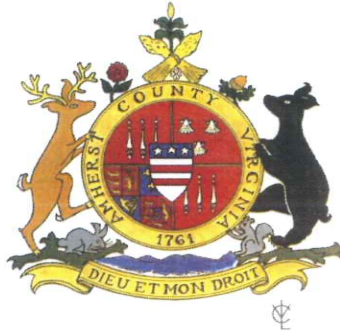


**Board of Supervisors**

John A. Marks, Jr., Chairman  
District 5  
David W. Pugh, Jr., Vice-Chair  
District 4  
Claudia D. Tucker, Supervisor  
District 2  
L. J. Ayers III, Supervisor  
District 3  
Kenneth M. Campbell, Supervisor  
District 1



**County Administrator**  
Dean C. Rodgers

**County Attorney**  
Ellen Bowyer

**AMHERST COUNTY BOARD OF SUPERVISORS**

**MINUTES – April 19, 2016**

AMHERST COUNTY BOARD OF SUPERVISORS  
AGENDA

April 19, 2016  
Administration Building - 153 Washington Street - School Board Room  
7:00 p.m.

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Citizen Comment**
- V. Public Hearings**

A. Ordinance 2016-0003, Amending certain definitions associated with time share projects to remove time constraints, repealing the prohibition of time share projects in the agricultural residential district, and authorizing them as special exceptions in that district and as by right permitted uses in planned unit developments. In a technical amendment not shown in the text of the ordinance, numbered paragraphs under 702 and 911 have been replaced with bulleted paragraphs.

B. Ordinance 2016-0004, Amending §§ 302, 707, and 708 of Appendix A to the Amherst County Code to clarify the intent of the general commercial district; eliminate newsstands, oil and gas activities, and video sales and rental businesses as permitted uses in that district; define call centers and warehousing and distribution facilities; make those facilities and governmental facilities permitted uses in that district; authorize oil and gas activities as special exception uses; and clarify screening requirements for permitted and special exception uses. The ordinance also clarifies the intent of the industrial district; defines corporate offices, data centers and research and development facilities; authorizes those facilities and call centers and contractor facilities as permitted uses in that district; and authorizes emergency services and governmental facilities as special exception uses in that district. The ordinance also authorizes the Zoning Administrator to determine whether a specific use not listed in County Code as a permitted or special exception use in the general commercial district is similar to specified uses and hence eligible to locate in that district, and makes non-substantive amendments to Code structure to better alphabetize some use listings.

C. Ordinance 2016-0005, Amending Article I of Chapter 13 (§ 13-1 through § 13-12) of the Amherst County Code to eliminate the requirement for waste haulers to obtain and maintain insurance coverage, to correct the title of the Director of the Department of Public Works and to clarify the extent of her authority, to add authority for acceptance of a letter of credit in lieu of a performance and payment bond, to eliminate the word "residential" to permit curbside collection of non-residential waste, to eliminate a duplicative provision governing the term of a license, to change the interest rate on delinquent accounts from 12 percent to 10 percent, to conform various definitions to State Code, and to make other conforming and non-substantive amendments to clarify Code meaning.

D. Ordinance 2016-0006, Adding Article VI, comprised of Divisions One through Four, containing Sections 9-150 through 9-159, (Division 1), Sections 9-160 through 9-169 (Division 2), Sections 9-170 through 9-179, (Division 3), and Sections 9-180 through 9-199 (Division 4) to Chapter 9 of the Amherst County Code, to modify the requirements governing motor vehicle graveyards and inoperable, abandoned, unattended, or trespassing vehicles. The changes conform County definitions with State law, provide for enforcement against abandoned motor vehicles in all districts in the County except the industrial district, eliminate the appeals process for decisions involving inoperable vehicles, and eliminate provisions relating to parking violations which the County is not now enforcing. The provisions governing *inoperable vehicles* will

not apply (i) to a licensed business which as of June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor (ii) to farm related vehicles and equipment, or (iii) to parcels in the A-1 Agricultural Residential District containing three or fewer inoperative motor vehicles. Article IV of Chapter 9 of the Amherst County Code is repealed.

E. Special Exception Request 2016-03 – Lois M. Wilson (owner), and Thomas Brooks Jr., (applicant) for a special exception in the R-2 General Residential District. The purpose of the special exception is to allow a manufactured home. The parcel is located at 143 Center Cove Lane and is further identified as tax map number 138C-1-39-49.

**VI. Consent Agenda**

- A. Minutes – March 15, 2016, March 22, 2016 and March 29, 2016
- B. Accounting – Appropriation of Assigned Funds - Monacan and Mill Creek Parks Restroom Renovation
- C. Building Committee - LED lighting for the County Administration Building
- D. Accounting - FY16 Appropriation of Revenue, Sheriff's Office/Board of Supervisors/Victim Witness/animal Shelter/Social Services/CSA
- E. Circuit Court Clerk – FY16 Appropriation Request – Turn-over audit
- F. Registrar – FY16 Appropriation Request – legal fees

**VII. Old Business**

- A. EDA – Update Economic Development Strategic Plan

**VIII. New Business**

- A. EDA – Report on economic development potential of Pleasant View School
- B. Public Safety – 2015 Volunteer Reward Recipients

**IX. County Administrator's Report**

- A. Boards/Committees/Commissions – Appointment to Building Appeals Board – District 3
- B. Boards/Committees/Commissions – Appointment to Building Appeals Board – District 4
- C. Projects Status Report

**X. Liaison and Committee Reports**

- A. Lynchburg Regional Business Alliance – Executive Board

**XI. Departmental Reports**

- A. Robert E. Lee Soil & Water Conservation District – Watershed Coordinator Quarterly Report
- B. Building, Safety & Inspections – March 2016 Monthly Report
- C. Building, Safety & Inspections – Update on Phelps Road School Property
- D. Accounting – 3<sup>rd</sup> Quarter Financial Report

**XII. Citizen Comment**

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

**XIV. Closed Session**

- A. Virginia Code § 2.2-3711 (A)(1), to discuss the performance of a Board appointee.

**XV. Adjournment**

**MINUTES**

At a regular meeting of the Amherst County Board of Supervisors held at the Amherst County Administration Building on Tuesday, the 19<sup>th</sup> day of April, 2016, at 7:00 p.m., the following members were present:

**BOARD OF SUPERVISORS:**

**PRESENT:** John A. Marks, Jr. Chairman  
David W. Pugh, Jr., Vice-Chair  
Claudia D. Tucker, Supervisor  
L. J. Ayers, III, Supervisor  
Kenneth M. Campbell, Supervisor

**ABSENT:** None

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

**I. Call to Order**

Chairman Marks opened the meeting at 7:00 p.m.

**II. Invocation and Pledge of Allegiance**

Chairman Marks led the Invocation and Pledge of Allegiance.

**III. Approval of Agenda**

Chairman Marks commented that the Agenda for April 19, 2016 be amended as follows:

No. XIV. Closed Session, deleted; No. VI. Consent Agenda, deleted Item C.; Items E. and F. addressed on an individual basis immediately after approval of the Consent Agenda Items A., B. and D.; Added to No. VIII. New Business, Item C. Resolution 2016-0015-R; and added to No. IX. County Adm. Report, Item D. EDA appointment.

Mr. Rodgers stated that the reason for the deletion of Item C. Building Committee, LED lighting for the County Administration Building, was that the proposed estimate of \$55,000 appeared to be low. Mr. Rodgers advised he will bring this back to the Board with a better estimate.

By motion of Vice-Chair Pugh and with the following vote, the Board approved the April 19, 2016 Agenda as amended.

**AYE:** Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell

**NAY:** None

**ABSTAIN:** None

**IV. Citizen Comment**

Mr. Richard Wilkins of Amherst, Virginia, addressed the Board and thanked the Board for purchasing the ladder and pumper trucks. Mr. Wilkins stated that there will be a certified class taught to properly operate the ladder truck.

**V. Public Hearings**

A. Ordinance 2016-0003, Amending certain definitions associated with time share projects to remove time constraints, repealing the prohibition of time share projects in the agricultural residential district, and authorizing them as special exceptions in that district and as by right permitted uses in planned unit developments. In a technical amendment not shown in the text of the ordinance, numbered paragraphs under 702 and 911 have been replaced with bulleted paragraphs.

Jeremy Bryant, Planning/Zoning Director, addressed the Board regarding Ordinance 2016-0003 that would rescind Sec. 702.1 while adding the definitions found therein to Section 302 and add a time-share project as a special exception use in the A-1 Agricultural Residential District and as a permitted use in a Planned Unit Development (PUD).

Mr. Bryant stated that on February 18, 2016 the Planning Commission held a public hearing and on March 17, 2016 recommended approval of the ordinance change.

Mr. Bryant recommended that the Board adopt Ordinance 2016-0003.

Chairman Marks opened the Public Hearing.

Proponents: None.

Opponents: Ms. Laverne Gilliam, Slap Creek Road, Amherst, Virginia.

Ms. Gilliam voiced her concern about this area that borders the National Forest, the increased water usage and waste issue and effect on cattle, wildlife and a concern about fire and rescue.

Chairman Marks explained to Ms. Gilliam this draft ordinance change would allow each special exception to be individually addressed. A public hearing would then be held to provide citizens an opportunity to speak for or against each special exception.

Chairman Marks closed the Public Hearing.

Supervisor Tucker remarked that she is a protector of the Agricultural district and would also like to see tourism come to the County. She was in favor of the way the ordinance is proposed with the special exceptions.

By motion of Supervisor Tucker and with the following vote, the Board adopted Ordinance 2016-0003. **(See Attachment 1)**

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSTAIN: None

B. Ordinance 2016-0004, Amending §§ 302, 707, and 708 of Appendix A to the Amherst County Code to clarify the intent of the general commercial district; eliminate newsstands, oil and gas activities, and video sales and rental businesses as permitted uses in that district; define call centers and warehousing and distribution facilities; make those facilities and governmental facilities permitted uses in that district; authorize oil and gas activities as special exception uses; and clarify screening requirements for permitted and special exception uses. The ordinance also clarifies the intent of the industrial district; defines corporate offices, data centers and research and development facilities; authorizes those facilities and call centers and contractor facilities as permitted uses in that district; and authorizes emergency services and governmental facilities as special exception uses in that district. The ordinance also authorizes the Zoning Administrator to determine whether a specific use not listed in County Code as a permitted or special exception use in the general commercial district is similar to specified uses and hence eligible to locate in that district, and makes non-substantive amendments to Code structure to better alphabetize some use listings.

Jeremy Bryant, Planning/Zoning Director, addressed the Board regarding Ordinance 2016-0004 and explained that changes to the ordinance adds new uses, modifies existing uses, and broadens the ability of the County to allow people to operate businesses in the Industrial District.

Mr. Bryant recommended that the Board adopt Ordinance 2016-0004.

Chairman Marks opened the Public Hearing.

Proponents: None.



Opponents: None.

Chairman Marks closed the Public Hearing.

By motion of Supervisor Ayers and with the following vote, the Board adopted Ordinance 2016-0004. **(See Attachment 2)**

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSTAIN: None

C. Ordinance 2016-0005, Amending Article I of Chapter 13 (§ 13-1 through § 13-12) of the Amherst County Code to eliminate the requirement for waste haulers to obtain and maintain insurance coverage, to correct the title of the Director of the Department of Public Works and to clarify the extent of her authority, to add authority for acceptance of a letter of credit in lieu of a performance and payment bond, to eliminate the word "residential" to permit curbside collection of non-residential waste, to eliminate a duplicative provision governing the term of a license, to change the interest rate on delinquent accounts from 12 percent to 10 percent, to conform various definitions to State Code, and to make other conforming and non-substantive amendments to clarify Code meaning.

Mr. Rodgers addressed the Board and explained the proposed ordinance would make it easier for small waste haulers to go into business as well as reduce the amount of insurance required. Mr. Rodgers also stated there were a few minor changes regarding the title of the Director of Public Works and her authority.

Chairman Marks opened the Public Hearing.

Proponents: None.

Opponents: None.

Chairman Marks closed the Public Hearing.

By motion of Supervisor Ayers and with the following vote, the Board adopted Ordinance 2016-0005. **(See Attachment 3)**

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSTAIN: None

D. Ordinance 2016-0006, Adding Article VI, comprised of Divisions One through Four, containing Sections 9-150 through 9-159, (Division 1), Sections 9-160 through 9-169 (Division 2), Sections 9-170 through 9-179, (Division 3), and Sections 9-180 through 9-199 (Division 4) to Chapter 9 of the Amherst County Code, to modify the requirements governing motor vehicle graveyards and inoperable, abandoned, unattended, or trespassing vehicles. The changes conform County definitions with State law, provide for enforcement against abandoned motor vehicles in all districts in the County except the industrial district, eliminate the appeals process for decisions involving inoperable vehicles, and eliminate provisions relating to parking violations which the County is not now enforcing. The provisions governing *inoperable vehicles* will not apply (i) to a licensed business which as of June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor (ii) to farm related vehicles and equipment, or (iii) to parcels in the A-1 Agricultural Residential District containing three

or fewer inoperative motor vehicles. Article IV of Chapter 9 of the Amherst County Code is repealed.

Jeremy Bryant, Planning/Zoning Director, addressed the Board regarding Ordinance 2016-0004 and explained there were no substantive changes proposed to the existing ordinance. The Sheriff's Office requested clarification to the language of the inoperable motor vehicles ordinance in order to simplify the language for consistency and streamline application of the regulations among certain districts.

The proposed inoperable motor vehicle ordinance addresses the requirements governing motor vehicle graveyards and inoperable, abandoned, unattended, or trespassing vehicles. The changes conform County definitions to State law; provide for enforcement against inoperable motor vehicles in all County districts except the Industrial District, and included, for the first time, the Agricultural District; the ordinance eliminates the appeals process for decisions involving inoperable vehicles; and eliminates provisions relating to parking violations which the County is not now enforcing.

The proposed ordinance includes manufactured homes in the definition of trailers. This will allow the County to enforce the illegal placement of manufactured homes that are not properly permitted through the Building Office as permanent structures.

Nate Young, Amherst County Building Official addressed the Board and explained the existing ordinance does not address manufactured houses as trailers that are still on wheels. Mr. Young stated this situation cannot be enforced by the inoperable motor vehicle ordinance nor enforced under the Building Code because these houses are not set up on permanent foundations. Mr. Young advised he has counted not less than six in the County that he has no authority to touch.

Captain John Greiser, Amherst County Sheriff's Office, addressed the Board and explained a good portion of these complaints are related around inoperable motor vehicles and that there was confusion as to the enforcement of this ordinance.

Deputy Meeks stated he would like to be fair and firm in doing his job.

Ms. Bowyer addressed the Board and said there was one minor amendment to the ordinance regarding the definition of inoperable motor vehicles. Ms. Bowyer stated the amendment reads as follows:

"Inoperable motor vehicle" means any motor vehicle, trailer or semi-trailer which is not in operating condition, does not display valid license plates, or does not display an a valid inspection decal ~~that is valid, or displays an inspection decal that has been expired for more than sixty (60) days.~~

Chairman Marks opened the Public Hearing.

Proponents: None.

Opponents: None.

Chairman Marks closed the Public Hearing.

Supervisor Ayers made a motion to adopt Ordinance 2016-0006 as amended.

Vice-Chair Pugh said he understood the premise of this, however, it seemed rather stringent especially for one vehicle and if there was a violation, who would be responsible to pay the cost for removal? Vice-Chair Pugh was concerned this may turn into a much bigger problem.

Supervisor Ayers stated if a vehicle is removed, tow owners would go through DMV to recover their towing fees.

Chairman Marks asked if this ordinance would be complaint driven.

Mr. Bryant said that the County Code addresses one vehicle in the residential district and that the majority is complaint driven; however, there are times to use discretion.

Captain Greiser stated there is a compliance period and most owners will comply. It is complaint driven and tow owners can recover their fees. The intent is that removal of these vehicles would not be a burden to the County.

By motion of Supervisor Ayers and with the following vote, the Board adopted Ordinance 2016-0006 as amended. **(See Attachment 4)**

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell

NAY: None

ABSTAIN: None

E. Special Exception Request 2016-03 – Lois M. Wilson (owner), and Thomas Brooks Jr., (applicant) for a special exception in the R-2 General Residential District. The purpose of the special exception is to allow a manufactured home. The parcel is located at 143 Center Cove Lane and is further identified as tax map number 138C-1-39-49.

Mr. Bryant addressed the Board with his staff report. Mr. Bryant stated the Planning Commission recommended approval of this request with the following conditions: 1) prior to issuance of a zoning permit, approval from the Virginia Department of Health will be required to determine that the drainfield will be adequate for the dwelling; and in the event that the manufactured home is abandoned for a period of more than twenty-four (24) months, the manufactured home and related items shall be removed from the property.

Chairman Marks opened the Public Hearing.

Proponents: None.

Opponents: None.

Chairman Marks closed the Public Hearing.

By motion of Vice-Chair Pugh and with the following vote, the Board approved Special Exception Request #2016-03 with the conditions recommended by the Planning Commission.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell

NAY: None

ABSENT: None

ABSTAIN: None

## **VI. Consent Agenda**

A. Minutes – March 15, 2016, March 22, 2016 and March 29, 2016

B. Accounting – Appropriation of Assigned Funds - Monacan and Mill Creek Parks Restroom Renovation

C. ~~Building Committee – LED lighting for the County Administration Building~~

D. Accounting - FY16 Appropriation of Revenue, Sheriff's Office/Board of Supervisors/Victim Witness/animal Shelter/Social Services/CSA

By motion of Supervisor Tucker and with the following vote, the Board approved Items A, B and D listed on the Consent Agenda, as amended.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSTAIN: None

E. Circuit Court Clerk - FY16 Appropriation Request - Turn-over audit

Mr. Rodgers informed the Board the Circuit Court Clerk advised she has received an additional \$1,400 invoice from the Auditor of Public Accounts who had performed the Turn-over audit. The County is responsible for the cost of that audit.

By motion of Chairman Marks and with the following vote, the Board appropriated from the Unobligated General Fund the amount of \$1,400 to complete payment for the Circuit Court Clerk's audit.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSTAIN: None

F. Registrar - FY16 Appropriation Request - legal fees

Mr. Rodgers addressed the Board and advised the Registrar was named as a defendant in a lawsuit. The Registrar's Association contributed \$22,000 among twenty-two counties and Amherst County's share is \$1,000. Mr. Rodgers recommended paying this legal fee from the Board's Legal Services line.

By motion of Vice-Chair Pugh and with the following vote, the Board appropriated from the Board of Supervisor's Legal Services line 011010-3020 the amount of \$1,000 for payment of legal fees in U.S. District Court case Barbara H. Lee et.al. v. State Board of Elections, et.al.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSTAIN: None

**VII. Old Business**

A. EDA - Update Economic Development Strategic Plan

Victoria Hanson, EDA Director, addressed the Board and provided an update on the strategic plan.

Ms. Hanson reported a steering committee was formed and met multiple times; held a public kickoff meeting, interviewed approximately 20 small, medium and large businesses in Amherst County; interviewed approximately 30 community leaders and allies; successfully conducted a community and business online survey; conducted three focus groups which were a cross section of the community; and conducted an assessment of the three industrial parks.

Ms. Hanson stated the consultant is compiling a report on the strengths, weaknesses, opportunities and threats. This report will be presented in May 2016 to the EDA Board and Board of Supervisors as a draft of the final strategic plan.

**VIII. New Business**

A. EDA - Report on economic development potential of Pleasant View School

Ms. Hanson addressed the Pleasant View School issue and provided the Board a report on potential uses for the school.

Ms. Hanson spoke on several restricting factors that businesses would look at and this may make it difficult to market the school building: very rural; limited utilities that include water by well and sewer by septic system; difficult access; no loading dock; not suitable for a business incubator because these businesses tend to want to be in the "heartbeat" of places; no high speed internet; an agricultural processing center not suitable due to heavy use of water; a special purpose education center will take a lot of time if there was any interest and also takes time for funding and regional cooperation; renting out the school gym may be a possibility but that location is remote if used by neighboring counties and Lynchburg; a potential group home if someone would be interested; and use by a non-profit organization similar to Second Stage.

Ms. Hanson stated the EDA cannot make any recommendations because they do not have a market analysis showing a clear use of the school.

Mr. Rodgers said if the school is closed, the County would be looking for the EDA to help find some use for it rather than what we cannot do.

Ms. Hanson said that if the school is re-purposed it would require much time and we do not have that staff capacity especially since we have invested in the strategic plan and that's where our focus will be.

Supervisor Tucker asked about the optics of closure and will closing that school have any impacts.

Ms. Hanson said if people living in urban areas are looking for a rural lifestyle, one approach parents use is to consider where their kids will be going to school and how long it takes for the kids to get to school. Ms. Hanson said she feels that would be a negative factor to that area if someone chose to move there.

Vice-Chair Pugh voiced his concern regarding empty buildings at Amelon Industrial Park as well as the Central Virginia Community College facility and revenue projections.

Ms. Hanson stated to keep CVCC Amherst open, the EDA, schools, and CVCC have been working on growing the numbers in the Early College Program which is the primary funder for CVCC Amherst.

#### B. Public Safety – 2015 Volunteer Reward Recipients

Gary Roakes, Public Safety Director, presented to the Board information regarding the volunteer reward recipients.

Mr. Roakes said the Volunteer Incentive Program was established to reward the Volunteer Fire and EMS volunteers for the service they provide Amherst County. There were fifty-two (52) volunteers who qualified for the incentive. Forty-five (45) of the fifty-two (52) qualified for the full incentive (\$500.00) and seven (7) received seventy-five percent (\$375.00) based on when they were accepted into active status. The total cost for the 2015 incentive program is \$25,125.

By motion of Vice-Chair Pugh and with the following vote, the board appropriated \$25,125 for volunteer incentive rewards and authorized the Chairman of the Board to sign congratulatory letters to the recipients.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None



ABSTAIN:       None

A. Resolution to Support the City of Lynchburg's TIGER grant application

Jeremy Bryant, Planning/Zoning Director, addressed the Board and provided information that the City of Lynchburg is applying for federal funding, a Transportation Investment Generating Economic Recovery (TIGER) grant, and some of which will be used to construct a pedestrian walkway across the John Lynch Bridge to Amherst County.

Mr. Bryant stated that staff was approached by the City of Lynchburg staff requesting that Amherst County provide a resolution in support of the TIGER grant application.

Ellen Bowyer, Amherst County Attorney advised the resolution is in final form for signature.

By motion of Chairman Marks and with the following vote, the Board approved Resolution 2016-0015-R. (See Attachment 5)

AYE:               Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY:               None  
ABSTAIN:       None

**IX.     County Administrator's Report**

A. Boards/Committees/Commissions – Appointment to Building Appeals Board – District 3

Mr. Rodgers reported that Virgil Coleman, Jr., the District 3 representative on the Building Appeals Board and informed the office he does not wish to seek re-appointment.

Mr. Rodgers advised the Board he received one response from Mr. Kevin Peterson residing in District 3, who has expressed his interest in serving.

Supervisor Tucker stated she has known Kevin Peterson for over 15 years and he is a hard worker, honest and desires to serve.

By motion of Supervisor Tucker and with the following vote, the Board appointed Kevin Peterson to fill the District 3 seat on the Building Appeals Board.

AYE:               Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY:               None  
ABSENT:       None  
ABSTAIN:       None

B. Boards/Committees/Commissions – Appointment to Building Appeals Board – District 4

Mr. Rodgers addressed the Board regarding an appointment to the Building Appeals Board, District 4. Mr. Rodgers advised his office received one letter of interest from George Nichols, Jr. seeking reappointment.

Supervisor Campbell stated he has worked with Mr. Nichols for several years and recommended that the Board reappoint Mr. Nichols.

By motion of Supervisor Campbell and with the following vote, the Board re-appointed George Nichols to fill the District 4 seat on the Building Appeals Board.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSTAIN: None

**C. Projects Status Report**

Mr. Rodgers advised this report is for information only and noted one minor edit that the Court hearing on Phelps Road School is on April 28<sup>th</sup>.

**D. Boards/Committees/Commissions - Appointment to the Economic Development Authority Board - District 5**

Mr. Rodgers advised that he has received Ms. Nancy Schmitt's resignation from the Economic Development Board.

Mr. Rodgers advised that Ms. Jennifer Moore, who previously applied for that seat, is still interested and is willing to serve.

By motion of Chairman Marks and with the following vote, the Board appointed Jennifer Moore to fill the unexpired term of the District 5 seat on the Economic Development Authority Board.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSTAIN: None

**X. Liaison and Committee Reports**

**A. Lynchburg Regional Business Alliance – Executive Board**

For information only.

**XI. Departmental Reports**

- A. Robert E. Lee Soil & Water Conservation District – Watershed Coordinator Quarterly Report
- B. Building, Safety & Inspections – March 2016 Monthly Report
- C. Building, Safety & Inspections – Update on Phelps Road School Property
- D. Accounting – 3<sup>rd</sup> Quarter Financial Report

For information only.

**XII. Citizen Comment**

Chairman Marks opened the citizen comment session.

There were no speakers.

Chairman Marks closed the citizen comment session.

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

Supervisor Campbell informed the Board he has received numerous complaints concerning the trashy condition of the dumpster site at Galt's Mill Road and has spoken to Teresa Nuckols, Director of Solid Waste.

Supervisor Campbell said Ms. Nuckols stated it costs an additional \$500 per month to clean up this site.

Mr. Rodgers remarked that all the sites in the County are trashy and an embarrassment to the County. These sites attract trash from Nelson, Campbell and Appomattox and Lynchburg.

Mr. Rodgers confirmed with Ms. Nuckols to close this one site would save the County \$11,000 a year.

Vice-Chair Pugh suggested posting a sign that the dumpster will be closed July 1 and see what kind of response is received and then schedule a public hearing.

Chairman Marks agreed to the posting of a sign and see what public comments are received.

By motion of Chairman Marks and with the following vote, the Board directed that Galt's Mill dumpster site be posted with a sign indicating closure of the dumpster site on July 1, and comments from citizens be gathered to determine whether or not to hold a public hearing.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSTAIN: None

Ms. Bowyer advised that the Board voted unanimously to adopt the Public Safety 2015 Volunteer Reward Recipients. Ms. Bowyer stated that Supervisor Ayers has informed her that his son is one of the recipients and requests the Board reconsider its initial motion on the Public Safety 2015 Volunteer Reward Recipients.

By motion of Supervisor Ayers and with the following vote the Board agreed to reconsider its prior decision on the Public Safety 2015 Volunteer Reward Recipients.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSTAIN: None

By motion of Chairman Marks and with the following vote, the Board appropriated \$25,125 for volunteer incentive rewards and authorized the Chairman of the Board to sign congratulatory letters to the recipients.

Roll Call Vote:

Mr. Campbell	AYE
Mr. Ayers	ABSTAIN
Mrs. Tucker	AYE
Vice-Chair Pugh	AYE
Chairman Marks	AYE

Supervisor Ayers advised the Board that on April 27<sup>th</sup> at 7:00 p.m. at the lower level of the Sheriff's Office, there will be a graduation for the young firefighters from the Fire Academy. Supervisor Ayers encouraged fellow Board members to please come to see those young folks graduate.

Supervisor Tucker stated she would like an update on possible locations for the Burley Hollow dumpster. Supervisor Tucker said she is concerned about safety.

Supervisor Ayers stated he believes trash will be deposited on other places such as roadsides and believed we need to think about a solution to keep the landfill open seven days a week.

Vice-Chair Pugh stated the Planning Commission meeting has been cancelled for April 21, 2016 at 7:00 p.m.

Chairman Marks commented that Ms. Bowyer addressed Sweet Briar College a couple of weeks ago and she did an excellent job and thanked Ms. Bowyer. Chairman Marks also thanked the Board for the support.

Chairman Marks reminded everyone that the April 21<sup>st</sup> meeting is a public hearing on the budget and April 29<sup>th</sup> meeting is to approve the budget.

Chairman Marks asked Mr. Rodgers what was the status regarding hiring a Director of Finance.

Mr. Rodgers reported three acceptable applications have been received, one of whom is a CPA and the other two have experience working in accounting departments. The position is opened until filled and he would like to have this open for another month.

Chairman Marks asked who will be in the interview panel.

Mr. Rodgers said the panel will include the IT Director, Susan Chapman of BrownEdwards and will invite the Treasurer, the HR Coordinator and any Board member to participate.

Vice-Chair Pugh suggested the School Board Chairman. Mr. Rodgers advised Ms. Chapman of BrownEdwards suggested Teresa Crouch, CFO for the Schools.

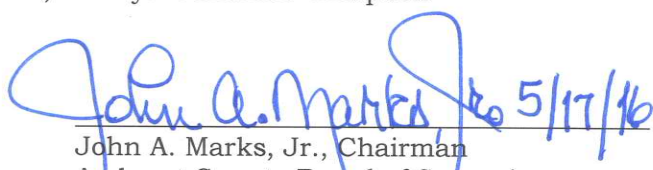
#### **XIV. Closed Session**

~~——— A. Virginia Code § 2.2-3711 (A)(1), to discuss the performance of a Board appointee.~~

#### **XV. Adjournment**

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

AYE:	Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell
NAY:	None
ABSTAIN:	None

  
John A. Marks, Jr., Chairman  
Amherst County Board of Supervisors

  
Dean C. Rodgers, Clerk



Amherst County Board of Supervisors  
County Ordinance No. 2016-0003

**AN ORDINANCE, NO. 2016-0003**

Amending certain definitions associated with time share projects to remove time constraints, repealing the prohibition of time share projects in the agricultural residential district, and authorizing them as special exceptions in that district and as by right permitted uses in planned unit developments. In a technical amendment not shown in the text of the ordinance, numbered paragraphs under 702 and 911 have been replaced with bulleted paragraphs.

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Approved as to form and legality by the County Attorney

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**PUBLIC HEARING: Planning Commission, February 18, 2016**

**FIRST READING: Board of Supervisors, April 5, 2016**

**PUBLIC HEARING: Board of Supervisors, April 19, 2016**

**THE COUNTY OF AMHERST HEREBY ORDAINS:**

**§ 1. That Sections 302, 702, specifically 702.03, and 911, specifically 911.03, of Appendix A to the Code of the County of Amherst be and hereby are amended, as follows:**

**302. - Specific definitions.**

*Time-share.* Either a time-share estate or a time-share use, plus its incidental benefits.

*Time-share estate.* A right to occupy a unit or any of several units ~~during five (5) or more separated time periods over a period of at least five (5) years,~~ including renewal options, coupled with a freehold estate or an estate for years in a time-share project or a specified portion thereof.

*Time-share program or program.* Any arrangement of time-shares in one (1) or more time-share projects whereby the use, occupancy, or possession of real property has been made subject to either a time-share estate or time-share use in which such use, occupancy, or possession circulates among owners of the time-shares ~~according to a fixed or floating time schedule on a periodic basis occurring over any period of time in excess of five (5) years.~~

*Time-share use.* A right to occupy a time-share unit or any of several time-share units ~~during five (5) or more separated time periods over a period of at least five (5) years,~~ including renewal options, not coupled with a freehold estate or an estate for years in a time-share project or a specified portion thereof. "Time-share use" shall not mean a right to use which is subject to a first-come, first-served, space



available basis as might exist in a country club, motel, hotel, health spa, campground, or membership or resort facility.

**702. - Agricultural Residential District A-1.**

*702.03. Special exceptions (Agricultural Residential District—A-1 zone).*

- Public entertainment.
- Schools.
- Saw mills.
- Pallet manufacturing.
- Wood yards.
- Feed mills.
- Truck business.
- Churches and related facilities.
- Signs as provided in Section 907
- Planned unit developments.
- Short-term tourist rental of dwelling.
- Machinery sales and service.
- Storage of biosolids as provided in Section 917
- Mineral extraction per Section 910
- Small wind energy systems as provided in Section 918
- Substance abuse treatment facility.
- Off-site directional signs compliant with the requirements of subsection 907.04.
- Any other use which the planning director determines is consistent with the statement of intent for this district and is of the same general character as special exception uses in this district.
- Personal wireless service facilities as provided in Section 919.
- Club, private.
- Shooting range, outdoor.
- Breweries.
- Family day home which serves six (6) through twelve (12) children.
- Single-family attached dwelling developments, as provided in Section 921.
- Kennels.
- Aviation facilities, private as provided in Section 922.
- Time-share projects.

**911. - Planned unit development.**

*911.03. Permitted uses.* Within a PUD, the following uses are permitted, subject to the approval of the board of supervisors:

- Single-family dwellings.
- Two-family dwellings.
- Multi-family dwellings.
- Townhouses.
- Condominiums.
- Commercial uses (including retail shops, specialty shops, convenience/grocery stores).
- Automobile service stations as provided in Section 902 herein.
- Swimming pools and tennis courts.
- Marinas, docks and boating facilities of a commercial or club type.
- Churches, manses, parish houses.
- Schools.
- Day care centers.
- Parks and playgrounds.
- Community centers.
- Theaters, indoor.
- Library.
- Signs as provided in Section 907 herein.
- Offices.
- Restaurants, cards, dining establishments.
- Lodging facilities.
- Golf courses, driving ranges, and club houses.
- Other compatible uses approved by the board of supervisors.
- Emergency services.
- Utilities intended to serve dwellings and businesses within their service area in the PUD.
- Private streets in accordance with Section 911.09.
- Accessory structures per Section 901.
- Time-share projects.

**§ 2. That Section 702.1 of Appendix A to the Code of the County of Amherst be repealed, as follows:**

**~~702.1. Time Share Projects in the A-1 Zoning Classification; Prohibited.~~**

~~(a) Definitions. As used in this section, or in a time share instrument, unless the context requires a different meaning:~~

~~Time share means either a time share estate or a time share use plus its incidental benefits;~~

~~Time share estate means a right to occupy a unit or any of several units during five (5) or more separated time periods over a period of least five (5) years, including renewal options, coupled with a freehold estate or an estate for years in a time share project or a specified portion thereof;~~

~~Time share instrument means any document, however denominated, which creates the time share project and program, and which may contain restrictions or covenants regulating the use, occupancy, or disposition of time shares in a project;~~

~~Time share program or program means any arrangement of time shares in one (1) or more time share projects whereby the use, occupancy, or possession of real property has been made subject to either a time share estate or time share use in which such use, occupancy, or possession circulates among owners of the time shares according to a fixed or floating time schedule on a periodic basis occurring over any period of time in excess of five (5) years;~~

~~Time share project means all of the real property subject to a time share program created by the execution of a time share instrument;~~

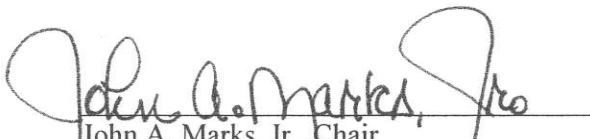
~~Time share unit or unit means the real property or real property improvement in a project which is divided into time shares and designated for separate occupancy and use; and~~

~~Time share use means a right to occupy a time share unit or any of several time share units during five (5) or more separated time periods over a period of at least five (5) years, including renewal options, not coupled with a freehold estate or an estate for years in a time share project or a specified portion thereof. "Time share use" shall not mean a right to use which is subject to a first come, first served, space available basis as might exist in a country club, motel, hotel, health spa, campground, or membership or resort facility.~~

~~(b) — Prohibited. Time share projects shall be prohibited on any land or improvement thereon lying within the A-1 ("Agricultural Residential") Zoning District in the County of Amherst, Virginia.~~

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

Adopted this 19<sup>th</sup> day of April, 2016.

  
John A. Marks, Jr., Chair  
Amherst County Board of Supervisors

**ATTEST:**

A handwritten signature in dark ink, appearing to read 'D. Rodgers', is written over a horizontal line.

Dean C. Rodgers, Clerk  
Amherst County Board of Supervisors

Ayes 5

Nays Ø

Abstentions Ø



Amherst County Board of Supervisors  
County Ordinance No. 2016-0004

**AN ORDINANCE, NO. 2016-0004**

Amending §§ 302, 707, and 708 of Appendix A to the Amherst County Code to clarify the intent of the general commercial district; eliminate newsstands, oil and gas activities, and video sales and rental businesses as permitted uses in that district; define call centers and warehousing and distribution facilities; make those facilities and governmental facilities permitted uses in that district; authorize oil and gas activities as special exception uses; and clarify screening requirements for permitted and special exception uses. The ordinance also clarifies the intent of the industrial district; defines corporate offices, data centers and research and development facilities; authorizes those facilities and call centers and contractor facilities as permitted uses in that district; and authorizes emergency services and governmental facilities as special exception uses in that district. The ordinance also authorizes the Zoning Administrator to determine whether a specific use not listed in County Code as a permitted or special exception use in the general commercial district is similar to specified uses and hence eligible to locate in that district, and makes non-substantive amendments to Code structure to better alphabetize some use listings.

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Approved as to form and legality by the County Attorney

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**PUBLIC HEARING: Planning Commission, March 17, 2016**  
**FIRST READING: Board of Supervisors, April 5, 2016**  
**PUBLIC HEARING: Board of Supervisors, April 19, 2016**

**THE COUNTY OF AMHERST HEREBY ORDAINS:**

**§ 1. That Sections 302, 707, and 708 of Appendix A to the Code of the County of Amherst be and hereby are amended, as follows:**

**302. - Specific definitions.**

Call center. A structure in which mail-order catalog companies, telemarketing companies, computer product help desks, and other entities that provide sales or services by telephone screen, forward, and log a high volume of customer and other telephone calls simultaneously, usually with the aid of computer automation.

Corporate office. One or more structures housing a company's internal office administration services and not supplying direct customer service, such as a corporation's headquarters or regional office.



Data center. A structure housing computer systems and associated components such as telecommunications and storage systems, including redundant or backup power supplies, redundant data communications connections, environmental controls such as air conditioning or fire suppression, and security devices.

Research and development facility. One or more structures which a company uses (i) to conduct research and development activities into, or make controlled production of, electronic, industrial, or scientific products or commodities, or (ii) as laboratories for purposes of conducting educational or medical research or testing.

Retail stores and shops. 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 which will serve as illustration only and are not to be considered exclusive:~~ including but not limited to a department or clothing store, electronic sales and repair stores, drug store, ~~newsstand,~~ food store, candy shop, milk, dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop, and beauty ~~shop~~ salon or day spa.

Warehousing and distribution facility. A structure or outdoor lot used for storage, warehousing, or dispatching of goods, including warehouses for wholesale distributors, storage warehouses, and moving or storage companies.

## **707. - General Commercial District B-2.**

*707.01. Intent of General Commercial District B-2.* This district covers those areas intended for the conduct of any retail, service or contracting business, for siting of public facilities, and for other similar uses as determined by the Zoning Administrator. ~~Those with Uses requiring extended hours of operation and generating high volumes of traffic are permitted in this zone district.~~ The permitted and special exception uses identified in subsection 707.02 and 707.03 may not be listed in alphabetical order.

*707.02 Permitted uses.* Within the General Commercial District B-2, the following uses are permitted:

- Accessory buildings and uses as provided in Section 901;
- Banks and savings and loan institutions;
- Clinics and medical offices;
- Clubs and lodges, fraternal, civic and patriotic;
- Drug stores and other establishments for the filling of prescriptions and sale of pharmaceutical and similar supplies;
- Emergency services;
- Food stores;
- General convenience stores;
- ~~Newsstands;~~
- ~~Oil and gas exploration, extraction and production, provided the provisions of Sections 45.1 361.1 through 45.1 361.144, Code of Virginia, 1950, as amended, and the oil and~~

~~gas rules and regulations promulgated by the Virginia Department of Labor and Industry are adhered to;~~

- Professional office buildings;
- Public utilities such as poles, lines, transformers, pipes, meters and related or similar facilities; water sewer distribution lines;
- Retail nurseries and greenhouses;
- Retail service stores such as bakeries, barber shops, beauty parlors, shoe shops, self-service laundries, and establishments for receiving and distributing articles for laundering, drying and dry cleaning;
- Signs as provided in Section 907;
- U.S. post offices;
- ~~Wearing apparel stores;~~
- Antique and gift shops;
- Automobile service stations as provided in Section 902;
- Cemeteries;
- Churches, manses, parish houses and adjacent cemeteries;
- Day care centers;
- Garages, public;
- Hardware stores;
- Motels, motor hotels and motor inns;
- Restaurants;
- Retail stores and shops;
- Schools;
- School support facilities;
- Shopping center, subject to restrictions of Section 909;
- Shopping complex;
- Single-family dwelling and a retail sales and/or service store within the same main structure, ~~provided the single family dwelling unit occupies fifty (50) percent or more of the structure;~~
- Telephone repeater substations, with no external antennas;
- Car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process;
- Bakeries employing not more than ten (10) persons other than clerks and vehicle drivers;
- Cabinet making shops;
- Catering establishments;

- Cold storage plants and frozen food lockers not including lard rendering and abattoirs;
- Dry cleaning plants;
- Funeral homes;
- Furniture stores;
- Printing plants and newspaper offices;
- Radio and TV offices and studios;
- Retail automotive parts stores;
- Satellite dish antenna sales and service establishments;
- Theaters, indoor;
- ~~Videotape sales and rental establishments;~~
- Wholesale and jobbing establishments, with all material stored entirely in buildings enclosed on all sides or screened in accordance with Section 1607;
- Bowling alleys, roller skating and ice skating rinks, billiard parlors, pool rooms, dance halls, game rooms, pinball parlors, electronic game centers, golf driving ranges and similar forms of amusement;
- Call centers;
- Colleges;
- Community centers;
- Contractor facilities and storage yards and establishments for installation and servicing the following: air conditioning, electrical service, flooring, heating, interior decorating, painting, plumbing, roofing, steel erection, tiling or ventilating with all material stored entirely in buildings enclosed on all sides or ~~with walls or fences, supplemented by plantings as may be prescribed by the board of supervisors~~ screened in accordance with Section 1607;
- Dormitories;
- Excavation contractor's facilities and yards for storage of equipment intended for off-site use;
- Feed and seed stores;
- Golf driving range;
- Governmental facilities;
- Kennels;
- Light manufacturing, processing or packaging of products (~~including machine shops without punch presses~~) provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, ~~agricultural~~ or ~~a school~~ public lands district; shall not store or otherwise maintain any parts or waste material outside such building unless such parts or waste material are screened in accordance with Section 1607; and shall not create conditions of smoke, fumes, noise, odor or dust detrimental to health, safety or general welfare of the community; and shall be permanently screened from adjoining residential lots and

districts by a wall, fence, evergreen hedge and/or other suitable enclosure of a minimum height of seven (7) feet at the original elevation of the property line;

- Pest exterminating businesses;
- Public utilities: public water and sewer transmission lines, treatment facilities, and pumping stations; electrical power transmission lines and substations; oil and gas transmission pipelines and pumping stations; microwave and radio wave transmission and relay towers and substations; telephone exchange centers, offices, equipment storage, dispatch centers and warehouse facilities;
- Radio and TV transmission towers which are set back from any lot line at a distance equal to the maximum height of the tower above ground level;
- Radio and TV transmitters;
- Sign manufacturing;
- Truck stop;
- Veterinary hospitals and clinics;
- Libraries;
- Public utilities;
- Public streets;
- Personal wireless service facilities as provided in Section 919;
- Short-term tourist rental of dwelling;
- Breweries;
- Use, temporary;
- Museums;
- Warehousing and distribution facilities, with all material stored entirely in buildings enclosed on all sides or screened in accordance with Section 1607.

*707.03. Special Exceptions (General Commercial District—B-2 zone).*

- Bulk storage and sale of sand, gravel and rock;
- Automobile sales, used;
- Building and excavating contractor facilities with outside storage;
- Car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process;
- Building materials dealer, not including handling of bulk materials such as sand and gravel;
- Farm machinery display, sales and services;
- Machinery sales and services;
- Arenas, auditoriums or stadiums;

- Automotive repair garage, mechanical and body, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, ~~agricultural~~ or public lands district and which shall not store or otherwise maintain any parts or waste material outside such building unless such parts or waste material are screened in accordance with Section 1607;
- Tire recapping, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or school district and which shall not store or otherwise maintain any parts or waste material outside such building;
- Adult entertainment establishments in accordance with Section 915;
- Tattoo establishments;
- Auction house;
- Self-service mini-storage and warehouse facilities;
- Travel trailer sales;
- Display of and sale of wholesale and retail modular homes;
- Small wind energy systems as provided in Section 918;
- Substance abuse treatment facility;
- Above ground liquefied petroleum gas containers between one hundred twenty-five (125) gallons water capacity and two thousand (2,000) gallons water capacity, provided there is a distance of three (3) feet between other liquefied petroleum gas containers. Liquefied petroleum gas containers shall be set back twenty-five (25) feet from roads and lot lines of adjoining properties and fifty (50) feet from all structures and installed in a manner to reduce exposure and proximity to vehicular traffic. The board of supervisors may impose greater setbacks if above ground liquefied petroleum gas containers are located in close proximity to the following non-exhaustive list of land uses: dwellings, schools, churches, government facilities, or other uses in which higher densities of people gather. The board of supervisors may provide for a reduction in setbacks if engineered provisions are made for blast containment. All requirements shall be in accordance with section 4-27, as amended;
- Off-site directional signs compliant with the requirements of Section 907.04;
- Pawnbrokers;
- Marine sales and service. All service operations shall be conducted in a building. Openings in all buildings shall be located a minimum of one hundred (100) feet from a residential, agricultural, or public lands district. Parts or waste material shall not be stored outside the building;
- Oil and gas exploration, extraction and production, provided the entity conducting these activities complies with Chapter 22.1 of Title 45.1 (§§ 45.1-361.1 et seq.) of the Code of Virginia, 1950 (as amended), and adheres to the oil and gas rules and regulations promulgated by the Virginia Department of Labor and Industry;
- Personal wireless service facilities as provided in Section 919;
- Substance abuse treatment clinic; and



- Any other use which the ~~planning director~~ zoning administrator determines is consistent with the statement of intent for this district and is of the same general character as special exception uses in this district;
- ~~Personal wireless service facilities as provided in Section 919;~~
- ~~Substance abuse treatment clinic.~~

## **708. - Industrial District M-1.**

*708.01. Intent of Industrial District M-1.* This district is covers areas intended to allow uses for the production, wholesale, storage or distribution of products, and proprietary office and business support facilities not intended to be generally accessible to the general public.

*708.02. Permitted uses.* Within the Industrial District M-1, the following uses are permitted:

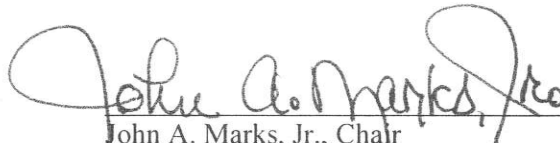
- All wholesalers;
- Breweries;
- Call centers;
- Contractor facilities;
- Corporate offices;
- Data centers;
- Manufacturing, processing, fabricating, assembling, distributing or packaging of products, including an on-site retail store for products manufactured or distributed by the permitted business provided that such store is an accessory use to the permitted use and does not exceed twenty (20) percent of the floor area of the permitted facility;
- Personal wireless service facilities as provided in Section 919;
- Printing establishments;
- Public utilities and all attendant structures necessary for transmission or storage;
- Public streets;
- Research and development facilities.
- Signs as provided in Section 907;
- Truck and freight facility;
- Utilities;
- Warehousing operations not open to the general public;
- ~~Utilities;~~
- ~~Public streets;~~
- ~~Personal wireless service facilities as provided in Section 919;~~
- ~~Breweries.~~

708.03. *Special exceptions* (Industrial District - M-1 zone):

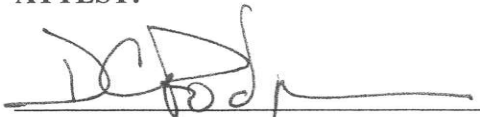
- Emergency services;
- Governmental facilities;
- Salvage yards;
- Quarries;
- Paper mills;
- Wholesale and retail modular homes;
- Small wind energy systems as provided in Section 918;
- Off-site directional signs compliant with the requirements of Section 907.04<sub>2</sub>;
- Personal wireless service facilities as provided in Section 919;
- Any other use which the ~~planning director~~ zoning administrator determines is consistent with the statement of intent for this district and is of the same general character as special exception uses in this district.
- ~~Personal wireless service facilities as provided in Section 919<sub>2</sub>;~~

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

Adopted this 19<sup>th</sup> day of April, 2016.

  
John A. Marks, Jr., Chair  
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. 2016-0005

AN ORDINANCE, NO. 2016-0005

Amending Article I of Chapter 13 (§ 13-1 through § 13-12) of the Amherst County Code to eliminate the requirement for waste haulers to obtain and maintain insurance coverage, to correct the title of the Director of the Department of Public Works and to clarify the extent of her authority, to add authority for acceptance of a letter of credit in lieu of a performance and payment bond, to eliminate the word "residential" to permit curbside collection of non-residential waste, to eliminate a duplicative provision governing the term of a license, to change the interest rate on delinquent accounts from 12 percent to 10 percent, to conform various definitions to State Code, and to make other conforming and nonsubstantive amendments to clarify Code meaning.

\_\_\_\_\_  
Approved as to form and legality by the County Attorney

\_\_\_\_\_  
FIRST READING: Board of Supervisors, April 5, 2016  
PUBLIC HEARING: Board of Supervisors, April 19, 2016

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Article I of Chapter 13 of the Code of the County of Amherst (Sections 13-1 through 13-12) be and hereby is amended, as follows:

ARTICLE I. - IN GENERAL

Sec. 13-1. - Refuse Waste containers (green box); contents; penalties.

- (a) ~~Trash~~ No waste shall be deposited in the refuse waste containers shall be except household refuse waste, as hereinafter defined, and none other.
- (b) No person shall deposit any household refuse waste in any place than in the containers provided for the purpose.
- (c) ~~Household refuse shall be trash and garbage normally collected in households and shall not include building materials, appliances, automotive parts, tires, trees or brush, furniture, farm equipment, commercial and industrial waste, hazardous waste as defined by the Environmental Protective Agency, ashes, coal, or flammable liquids.~~
- (d) ~~Violation of any provision of section 13-1 shall constitute a class 2 misdemeanor, and the violator may be fined not more than one thousand dollars (\$1,000.00) for each violation.~~

Sec. 13-2. - Refuse Waste containers; use; scavenging; penalty

- (a) Method of use generally. Persons using the ~~county's~~ County's solid waste container shall place their waste inside the containers. Items placed within a container shall not project outside the container openings. It shall be unlawful to place any solid waste around or upon any such container.
- (b) Scavenging. It shall be unlawful for any person ~~not authorized by the board of supervisors to take or scavenge items placed in the containers of the county's solid waste container system~~ once those have been deposited into the County's solid waste system.
- (c) ~~Penalty. Violation of any provision of this section shall constitute a class (3) misdemeanor for which the violator may be fined not to exceed five hundred dollars (\$500.00). A separate offense shall be deemed committed on each day during or on which violation occurs or continues. Further, a separate offense shall be deemed committed at each dumpster or other container site where a violation occurs.~~

**Sec. 13-3. - Landfill fees.**

- (a) Tipping fees for the disposal of solid waste at the ~~county landfill~~ Landfill shall be charged in accordance with rates and charges as set from time to time by resolution of the ~~board of supervisors~~ Board of Supervisors. A schedule of such rates and charges shall be maintained in the office of the ~~county administrator~~ County Administrator, the ~~solid waste department~~ Department of Public Works and at the ~~landfill~~ Landfill and shall be open for inspection during regular business hours.
- (b) Fees and charges shall take effect no less than sixty (60) days following the board's action.
- (c) Refuse Waste which is generated by any individual or business outside of Amherst County shall not be ~~transported to~~ disposed of in the Amherst County Landfill ~~for disposal~~.
- (d) ~~The county landfill may accept refuse from the County of Nelson, Virginia for a period not to exceed two (2) weeks to assist the County of Nelson during an emergency situation. The County of Nelson shall pay tipping fees in accordance with the current resolution of the board of supervisors. This special amendment shall expire on November 1, 2006 unless extended by the board of supervisors.~~

**Sec. 13-4. - Exemption from fees.**

- (a) No ~~landfill~~ fee will be assessed any resident of the ~~county~~ County for the deposit of two thousand (2,000) pounds of self-generated ~~refuse waste~~ deposited at the ~~landfill~~ Landfill during one (1) calendar month, provided no other such loads have been deposited from other members of the resident's household during that month. Any loads exceeding two thousand (2,000) pounds in one (1) month from the same household will be subject to disposal fee. Residents will be held to the same payment criteria as commercial/industrial customers.
- (b) Residents will be allowed to dispose of eight (8) automobile tires a calendar year per household at no charge, ~~provided no other tires have been deposited from other members of the resident's household during the calendar year.~~
- (c) Solid waste transported to the ~~landfill~~ Landfill from ~~county~~ County business and industry may ~~receive a discount~~ be deposited at a discounted rate.
- (d) ~~Additionally, no landfill fee will be charged to any person~~ No fees will be charged for household waste collected on a contractual basis on behalf of the County of Amherst and Town of Amherst. For the purposes of this section, "household waste" shall include all waste collected by the house-to-house contractual service.
- (e) ~~No landfill fee~~ No fees will be charged to the County of Amherst or the Town of Amherst for waste generated by ~~the their operation of the above governmental units services and operations. This exemption shall not extend to waste generated by any commercial or nongovernmental activity.~~

- (f) ~~An exemption from disposal fees may be extended to county clean-up activities sponsored by The Board of Supervisors may exempt nongovernmental groups and the Virginia Department of Transportation at the discretion of the board of supervisors from payment of the fees for waste generated by County clean-up activities.~~

**Sec. 13-5. - Collection of fees.**

- (a) ~~All landfill users will be billed for landfill service. The fees~~ Fees charged for the deposit of waste into the Landfill ~~such users will be~~ are due and payable within thirty (30) days of the billing date of the statement to the user. For all statements remaining unpaid thirty (30) days or more, a penalty in the amount of ten (10) percent shall be assessed thereon. Additionally, for all statements remaining unpaid at the end of sixty (60) days following the date of issue of the billing statement, there shall be assessed thereon interest at the rate of ~~twelve (12)~~ ten (10) percent per annum, and the interest shall be collected upon the charges and any penalty assessed thereon.
- (b) All billing for fees to be paid will be generated by the Amherst County Department of ~~Solid Waste~~Public Works.

**Sec. 13-6. - Disposition of funds.**

All revenues generated from the collection of fees ~~for landfill use pursuant to § 13-5~~ shall be paid to the Treasurer of Amherst County and credited to an account designated "Landfill User Fees (LUSE)". Money collected shall be used to offset the cost of the operation of the ~~landfill~~ Landfill.

**Sec. 13-7. - Permission required for dumping.**

Noncombustible fill material, dirt, concrete, rock, sand and gravel ~~may be brought into and dumped in the county provided permission is granted by the owner and the Amherst County Department of Solid Waste.~~ shall not be brought into or dumped in the County without the written permission of the Director of the Department of Public Works.

**Sec. 13-8. - Permit required for hauling into ~~county~~ County and use of containers; penalty.**

- (a) No person shall transport into the ~~county~~ County from any other place any waste, trash, garbage, refuse or other organic matter for the purpose of burning, destruction or other method of disposal thereof in the ~~county~~ County, without first obtaining a permit therefor from the ~~board of supervisors~~ or their designee Director, such permit to be revocable at any time by the ~~board~~ Board for good cause.
- (b) A person who is not a resident of the ~~county~~ County or who has not obtained a permit ~~from the board of supervisors~~ to dispose of waste, trash, garbage, refuse or other organic matter generated on property owned in Amherst County shall not place any waste, trash, garbage, refuse or other organic matter in the ~~county's~~ County's solid waste or refuse containers.
- (c) Pursuant to Code of Virginia § ~~33.1-346~~ § 33.2-802, when a violation of this section has been observed by any person, and the matter illegally dumped or disposed of has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such matter. However, such presumption shall be rebuttable by competent evidence.
- (d) ~~Violation of any provision of this section shall constitute a class 1 misdemeanor. A separate offense shall be deemed to have transpired for each day on which the violation occurs or continues.~~

### Sec. 13-9. - Definitions.

As used in this article the following terms shall have the meanings respectively ascribed to them, unless the context clearly indicates a different meaning:

*Applicant* shall mean any person applying for a license under the provisions of this article.

*Board* or ~~board of supervisors~~ Board of Supervisors shall mean the ~~board of supervisors~~ Board of Supervisors of the ~~county~~ County.

*Commingling of solid waste* shall mean inclusion, partially or in toto, of solid waste which was not collected ~~from a residence, or other such location~~ in Amherst County with ~~curbside~~ solid waste collected pursuant to this article ~~and to be disposed at the Amherst County Landfill~~.

*County* shall mean Amherst County, Virginia.

*County administrator* ~~Administrator~~ Administrator shall mean the ~~county administrator~~ County Administrator of the ~~county~~ County.

*Curbside collection of solid waste* shall mean the ~~pickup or~~ collection for disposal of solid waste generated by or originating from a residence or small business at or near a roadway or alleyway for another person, for consideration, with such solid waste being placed in containers at such roadway or alleyway on a temporary basis for the purpose of such pickup or collection and which containers are capable of being carried, rolled or otherwise transported to and from such roadway or alleyway by a single human being.

*Director* or *Director of solid waste* ~~the Department of Public Works~~ shall mean the ~~director of solid waste~~ Director of the Department of Public Works of the ~~county~~ County.

*Disposal* shall mean the deposit, dumping 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 be emitted into the air or discharged into any waters.

~~Hazardous waste shall mean those materials which, because of their inherent nature and/or quantities, require special handling during disposal to avoid creating environmental damage and/or hazards to public health and/or safety. Hazardous waste includes, but is not limited to, such items as petroleum wastes, paints, plastics, explosives, acids, caustics, chemicals, poisons, drugs, radioactive materials, pathogenic wastes from hospitals, sanitarium, nursing home, clinics, and veterinary hospitals, waste from slaughter houses, poultry processing plants, and the like, or any other waste deemed hazardous by Section C of the Resource Conservation and Recovery Act and/or by the Virginia Department of Environmental Quality.~~

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 (i) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or (ii) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Household hazardous waste shall mean any waste material derived from households which, except for the

fact that it is derived from a household, would be classified as a hazardous waste, including but not limited to, nickel, cadmium, mercuric oxide, manganese, zinc-carbon or lead batteries; solvent-based paint, paint thinner, paint strippers, or other paint solvents; any product containing trichloroethylene, toxic art supplies, used motor oil and unusable gasoline or kerosene, fluorescent or high intensity light bulbs, ammunition, fireworks, banned pesticides, or restricted-use pesticides as defined in §3.2-3900. All empty household product containers and any household products in legal distribution, storage or use shall not be considered household hazardous waste.

Household waste shall mean waste generated within a residential household, except that household waste shall not include (i) building materials, including, but not limited to, shingles, vinyl siding, and demolition debris, (ii) residential yard waste – including, but not limited to, grass clippings and branches – which has not been mixed with other household waste and is otherwise qualified for deposit into the landfill either at a discounted fee or at no fee, (iii) electronics, (iv) motor oil and antifreeze, and (v) car batteries.

Landfill shall mean the Amherst County Landfill.

License shall mean a license issued under the provisions of this article.

License holder shall mean the person to which a license is issued and such license is not expired or revoked holding a valid license under this article.

Person shall mean any natural person, corporation, partnership, association, firm, government, governmental entity, receiver, guardian trustee, executor, administrator, fiduciary, or entity of any kind.

Service area shall mean the entire county County except the area thereof within the Town of Amherst.

Solid waste shall mean garbage, refuse, litter, junk and other discarded solid materials, including, but not limited to, solid waste materials resulting from household, industrial, commercial, or agriculture operations, community activities, yard wastes such as leaves, grass and shrubbery clippings, tree limbs and stumps, discarded organic materials, "garbage", "rubbish", "construction waste", or "debris waste", as such terms are defined in the Solid Waste Management Regulations of the Commonwealth of Virginia's Department of Environmental Quality, and any other materials defined or treated as solid waste under any federal, state or local, law, rule, regulation or ordinance; provided, however, that solid waste shall not include solid or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows, or other common water pollutants.

Solid waste means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, or community activities but does not include (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

Vehicle shall mean every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively for agricultural purposes and not licensed pursuant to state law which is not operated on any public highway for purposes other than crossing such public highway, or



along such highway for a distance of no more than thirty (30) miles between two (2) tracts of the owner's land on stationary rails or tracks.

**Sec. 13-10. - Licenses for ~~licensed~~ haulers of certain wastes.**

- (a) It shall be unlawful for any person, unless that person is a license holder, to engage in the curbside collection of ~~residential~~ solid waste in the service area. The ~~director of solid waste~~ Director may issue licenses ~~for applicants and renewals for applicants holding existing licenses; provided that such a license shall be issued only to persons having proper equipment and personnel to collect and transport solid waste and that otherwise are in compliance to qualified applicants in accordance with the provisions of this article.~~
- (b) ~~Every applicant shall make written application to the director of solid waste on~~ Applications shall be made on a form supplied by the director of solid waste, setting forth the Director. Required information may include the applicant's name, address, phone number, fax number and e-mail address (as applicable) of the applicant and the applicant's designated contact person for curbside collection of residential solid waste in the service area, a description of the applicant's form of business organization, a description of the equipment to be used in the collection of solid waste including such identification information as may be determined by the department of solid waste Director, and shall describe a description of the area or areas within the service area that the applicant proposes to serve, the frequency of collections, the number and types of vehicles to be used, the type of other equipment to be utilized, the hours of service to be provided, the place and manner of disposal, and other information as required by this article.
- (c) ~~A license issued under this article may extend for a period not in excess of one (1) year if the license holder conforms to requirements established in this article.~~
- (d) The ~~director of solid waste~~ Director may issue a license upon receipt of a valid application and upon satisfactory finding that the applicant has complied with and will be able to comply with all applicable requirements of this article. Prior to the issuance of any license, the Director may inspect any vehicle regulated by such license ~~may be inspected by the director of solid waste or designee.~~ Such license shall assign such vehicle a number.
- (e)(d) All licenses shall expire on June 30 following the date of issue and shall be renewed between May 1 and May 31 of each year.
- (f)(e) At the time of the issuance of the license, the applicant shall pay the license fees and furnish the required bond or letter of credit as set forth in subsections ~~(g) and (h)~~ (f) and (g), below.
- (g)(f) The license provided for in this article shall be issued by the ~~county administrator~~ Director for each vehicle to be used for curbside collection of ~~residential~~ solid waste in the service area upon demonstration of compliance with this article and the payment of a license fee of two hundred fifty dollars (\$250.00) per vehicle used to collect curbside solid waste. The license fee shall not apply to temporary backup vehicles. The license shall be renewed annually between May 1 and May 31 of each year in which the license holder wishes to operate, and the fee shall not be proratable ~~prorated for the period of time covered by the license.~~
- (h) ~~Any applicant and person engaging in the curbside collection of residential solid waste in the service area~~ (g) Applicants must furnish a letter of credit or payment and performance bond payable to the ~~county~~ County in an amount equal to not less than five hundred dollars (\$500.00) for each vehicle licensed proposed for licensure under this article, but not to exceed a total of five thousand dollars (\$5,000.00) for all vehicles licensed by that person proposed for licensure by the applicant, with surety approved by the ~~county attorney~~ County Attorney and conditioned to indemnify and save

harmless the ~~county~~ County as well as any person from all expense or damage that may be ~~incurred by such~~, caused by the license holder's failure to comply with the provisions of this article or neglect in the handling of solid waste.

~~(i)(h)~~ Handling of solid waste shall be deemed neglected when the license holder fails to meet the frequency of collection as required by the license. If the license holder fails to correct any such neglect or noncompliance with this section within forty-eight (48) hours after receipt of written notice from the approving authority, the County shall immediately either (i) make a demand on the letter of credit or (ii) declare the licensee in default such that the surety shall investigate the claim and make such recompense or take such other action as specified in the payment and performance bond shall be forfeited and the principal and surety on such bond shall be required to reimburse the county or any customer or any permit holder for any expense or damage incurred as a result of such neglect or failure. Such bond or letter of credit shall be deposited with the treasurer of the county County Treasurer. The ~~original~~ original bond or letter of credit shall be for a period of not less than the term of the original license and shall be renewed annually.

~~(j)(i)~~ All applicants license holders must, ~~demonstrate the following in their application and comply with the following during the term of the license:~~

~~(1) Transportation equipment. An~~ , provide an adequate number of vehicles, including backup vehicles, ~~shall be provided by the applicant to properly and efficiently transport solid waste in accordance with the requirements of this article. The vehicles shall be licensed and operated in compliance with all applicable federal, state, and local law and regulations.~~

All vehicles and other equipment shall be kept in proper repair and sanitary condition. Each vehicle shall bear, at a minimum, the name and phone number of ~~applicant~~ the license holder plainly visible on both cab doors or otherwise prominently displayed on the left and right sides of the vehicle. Each vehicle shall be uniquely numbered in lettering at least three (3) inches high. All vehicles shall be sufficiently secure so as to prevent any littering of solid waste and/or leakage of fluid. No vehicles shall be overloaded. The ~~applicant~~ license holder shall collect all litter resulting from the operation of ~~applicant's~~ the license holder's vehicles.

~~(2) Insurance. Applicant shall obtain and maintain throughout the term of the license, at its sole cost and expense, not less than the insurance coverage set forth below:~~

~~a. Comprehensive vehicle liability.~~

~~Bodily injury \$1,000,000.00 each occurrence~~

~~Property damage \$1,000,000.00 each occurrence~~

~~To include coverage for all owned, nonowned, leased and hired vehicles.~~

~~b. Excess liability.~~

~~Bodily injury \$2,000,000.00 each occurrence~~

~~Property damage \$2,000,000.00 each occurrence~~

~~Applicant shall deliver to the director of solid waste, prior to the issuance of a license, certificates of insurance from insurance carriers licensed to do business in the Commonwealth of Virginia for not less than the limits specified above. In addition, any applicant or license holder, either directly or indirectly through the insurance underwriter, shall give the director of solid waste thirty day written notice of its decision to cancel,~~

~~change or fail to renew coverage.~~

- ~~(k)~~(j) The ~~applicant~~ license holder shall have all vehicles subject to a license available for inspection by the ~~director of solid waste~~ Director of Public Works or designee at a reasonable time and place within the ~~county~~ County. In the event of an emergency requiring the immediate replacement of a vehicle, the license holder shall notify the ~~director of solid waste~~ Director of Public Works of such replacement and have the replacement vehicle available for inspection by the ~~director of solid waste~~ Director of Public Works within five (5) days after its acquisition.
- ~~(H)~~(k) Vehicles subject to a license must provide against solid waste leaking, spilling, and being blown or hurled from or deposited upon any street or public way during loading or while in transit. Two (2) types of vehicles will be permissible:
- (1) A vehicle with a watertight body, completely enclosed and covered, by construction.
  - (2) A vehicle with a nonwatertight body, with built-in cover, or with tarpaulin or equally effective cover. Such a vehicle must have secured and covered watertight containers for all liquid or semisolid material.
- ~~(m)~~(l) Curbside collection of ~~residential~~ solid waste in the service area shall occur only between the hours of 7:00 a.m. and 7:00 p.m. All collection shall be done in such manner that it does not create a nuisance or adversely affect public health.
- ~~(n)~~(m) Solid waste shall be collected in such a manner and transported so that it does not spill or fall into a street or public way, nor shall it be dumped, spilled, or thrown into any street, court, lane, alley, sewer, inlet or public or private lands. Any license holder shall cause disposal of all solid waste within the control of such license holder in accordance with all applicable local, state and federal laws
- ~~(o)~~ ~~No~~ (n) License holders shall not collect any hazardous waste, prohibited waste or harmful material, including materials which are explosive, toxic, radioactive or highly combustible by nature or burning, ~~shall be removed for disposal by a license holder. In the event of disposal of~~ If a license holder collects and disposes in the Landfill hazardous waste or prohibited waste by a license holder, federal, state and local officials shall be immediately notified to the extent required by law and every action must be taken by the license holder to contain and remove said materials immediately. The license holder shall be responsible for all costs for containment and removal of any and all hazardous waste or prohibited waste under the guidance and control of federal, state and ~~county~~ County officials. This subsection, however, is not applicable to materials loaded and carried at the direction of public officials ~~or public servants~~ executing their duties in emergencies.
- ~~(p)~~(o) The license holder shall comply with all rules and regulations of the Amherst County Landfill and the ~~department of solid waste~~ Department of Public Works.
- ~~(q)~~(p) The license holder shall notify in writing the ~~director of solid waste~~ Director and each customer at least thirty (30) days prior to date of the license holder's termination and discontinuance of business. On the date of the license holder's termination or discontinuance of business, the license holder will surrender any license held by the license holder to the ~~director of solid waste~~ Director.
- ~~(r)~~(q) No license issued hereunder may be transferred, sold, or assigned without the express permission of the ~~director of solid waste~~ Director, and any permission so granted may impose such conditions on any transfer, sale or assignment as necessary in the opinion of the ~~director of solid waste~~ Director to protect the public health and safety. Should the license holder be a corporation or other association, sale or transfer of a controlling interest therein shall constitute an assignment for the purpose of this provision.

- ~~(s)(r)~~ There shall be no commingling of waste as defined herein. ~~Should a licensee determine that the inadvertent commingling of solid waste has occurred on any load of solid waste transported by a vehicle operated by the licensee and disposed at the Amherst County Landfill, and then the licensee shall notify the director of solid waste within forty eight (48) hours of making such determination. If a license holder determines that inadvertent commingling of solid waste has occurred on a load of solid waste deposited at the Landfill, the license holder shall notify the Director within forty-eight (48) hours of such determination. The willful commingling of waste as defined herein shall constitute violation of this section and shall be subject to the penalties set forth in section 13-12.~~
- ~~(t)(s)~~ Any solid waste collected ~~at the curbside in Amherst County pursuant to this section and transported by a licensee under a duly issued and valid license~~ license holder under the authority of this article shall not be required to pay subject to a disposal fee for such waste at the Amherst County Landfill.

#### **Sec. 13-11. - Enforcement.**

~~The director of solid waste management~~ Director or designee and all law enforcement officers in the Commonwealth, including all officers in the office of the ~~county sheriff~~ County Sheriff shall enforce the provisions of this article.

#### **Sec. 13-12. - Penalties.**

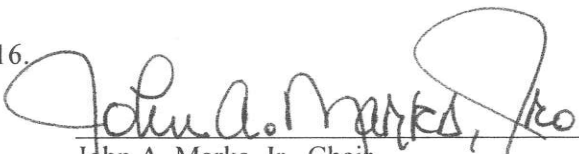
- (a) If in the opinion of the ~~director of solid waste management~~ Director of Public Works, an applicant or ~~licensee~~ license holder violates, or refuses or fails to comply with this article, the Amherst County Code, the Amherst County Zoning Ordinance, rules or regulations of the Amherst County Landfill, the Code of Virginia, or any court orders relating thereto, the Director may deny the application or revoke or suspend the license of said applicant or licensee may be denied, suspended, or revoked by the director.
- (b) In addition to subsection (a) above, grounds for ~~permit~~ application denial, or license suspension or revocation may include, but shall not be limited to, the disposal of commingled, unacceptable or hazardous waste, unsatisfactory delivery of customer service, failure to pay applicable solid waste disposal fees, unsatisfactory maintenance or cleanliness of collection vehicles, unsatisfactory storage or collection of solid waste, failure to abide by the reasonable conditions or regulations of the director, failure to abide by and update the license application, or a subsequent occurrence of a violation for which the applicant or licensee has already been reviewed.
- (c) Further, it shall be unlawful, and grounds for license denial, suspension or revocation, for any licensee to willfully misuse a collection vehicle ~~and/or~~ license. Misuse includes, but is not limited to, any switching of licenses between collection vehicles, any use of a license in an unlicensed collection vehicle or by an unlicensed collector, and any use of a discontinued license.
- (d) It shall be unlawful, and grounds for license denial, suspension or revocation, for any company which is delinquent in its payment of the applicable solid waste disposal bill to Amherst County to use the collection vehicle ~~and/or~~ license of another company to gain access to the Amherst County Landfill. It shall be unlawful, and grounds for license denial, suspension or revocation, for any company to allow another company to use its collection vehicle ~~and/or~~ license in the aforementioned manner.
- (e) ~~In the event the director~~ If the Director elects to consider suspending or revoking an issued license, except in instances involving the nonpayment of applicable solid waste disposal fees or the disposal of commingled, unacceptable or hazardous waste, or a subsequent occurrence of a violation for

which the licensee's license has already been reviewed, the license holder will be notified by certified mail that said license is under review. The license holder will have forty-eight (48) hours after receipt of the letter of notification to correct any deficiencies and to notify the ~~director~~ Director of the corrective action taken. ~~If satisfactory corrective action is not taken within forty eight (48) hours, the license may be suspended or revoked by the director. This shall not be construed so as to limit, delay or prohibit the authority of the director of solid waste management at the Amherst County Landfill from immediately suspending without notice any license holder for the nonpayment of applicable solid waste disposal fees, or the disposal of commingled, unacceptable or hazardous waste. The Director may suspend or revoke the license if the license holder does not take satisfactory corrective action within the 48-hour period. The Director may suspend or revoke a license without any notice in instances involving the nonpayment of applicable solid waste disposal fees or the disposal of commingled, unacceptable or hazardous waste, or a subsequent occurrence of a violation for which the licensee's license has already been reviewed, or as she deems necessary to protect the County's interests relative to solid waste collection and disposal.~~


- (f) Any revocation, suspension or denial, other than those related to the nonpayment of applicable solid waste disposal fees, or the disposal of commingled, unacceptable or hazardous waste, shall be in writing and may be appealed to the ~~county administrator~~ County Administrator, or his designee, within ten days of the date of revocation, suspension or denial. Any appeal shall be in writing and filed with the ~~county administrator~~ County Administrator or his designee. Thereafter, the ~~county administrator~~ County Administrator, or his designee, shall promptly schedule a hearing at which the applicant and all interested parties, which may include but is not limited to the ~~department of solid waste management~~ Director, the zoning administrator, and the members of the Board of Supervisors of Amherst County, Virginia, may present testimony or evidence. Any interested party or the applicant may be represented by counsel at the hearing.
- (g) Any person violating ~~the provisions~~ any provision of this article shall be guilty of a Class 1 misdemeanor, and ~~upon conviction of a first offense thereof, shall be punished by a fine of up to two hundred fifty dollars (\$250.00). Upon conviction for a second or subsequent offense violating the provisions of this article, the person shall be punished by a fine of up to one thousand dollars (\$1,000.00) and up to one (1) year in jail.~~ In addition to any penalties imposed for a violation of this article, upon conviction the court shall require that the violation be corrected. Any person who violates any provision of this chapter or regulation adopted shall also be liable for all damage, loss, cost and expense suffered or incurred by the ~~county~~ County as a result of the violation.

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

Adopted this 19<sup>th</sup> day of April, 2016.

  
John A. Marks, Jr., Chair  
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. 2016-0006

**AN ORDINANCE, NO. 2016-0006**

Adding Article VI, comprised of Divisions One through Four, containing Sections 9-150 through 9-159, (Division 1), Sections 9-160 through 9-169 (Division 2), Sections 9-170 through 9-179, (Division 3), and Sections 9-180 through 9-199 (Division 4) to Chapter 9 of the Amherst County Code, to modify the requirements governing motor vehicle graveyards and inoperable, abandoned, unattended, or trespassing vehicles. The changes conform County definitions with State law, provide for enforcement against abandoned motor vehicles in all districts in the County except the industrial district, eliminate the appeals process for decisions involving inoperable vehicles, and eliminate provisions relating to parking violations which the County is not now enforcing. The provisions governing *inoperable vehicles* will not apply (i) to a licensed business which as of June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor (ii) to farm related vehicles and equipment, or (iii) to parcels in the A-1 Agricultural Residential District containing three or fewer inoperative motor vehicles.

Article IV of Chapter 9 of the Amherst County Code is repealed.

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Approved as to form and legality by the County Attorney

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**FIRST READING: Board of Supervisors, April 5, 2016**

**PUBLIC HEARING: Board of Supervisors, April 19, 2016**

**THE COUNTY OF AMHERST HEREBY ORDAINS:**

**§ 1. That Chapter 9 of the Amherst County Code be and hereby is amended by adding a new Article VI, consisting of Divisions 1 through 4, containing §§ 9-150 through 9-199, as follows:**

**Article VI. INOPERABLE, ABANDONED, AND UNATTENDED VEHICLES; PARKING VIOLATIONS**

**Division 1. IN GENERAL**

**Sec. 9-150. Definitions**

“Abandoned motor vehicle” means a motor vehicle, trailer, or semi-trailer that (i) is left unattended on public property for more than 48 hours, (ii) has remained for more than 48 hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private



property with the consent of the owner or person in control of the private property, or (iii) is left unattended on the shoulder of a primary highway.

“Commissioner” means the Commissioner of the Revenue or her designee.

“Demolisher” means any person whose business is to crush, flatten, bale, shred, log, or otherwise reduce a motor vehicle to a state where it can no longer be considered a motor vehicle.

“Farm related vehicles and equipment” means all vehicles and equipment used in farm, agricultural, or horticultural service, including trailers used to transport farm, agricultural, or horticultural materials between a local place of storage or supply and the farm, when drawn or towed on a public highway.

“Federal-aid primary highway” means any highway within that portion of the primary state highway system as established and maintained under Article 2 (§ 33.2-310 et seq.) of Chapter 3 of Title 33.2 of the Virginia Code, including extensions of such system within municipalities that have been approved by the U.S. Secretary of Commerce pursuant to 23 U.S.C. § 103(b).

“Inoperable motor vehicle” means any motor vehicle, trailer or semi-trailer which is not in operating condition, does not display valid license plates, or does not display a valid inspection decal.

“Motor vehicle” means every vehicle as defined in Code of Virginia, § 46.2-100 that is self-propelled or designed for self-propulsion, except as otherwise provided in Title 46.2. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. Any vehicle defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped is not a motor vehicle.

“Motor vehicle graveyard” means any lot or place lawfully established on or after April 5, 1968, that is exposed to the weather and containing more than five inoperable motor vehicles having fair market values, as determined by the Amherst County Commissioner of Revenue, which are less than the cost of restoration to an operable condition. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable.

“National Highway System” means the federal-aid highway system referenced in 23 U.S.C. § 103 and regulations adopted pursuant thereto, which includes those highways that are designated as such by congressional action or designation by the U.S. Secretary of Transportation. Prior to congressional approval or designation by the U.S. Secretary of Transportation, highways classified as National System of Interstate and Defense Highways, Dwight D. Eisenhower National System of Interstate and Defense Highways, Interstate System, or federal-aid primary highways as that system existed on June 1, 1991, shall be considered as the National Highway System.

“Primary highway” means any highway within the primary state highway system as established and maintained under Article 2 (§ 33.2-310 et seq.) of Chapter 3 of Title 33.2 of the Virginia Code, including extensions of such system within municipalities.

“Semi-trailer” means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some of its own weight and that of its own load rests on or is carried by another vehicle.



"Sheriff" means the Amherst County Sheriff or his designee.

"Shielded" or "screened from view" means hidden from sight, from any ground level location outside the property on which the vehicle is located, by vegetation or fences. The placing, draping or securing of a tarpaulin or other nonrigid cover over or around an inoperable motor vehicle does not render a vehicle "shielded" or "screened from view".

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

"Treasurer" means the Amherst County Treasurer.

"Truck business" means an operation where large trucks, such as tractor trailers, are used to haul and store goods; this includes maintenance and parking for the trucks.

"Vehicle" means every device, in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks.

"Visible" means capable of being seen without visual aid by a person of normal visual acuity.

"Zoning administrator" means the Amherst County zoning administrator or his designee.

**Sec. 9-151. Declaration of intent.**

It is hereby declared that the existence of inoperable motor vehicles, trailers and semi-trailers on property in Amherst County is a fire hazard and a hindrance in fighting fires, creates an unsanitary harborage for rodents and insects, constitutes an attractive nuisance to children, and poses other substantial health and safety hazards to Amherst County citizens; and that such conditions are detrimental to the welfare of Amherst County citizens, as the existence of such vehicles reduces property values, dissuades the relocation of families and businesses to the area, and discourages tourism.

**Sec. 9-152. Severability.**

If any portion of this Article shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity of the Article in its entirety, or any of the remaining portions thereof.

**Sec. 9-153. Administration and enforcement.**

The Commissioner shall be responsible for enforcement of Sections 9-160 and 9-161 of Division 2 of this Article. The zoning administrator shall be responsible for the administration and enforcement of Section 9-162 of Division 2 of this Article. The Amherst County Sheriff shall be responsible for the administration and enforcement of Divisions 3 and 4 in this Article, and is hereby delegated the authority to make and enforce any additional regulations concerning parking that may be required, including, but not limited to, penalties for violations, deadlines for the payment of fines, and late payment penalties for fines not paid when due.

**Sec. 9-154 through Sec. 9-159. Reserved**

## **DIVISION 2. MOTOR VEHICLE GRAVEYARDS**

### **Sec. 9-160. Annual License Taxes**

For each year, beginning with January 1 of each year and ending December 31 following, the Commissioner shall levy annual license taxes on operators of motor vehicle graveyards as follows:

- (1) For places where up to 25 vehicles are stored .....\$50.00
- (2) For places where 25 to 50 vehicles are stored .....100.00
- (3) For places where 51 to 100 vehicles are stored .....150.00
- (4) For places where over 100 vehicles are stored .....250.00

### **Sec. 9-161. Assessment and payment of tax.**

- A. The Commissioner shall assess the license taxes. The taxes shall be paid to the Treasurer on or before January 31 of each year.
- B. No refunds shall be made but the Commissioner may assess additional taxes where an inspection reveals that a motor vehicle graveyard contains more inoperable motor vehicles than the license allows.
- C. Failure to pay taxes on or before January 31 of each year shall subject the licensee to the penalties prescribed in Article VII of Chapter 14 of the Amherst County Code.

### **Sec. 9-162. Burning; screens; removal of motor vehicles.**

- A. There shall be no burning operations on property containing a motor vehicle graveyard.
- B. If the property on which a motor vehicle graveyard is located is within one thousand (1,000) feet and visible from the nearest edge of the right-of-way of any National Highway System or primary highway, and not within an industrial area, the graveyard shall be screened or fenced so as to prevent its visibility from the highway.
- C. If the property on which the motor vehicle graveyard is located is within five hundred (500) feet and visible from the nearest edge of the right-of-way of any other highway and not within an industrial area, the graveyard shall be screened or fenced so as to prevent its visibility from the right of way.
- D. If the property on which the graveyard is located is within five hundred (500) feet and visible from any property zoned or used for residential purposes, the graveyard shall be screened or fenced so as to prevent visibility from such property.
- E. Operators shall make all reasonable efforts to remove unusable debris by crushing and shredding all motor vehicles after the removal of saleable parts.

**Sec. 9-163 through Sec. 9-169. Reserved**

## **DIVISION 3. – INOPERABLE MOTOR VEHICLES**

### **Sec. 9-170. Restriction on keeping of inoperable motor vehicles.**

- A. No person shall keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned or used for residential or commercial or agricultural purposes, any inoperable motor vehicle, trailer or semi-trailer, except that one such vehicle may be kept outside a fully enclosed building or structure, provided that it is shielded or screened from view.
- B. The provisions of this division shall not apply: (i) to a licensed business which as of June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor, (ii) to farm related vehicles and equipment; or (iii) to parcels in the A-1 Agricultural Residential District containing three or fewer inoperative motor vehicles.

**Sec. 9-171. Notice of violation.**

- A. The owner of any property which contains an inoperable vehicle in violation of this division shall remove therefore, or otherwise bring such vehicle into compliance with the provisions of this division within seven (7) calendar days after receiving written notice of such violation.
- B. Notice given pursuant to this section shall:
  - (1) Describe the year, make, model and serial number of the inoperable motor vehicle;
  - (2) State that failure to comply with the requirements of this division may result in the removal and disposal of the vehicle; and
  - (3) State that such removal and disposal may be at the expense of the owner of such inoperable motor vehicle or the owner of the property upon which such vehicle is located.
- C. Notice given pursuant to this section shall:
  - (1) Be posted in a conspicuous place on the property upon which the inoperable motor vehicle is located; and
  - (2) Be (i) given to the property owner in person, in which case an affidavit shall be completed by the person who delivers such notice attesting to the time and place of the giving of such notice and to whom it was given, or (ii) mailed by United States Postal Service mail, postage prepaid, certified mail, return receipt requested, addressed to the owner as set forth in the records of the Treasurer.
- D. Notice shall be deemed to have been received when received in person or upon receipt of a certified letter.
- E. In the event that a notice cannot be delivered for any reason to the property owner in the manner set forth above, the Sheriff shall cause the notice to be published once in a newspaper of general circulation in the county. Notice shall be deemed to have been received the day of such publication.

**Sec. 9-172. Removal and disposal of unclaimed inoperable motor vehicles.**

- A. If a property owner fails to comply with the requirements of this division within the time specified in the notice, the Sheriff may have the inoperable vehicle taken to an impound lot for storage and disposal.
- B. Within five (5) business days after removal of an inoperable motor vehicle to an impound lot, the Sheriff shall give additional notice of such action to the owner of the subject property and, if different, the owner of record of the inoperable motor vehicle that has been taken into custody. The notice shall:
  - (1) Describe the year, make, model and serial number of the inoperable motor vehicle;

- (2) Set forth the location of the facility where the inoperable motor vehicle is being held;
  - (3) Inform the owner of the owner's right to reclaim the inoperable motor vehicle within fifteen (15) days after the date of such notice upon payment of the cost of removal;
  - (4) State that the failure of the owner to exercise the owner's right to reclaim the inoperable motor vehicle within the time provided may result in the disposal of the inoperable motor vehicle; and
  - (5) State that the owner of the inoperable motor vehicle, or the owner of the premises on which the inoperable motor vehicle was located at the time it was removed, may be liable for the costs of removal, storage, and disposal of the inoperable motor vehicle.
- C. The Sheriff may dispose of any inoperable vehicle if it is not reclaimed by its owner pursuant to the provisions of this division.
  - D. If the value of any inoperable motor vehicle removed under the provisions of this division be determined by three (3) disinterested dealers or to be less than the costs of advertising and public sale, it may be disposed of by private sale or junked.
  - E. If an inoperable motor vehicle is not reclaimed or disposed of as provided above, the Sheriff shall sell it or cause it to be sold at public auction. The expenses of any auction, the cost of towing, preserving and storing the inoperable vehicle may be reimbursed from the proceeds of the sale. Any remainder from the proceeds of sale shall be held for the owner of the inoperable motor vehicle or any person having security interests therein, as their interests may appear, for sixty (60) days, and shall thereafter be paid to the Treasurer.
  - E. The cost of the removal and disposal of an inoperable motor vehicle may be charged to the owner of such vehicle, or the owner of the property from which such vehicle was removed. The County may collect such costs in the same manner as taxes are collected.
  - F. Any such costs assessed against the property from which the vehicle was removed shall constitute a lien against the property which shall continue until actual payment of such costs has been made to the County.

**Sec. 9-173. Penalty.**

Any person violating this division shall be guilty of a Class 1 misdemeanor. A separate offense shall be deemed committed for each motor vehicle, trailer, semi-trailer that is in violation of this division.

**Sec. 9-174 through 9-179. Reserved**

**DIVISION 4. - ABANDONED, IMMOBILIZED, AND UNATTENDED VEHICLES; PARKING**

**Sec. 9-180. Taking abandoned vehicles into custody; notice.**

- A. The Amherst County Sheriff may take any abandoned motor vehicle into custody.
- B. Within fifteen (15) days of taking an abandoned motor vehicle into custody, the Sheriff shall, by registered or certified mail, return receipt requested, notify the owner of record of the motor vehicle and all persons having security interests of record in the vehicle, that it has been taken into custody.
- C. The notice shall
  - (1) State the year, make, model, and serial number of the abandoned motor vehicle;
  - (2) Set forth the location of the facility where it is being held;

- (3) Inform the owner and any persons having security interests of record that they may reclaim it within fifteen (15) days of the date of the notice after payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody; and
  - (4) State that the failure the owner or persons having security interests to reclaim the vehicle within the time provided shall constitute (i) a waiver by the owner and all persons having any security interests of all right, title, and interest in the vehicle and (ii) consent to the sale of the abandoned motor vehicle at a public auction.
- D. If records of the Virginia Department of Motor Vehicles contain no address for the owner or for any person having a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, the Sheriff may publish notice otherwise consistent with the requirements of this section once in a newspaper of general circulation in the area where the motor vehicle was abandoned. Notice by publication may contain multiple listings of abandoned motor vehicles.

**Sec. 9-181. Disposal of abandoned vehicle.**

- A. If an abandoned motor vehicle is not reclaimed, the Sheriff may, notwithstanding the provisions of Code of Virginia § 46.2-617, sell the vehicle at public auction.
- B. The expenses of any auction, the cost of towing, preserving, and storing the inoperable vehicle may be reimbursed from the proceeds of the sale. Any remainder from the proceeds of sale shall be held for the owner of the inoperable motor vehicle or any person having security interests therein, as their interests may appear, for sixty (60) days, and shall thereafter be paid to the Treasurer.

**Sec. 9-182. Disposal of inoperable abandoned vehicles.**

- A. The Sheriff may dispose of any inoperable abandoned motor vehicle, trailer, semi-trailer, or part of a motor vehicle, trailer, or semi-trailer which it has taken into custody by delivering it to a demolisher, without the title and without the notification procedures. The demolisher, on taking custody of the inoperable abandoned motor vehicle shall notify the Virginia Department of Motor Vehicles on forms and in the manner prescribed by the Commissioner of the Virginia Department of Motor Vehicles.
- B. In order to qualify for the \$50.00 fee provided for in Virginia Code §46.2-1207, the Sheriff shall certify to the Commissioner of the Virginia Department of Motor Vehicles on forms provided by the Virginia Department of Motor Vehicles that an inoperable abandoned motor vehicle left on property within Amherst County has been disposed of as provided herein.

**Sec. 9-183. Temporary removal and disposition of vehicles involved in accidents**

Whenever a motor vehicle, trailer, or semi-trailer involved in an accident is so located as to impede the orderly flow of traffic, the Sheriff may (i) at no cost to the owner or operator, remove the motor vehicle, trailer, or semi-trailer to some point in the vicinity where it will not impede the flow of traffic, or (ii) have the vehicle removed to a storage area for safekeeping and shall report the removal to the Virginia Department of Motor Vehicles and to the owner of the vehicle as promptly as possible. If the vehicle is removed to a storage area under clause (ii), the owner shall pay all costs incidental to its removal and storage.

**Sec. 9-184. Removal and disposition of unattended or immobile vehicles.**

- A. The Sheriff may remove for safekeeping any motor vehicle, trailer, semi-trailer, or part thereof to a storage area if:
  - (1) It is left unattended on a public highway or other public property and constitutes a traffic hazard;
  - (2) It is illegally parked;
  - (3) It is left unattended for more than ten (10) days either on public property or on private property without the permission of the property owner, lessee, or occupant;
  - (4) It is immobilized on a public roadway by weather conditions or other emergency situation.
- B. Removal shall be carried out by or under the direction of a law enforcement officer. Motor vehicles, trailers, semi-trailers, and parts thereof shall not be removed from private property without the written request of the owner, lessee, or occupant of the premises. The person at whose request the motor vehicle, trailer, semi-trailer, or part of a motor vehicle, trailer, or semi-trailer is removed from private property shall indemnify Amherst County against any loss or expense incurred by reason of removal, storage, or sale thereof. It shall be presumed that such motor vehicle, trailer, semi-trailer, or part thereof is abandoned if it (i) lacks either a current license plate; or a valid state safety inspection certificate or sticker; and (ii) it has been in a specific location for four (4) days without being moved.
- C. Each removal shall be reported to the County Administrator and to the owner of the motor vehicle, trailer, or semi-trailer. Before obtaining possession of the motor vehicle, trailer, semi-trailer, or part thereof, the owner shall pay all costs incidental to its removal and storage, including costs associated with locating the owner. If the owner fails or refuses to pay the costs, or if his identity or whereabouts are unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record with the office of the Virginia Department of Motor Vehicles against the motor vehicle, trailer, semi-trailer, or part of a motor vehicle, trailer, or semi-trailer, the vehicle shall be treated as an abandoned vehicle under the provisions of §§ 9-180 through 9-182.

**Sec. 9-185. Sale of personal property found in unattended or abandoned vehicles.**

Any personal property found in any unattended or abandoned motor vehicle, trailer, or semi-trailer may be sold incident to the sale of the vehicle as authorized in this division.

**Sec. 9-186. Permitted and prohibited parking; presumption as to violation.**

- A. The parking of two (2) motorcycles in single parking spaces designated, marked, and sized for four-wheel vehicles shall not be prohibited.
- B. Parking within fifteen (15) feet of any fire hydrant, or in any way obstructing a fire hydrant or a fire zone is prohibited.
- C. Parking over top of a water meter or in any way obstructing a water meter is prohibited.
- D. In any prosecution charging a violation of this section or any regulation promulgated pursuant hereto, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrant was parked in violation of this section, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Code of Virginia Chapter 6 (§§ 46.2-600 et seq.) of title 46.2, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle is the person who committed the violation.

**Sec. 9-187. Enforcement provisions.**



- A. The Treasurer shall collect and account for uncontested payment of parking citation penalties.
- B. Contest by any person of any parking citation shall be certified on an appropriate form, to the Amherst County General District Court, by the Treasurer.
- C. The Sheriff shall cause complaints, summons, or warrants to be issued for delinquent parking citations.
- D. Every action to collect unpaid parking citation penalties imposed for violation of this division shall be commenced within three (3) years of the date upon which such penalty became delinquent.

**Sec. 9-188. Ticketing, removal, or immobilization of trespassing vehicles by owner or operator of parking or other lot or building; charges.**

- (a) The owner, operator, or lessee of any parking lot, parking area, or parking space in a parking lot or area or any part of a parking lot or area, or of any other lot or building, including Amherst County, or authorized agent of the person having control of such premises may have any vehicle occupying the lot, area, space, or building without the permission of its owner, operator, lessee, or authorized agent of the one having the control of the premises, removed by towing or otherwise to a licensed garage for storage until called for by the owner or his agent if there are posted at all entrances to the parking lot or area signs clearly and conspicuously disclosing that such vehicle, if parked without permission, will be removed, towed, or immobilized. Such signs shall, at a minimum, include the non-emergency telephone number of the Amherst County Sheriff's Office or the telephone number of the responsible towing and recovery operator to contact for information related to the location of vehicles towed from that location.
- (b) Whenever a trespassing vehicle is removed or towed as permitted by this section, notice of this action shall be given by the tow truck operator to the State Police or the Amherst County Sheriff's Office. It shall be unlawful to fail to report such tow as required by this section and violation of the reporting requirement of this section shall constitute a traffic infraction punishable by a fine of not more than one hundred dollars (\$100.00). Such failure to report shall limit the amount which may be charged for the storage and safekeeping of the towed vehicle to an amount no greater than that charged for one day of storage and safekeeping. If the vehicle is removed and stored, the vehicle owner may be charged and the vehicle may be held for a reasonable fee for the removal and storage.
- (c) All businesses engaged in towing vehicles without the consent of their owners shall prominently display (i) at their main place of business and (ii) at any other location where towed vehicles may be reclaimed a comprehensive list of all their fees for towing, recovery, and storage services, or the basis of such charges. This requirement to display a list of fees may also be satisfied by providing, when the towed vehicle is reclaimed, a written list of such fees, either as part of a receipt or separately, to the person who reclaims the vehicle. Charges in excess of those posted shall not be collectable from any motor vehicle owner whose vehicle is towed, recovered, or stored without his consent.
- (d) Notwithstanding the foregoing provisions of this section, if the owner or representative or agent of the owner of the trespassing vehicle is present and removes the trespassing vehicle from the premises before it is actually towed, the trespassing vehicle shall not be towed, but the owner or representative or agent of the owner of the trespassing vehicle shall be liable for a reasonable fee, not to exceed twenty-five dollars (\$25.00), in lieu of towing.
- (e) In lieu of having a trespassing vehicle removed by towing or otherwise, the owner, operator, lessee or authorized agent of the premises on which the trespassing vehicle is parked may cause the vehicle to be immobilized by a boot or other device that prevents a vehicle from being moved by preventing a wheel from turning, provided that the boot or other device does not damage the vehicle or wheel.



The charge for the removal of any boot or device shall not exceed twenty-five dollars (\$25.00). In lieu of having the vehicle removed by towing or otherwise, or in lieu of causing the vehicle to be immobilized, the owner, operator, lessee or authorized agent of the premises on which the trespassing vehicle is parked may cause to have the Amherst County Sheriff, or his designee, issue, on the premises, a notice of the violation of a parking ordinance or regulation created pursuant to Code of Virginia § 46.2-1220 or § 46.2-1221 to the registered owner of the vehicle.

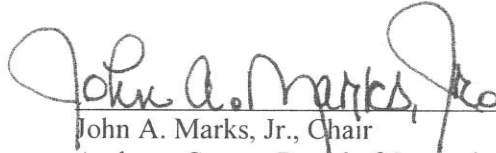
- (f) This section shall not apply to police, fire, or public health vehicles or where a vehicle, because of a wreck or other emergency, is parked or left temporarily on the property of another.

**Sec. 9-189 through 9-199. Reserved.**

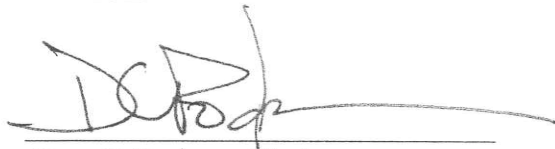
**§ 2. That Article IV of Chapter 9, consisting of sections 9-111 through 9-132.26 of the Amherst County Code be and is hereby repealed.**

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

Adopted this 19<sup>th</sup> day of April, 2016.

  
John A. Marks, Jr., Chair  
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 Resolution No. 2016-0015-R

For consideration on April 19, 2016

**A RESOLUTION, NO. 2016-0015-R**

A resolution, expressing support for a Transportation Investment Generating Economic Recovery Grant Proposal that the City of Lynchburg intends to submit to the U.S. Department of Transportation requesting approximately \$30 million in federal funds for a project to revitalize and provide multi-modal transportation amenities, including protected pedestrian lanes on the John Lynch Bridge that connects Lynchburg to Amherst County.

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Approved as to form by the County Attorney

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**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:**

**I. That the Board of Supervisors of Amherst County hereby expresses its support for a Transportation Investment Generating Economic Recovery (TIGER) Grant Proposal that the City of Lynchburg intends to submit to the U.S. Department of Transportation requesting approximately \$30 million in federal funds for a project to revitalize and provide multi-modal transportation amenities, including protected pedestrian lanes on the John Lynch Bridge, as follows:**

**WHEREAS**, the U.S. Department of Transportation issued a Notice of Funding Availability (NOFA) for 2016 TIGER funds on Tuesday, February 23, 2016; and

**WHEREAS**, the City of Lynchburg has identified a downtown transportation improvement project that is consistent with the goals and requirements described in the NOFA, including generating economic development and improving access to reliable, safe and affordable transportation; and

**WHEREAS**, Lynchburg City Council has determined that implementation of this downtown transportation improvement project would support City Council's adopted FY 2015 priorities, and would strengthen components of its 2014 Strategic Plan; and

**WHEREAS**, in the Transportation Section of the Amherst County Comprehensive Plan, Goal #3 is "Promote and develop multi-modal transportation systems" and Objective #1 is "Promote walking and biking"; and

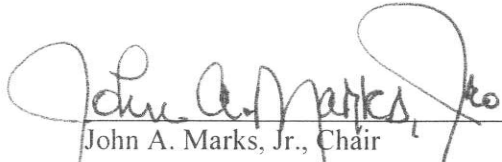
**WHEREAS**, Amherst County wishes to improve and expand pedestrian access to Riveredge Park through the development of multi-modal trails and pedestrian facilities.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:**

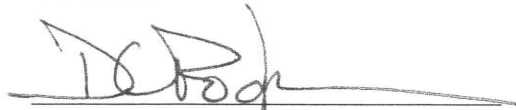
That the Board of Supervisors of Amherst County hereby expresses its support for the TIGER Grant Proposal that the City of Lynchburg intends to submit to the U.S. Department of Transportation seeking federal funding for a transportation project that includes protected pedestrian lanes on the John Lynch Bridge.

**II. That this resolution shall be in force and effect upon adoption.**

Adopted this 19<sup>th</sup> day of April, 2016.

  
John A. Marks, Jr., Chair  
Amherst County Board of Supervisors

**ATTEST:**

  
Dean C. Rodgers, Clerk  
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0