

ALBEMARLE COUNTY CODE

CHAPTER 7

HEALTH AND SAFETY

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ARTICLE I. NOISE

Sec. 7-100 Purpose and intent.

The purpose and intent of this article is to establish reasonable time, place and manner regulations pertaining to excessive or unwanted sound. Through content-neutral regulations, this article strikes an appropriate balance between the rights of individuals to engage in activities that create or disseminate sounds at reasonable levels, and the right of the public to a peaceful and healthful environment. It is not the purpose and intent of this article to interfere unduly with the rights of free speech or the exercise of religion and, further, it is not the purpose and intent of this article to implement these regulations in a manner that is based on the content of the sound. In establishing these regulations, the board of supervisors hereby finds the following:

A. *Threat to the public health, safety and welfare posed by excessive or unwanted sound.* Inadequately controlled sound presents a growing danger to the public health, safety and welfare. Studies have found that these dangers include hearing impairment, interference with spoken communication, sleep disturbances, cardiovascular disturbances, disturbances in mental health, impaired task performance, and unwanted emotional responses. These effects can lead to, among other things, a wide range of physical problems such as hearing disabilities, increased blood pressure, increased heart rates, abnormal heart rhythms and fatigue, mental health problems such as depression, anxiety, nervousness, stress, and emotional instability, an increased risk of accidents and errors in task performance, and negative effects on learning, reading attention, work performance, school performance, and interpersonal relationships.

B. *Persons particularly vulnerable to excessive or unwanted sound.* Studies have found that the elderly, medical patients, infants and children are particularly vulnerable to excessive or unwanted sound.

C. *Public safety danger posed by excessive or unwanted sound created by or emanating from motor vehicles.* Excessive or unwanted sound created by, or emanating from, motor vehicles interferes with the safe operation of other motor vehicles.

D. *Effects of increases in sound pressure levels.* Studies have characterized the human reaction to increases in sound pressure levels over ambient levels, as measured in decibels (dB), as “intrusive” for increases of five (5) to ten (10) decibels, “very noticeable” for increases of ten (10) to fifteen (15) decibels, “objectionable” for increases of fifteen (15) to twenty (20) decibels, and “very objectionable to intolerable” for increases of twenty (20) or more decibels.

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E. *Right of public to be free from an environment of excessive or unwanted sound.* The public has a right to and should be free from an environment of excessive or unwanted sound, and the board has a significant governmental interest in providing an environment free of excessive or unwanted sound.

(§ 12.1-1, 9-10-80, § 1; Code 1988, § 12.1-1; Ord. 98-A(1), 8-5-98; Ord. 09-7(3), 12-2-09)

State law reference--Va. Code § 15.2-1200.

Sec. 7-101 Administration and enforcement.

The chief of police is hereby designated the agent of the board of supervisors in the administration and enforcement of this article. The chief of police may be assisted in the enforcement of this article by employees of the department of community development, the department of general services, and other officers and employees of the county.

(§ 12.1-3, 9-10-80, § 3; 11-14-84; Code 1988, § 12.1-3; Ord. 98-A(1), 8-5-98; Ord. 09-7(3), 12-2-09)

State law reference--Va. Code § 15.2-1200.

Sec. 7-102 Applicability.

This article shall apply to sound generated within the county, regardless of whether the complainant or the receiving property is within or without the county. This article shall be in addition to any sound or noise regulations set forth in chapter 18 of the Code.

(Ord. 98-A(1), 8-5-98; Ord. 09-7(3), 12-2-09)

State law reference--Va. Code § 15.2-1200.

Sec. 7-103 Definitions.

The following definitions shall apply to this article:

(1) *Audible.* The term “audible” means a sound that can be detected by a person using his or her unaided hearing faculties, provided that a sound shall be determined to be audible even if specific words or phrases cannot be discerned. Sound is audible within a building under section 7-105 if it is audible at least four (4) feet from the wall nearest the sound source, with the doors and windows of the dwelling unit or applicable room of the complainant’s building closed and, where audibility is determined from a dwelling unit or hotel room, the dwelling unit or hotel room is located on a different parcel than the parcel on which the sound source is located.

(2) *Dwelling unit.* The term “dwelling unit” means a single unit designed to provide complete and independent living facilities for one (1) or more persons and having permanent provisions for sleeping and sanitation.

(3) *Emergency operation.* The term “emergency operation” means any emergency service provided by any police, sheriff, fire or fire and rescue department, any ambulance service or any other emergency service requiring a prompt response, and any emergency repair of public facilities or public utilities.

(4) *Hospital.* The term “hospital” means any facility licensed pursuant to Virginia Code § 32.1-123 *et seq.* in which the primary function is the provision of diagnosis, treatment, and medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known under various names such as sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals.

(5) *Hotel.* The term “hotel” means any place offering to the public for compensation transitory lodging or sleeping accommodations, overnight or otherwise, including but not limited to facilities known under various names such as hotels, motels, travel lodges, tourist homes, or hostels.

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(6) *Hotel room.* The term “hotel room” means a room within a hotel designed for sleeping.

(7) *Mixed-use site.* The term “mixed-use site” means a single unified development on one or more units or pieces of real property on which both commercial and residential uses exist.

(8) *Motorcycle.* The term “motorcycle” means every motor vehicle that is designed to travel on not more than three (3) wheels in contact with the ground and is capable of traveling at speeds in excess of thirty-five (35) miles per hour.

(9) *Motor vehicle.* The term “motor vehicle” means every vehicle that is self-propelled or designed for self-propulsion and includes, but is not limited to, any device defined in Virginia Code § 46.2-100 as an “electric personal assistive mobility device,” “electric power-assisted bicycle,” “golf cart,” “moped,” “motorized skateboard or scooter” or “utility vehicle,” but does not include a device moved by human power or used exclusively on stationary rails or tracks that is self-propelled or designed for self-propulsion. 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.

(10) *Multi-family dwelling unit.* The term “multi-family dwelling unit” means a structure composed of two (2) or more dwelling units including, but not limited to, apartments, condominiums, townhouses, and duplexes.

(11) *Nursing home.* The term “nursing home” means any facility or any identifiable component of any facility licensed pursuant to Virginia Code § 32.1-123 *et seq.* in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known under various names such as convalescent homes, skilled nursing facilities or skilled care facilities, intermediate care facilities, extended care facilities and nursing or nursing care facilities.

(12) *Off-road vehicle.* The term “off-road vehicle” means every vehicle that is: (i) an all-terrain vehicle, which is a three-wheeled or four-wheeled motor vehicle powered by a gasoline or diesel engine and generally characterized by large, low-pressure tires, a seat designed to be straddled by the operator, and handlebars for steering, and which is intended for off-road use by an individual rider on various types of unpaved terrain; (ii) a go-cart, which is a four-wheeled vehicle that has a low center of gravity and is typically used in racing or riding on relatively level services; (iii) an off-road motorcycle, which is a motorcycle designed exclusively for off-road use by an individual rider with not more than two wheels in contact with the ground; and (iv) a motorcycle-like device commonly known as a trail-bike or mini-bike. The term “off-road vehicle” does not include: (i) a farm utility vehicle, which is a motor vehicle that is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle; or (ii) a utility vehicle, which is a motor vehicle that is designed and used as a general maintenance, security or other similar service vehicle.

(13) *Parcel.* The term “parcel” means, as appropriate when the term is applied in conjunction with a reference to a property line, either: (i) a separate unit or piece of real property; (ii) any area within a multi-family dwelling unit that is beyond the vertical and horizontal boundaries of the dwelling unit of the complainant; or (iii) any area within a mixed-use site that is beyond the interface between the portion of the site owned or occupied by the complainant.

(14) *Person.* The term “person” means any natural person, association, partnership, corporation or other legal entity.

(15) *Place of public entertainment.* The term “place of public entertainment” means a building or other place used primarily as a cinema, theater, amphitheater, concert hall, public hall or other place of entertainment open to the public, regardless of whether the payment of money or other consideration is required for admission.

(16) *Produce.* The term “produce,” or any derivation of the word, means to produce or reproduce, to allow to produce or reproduce, to create or allow to be created, or to operate or allow to be operated.

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(17) *Property line*. The term “property line” means either: (i) an imaginary line along the ground surface, and its vertical extension, that separates one unit or piece of real property from another, where the unit or piece is under different ownership; (ii) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-family dwelling unit building; or (iii) on a mixed-use site, the interface between the portions of the parcel on which different categories of activity are being performed.

(18) *Public property*. The term “public property” means real property owned by a governmental entity including, but not limited to, any public street as defined in section 7-103(23)(i).

(19) *School*. The term “school” means a public school subject to title 22.1 of the Virginia Code, a private school serving children in one or more grades between kindergarten and grade twelve (12), a school for students with disabilities as that term is defined in Virginia Code § 22.1-319, a child day center as that term is defined in Virginia Code § 63.2-100, the University of Virginia and Piedmont Virginia Community College.

(20) *Sound*. The term “sound” means the sensation perceived by the sense of hearing.

(21) *Sound source*. The term “sound source” means any act or device that emits sound.

(22) *Sport shooting range*. The term “sport shooting range” means an area or structure designed for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.

(23) *Street*. The term “street” means: (i) a public right-of-way which is part of the primary or secondary system of state highways, or is classified as a highway in the interstate system; or (ii) a privately owned and maintained travelway for motor vehicles serving two (2) or more single family detached dwelling units that are located on two (2) or more separate units or pieces of land, one or more multi-family dwelling units, a mixed-use site, or a site used for commercial or industrial purposes.

The meaning of any sound-related term not defined herein shall be obtained from the most recent version of the American Standard Acoustical Terminology, if the term is defined therein.

(§ 12.1-2, 9-10-80, § 2; 6-10-81; Code 1988, § 12.1-2; Ord. 98-A(1), 8-5-98; Ord. 09-7(3), 12-2-09)

State law reference--Va. Code § 15.2-1200.

Sec. 7-104 General prohibition

It shall be unlawful for any person to produce sound that causes at least a fifteen (15) dBA increase in the sound level above the ambient sound level, as determined pursuant to section 18-4.18 of the Code. Any person who commits a specific prohibited act delineated in section 7-105 may, in lieu of being charged with a violation of section 7-105, be charged with a violation of this section 7-104 if the sound produced is a violation of this section.

(Ord. 98-A(1), 8-5-98; Ord. 09-7(3), 12-2-09)

State law reference--Va. Code § 15.2-1200.

Sec. 7-105 Specific acts prohibited.

It shall be unlawful for any person to produce sound from the following acts that meets or exceeds the applicable sound levels:

A. *Motor vehicle or motorcycle operation*. The sound is produced by: (i) the absence of a muffler and exhaust system conforming to Virginia Code §§ 46.2-1047 and 46.2-1049 on a motor vehicle

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or a motorcycle; (ii) jackrabbit starts, spinning tires, racing engines, or other similar acts in a motor vehicle or on a motorcycle; or (iii) a refrigeration unit mounted on a motor vehicle, and:

1. *On a street or on public property.* The motor vehicle or motorcycle is operated or parked on a street or on public property, and the sound is audible from a distance of one hundred (100) feet or more from the motor vehicle or motorcycle.

2. *On private property.* The motor vehicle or motorcycle is operated or parked on private property, and the sound is audible: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the motor vehicle or motorcycle is located; or (ii) from inside a dwelling unit or hotel room.

B. *Radios, tape players, televisions receivers, musical instruments, electronic sound amplification equipment, and other sound producing or reproducing devices.* The sound is produced by a radio, tape player, television receiver, musical instrument, electronic sound amplification equipment, phonograph, compact disc player, MP3 player, or other similar device intended primarily for the production or reproduction of sound (hereinafter, collectively and singularly a “device”) and:

1. *Device within or on a motor vehicle on a street or on public property.* The device is within or on a motor vehicle that is operated or parked on a street or on public property, and the sound is audible from a distance of one hundred (100) feet or more from the motor vehicle.

2. *Device within or on a motor vehicle on private property.* The device is within or on a motor vehicle that is operated or parked on private property, and the sound is audible: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the motor vehicle is located; or (ii) from inside a dwelling unit or hotel room.

3. *Device within a place of public entertainment.* The device is located within a place of public entertainment, and the sound is audible for a duration of five (5) continuous minutes or more, without an interruption of the sound for thirty (30) or more consecutive seconds during the five (5) minute period, within any one (1) hour period: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the place of public entertainment is located; or (ii) between the hours of 10:00 p.m. and 7:00 a.m. from inside a dwelling unit or hotel room.

4. *Device within a dwelling unit.* The device is located within a dwelling unit and the sound is audible: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the motor vehicle is located; or (ii) from inside a dwelling unit or hotel room.

5. *Device in other locations.* The device is located other than within or on a motor vehicle, a place of public entertainment, or a dwelling unit, and the sound is audible: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the device is located; or (ii) from inside a dwelling unit or hotel room.

C. *Off-road vehicles.* The sound is produced by an off-road vehicle operated in a location other than on a street, where the off-road vehicle use is not an authorized primary use under chapter 18 of the Code, and the sound is audible: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the off-road vehicle is located; or (ii) between the hours of 10:00 p.m. and 7:00 a.m. from inside a dwelling unit or hotel room.

D. *Proximity to sound-sensitive institutions.* The sound is produced on any street adjacent to any school, hospital, nursing home or court (hereinafter, collectively referred to as “institutions”), provided that conspicuous signs are posted and visible on the street(s) adjacent to the institution stating that the street is adjacent to a school, hospital, nursing home or court and:

1. *Schools and courts.* The sound is audible from inside the school building or the court between the hours of 7:00 a.m. and 10:00 p.m. when the school or court is in session.

2. *Hospitals and nursing homes.* The sound is audible from inside the hospital or nursing home.

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E. *Construction, demolition and/or maintenance activities.* Sound produced by construction, demolition and/or maintenance activities between the hours of 10:00 p.m. and 7:00 a.m., and the sound is audible: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.

F. *Silvicultural activities.* Sound produced during lawfully permitted bona fide silvicultural activities including, but not limited to logging activities, between the hours of 10:00 p.m. and 6:00 a.m. or at any time if the silvicultural activities, including logging activities, are determined to not be lawfully permitted bona fide silvicultural activities, and the sound is audible: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.

G. *Solid waste collection.* Sound produced by the collection of solid waste between the hours of 10:00 p.m. and 6:00 a.m. within a residential zoning district established under chapter 18 of the Code, and between the hours of 10:00 p.m. and 5:00 a.m. within any non-residential zoning district established under chapter 18 of the Code, including any mixed-use site, and the sound is audible: (i) from a distance of one hundred (100) feet or more from the solid waste collection activity; or (ii) from inside a dwelling unit or hotel room.

H. *Yard maintenance activities.* Sound produced by routine yard maintenance activities including, but not limited to, mowing, trimming, clipping, leaf blowing and snow blowing between the hours of 10:00 p.m. and 7:00 a.m. within a residential zoning district established under chapter 18 of the Code, and between the hours of 10:00 p.m. and 6:00 a.m. within any non-residential zoning district established under chapter 18 of the Code, including any mixed-use site, and the sound is audible: (i) from a distance of one hundred (100) feet or more from the property line of the parcel on which the activities are located; or (ii) from inside a dwelling unit or hotel room.

(Ord. 98-A(1), 8-5-98; Ord. 09-7(3), 12-2-09)

State law reference--Va. Code § 15.2-1200.

Sec. 7-106 Exempt sounds.

The following sounds are not prohibited by this article:

A. *Agricultural activities.* Sound produced during lawfully permitted bona fide agricultural activities.

B. *Animals.* Sound produced by animals including, but not limited to, barking dogs, which are subject to the animal noise regulations in chapter 4 of the Code.

C. *Bells or chimes from place of religious worship.* Sound produced by bells, chimes or other similar instruments or devices from a place of religious worship.

D. *Construction, demolition and/or maintenance activities.* Sound produced by construction, demolition and/or maintenance activities, except as provided in section 7-105(E).

E. *Emergency operations.* Sound produced in the performance of emergency operations including, but not limited to, audible signal devices which are employed as warning or alarm signals in case of fire, collision or imminent danger.

F. *Firearms.* Sound produced by the lawful discharge of a firearm, including any sound produced at a sport shooting range.

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G. *Home appliances.* Sound produced by the normal use of home appliances such as generators, air conditioners, heat pumps, vacuum cleaners, washing machines, dryers and dishwashers, provided that the appliances are in good repair.

H. *Parades, fireworks and similar officially sanctioned events.* Sound produced by parades, fireworks or other similar events which are officially sanctioned, if required. This exemption shall not apply to private fireworks displays.

I. *Person's voice.* Sound produced by a person's voice, except as provided in section 7-105(B).

J. *Protected expression.* Sound produced by any lawful activity which constitutes protected expression pursuant to the First Amendment of the United States Constitution, but not amplified expression; provided that the sound is not prohibited by section 7-105.

K. *Public facilities.* Sound produced by the operation of a public facility or public use.

L. *School athletic contests or practices, and other school activities.* Sound produced by school athletic contests or practices, and other school activities, but only if conditions are imposed which regulate the generation of sound including, but not limited to, conditions regulating the hours of the activity and the amplification of sound.

M. *Silvicultural activities.* Sound produced during lawfully permitted bona fide silvicultural activities including, but not limited to, logging activities, except as provided in section 7-105(F).

N. *Solid waste collection.* Sound produced by the collection of solid waste, except as provided in section 7-105(G).

O. *Telephones.* Normal sound produced by landline and wireless telephones.

P. *Transportation.* Transient sound produced by transportation including, but not limited to, public and private airports (except as otherwise regulated), aircraft, railroads and other means of public transit, and sound produced by motor vehicles and motorcycles, except as provided in section 7-105(A).

Q. *Warning devices.* Sound produced by a horn or warning device of a vehicle when used as a warning device, including back-up alarms for trucks and other equipment.

R. *Yard maintenance activities.* Sound produced by routine yard maintenance activities including, but not limited to, mowing, trimming, clipping, leaf blowing and snow blowing, except as provided in section 7-105(H).

(§ 12.1-7, 9-10-80, § 7; Code 1988, § 12.1-7; Ord. 98-A(1), 8-5-98; Ord. 09-7(3), 12-2-09)

State law reference--Va. Code § 15.2-1200.

Sec. 7-107 Complaints.

No person shall be charged with a violation of the provisions of sections 7-104 or 7-105 unless the complainant appears before a magistrate and requests a summons to be issued. However, when a violation is committed in the presence of a police officer, the police officer shall have the authority to initiate all necessary proceedings.

(Ord. 98-A(1), 8-5-98; Ord. 09-7(3), 12-2-09)

State law reference--Va. Code § 15.2-1200.

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Sec. 7-108 Violation and penalty.

Any person who violates any provision of this article shall be deemed to be guilty of a class 1 misdemeanor. The person operating or controlling a sound source shall be guilty of any violation caused by that source. If the sound source cannot be determined but its presence on a parcel can be determined, any owner, tenant or resident physically present on the parcel where the sound is being produced is guilty of the violation.

(§ 12.1-8, 9-10-80, § 8; Code 1988, § 12.1-8; Ord. 98-A(1), 8-5-98; Ord. 09-7(3), 12-2-09)

State law reference--Va. Code § 15.2-1200.

ARTICLE II. NAMING OF ROADS AND NUMBERING OF PROPERTIES

Sec. 7-200 Purpose and intent.

The purpose and intent of this article are as follows:

A. In order to provide for more efficient delivery of emergency and other services and to provide for uniformity in road naming and assignment of property numbers, there is hereby established a system for naming roads and numbering properties within the county.

B. It is intended by this article that all roads within the county which serve or are designed to serve three (3) or more dwelling units or business structures shall be named; and that all dwelling units and business structures within the county shall be assigned property numbers.

C. For purposes of this article, the term "road" means any public street or private road.

(§ 16.01-1, 7-8-92; 10-13-93; Code 1988, § 16.01-1; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-2019.

Sec. 7-201 Designation of agent.

The director of planning is hereby designated the agent under Virginia Code § 15.2-2019 for the purpose of assigning road names and property addresses, and for the development and maintenance of a manual and maps, as provided in sections 7-202 and 7-203.

(§ 16.01-2, 7-8-92; 10-13-93; Code 1988, § 16.01-2; Ord. A(1), 8-5-98; Ord. 09-7(1), 7-1-09)

State law reference--Va. Code § 15.2-2019.

Sec. 7-202 Manual to be developed and adopted.

The agent shall develop a manual prescribing: (i) a system for the naming of roads and numbering of properties within the county; (ii) the design of road signs; (iii) standards for site preparation for such signs; and (iv) standards for the maintenance of such signs. Compliance with the procedures and standards set forth in the manual shall be mandatory upon its approval by the board of supervisors. The manual may be amended from time to time by resolution of the board.

(§ 16.01-3, 7-8-92; 10-13-93; Code 1988, § 16.01-3; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-2019.

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Sec. 7-203 Maps to be developed and maintained.

The agent shall prepare and maintain current maps showing all public and private roads which are officially named pursuant to the authority established herein within the county, the names of such roads, and the numbering of all properties.

(§ 16.01-4, 7-8-92; 10-13-93; Code 1988, § 16.01-4; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-2019.

Sec. 7-204 Responsibility for placing and maintaining road signs.

The responsibility for placing and maintaining road signs required by this article shall be as follows:

A. The county engineer shall be responsible for placing signs at each intersection and at other locations deemed necessary by the agent on:

1. Each public street or private road which serves or is designed to serve three (3) or more dwelling units or business structures which is not approved as a part of a subdivision or site plan;
2. Each road funded by the county or the Virginia Department of Transportation;
and
3. Each existing road serving more than two (2) parcels but not more than two (2) addressable structures, but only at such time when the road serves three (3) addressable structures; provided that if a subdivision or site plan is approved which would be served by the road, then the subdivider or developer shall be responsible for such placement, as provided in paragraph (B)(1).

B. The subdivider or developer shall be responsible for placing signs at each intersection and at other locations deemed necessary by the agent on:

1. Each road approved as part of a subdivision plat or site plan;

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2. Each existing road in an existing subdivision or development which is bonded for future acceptance into the secondary system of state highways; and

3. Each existing road for which the placement of signs becomes the responsibility of the subdivider or developer, as provided in paragraph (A)(3).

C. The subdivider or developer shall maintain signs it is required to place until such time as the roads are taken into the secondary system of state highways, or are taken over for maintenance by the homeowners as required pursuant to a private road maintenance agreement. Thereafter, the signs shall be maintained by the county except where a special installation has been allowed under part III, section 2(d) of the manual developed and adopted pursuant to section 7-202.

(§§ 16.01-1, 16.01-5, 7-8-92; 10-13-93; Code 1988, §§ 16.01-1, 16.01-5; Ord. 98-A(1), 8-5-98; Ord. 02-7(1), 1-9-02)

*State law reference--*Va. Code § 15.2-2019.

Sec. 7-205 Content of road signs.

Each road sign placed pursuant to this article shall display the name of the road or roads, and such other information as the agent may deem necessary, including, but not limited to, secondary or other road numbers as prescribed by the Virginia Department of Transportation.

(Chap. 16.01, § 16.01-5, 7-8-92; 10-13-93; Code 1988, § 16.01-5; Ord. 98-A(1), 8-5-98)

*State law reference--*Va. Code § 15.2-2019.

Sec. 7-206 Numbers to be displayed.

The owner or other person responsible for each addressable structure in the county shall display the assigned number in a manner that is easily readable in accordance with the manual within thirty (30) days of the address effective date as established by the United States Postal Service. A certificate of occupancy shall not be issued to an addressable structure built subsequent to the United States Postal Service's established address effective date which is served by a named road until the number is displayed in accordance with this article.

(§ 16.01-6, 7-8-92; 10-13-93; Code 1988, § 16.01-6; Ord. 98-A(1), 6-17-98)

*State law reference--*Va. Code § 15.2-2019.

Sec. 7-207 Responsibility for cost of signs and numbering.

The county shall pay the cost of fabrication and placement of each sign it is required to install pursuant to section 7-204(A). The subdivider or developer shall pay the cost of fabrication and placement of each sign it is required to install pursuant to section 7-204(B). The owner of each dwelling unit or business structure shall pay the cost of the fabrication and placement of each set of numbers for a structure.

(§ 16.01-1, 7-8-92; 10-13-93; Code 1988, § 16.01-1; Ord. 98-A(1), 6-17-98)

*State law reference--*Va. Code § 15.2-2019.

Sec. 7-208 Site plan, subdivision and building permit requirements.

No final subdivision plat or final site plan which shows a road required to be named shall be approved unless the subdivision plat or site plan displays on its face the name or names of such street or road, approved by the agent. No building permit shall be issued for any structure within the area shown on such subdivision plat or site plan until road signs have been installed by the subdivider or developer.

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(§ 16.01-7, 7-8-92; 10-13-93; Code 1988, § 16.01-7; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-2019.

Sec. 7-209 Official address.

Upon adoption of this article and approval of the manual and the map(s), the street name and number assigned to each property within the county shall be the official address of such property, for all purposes.

(§ 16.01-8, 7-8-92; 10-13-93; Code 1988, § 16.01-8; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 15.2-2019.

Sec. 7-210 Violation and penalty.

Any person who willfully fails to comply with any requirements of this article and the regulations adopted hereunder shall be deemed guilty of a class 1 misdemeanor. In addition to the penalty specified above, the county executive or his designee may seek any other lawful remedy, including injunctive relief, to correct or abate a violation of this article.

(Ord. of 7-8-92; Ord. of 10-13-93; Code 1988, § 16.01-9; Ord. 98-A(1), 8-5-98)

State law references--Va. Code §§ 15.2-1429, 15.2-2019.

ARTICLE III. SMOKING

Sec. 7-300 Declaration of findings and policy.

The board of supervisors hereby finds and declares that exposure to environmental tobacco smoke is a serious hazard to the public health, welfare, peace and safety and the quality of life; that a substantial body of scientific and medical evidence exists which documents this hazard including, but not limited to, the 1986 Report of the Surgeon General entitled "The Health Consequences of Involuntary Smoking"; that both smokers and non-smokers have individual rights which are important to preserve; and that it is the object of this chapter to help minimize the health hazards described herein, particularly as they exist in certain public places and places of employment, while simultaneously recognizing the sometimes competing interests of smokers and non-smokers as well as the burdens hereby imposed on persons in management and control of the places regulated.

(6-7-89; Code 1988, § 16.1-2; Ord. 98-A(1), 8-5-98)

State law reference--Authority to adopt local ordinance, Va. Code §§ 15.2-2800, et seq.

Sec. 7-301 Definitions.

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

(1) *Bar or lounge area.* The term "bar or lounge area" means an area or a room utilized primarily for the sale of alcoholic beverages for consumption by patrons on the premises and in which the sale of food is merely incidental to the sale of alcoholic beverages. Although a restaurant may contain a bar, the term "bar" shall not encompass an entire restaurant or any dining area.

(2) *Child care facility.* The term "child care facility" means any facility which is a "child day center" or a "family day home" as defined by Virginia Code § 63.1-195.

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(3) *Food store.* The term “food store” means any supermarket or grocery store which is designed and arranged to display food products and which has as its primary business purpose the sale of food products to consumers for consumption off the premises, and not for resale.

(4) *Health care facility.* The term “health care facility” means any office or institution providing individual care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions, including, but not limited to, hospitals, clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of any physician, dentist, chiropractor, psychologist, psychiatrist, physiologist, podiatrist, optometrist or optician.

(5) *Public meeting.* The term “public meeting” means any meeting or assembly held in a public building or building leased for a public purpose which is open to the public for the conduct of the affairs of, and the transaction of business by, any legislative, administrative or advisory body or agency of the county, including boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups thereof, receiving or expending and supported in whole or in part by public funds.

(6) *Public place.* The term “public place” means an enclosed area available for use by or accessible to the general public during the normal course of business conducted by either private or public entities.

(7) *Shared work area.* The term “shared work area” means any enclosed area on the premises of a place of employment (1) that is a private work area in which two or more employees are assigned to work for most of their work day; (2) where such employees must share common work spaces, equipment or facilities; and (3) where each such employee is aware of or readily available to observe the activities of others taking place in his or her work area.

(8) *Smoking or to smoke.* The term “smoking or to smoke” means the act of smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind or lighting a cigar, cigarette or pipe of any kind.

(9) *Theater.* The term “theater” means any indoor facility or auditorium, open to the public, which is primarily used for or designed for the purpose of exhibiting any motion picture, stage drama, musical recital, dance, lecture or other similar performance.

(6-7-89; Code 1988, § 16.1-3; Ord. 98-A(1), 8-5-98)

State law reference--Similar provisions, Va. Code § 15.2-2800.

Sec. 7-302 Smoking prohibited in certain public places.

Except as otherwise provided in this chapter, it shall be unlawful for any person to smoke in any of the following public places:

- A. In an elevator, regardless of capacity, except in those elevators in single-family dwellings.
- B. In any health care facility, regardless of capacity, but with the exception of private patient rooms designed for only one patient.
- C. In any public meeting attended by more than two persons.
- D. In any theater, except smoking by performers as part of the production.
- E. In any art gallery, library, museum or similar cultural facility, supported in whole or in part with public funds.

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F. In the county office building and any other public building that is wholly or partially owned or leased by the county, is located within and is a part of the corporate limits of the county and is under the direct and exclusive management of the county executive's office.

G. In the designated no-smoking area of any restaurant that is subject to the provisions of section 7-304.

H. In any elementary or secondary school, or child care facility, whether public or private.

I. In any vehicles owned or leased by the county and used regularly for public transportation, including, but not limited to, transit buses and school buses.

J. In any food store.

K. In any retail store.

L. In any bank or savings and loan.

M. In any enclosed shopping mall.

(6-7-89; Code 1988, § 16.1-4; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code §§ 15.2-2804 through 15.2-2806.

Sec. 7-303 Regulation of smoking in certain private places of employment.

A. Any employer who owns and operates a business within the county limits and who employs five or more employees shall have the responsibility to provide, to the extent reasonably practicable, smoke-free work areas for non-smoking employees who work in a shared work area or space that are entered by the general public in the normal course of business or use of the premises.

B. Unless each and every employee in a particular shared work area consents in writing, smoking is prohibited in the shared work areas of such an employer.

C. Nothing herein shall prevent an employer covered by this section from establishing lawfully designated smoking areas outside of shared work areas and in accord with section 7-307; provided, that restrooms and lunchrooms in buildings owned or managed by such employers shall not be designated smoking areas, unless separate restrooms and lunchrooms are furnished for smokers and non-smokers.

(6-7-89; Code 1988, § 16.1-4; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code §§ 15.2-2802; 15.2-2806(4).

Sec. 7-304 Designated no-smoking areas in restaurants.

A. Any restaurant having the capacity to seat seventy-five or more persons shall have a designated no-smoking area comprised of at least twenty percent of the seating capacity of such restaurant. The designated no-smoking area shall be located in a separate room, if one is available in the restaurant, or, if no separate room is available, it shall be located in a compact and contiguous area as far removed from areas where smoking is permitted, and closest to the best source of ventilation, as is reasonably possible under applicable building code and fire regulations. In determining whether the designed twenty percent non-smoking area is of sufficient size to comply with this chapter, seats in any room or area which is closed for business at the time of determination shall not be counted.

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B. In determining whether a restaurant is subject to the provisions of paragraph (A) of this section, the following shall not be included:

1. Seats in the bar or lounge area of a restaurant;
2. Seats in any separate room of a restaurant which is used exclusively for private functions; and
3. Seats located out-of-doors.

(6-7-89; Code 1988, § 16.1-7; Ord. 98-A(1), 8-5-98)

*State law reference--*Va. Code §§ 15.2-2805(6), 15.2-2806(3).

Sec. 7-305 Exemptions.

The prohibitions of this chapter shall not apply within the following areas:

A. Lawfully designated smoking areas which meet the conditions set forth below in section 7-306.

B. An area of a theater commonly referred to as a lobby; if physically separated from the spectator area, but only if separate lobbies are provided for smokers and non-smokers.

C. Office or work areas which are not shared work areas and which are not entered by the public in the normal course of business or use of the premises.

D. Any tobacco shop or store primarily concerned with selling tobacco and smoking implements.

E. Areas within enclosed public buildings as defined in section 7-302, which are being used as private dwelling units or are occupied by tenants who are leasing space from the county and are tenants whose use of the subject space is free from express prohibitions contained in other provisions of this chapter.

F. Courthouses owned or leased by the county.

G. Those health care facilities or portions thereof which engage primarily in the treatment of patients suffering from alcohol and other chemical dependency or abuse, or psychiatric disorders or illnesses when implementation of the smoking prohibitions contained in this chapter would, in the written opinion of attending physicians, produce a significant risk of worsening a patient's mental health.

H. Buildings owned or leased by the City of Charlottesville, the Commonwealth of Virginia (including the University of Virginia) and the federal government and its agencies.

(6-7-89; Code 1988, § 16.1-6; Ord. 98-A(1), 8-5-98)

Sec. 7-306 Designated smoking areas generally.

The owner or person in charge of any building, structure, space, place or area in which smoking is prohibited may designate separate rooms or areas in which smoking is permitted; provided, that:

A. Rooms or areas in which smoking is permitted and which are so designated shall be separate, to the extent reasonably practicable, from those rooms or areas entered by the public in the normal course of use of the particular business or institution.

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B. In designated smoking areas, ventilation systems and existing physical barriers shall be used, when reasonably practicable, to minimize the toxic effect of smoke in adjacent non-smoking areas.

C. Such designated smoking areas shall not be so large in number or area in any one building that the fundamental purposes of this chapter are defeated.

(6-7-89; Code 1988, § 16.1-8; Ord. 98-A(1), 8-5-98)

Sec. 7-307 Posting of signs.

A. Any person who owns, manages or otherwise controls any building or area in which smoking is regulated by this chapter shall post in an appropriate place in a clear, conspicuous and sufficient manner "Smoking Permitted" signs or "No Smoking" signs (or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it). Print on such signs shall be at least one inch in height, and the international symbol shall have a circle of at least four inches in diameter.

B. Every restaurant regulated by this chapter shall post at or near its entrance a sign stating that a non-smoking section is available, and whether it is physically separated by a wall from the smoking section (i.e., "partitioned" or "nonpartitioned").

C. "No Smoking" signs may, but are not required to, contain language that violation of the no smoking prohibition is punishable by a fine up to one hundred dollars (\$100.00).

D. Small restaurants, which, by reason of their more limited seating capacity, are not otherwise subject to this chapter, shall post signs at or near their entrances that adequately inform the public of what type of non-smoking or smoking policy is preferred and enforced by management within the restaurant.

(6-7-89; Code 1988, § 16.1-9; Ord. 98-A(1); 8-5-98)

*State law reference--*Similar provision, Va. Code § 15.2-2808.

Sec. 7-308 Enforcement.

A. The provisions of this chapter shall be enforced by the Thomas Jefferson Health District or any other department or person duly designated by the county executive.

B. Any citizen who desires to register a complaint under this chapter may initiate enforcement with the Thomas Jefferson Health District.

(6-7-89; Code 1988, § 16.1-10; Ord. 98-A(1), 8-5-98)

Sec. 7-309 Violations.

A. Any person who violates any provision of this chapter, whether he manages or otherwise controls an area regulated by this chapter or smokes in violation of this chapter, shall be guilty of a class 4 misdemeanor.

B. Each day of violation of any provision of this chapter shall constitute a separate offense.

(6-7-89; Code 1988, §16.1-11; Ord. 98-A(1), 8-5-98)

*State law reference--*Va. Code § 15.2-2809.

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Sec. 7-310 Severability.

If any part, section, paragraph, sentence, clause or phrase of this chapter is for any reason declared to be unconstitutional or invalid, such judicial decision shall not affect the validity of the remaining portions of this chapter.

(6-7-89; Code 1988, § 16.1-12; Ord. 98-A(1), 8-5-98)

ARTICLE IV. RADIOACTIVE MATERIALS

DIVISION 1. IN GENERAL

Sec. 7-400 Purpose of chapter.

The purpose of this chapter is to promote the public health, safety and welfare of the people of the county and to conserve the land, water, air and natural and historical resources of the county. This chapter is directed at the disposal of radioactive materials and in particular the disposal of biologically active radioactive materials. It establishes certain standards for protection against radiation hazards to insure that every reasonable effort is made to maintain radiation exposures and release of radioactive material into the environment as low as is reasonably achievable. The term "as low as is reasonably achievable" means as low as is reasonably achievable taking into account the state of technology and knowledge of the long-term effects of radioactive substances, and the economics of improvements in relation to the benefits to the public health, safety and welfare, the human error factor and other societal and socio-economic considerations, and in relation to the utilization of ionizing radiation in the public interest.

(Code 1988, § 15.1-1; Ord. 98-A(1), 8-5-98)

Sec. 7-401 Definitions.

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

(1) *By-product material.* The term "by-product material" means any-radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(2) *Curie.* The term "curie" means a unit of measurement of radioactivity. One curie is the quantity of radioactive material which decays such that thirty-seven billion atoms disintegrate per second.

(3) *Person.* The term "person" may extend to mean and be applied to an individual, corporation, partnership, association or other legal entity, as well as an institution, agency or political subdivision of this commonwealth or any other state, required to obtain a license from the United States Nuclear Regulatory Commission to receive, possess, use, transfer and dispose of radioactive material. However, it does not include the United States Nuclear Regulatory Commission or any successor thereto or any federal government agency licensed by the United States Nuclear Regulatory Commission or any successor thereto.

(4) *Radioactive material.* The term "radioactive material" means any material that emits ionizing radiation spontaneously.

(5) *Source material.* The term "source material" means:

(a) Uranium, thorium, or any other material which the United States Nuclear Regulatory Commission, or any successor thereto, has determined to be a source material, or any combination thereof, in any physical or chemical form; or

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(b) Ores containing one or more of the foregoing materials in concentrations determined by the United States Nuclear Regulatory Commission, or any successor thereto, to be a source material.

(c) Source material does not include special nuclear material.

(6) *Special nuclear material.* The term “special nuclear material” means:

(a) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the United States Nuclear Regulatory Commission or any successor thereto has determined to be such, but does not include source material; or

(b) Any material artificially enriched by any of the foregoing but not including source material.

(Code 1988, § 15.1-1; Ord. 98-A(1), 8-5-98)

State law reference--Similar provisions, Va. Code § 32.1-227.

Sec. 7-402 Medical diagnosis and therapy.

Nothing in this chapter shall be interpreted as limiting the intentional exposure of patients to radioactive material for the purpose of medical diagnosis or medical therapy.

(Code 1988, § 15.1-3; Ord. 98-A(1), 8-5-98)

Sec. 7-403 Hazardous materials coordinator.

Pursuant to Virginia Code § 44-146.38, the board of supervisors shall appoint a hazardous materials coordinator for the county. In appointing a hazardous materials coordinator, the board of supervisors shall consider the requisite qualifications for hazardous materials coordinators as established by the coordinator of the state department of emergency services upon recommendation of the state hazardous materials emergency response advisory council. The hazardous materials coordinator shall coordinate the hazardous materials emergency response program within the county.

(Code 1988, § 15.1-3.1; Ord. 98-A(1), 8-5-98)

DIVISION 2. DISPOSAL

Sec. 7-404 Incineration--Prohibited in disposal of certain substances.

No person shall use any lot, parcel or tract of land lying within the boundaries of the county for the disposal by incineration of by-product material required to be licensed by the United States Nuclear Regulatory Commission and having a half life greater than 12.0 years with atomic numbers between 3 and 84, inclusive. Such by-product material having a half life greater than 12.0 years with atomic numbers between 3 and 84, inclusive, includes: Carbon-14, Cesium-135, Cesium-137, Chlorine-36, Europium-152, Holmium-166, Hydrogen-3, Iodine-129, Nickel-59, Nickel-63, Niobium-93m, Platinum-193, Samarium-151, Strontium-90, Technetium-97, Technetium-99 and Zirconium-93, as listed in Appendix C to 10 Code of Federal Regulations Part 20.

(Code 1988, § 15.1-4; Ord. 98-A(1), 8-5-98)

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Sec. 7-405 Incineration--When permitted; manner of disposal.

A. No person shall use any lot, parcel or tract of land lying within the boundaries of the county for disposal by incineration of by-product material required to be licensed by the United States Nuclear Regulatory Commission and having a half life less than 12.0 years in such a manner that the gaseous effluent from incineration exceeds the most restrictive value (soluble or insoluble) of the limits specified for air in Appendix B, Table II, 10 Code of Federal Regulations Part 20. Further, the maximum activity level for the following single radionuclides to be burned per day shall not exceed:

<u>Radionuclide</u> <u>(Microcuries)</u>	<u>Maximum Activity to be</u> <u>Incinerated per Day</u>
Phosphorous-32	35
Sulfur-35	150
Calcium-45	15
Iodine-125	1
Iodine-131	1
Thallium-201	500
Any By-product Material listed in 10 C.F.R. 20, Appendix B, having a half- life less than 12.0 years	$MPC_a * X 10^{10}m1$ (most restrictive of soluble or insoluble)*

If more than one radionuclide is in a single burn, the maximum activity of each radionuclide to be burned shall be calculated by the "sum of the ratios" method described in "Note to Appendix B" of 10 Code of Federal Regulations Part 20.

B. Any person authorized by this article to dispose of by-product material by incineration shall keep a running record of all materials incinerated. The records will include (a) radionuclides present, (b) total activity of each radionuclide, and (c) result of use of "sum of ratio" method described in "Note to Appendix B" of 10 Code of Federal Regulations Part 20. Such records shall be forwarded monthly to the county fire official.

C. Any person authorized by this article to dispose of by-product material by incineration shall treat the ash from the burn of one or more radionuclides as if it contained all of the radioactive material initially present and shall dispose of such ash outside the boundaries of the county.

(Code 1988, § 15.1-5; Ord. 98-A(1), 8-5-98)

DIVISION 3. STORAGE

Sec. 7-406 Prohibited; exception.

No person shall use any lot, parcel or tract of land lying within the boundaries of the county as a temporary or permanent disposal site for the storage, by burial or otherwise, of by-product material or special nuclear material required to be licensed by the United States Nuclear Regulatory Commission; provided, however, that any person having used such radioactive material within the boundaries of the county or the City of Charlottesville for medical, educational or research purposes and having a license from the United States Nuclear Regulatory Commission to receive, possess, use or transfer such materials temporarily may store such radioactive material within the boundaries of the county.

(Code 1988, § 15.1-6; Ord. 98-A(1), 8-5-98)

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ARTICLE V. UNCONTROLLED VEGETATION

Sec. 7-501. Definitions.

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

(1) *Developed*. The term “developed” means any real property where improvements have been made to change it from its natural state.

(2) *Improvements*. The term “improvements” means permanent changes or additions to real property that enhance its value or utility or adapt it for new or further purposes.

(3) *Natural landscaping*. The term “natural landscaping” means a managed area specifically set aside by a land owner for conservation purposes, using native plants, which aims to blend residential or commercial property into the natural surroundings. Natural landscaping shall:

(i) not encroach within a minimum of five (5) feet from any developed areas, roads, or buildings;

(ii) include a plan to identify and manage native plant material as well as a plan to manage and eliminate noxious weeds; and

(iii) include and maintain at least eighty percent (80%) native plants (by area coverage).

(4) *Owner*. The term "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or a part of such building or land.

(5) *Undeveloped*. The term “undeveloped” means any real property that remains unimproved.

(6) *Vacant*. The term “vacant” means any real property, with or without improvements, that is not occupied.

(Ord. 09-7(2), 9-2-09)

Sec. 7-502. Grass, weeds, brush and other uncontrolled vegetation.

A. Except as provided in section 7-503, no owner of any vacant developed or undeveloped property, including property upon which buildings or other improvements are located, shall permit to remain thereon, any grass, weeds, brush or other uncontrolled vegetation in excess of twelve (12) inches in height where such vegetation is located:

(i) on any vacant developed property, or

(ii) on that portion of any undeveloped property that is within seventy-five (75) feet of any public right-of-way or developed property under separate ownership.

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

*State law reference--*Va. Code § 15.2-901(A)(3).

(Ord. 09-7(2), 9-2-09)

Sec. 7-503. Exemptions.

Notwithstanding section 7-502, this article shall not have any force and effect within

a) the corporate limits of the Town of Scottsville;

b) the Monticello Historic District;

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- c) the Rural Areas District;
- d) areas used for pastures, under cultivation, forested, or subject to utility transmission easements;
- e) areas where the vegetative growth is regulated under state or federal laws or programs;
- f) any stream buffer required by County ordinance or protected under permanent conservation easement;
- g) areas under an approved plan of natural landscaping;
- h) property designated through an approved zoning or subdivision plat as open space, green space, conservation or preservation area and that is intended to remain in its natural state;
- i) public park lands; or
- j) stormwater management facilities such as detention ponds.

(Ord. 09-7(2), 9-2-09)

Sec. 7-504. Enforcement.

A. Whenever the County Executive or his designee has determined by reports, inspections or otherwise, that any such unlawful condition exists, he shall notify the owner of the land upon which the violation exists to cut or cause to be cut the grass, weeds, brush or other uncontrolled vegetation within such reasonable time as is specified in the notice. Such notice shall be in writing, shall be delivered by hand or mailed to the last known address of the owner and shall be complied with by the owner.

B. If such grass, weeds, brush or other uncontrolled vegetation is not cut within the required time, the County Executive or his designee may cause them to be cut and the costs and expenses thereof, including an administrative handling charge of one hundred dollars (\$100.00), shall be billed to the property owner, and if not paid, shall be added to and collected in the same manner as the real estate tax on such property. The County Executive or his designee shall certify the costs and expenses to the Director of Finance of the county, who shall collect such amount; and if such amount shall remain unpaid for a period of sixty (60) days, then the Director of Finance shall certify such charges as being unpaid to the clerk of the circuit court of the county, who shall maintain a record book of such delinquent costs and expenses in the records of the clerk's office.

(Ord. 09-7(2), 9-2-09)

Sec. 7-505. Lien Against Property.

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

State law reference--Va. Code § 15.2-901(B).

(Ord. 09-7(2), 9-2-09)

Sec. 7-506. Civil Penalty.

Violations of this section shall be subject to a civil penalty of fifty dollars (\$50) for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within twelve (12) months of the first violation shall be two hundred dollars (\$200). Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the

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same set of operative facts result in civil penalties that exceed a total of three thousand dollars (\$3,000) in a twelve (12) month period.

State law reference--Va. Code § 15.2-901(C).

(Ord. 09-7(2), 9-2-09)

Sec. 7-507. Criminal Penalty.

In the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a twenty-four (24) month period, such violations shall be a Class 3 misdemeanor. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

State law reference--Va. Code § 15.2-901(D).

(Ord. 09-7(2), 9-2-09)