sec. 4-152. - Contractor's license.

A. *Applicability of article provisions to homeowners.* Nothing contained within this article shall prevent any homeowner from construction, repair, or improvements on his own residence or a residence of his immediate family, provided he does the work himself or with his own employees, and he complies with the requirements of Section 54.1-1100 and 54.1-1101 of the Code of Virginia and signs an owner/builder affidavit as provided by the building official when obtaining a permit.

B. *Contractor's license required.* It shall be the duty of every contractor who makes contracts for the erection or construction or repair or demolition of buildings or structures for which a permit is required or subletting the same or any part thereof, to comply with licensing requirements as specified by the Virginia Department of Professional and Occupational Regulation.

C. *Business license required.* All contractors working in the County shall apply for and obtain a business license as required by Division 2, Article II of Chapter 7 of the County Code.

D. *Use of name or license by other persons prohibited.* No licensed contractor shall allow the use of his name or license by any person, directly or indirectly, either for the purpose of obtaining a permit, or to do any work under his license, unless the person is regularly employed by the licensed contractor.

E. *Master tradesman in control of work.* A master tradesman in the appropriate trade who holds a valid and current trades card recognized by the Commonwealth of Virginia shall at all times be in control of any electrical, plumbing, mechanical, gas or other trades work requiring a permit being done. Homeowners undertaking their own construction, repair, or improvements are exempt from this requirement if they comply with subsection (a) and demonstrate a working knowledge of the trade being performed. The building official may require a homeowner to obtain the services of a master tradesman where work has been repeatedly rejected for non-compliance.

F. *Building official may refuse permits for non-compliance.* If any contractor fails to comply with the requirements imposed by this article, he shall be notified in writing by the building official. If after the notice has been sent to the contractor noncompliance reoccurs, the building official shall have the authority to refuse any permits for future work to be done by the contractor.

G. *When issuance prohibited.* No permit shall be issued to any person while he refuses to comply with any lawful requirements of the department nor while he refuses to pay any fees or charges lawfully assessed against him by the department. During the time that any revocation or suspension of a county business license by the building commissioner under Section 4-35 is in effect, no permit shall be issued to any person affected by such suspension or revocation.

H. *Permits not transferable; responsibility for work.* No work authorized by a permit shall be undertaken except by the person to whom such permit is issued or by authorized persons in his employ. The person in whose name the permit is issued shall assume complete responsibility for the work.

Sec. 4-153. - Board of appeals.

A. Any person directly affected by a decision of the building official or a notice or order issued under this article shall have the right to appeal to the Board of Appeals. The written application for appeal of a decision under §§4-149 or 4-151 of this article must be filed within 30 days after service of the decision notice, or order. The written application for appeal of a decision under §4-1501 of this article must be filed within 14 days after service of the decision notice, or order. An application for appeal shall be based on a claim that the true intent of the USBC or this article has been incorrectly interpreted, the provisions of this article do not apply, or the requirements of the USBC are adequately satisfied by other means.

B. The board of appeals shall be appointed and function in conformance with the USBC.

C. Compensation of appointed members of the board shall be determined by the Board of Supervisors.

Sec. 4-154. - Fee schedule.

A. The code official shall charge building permit fees in accordance with rates and charges as set from time to time by resolution of the board of supervisors. A schedule of such rates and charges shall be maintained in the office of the county administrator, and the building inspection department, and shall be available for review by the public during regular business hours.

B. Fees and charges shall take effect no less than sixty (60) days following the board's action.

Sec. 4-155. - Enforcement.

A. *Notice of violation—Failure to comply.* If any person fails to comply with a properly issued notice of violations, the building official may obtain a summons or warrant for failure to correct the violation(s) as allowed by the Virginia Uniform Statewide Building Code.

B. *Refusal to issue certificate of occupancy.* The building official shall have the authority to refuse a certificate of occupancy to any person who fails to correct any violation of this chapter within the time prescribed in a written notice from the building official. If such violation shall continue beyond the time specified in said notice, the building official shall have authority to revoke all licenses and permits of such person.

C. *Revocation of certificate of occupancy.* The building official shall have the authority to revoke a permanent or temporary certificate of occupancy for the repeated failure to correct property maintenance violations.

D. *Suspension or revocation of business license.* The building official shall have the authority to revoke or suspend the County business license of any person for any failure to comply with the provisions of this code or with the rules and regulations of the building official insofar as the same may apply to the provisions of the Virginia Uniform Statewide Building Code in the County.

E. *Emergency repairs.* The building official shall have the authority to make emergency repairs to existing structures as expeditiously as possible, and bring an action against the responsible party to recover the costs incurred.

F. *Abating, razing, or removal.* Whenever the owner of a structure fails to comply with the requirements of the notice of unsafe structure issued pursuant to section 4-150, the building official may cause the structure to be razed or removed. If the unsafe structure presents an imminent and immediate threat to life or property, then the building official may abate, raze, or remove such unsafe structure, and bring an action against the responsible party to recover the costs incurred.

Sec. 4-156. – Penalties.

A. Violations of the provisions of Part I, the Virginia Construction Code and Part II, the Virginia Rehabilitation Code of the Uniform Statewide Building Code, shall be prosecuted as violations of the Virginia Code and the penalties, upon conviction, shall be as set out in Virginia Code § 36-106. All fines imposed for violations of the provisions of Part I, the Virginia Construction Code and Part II, the Virginia Rehabilitation Code of the Uniform Statewide Building Code, shall be payable to the Commonwealth of Virginia.

B. Violations of the provisions of Part III, the Virginia Maintenance Code of the Uniform Statewide Building Code, shall be prosecuted as violations of the County Code and the penalties, upon conviction, for violations of Part III, of the Virginia Uniform Statewide Building Code, shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500). If the violation remains uncorrected at the time of the conviction, the court may order the violator to abate or remedy the violation in order to comply with the maintenance code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six (6) months of the date of conviction. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. Any person convicted of a second offense committed within less than five (5) years after a first offense under this chapter shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500). Any person convicted of a second offense committed within a period of five (5) to ten (10) years of a first offense under this chapter shall be punished by a fine of not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500). Any person convicted of a third or subsequent offense involving the same property committed within ten (10) years of an offense under this chapter after having been at least twice previously convicted shall be punished by confinement in jail for not more than ten (10) days and a fine of not less than two thousand five hundred dollars (\$2,500) nor more than five thousand dollars (\$5,000), either or both. No portion of the fine imposed for such third or subsequent offense committed within ten (10) years of an offense under this chapter shall be suspended. All fines imposed for violations of the provisions of Part III, the Virginia Maintenance Code, of the Uniform Statewide Building Code, shall be payable to the County.

C. Prosecution of violations of Part I or II of the Uniform Statewide Building Code shall commence within one year of discovery of the offense by the building official so long as such discovery occurs within two years of the date of initial occupancy or use after construction of the building or structure, or

the issuance of a certificate of use and occupancy for the building or structure, whichever is later. Prosecutions of violations of Part III of the Uniform Statewide Building Code shall commence within one year of the discovery of the offense by the building official.

§ 2. That Article I of Chapter 4 of the Code of the County of Amherst is modified by repealing § 4-6, as follows:

~~Sec. 4-6. Rental inspections; rental inspection districts; exemptions; penalties.~~

~~(a) Definitions. For purposes of this section:~~

~~Dwelling unit means a building or structure or part thereof that is used for a home or residence by one (1) or more persons who maintain a household.~~

~~Owner means the person shown on the current real estate assessment books or current real estate assessment records.~~

~~Residential rental dwelling unit means a dwelling unit that is leased or rented to one (1) or more tenants. However, a dwelling unit occupied in part by the owner thereof shall not be construed to be a residential rental dwelling unit unless a tenant occupies a part of the dwelling unit which has its own cooking and sleeping areas, and a bathroom.~~

~~(b) Purpose; district established. This section shall be known as the rental housing inspection ordinance ("ordinance"). Pursuant to the provisions of this ordinance, the county may inspect residential rental dwelling units identified in this ordinance to ensure compliance with the Uniform Statewide Building Code and to promote safe, decent and sanitary housing for its citizens.~~

~~(1) District boundaries. Except as provided in subsection (b)(3), the dwelling units subject to inspection shall be located in the following rental inspection district hereby established by the board of supervisors:~~

~~ELECTION DISTRICT #5~~

~~Beginning at the confluence of William's Run Creek with the James River; thence in a Northerly direction along William's Run Creek to Rt. 622 (Wright Shop Road); thence in a easterly direction on Route 622 (Wright Shop Road) to Route 833 (Old Wright Shop Road); thence in a Northeasterly direction on Route 833 (Old Wright Shop Road) to Route 622 (Wright Shop Road); thence in a Northerly direction on Route 622 (Wright Shop Road) to Route 677 (Dixie Airport Road); thence in a Northerly direction on Route 677 (Dixie Airport Road) to Route 669 (Amelon Road); thence in a westerly direction on Route 669 (Amelon Road) to Route 1331 (Oakland Drive); thence in a southerly direction on Route 1331 (Oakland Drive) to its dead end; thence in a westerly direction to Route 783 (Woodland Drive); thence in a Northerly direction on Route 783 (Woodland Drive) to Route 1341 (Odin's Bow Road); thence in a westerly direction on Route 1341 (Odin's Bow Road) to Route 1329 (Wildwood Drive); thence in a southerly direction on Route 1329 (Wildwood Drive) to Route 682 (Woody's Lake Road); thence in a westerly direction on Route 682 (Woody's Lake Road) to Route 29 (South Amherst Highway); thence in a southerly direction on Route 29 (South Amherst Highway) to Route 766 (Dillard Road); thence in a westerly direction on Route 766 (Dillard Road) to Buck's Branch; thence in a southerly direction on Buck's Branch to the James River; thence in an easterly direction on the James River to William's Run Creek and the point of origin.~~

~~(2) Basis for establishing districts. The rental inspection district is based upon a finding by the board of supervisors that (i) there is a need to protect the public health, safety and welfare of the~~

~~occupants of dwelling units inside each designated rental inspection district; (ii) the residential rental dwelling units within each designated rental inspection district are either (a) blighted or in the process of deteriorating, or (b) the residential rental dwelling units are in the need of inspection by the building department to prevent deterioration, taking into account the number, age and condition of residential dwelling rental units inside each designated rental inspection district; and (iii) the inspection of residential rental dwelling units inside each designated rental inspection district is necessary to maintain safe, decent and sanitary living conditions for tenants and other residents living in each designated rental inspection district. The boundaries of the designated rental inspection districts are limited to such areas of the county that meet the criteria set out in this subsection.~~

- ~~(3) Additional units subject to ordinance. An individual residential rental dwelling unit outside of a designated rental inspection district may be made subject to this section based upon a separate finding for each individual dwelling unit by the board of supervisors that (i) there is a need to protect the public health, welfare and safety of the occupants of that individual dwelling unit; (ii) the individual dwelling unit is either (a) blighted or (b) in the process of deteriorating; or (iii) there is evidence of violations of the Uniform Statewide Building Code that affect the safe, decent and sanitary living conditions for tenants living in such individual dwelling unit. Any units made subject to this section in accordance with the provisions of this subsection shall be identified in this subsection.~~

- ~~i. The board of supervisors finds that the unit located at 1935 Coolwell Road, Madison Heights, Virginia, 24572, is in the process of deteriorating. It therefore is made subject to the provisions of this ordinance.~~
- ~~ii. The board of supervisors finds that the unit located at 164 Cedar Gate Road, Monroe, Virginia, 24574, is in the process of deteriorating. It therefore is made subject to the provisions of this ordinance.~~

- ~~(c) Amendments. Before adopting an amendment to this rental inspection ordinance including a change to the rental inspection district, the board of supervisors shall hold a public hearing on the proposed ordinance. Notice of the hearing shall be published once a week for two (2) successive weeks in a newspaper published or having general circulation in the county.~~

- ~~(d) Notification.~~

- ~~(1) To owners of dwelling units. Upon identification of a designated rental inspection or individual dwelling units pursuant to subsection (b)(3), the building department shall make reasonable efforts to notify owners of residential rental dwelling units in each designated rental inspection district, or their designated managing agents, and the owners of any individual dwelling units of the provisions of this section, including an explanation of this section and the responsibilities of the owner thereunder.~~
- ~~(2) By owners of dwelling units. The owners of dwelling units in a rental inspection district shall notify the building department in writing if the dwelling unit of the owner is used for residential rental purposes. The building department may develop a form for such purposes. There shall be no registration requirement or a fee of any kind associated with the written notification pursuant to this subsection. The written notification from the owner of a dwelling unit subject to this section shall be provided to the building department within sixty (60) days after the adoption of this section. However, there shall be no penalty for the failure of an owner of a residential rental dwelling unit to comply with the provisions of this subsection, unless and until the building department provides personal or written notice to the property owner, as provided in this section. In any event, the sole penalty for the willful failure of an owner of a dwelling unit who~~

is using the dwelling unit for residential rental purposes to comply with the written notification requirement shall be a civil penalty of fifty dollars (\$50.00). For purposes of this subsection, notice sent by regular first class mail to the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed compliance with this requirement.

~~(e) Inspections.~~

- ~~(1) Initial inspection of dwelling units when rental inspection district is established. Upon establishment of a rental inspection district in accordance with this section, the building department may, in conjunction with the written notifications as provided for in subsection (e), proceed to inspect dwelling units in the designated rental inspection district to determine if the dwelling units are being used as a residential rental property and for compliance with the provisions of the Uniform Statewide Building Code that affect the safe, decent and sanitary living conditions for the tenants of such property.~~
- ~~(2) Initial and periodic inspections of multifamily dwelling units. If a multifamily development has more than ten (10) dwelling units, in the initial and periodic inspections, the building department shall inspect only a sampling of dwelling units, of not less than two (2) and not more than ten (10) percent of the dwelling units, of a multifamily development, which includes all of the multifamily buildings which are part of that multifamily development. In no event, however, shall the building department charge a fee authorized by this section for inspection of more than ten (10) dwelling units. If the building department determines upon inspection of the sampling of dwelling units that there are violations of the Uniform Statewide Building Code that affect the safe, decent and sanitary living conditions for the tenants of such multifamily development, the building department may inspect as many dwelling units as necessary to enforce the Uniform Statewide Building Code, in which case, the fee shall be based upon a charge per dwelling unit inspected, as otherwise provided in subsection (g).~~
- ~~(3) Follow up inspections. Upon the initial or periodic inspection of a residential rental dwelling unit subject to this section, the building department has the authority under the Uniform Statewide Building Code to require the owner of the dwelling unit to submit to such follow up inspections of the dwelling unit as the building department deems necessary, until such time as the dwelling unit is brought into compliance with the provisions of the Uniform Statewide Building Code that affect the safe, decent and sanitary living conditions for the tenants.~~
- ~~(4) Periodic inspections. Except as provided in subsection (e)(3), following the initial inspection of a residential rental dwelling unit subject to this section, the building department may inspect any residential rental dwelling unit in a rental inspection district, that is not otherwise exempted in accordance with this section, no more than once each calendar year.~~
- ~~(f) Exemptions from rental inspection ordinance. Upon the initial or periodic inspection of a residential rental dwelling unit subject to this section for compliance with the Uniform Statewide Building Code, provided that there are no violations of the Uniform Statewide Building Code that affect the safe, decent and sanitary living conditions for the tenants of such residential rental dwelling unit, the building department shall provide, to the owner of such residential rental dwelling unit, an exemption from this section for a minimum of four (4) years. Upon the sale of a residential rental dwelling unit, the building department may perform a periodic inspection as provided in subsection (e)(4), subsequent to such sale. If a residential rental dwelling unit has been issued a certificate of occupancy within the last four (4) years, an exemption shall be granted for a minimum period of four (4) years from the date of the issuance of the certificate of occupancy by the building department. If the residential rental dwelling unit becomes in violation of the Uniform Statewide Building Code~~

~~during the exemption period, the building department may revoke the exemption previously granted under this section.~~

- ~~(g) Fees. Fees for initial and subsequent inspections conducted under the authority of this section shall be identified in the fee schedule established pursuant to section 4-33 of the Code of the County of Amherst.~~
- ~~(h) Rights and obligations of landlords and tenants. The provisions of this section shall not, in any way, alter the rights and obligations of landlords and tenants pursuant to the applicable provisions of Chapter 13 (§ 55-217 et seq.) or Chapter 13.2 (§ 55-248.2 et seq.) of Title 55 of the Code of Virginia (1950), as amended.~~
- ~~(i) Duties and responsibilities of building department. The building department shall administer this ordinance; however, the provisions of this section shall not alter the duties or responsibilities of the local building department under Code of Virginia, § 36-105 to enforce the Uniform Statewide Building Code.~~
- ~~(j) Penalties. Unless otherwise provided in this section, penalties for violation of this section shall be the same as the penalties provided in the Uniform Statewide Building Code.~~

§ 3. That Article II of Chapter 4 of the Code of the County of Amherst is repealed.

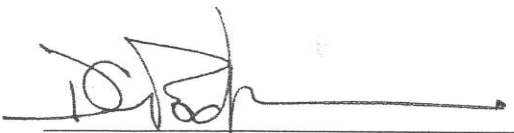
§4. That this ordinance shall be in force and effect upon adoption, and that its provisions and requirements shall apply as appropriate to any proceeding instituted under the provisions of Article II of Chapter 4 prior to the effective date of this ordinance.

Adopted this 20th day of October, 2015.



David W. Pugh, Chairman
Amherst County Board of Supervisors

ATTEST:



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0